



24 February 2020

## PLANNING COMMITTEE - 4 MARCH 2020

A meeting of the Planning Committee will be held at 6.00pm on Wednesday 4 March 2020 in the Council Chamber at the Town Hall, Rugby.

Adam Norburn  
Executive Director

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

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

## A G E N D A

### PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the meeting held on 5 February 2020.

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. Delegated Decisions – 17 January 2020 – 13 February 2020.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

Councillors Miss Lawrence (Chairman), Bearne, Mrs Brown, Brown, Butlin, Eccleson, Mrs Garcia, Gillias, Picker, Roodhouse, Sandison and Srivastava.

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

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

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

**Planning Committee – 4 March 2020**

**Report of the Head of Growth and Investment**

**Applications for Consideration**

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

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2	R19/1490	Trickle Brook, Smeaton Lane, Coombe Fields, Rugby, CV23 0PS Repositioning of secure container for storage of tools and feed/hay for agricultural use.	10

### Recommendations for approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
3	R19/1025	Hillmorton Wharf Limited, Hillmorton Wharf, Crick Road, Rugby, CV21 4PW Use of land for siting of 23no. mobile timber holiday lodges with associated works.	20
4	R19/1505	23, Patterdale, Rugby, CV21 1PQ Erection of new 1500mm high railings to form a new fence line adjacent to public highway	34
5	R18/2076	Sherwood Farm, Rugby Road, Binley Woods, CV3 2BE Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.	38

**Reference: R19/0972**

**Site Address: 1, CALDECOTT STREET, RUGBY, RUGBY, CV21 3TH**

**Description: Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019)**

**Case Officer Name & Number: Nathan Lowde, 01788 533725**

**Recommendation**

Refusal, due to conflict with policy SDC1 and guidance contained within the NPPF

**Description of Site**

1. The application site is situated within the Rugby Urban Area approximately 800 metres to the southeast of the Rugby Town Centre. Caldecott Street itself is predominately a residential area. Whilst no property currently exists on site, historically a mixed-use end of terraced property, with A1 use at ground floor and residential above, once stood on the site. The site now comprises of an extensive evacuated area and unauthorised structures. The application site has existing access from the public highways via Temple Street and Caldecott Street. At present the access off Caldecott Street is prohibited by hoardings which have been erected on the site boundary. Part of the application site falls within the Hillmorton, Clifton and Whitehall Conservation Area.
2. To the north of the site is no. 3 Caldecott Street which now forms an end of terrace, two storey property, which is set forward to its neighbouring attached property. To the south and west of the application site are modern housing developments.

**Description of Proposal**

3. This is a full planning application for the erection of a new 2-bedroom dwelling house, which forms a resubmission of a previous planning application (ref: R18/1060) which was refused for reasons relating to impact upon visual and residential amenities.
4. As proposed, the dwelling would comprise of a basement with a maximum depth of 8.4m (3 storey) and length of 31.2m. The first two lower basement levels would be for services with the upper basement level forming a kitchen and dining room area. Above ground, the proposal comprises of a 2 storey dwelling (7.8m) in height for a distance of 11.9m from the frontage of the application site with Caldecott Street and then reduces to a single storey flat roof rear extension for a length of approximately 5.7m. The dwelling would be served by a garden area of 10m in length with a detached 2 storey outbuilding with car parking and bin storage at ground level and a bedroom and bathroom at first floor, the height of which would be 5.4m.
5. The application has been submitted retrospectively as the basement has already been excavated and reinforced with concrete to the full extend to that being proposed. Other retrospective works includes the kerbing of the side access and installation of drainage pipework.

6. The materials of the building could be conditioned, but the plans show it would be a mixture of brickwork, glazing and PV Façade.

### **Relevant Planning History (Application Site)**

R02/0358/3652/P

Use of ground floor of existing property for purposes within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987

Approved 10th July 2002

R18/1060

Erection of a new dwelling house

Refusal 03/06/2019

### **Technical consultation responses**

WCC Ecology	no objection subject to informatives
WCC Highways	no objection
RBC Environmental Services	no objection subject to conditions
Fire and Safety Team	Sprinkler system would be required
Building Control	comments
	- The extent of glazing facing the sharded alleyway would result in limited protected (non-combustible walls) areas

### **Third Party Consultation Responses**

Objection: Neighbours (6 households).

- Issues with right of access and land ownership for No. 3 Caldecott
- Impact of privacy for the neighbouring terrace houses of Jardinière Court and Rose Lane
- The frontage of the dwelling resembles a shop which is out of keeping with the area
- The provision of solar panels is out of keeping with neighbouring properties
- Concerns about the safety of the excavation works undertaken to date
- No objection to the principle of a dwelling but this needs to be in keeping with the area and retain privacy of neighbouring properties
- Impact of construction activity outside of normal working hours
- Building is out of character with the surround properties with are brick built with pitched roofs
- Concerns about the proposal to process organic waste.
- Looks like a business/cafeteria with basement
- No need for a double cellar
- Overbearing size
- Impact upon the visual amenities of the Conservation Area
- Existing Enforcement Notice has not been complied with
- The narrowing of the access would prohibit emergency vehicles accessing No. 1 Caldecott Street and No 1-5 Jardinière Close
- A large proportion of the site would be underground
- Blocking and narrowing of access road
- Lack of parking
- Lack of outdoor space

7. 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.

8. The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below.

**Development Plan and Material Considerations:**

Rugby Borough Local Plan 2011-2031, June 2019

GP2	Settlement Hierarchy	complies
SDC1	Sustainable Design	complies/conflict
SDC3	Protecting and Enhancing the Historic Environment	complies
SDC6	Sustainable Design	complies
HS5	Traffic Generation and Air Quality	complies
D2	Parking Facilities	complies

Supplementary Planning Documents (SPDs)

Sustainable Design and Construction SPD (2012)

Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2019)

National Planning Practice Guidance (NPPG)

**Assessment of proposals**

*Settlement Hierarchy*

9. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within Rugby Town which is classified as being the most sequentially preferable location for development, and the primary focus for new residential development. The proposed development therefore complies with this policy.

*Design and Visual Impact.*

10. Policy SDC1 of the Local Plan and section 12 of the National Planning Policy Framework set out the importance of good design in new developments.
11. The site borders the Conservation Area with the side access being within it. As a result, the proposed dwelling would be visible within the Conservation Area which brings about the need to have a more sensitive approach to the design and appearance of a proposed building.
12. The proposed building incorporates a pitched roof with an overall height of 7.8m. Consequently, it would not rise above the ridge height of the neighbouring property and would not appear out of scale to this neighbouring property when viewed within the street scene. Whilst the eaves are higher than that of the neighbouring property, it is noted that along the street scene eaves levels are fairly inconsistent and therefore the differing heights would not appear out of character within the street scene.
13. When viewed within the street scene the overall design of the dwelling is more akin to properties within it, and the window at first floor level within the front elevation mirrors that of the neighbouring property in terms of design and proportion.

14. The character and appearance of the ground floor frontage is reflective of the original building that previously stood on the application site, and as such would not appear as an alien feature within the street scene or appear at odds within it. When compared against the refused scheme, the frontage of this building is a significant improvement and more characteristic to the locality.
  15. The design and appearance of the side elevation is more traditional for an end of terrace property with its hipped gable end and rear projecting 2 storey addition. The amount of glazing at ground floor level, whilst significant, seeks to maximise the amount of natural light at ground floor level, and it is not considered that this would adversely impact upon the visual amenities of the area. Building Control have expressed concerns about the amount of glazing at ground floor level, however, this is not a material planning consideration, and if the amount of glazing has to be reduced as a result of the building regulation process, this amendment could be dealt with as a non-material variation.
  16. The proposed built form, above ground level, has been scaled back and now incorporates a private amenity area which is 10m in length. The inclusion of this garden area ensures that the application site, above ground, is not overdeveloped.
  17. It is not uncharacteristic of terrace properties to have outbuildings and indeed there are examples within the wider conservation area of coach houses to the rear of properties. As such the scale of the proposed outbuilding is not out of character with the surrounding area.
  18. Parts of the building would be covered by a photovoltaic façade which comprises of a coloured photovoltaic glass to give the appearance of a rendered finish. This forms an important part of the building in terms of its energy efficiency ethos. Within the street scene there is a mixture of rendered properties, rendered in different colours and textured finishes including peddle-dashed properties. As such the provision of photovoltaic glass would not appear wholly uncharacteristic within the street scene. Samples of the material would be conditioned.
  19. The proposal seeks to incorporate a three storey basement, which whilst significant, would not be visible above ground and therefore not have an adverse impact upon the character and appearance of the area.
  20. Overall, it is considered that the proposed character and appearance of the dwelling wouldn't have an adverse impact upon visual amenities of the area and would also preserve the character and appearance of the Conservation Area in accordance with policy SDC1 of the Local Plan and guidance contained within the NPPF.
- Residential Amenity*
21. Policy SDC1 of the Local Plan and paragraph 127 of the NPPF sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
  22. The previous application was refused as it was considered, by virtue of the scale of the development, that it would have an overbearing impact upon the amenities of neighbouring properties, specifically no. 1 and 2 Rose Lane.
  23. The dwelling now proposed has been significantly scaled back when assessed against the previously refused scheme in terms of scale, bulk and massing.



24. The proposed dwelling would be positioned 2.7m from the boundary to these neighbouring properties, no. 1 and 2 Rose Lane both have a private amenity space of 5.5m. The building which once stood on the application site was positioned approximately 4 metres from this boundary and therefore it is noted that the proposal would encroach further towards this boundary.
25. When planning permission was granted (R12/1882) for both no. 1 and 2 Rose Lane, the case officer had regard to any further dwelling that maybe forthcoming at no. 1 Caldecott Street.
26. Within the officers report it states:  
*'The dwelling to the north of the site has been demolished over the last few years and there is no time scale as when it will be built. However, any future dwelling that may proposed will likely to have no side facing windows in it and thereby reducing any chance of overlooking and considering there will be at least 9.5 metres between the rear elevation and any future new build at No.1 Caldecott Street it is considered that the proposal will not lead to a sense of enclosure will not lead to loss of privacy or cause a sense of enclosure'.*
27. Given the orientation of the application site to these neighbouring properties it is considered that the proposed building wouldn't overshadow or reduce light into the gardens or rear windows serving these properties. The main consideration is therefore the impact in terms of overbearing and sense of enclosure.
28. This further encroachment towards the boundary with these neighbouring properties would have a greater overbearing impact upon the outlook from the rear gardens and rear facing habitable windows of these neighbouring properties, to what was previously considered acceptable contrary to policy SDC1.
29. Proposed side facing windows at first floor level would be obscured glazed to prevent overlooking.
30. The proposed outbuilding would not include first-floor windows and as such wouldn't overlook neighbouring properties. Whilst this would provide a gloomy outlook for the proposed bedroom accommodation at first-floor level, it would be possible to insert rooflights to provide natural light at first floor level that wouldn't overlook neighbouring properties, and which details relating to design and location of the rooflights could be matters reserved via a planning condition. The proposed outbuilding would be setback 3.6m to the boundary with neighbouring properties along Jasmine Court (circa 13m from rear elevations) ensuring it would not have an overbearing impact upon the amenities of these neighbouring properties.
31. As part of the assessment of the previous application it was considered that the proposal wouldn't impact upon the neighbouring property of no. 3 Caldecott Street, in terms of overbearing impact, loss of light and overlooking, subject to appropriate planning conditions. This is still considered the case as part of this revised proposal.
32. Overall, it is considered that the proposal would have an overbearing impact upon the amenities of neighbouring properties, namely no 1 and 2 Rose Lane, contrary to Local Plan policy SDC1.  
  
*Access, Parking Provision and Highway Safety*
33. The proposal seeks to provide car parking accommodation within the application site. These include 2 no car parking spaces which would serve the proposed dwelling and the neighbouring property no. 3. These car parking spaces would be accessed off Temple Street. The proposal also seeks the installation of a bollard within the centre of the access off Caldecott Street to

prevent vehicular use of this access. A planning condition could be imposed to ensure that the bollards are demountable to allow emergency service vehicles access.

34. Several objections received relate to the proposed restriction of vehicles using the Caldecott Street access, which residents stipulate that they have a right of access over within their deeds. Any breach of deeds/covenants is a civil matter. WCC Highways has raised no objection to this element of the application and therefore the provision of a bollard at the location proposed would not have an adverse impact upon highway safety.
35. Overall, WCC Highways have raised no objection to the proposal.
36. Local Plan policy D2 state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within appendix 5 of the Local Plan. For the purposes of assessing car parking standards the site is located within an area of low access. For a 2-bedroom property, as proposed, this SPD stipulates a minimum of 1.5 car parking spaces. Given that one space is being provided, and the site is within walking distance to the town centre, on balance the provision of car parking within the site is acceptable.

#### *Sustainable Buildings and Air Quality*

37. The proposed dwelling would incorporate several sustainable design features including; 1) solar panels, 2) solar glass, 3) rainwater collection, 4) micro anaerobic digester and 5) ground source heat pumps. The incorporation of these features representations, if not exceeds, best practice in sustainable design as well as minimising the impact of the proposed dwelling upon air quality in accordance with policies SDC6 and HS5.

#### *Other Matters*

38. The proposal seeks the installation of an anaerobic digester in the basement. Environmental Health Officers have raised no objection to the principle of an anaerobic digester subject to conditions requiring full details of the proposal including full noise specification/mitigation and odour mitigation.
39. With regards to land stability, this has not been raised as a matter of concern by technical consultees as part of the planning application process. The proposal would bring the land into a productive use which would assist with any land stability issues. Furthermore, paragraph 179 of the NPPF states that land stability issues the responsibility for securing a safe development rests with the developer and/or landowner.

#### *Planning Balance and Conclusion.*

40. The proposed dwelling is a significant improvement to the previous scheme, and as a result the previous reason for refusal regarding impact upon visual amenities has been addressed.
41. It is recognised that a dwelling on this application site could be advanced that wouldn't have an overbearing impact upon the amenities of the neighbouring property. Indeed, the case officers report for the R12/1882 application, recognised that a proposed dwelling at a distance of 9.5m from the rear elevation of these neighbouring properties wouldn't cause an overbearing impact. The proposed dwelling would be circa 8.2m from the rear elevation to these neighbouring properties. This distance is considered to create an unneighbourly form of development contrary to policy SDC1 and guidance contained within the NPPF.

#### **Recommendation**

42. Refusal, due to conflict with policy SDC1 and guidance contained within the NPPF.

## DRAFT DECISION

**REFERENCE NO:**

R19/0972

**DATE APPLICATION VALID:**

27-Jun-2019

**APPLICANT:**

Mr Roderick Cotton 1, CALDECOTT PLACE, RUGBY, RUGBY, CV21 3TT

**ADDRESS OF DEVELOPMENT:**

1, CALDECOTT STREET, RUGBY, RUGBY, CV21 3TH

**APPLICATION DESCRIPTION:**

Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019)

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Rugby Borough Council Local Plan 2011-2031 (June 2019)

SDC1: Sustainable Design

National Planning Policy Framework

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

**REASONS:****REASON FOR REFUSAL 1:**

It is the opinion of the Local Planning Authority that the proposed development, by virtue of its scale, would have an overbearing impact upon neighbouring properties, specifically no.1 and 2 Rose Lane, to the detriment of the amenities of these neighbouring properties, contrary to Local Plan policy SDC1 and guidance contained within the NPPF.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant and agent in a positive and proactive manner, in accordance with paragraph 38 of the NPPF. Unfortunately, it has not been possible to reach a positive conclusion in this instance due to conflict with local and national planning policies.

**Reference: R19/1490**

**Site Address: TRICKLE BROOK, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS**

**Description: Repositioning of secure container for storage of tools and feed/hay for agricultural use.**

**Case Officer Name & Number: Chris Davies, 01788 533627**

**Recommendation**

**Refusal due to conflict with local and national policy.**

1. This case has been brought to the Planning Committee for consideration at the request of Councillor Heather Timms, due to the detrimental impact on the Green Belt.

**2. Planning History**

- |   |  |                       |
|---|--|-----------------------|
| R16/1494  | Prior notification for the change of use of a redundant farm building to a residential dwelling.   | Not required 25/08/16 |
| R18/1734  | Retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage, siting of a shipping container, erection of wooden structure affixed to the shipping container, and erection of a greenhouse. | Withdrawn 03/01/19    |
| R19/0287  | Retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage. Retention of wood store, workshop/store and greenhouse (resubmission of planning application reference R18/1734).             | Approved 23/05/19     |
| <b>NB – The shipping container was omitted from this resubmission scheme.</b> |  |                       |
| R19/1078  | Retention of existing secure container for storage of tools and feed/hay.  | Refused 23/10/19      |

**3. Relevant Planning Policies**

3.1 Rugby Borough Council Local Plan 2011-2031:

GP1: Securing Sustainable Development

**Conflicts**

GP2: Settlement Hierarchy

**Conflicts**

NE1: Protecting Designated Biodiversity and Geodiversity Assets

Complies

SDC1: Sustainable Design

**Conflicts**

3.2 As the application site is not within the Air Quality Management Area, and the development does not meet any of the relevant criteria that would trigger the need for the application of a condition or informative note relating to air quality mitigation, the LPA considers that policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Rugby Borough Council Local Plan 2011-2031 is not a relevant consideration in this particular instance.

3.3 The National Planning Policy Framework June 2019

Section 2: Achieving sustainable development	<b>Conflicts</b>
Section 13: Protecting Green Belt land	<b>Conflicts</b>
Section 15: Conserving and enhancing the natural environment	Complies

#### 4. Technical consultation responses

None received

#### 5. Third party comments

##### 5.1 Parish and Ward:

Ward consultation responses – Councillor Heather Timms

- It was established at the last Planning Committee for the site [in October 2019] that retention of the container could not happen and that it would be removed from the site.
- CALL-IN TO PLANNING COMMITTEE on the grounds of detrimental impact on Green Belt.

-

Councillor Anthony Gillias

- Concerned that container has not already been removed, and that condition relating to removal was removed [on RBC Legal team's advice] due to the matter being able to be resolved through enforcement action.

Parish - Comments

- The applicant had gone against the advice of the LPA in retaining the container and applying to relocate it
- Under planning approval reference R19/0287 one of the conditions was that the existing container should be removed.
- Planning application reference R19/1078 refused permission for the retention of this container.
- It is claimed that the container is required as it houses sensitive electrical installation(s) including a drainage pump.
- The present location of this container has/is causing some annoyance to the immediate neighbour (Thistledown).

Recommendations

- The sensitive electrical items shall be re-located in some form of small protective building within Trickle Brook's residential curtilage acceptable to all parties. RBC shall indicate clearly, the limits of the residential curtilage
- If an agricultural store is still required, RBC shall clearly state what is allowable and describe, in detail, suitable location(s) on Trickle Brook's property for this store. (The non-curtilage part of Trickle Brook's property is designated Agricultural Land in the Green Belt.)
- For future applications of this type, irrespective of whether an applicant is presumed to know what is allowable or not, clear instructions shall be given of what is allowable (or not) and shall be included in the conditions.
- RBC should make it clear that it is there to help not hinder future applicants.

##### 5.2 Neighbour consultation responses - Objection (1)

- Applicant was fully aware during previous applications that the shipping container was supposed to be completely removed from the site.
- Retaining the container will degrade habitat and the green belt, and it will be a blight on the landscape.

- Now unwilling to pursue planned ongoing habitat improvements through planting on their paddock (immediately adjacent to the proposed location for the container), due to concerns over the impact of the container.

## **6. Assessment of proposals:**

### 6.1 Assessment

- 6.1.1 Following the recent granting of planning permission for a scheme of extensions to convert the bungalow to a two storey house, the applicant discovered that the bungalow did not have sufficient foundations to support such a scheme.
- 6.1.2 This application therefore seeks to erect a replacement dwelling, using the design previously approved for the extension. The outcome would be that the new house would look identical to what the outcome of building the approved extension would have been.

### 6.2 Other Relevant Information:

- 6.2.1 Conversion of the original building to form a house was carried out under the Prior Approval method in 2016/17. At the time of confirming Prior Approval was not required, the LPA prescribed a limited site curtilage that essentially wrapped around the building and the access. The limitation of outside space is a standard requirement for Prior Approval.
- 6.2.2 When the applicant took up residence, she erected a small number of outbuildings and sited a storage/shipping container on the land adjacent to the house. She also set up a small vegetable plot. In October 2019, Members granted retrospective approval for these changes, however the shipping container was expressly excluded from the scheme that was voted upon by Members, as it had already been established that its retention was unacceptable in planning terms. The applicant was advised at the time that enforcement action would commence to have the container wholly removed from the site. The LPA began the enforcement process immediately and were in the process of negotiating a date for removal of the container with the applicant when this latest application was received.
- 6.2.3 At the time of the LPA site visit, the container was still located within the residential curtilage, and the proposed location was undeveloped and still part of the field.

## 7. Considerations

### 7.1. Principle of development

- 7.1.1. As the site is wholly within Green Belt land, the need for storage provision of this nature must be carefully considered against the implications and impact on the character and openness that typifies the reason for including the area within the green belt. In addition to this, as the proposed location for the container is now wholly within agricultural land, the intended purpose of the container must be carefully evaluated.
- 7.1.2. Policy GP2: Settlement Hierarchy of the Rugby Borough Council Local Plan 2011-2031 (referred to hereafter as the Local Plan) states that only when national policy on Green Belt and countryside locations allows will development be permitted.

- 7.1.3. Section 13 Paragraphs 143 and 144 of the National Planning Policy Framework February 2019 (referred to hereafter as the NPPF 2019) clearly states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” It then elaborates, in Paragraph 144; “... ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.”
- 7.1.4. Sub-paragraph 145 a) of the NPPF 2019 states that one possible exception to the presumption that development will be inappropriate is in a case where a structure is required for the purposes of agriculture or forestry.
- 7.1.5. The applicant has stated that her intention is to continue to store agricultural equipment, bedding and animal feed in the container, but to relocate it into the agricultural land adjacent to the residential curtilage as opposed to operating the container as an agricultural store within her residential curtilage. The equipment etc. is to be used in relation to her agricultural smallholding which is based on the land immediately adjacent to her residential curtilage. It could be reasonably argued that the concept of using a building for these purposes might be acceptable as a special exceptional circumstance due to the agricultural purpose of it. However, the intention of this allowance is that the structure in question is of a permanent nature and has been designed to be fit for purpose. Storage/shipping containers are not buildings and do not carry a level of permanence, nor are they intended to be used in the manner described by the applicant. By their very nature, they are merely intended to provide temporary secure storage for items in transit. The LPA therefore considers that, whilst the concept of storage in relation to an ongoing agricultural operation may be acceptable in principle, providing for this need through the use of a storage/shipping container is not compliant with the ethos of appropriate agricultural structures in the Green Belt.
- 7.1.6. Since the last time Members considered development on this site, there has been a significant judgement made by the Supreme Court regarding development in the Green Belt and what should or should not be material planning considerations when assessing impact on openness. The case in question was R on the Application of Samuel Smith Old Brewery (Tadcaster) & Ors v North Yorkshire County Council. Case Number: (2020) UKSC 3. In short, the case related to the weight that could be applied to the visual impact of a mineral extraction company wishing to extend an existing active quarry site in North Yorkshire on the openness of the Green Belt land within which the quarry was already sited. After the LPA granted planning permission, an adjacent land owner mounted a judicial review challenge. The outcome of this was that, after failing at High Court level, the Judicial Review challenge was approved by the Court of Appeal. Lord Justice Lindblom, in giving his verdict at the Court of Appeal, said that he was quashing the planning permission because he felt that the LPA Planning Officer had failed to make it clear to the applicants that the visual impact of the works was a relevant planning matter when considering impact on openness. However, the Supreme Court has now overturned that. This was not however a sign that visual impact was no longer a relevant consideration when assessing development in the Green Belt, but merely that in some cases it carried less weight dependent on the reasons for needing the development and the site specific constraints relating to its location.

- 7.1.7. In this particular situation, there are no site specific constraints that would prevent the erection of a more appropriate purpose-built barn or agricultural store to meet the applicant's needs. Visual impact is therefore still a material consideration here when assessing openness, albeit with perhaps a little less weight than was previously applied to it (in the light of the Supreme Court ruling). The LPA has previously offered, and continues to offer, the option of looking at how the applicant's agricultural storage requirements could be better accommodated through the erection of a building that is more appropriately designed and sympathetic to the Green Belt setting in which it would be located. This offer is still made with no prejudice for or against the outcome of this application.
- 7.1.8. Moving on from the Green Belt considerations, the principle of development also related to whether or not the structure relates to the authorised uses of the land on which it is sited. The previous planning permission established an enlarged residential curtilage. In doing so, it also established a need for structures within that newly defined residential curtilage to be used for residential purposes only. Indeed lengthy discussions took place between the LPA, the applicant and her agent regarding the need to ensure that agricultural uses were not being undertaken within the residential area and vice versa. The shipping container remains sited within what is now the residential curtilage of the property. The principle of its use for non-residential purposes (as defined by the applicant herself), is therefore unacceptable due to the conflict between the authorised use of the land and the use of the container.
- 7.1.9. The LPA has offered, and continues to offer, the option of looking at how the applicant's agricultural storage requirements could be better accommodated through the erection of a more appropriate structure. This offer continues to be made with no prejudice for or against the outcome of this application.
- 7.1.10. For the reasons outlined above the proposal conflicts with the elements of policy GP2: Settlement Hierarchy of the Rugby Borough Council Local Plan 2011-2031 that relate to new development on Green Belt land. It also conflicts with guidance set out in Sections 2: Achieving sustainable development and 13: Protecting Green Belt land of the NPPF 2019.
- 7.2. The other relevant considerations for this application are the impact of siting a retaining and relocating the container and of its use for agricultural storage purposes on a) the character and appearance of the setting, b) residential amenity, c) sustainability, contamination and environmental factors, and d) biodiversity.
- 7.3. Character and appearance
- 7.3.1. This application relates to retaining a structure that is already on the site, albeit currently in a different location, meaning that its appearance can already be assessed. The LPA do not dispute that the container is being actively used, nor that it appears to be in a reasonably good condition.
- 7.3.2. At present, the shipping container is tucked into a space between the previously approved outbuildings and the boundary hedge. Views of it from the highway (Smeaton Lane) are obscured by the dwelling itself, so the container has no material impact on the streetscene of Smeaton Lane. Views from outside the development site are also limited, due to the screening formed by the outbuildings and the hedge.



Some views are possible from the adjacent property (Thistledown) in the autumn and winter months, when the hedge is not in leaf. It currently has no material impact on the visual character of the adjacent agricultural land.

- 7.3.3. Were the container to be relocated to the location now proposed, it would be at the far end of the row of outbuildings, just beyond the existing raised vegetable patch. This would further extend the pattern of structures along this boundary, which has already been significantly elongated by the retrospective approval of the other outbuildings. It would be both more exposed and more visually prominent, not least because it would no longer benefit from the “camouflage” created by the hedge and outbuildings that currently wrap around it. It would still be largely screened from view from Smeaton Lane, but it would have a significantly greater impact on the appearance of the agricultural land that it would be sited within. The LPA acknowledges that the proposed location, towards the boundaries of the site, is preferable to a more exposed and isolated location further towards to centre, however this is not significant enough to avoid the visual impact created by such an “alien” structure within an agricultural setting. There are no other agricultural buildings within the smallholding to give it context by virtue of its scale, massing or purpose. Indeed its location immediately adjacent to the residential outbuildings means that it would appear as though it formed part of the residential element of the site, which of course it does not.
- 7.3.4. There is an established high hedgerow and tree line along the Western boundary of the site, which could potentially provide more screening from adjacent land than the Eastern hedge that would be immediately behind the relocated container. However, due to the front of the site being open, relocating it here would make it even more prominent by enabling it to be clearly seen from Smeaton Land and the open pasture land on the opposite side of the road. Being overtly visible would not be an issue for a typically agricultural building, but for the container it would make it appear even more out of place.
- 7.3.5. The re-siting of the container within the agricultural land would therefore still conflict with policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 that relate to character and appearance. It would also conflict with guidance set out in Section 2 of the NPPF 2019.

#### 7.4. Residential Amenity

- 7.4.1. The proposed location of the container means that the only residential property with a realistic potential for impact on amenity would be the adjacent dwelling (Thistledown). An objection was received from the owner of this property, but the concerns raised related to visual impact inappropriate development in the Green Belt rather than any identified loss of amenity.
- 7.4.2. Thistledown itself is set within a large site. The dwelling itself is currently located approximately 43 metres away from where the container is currently sited. Were the container to be relocated as proposed, this distance would increase to almost 70 metres. From this distance, it is not considered that the container could have potential to cause any direct loss of amenity through loss of light or privacy in relation to the dwelling.

7.4.3. The LPA acknowledges the neighbouring resident's concerns re the impact on the land beyond her garden area, and the potential impact it may have on her planned orchard area. However, given the relatively low profile of the container, and the fact that the areas of concern are at or adjacent to the extreme edge of Thistledown's residential curtilage, concerns over loss of light would carry minimal weight in terms of affecting residential amenity. Whilst it may well create a visual impact (as set out above), the protection of visual aspects in terms of residential amenity is expressly excluded from the relevant legislation that must form the basis of an objection on the grounds of detrimental impact on residential amenity.

7.4.4. The retention and relocation of the container would not therefore conflict with policies GP1: Securing Sustainable Development and SDC1: Sustainable Design of the Rugby Borough Council Local Plan 2011-2031 on the grounds of residential amenity. It would also accord with guidance set out in Section 2 of the NPPF 2019 with regards to the same.

#### 7.5. Sustainability, Contamination and Environmental Factors

7.5.1. The proposal site does not lie within the Air Quality Management Area as defined by the Local Plan, and the proposal is not of a large enough scale or level of permanence to trigger requirements for identified air quality mitigation details.

7.5.2. There are no known contamination issues either within the site or on adjacent land, and the use of the shipping container has caused no noted contamination issues to date in its current location. It is not therefore anticipated that relocating it and continuing to use it as at present would result in any material or detrimental impact in terms of land contamination risks to either the site or adjacent land.

#### 7.6. Biodiversity

7.6.1. The Ecology Unit have not commented on this application, raised no objections to the proposals, and did not recommend the application of any restrictive or compensatory conditions in the event of an approval. Neither did they raise any objections or request any restrictive or compensatory conditions be applied in relation to previous applications that included the container in its current location.

7.6.2. Relocation of the container would have minimal disruption to the ground or hedgerows that it may come into contact with, and the area where it is currently sited is expected to recover swiftly once it is left open to the elements following removal of the container.

7.6.3. Given the minimal disruption that relocating the container would potentially cause to the proposed and existing locations, it is not anticipated that there would be any material or detrimental impact on biodiversity or habitat protection within the site as a result of the proposed relocation of the container.

7.6.4. The proposal therefore complies with policy NE1: Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031, and accords with Section 15: Conserving and enhancing the natural environment of the NPPF 2019.

## 8. Planning balance and conclusions

### 8.1. Matters against the proposal

- Detrimental impact on the Green Belt in terms of visual impact and related considerations regarding openness (see above)
- Detrimental visual impact on the character and appearance of the site and wider setting
- The proposal conflicts with policies GP1, GP2 and SDC1 of the Rugby Borough Council Local Plan 2011-2031, and sections 2 and 13 of the NPPF.

#### 8.2 Matters in support of the proposal

- Retaining and relocating the container would provide secure storage of equipment for use on the smallholding.
- There would be no materially detrimental impact on residential amenity or biodiversity.
- The proposal complies with policy NE1 of the Rugby Borough Council Local Plan 2011-2031. It also complies with section 15 of the NPPF.

#### 8.3 Planning balance

Whilst retaining the shipping container and relocating it would continue to provide secure storage for the applicant without materially affecting residential amenity or biodiversity, this cannot outweigh the harm to the Green Belt and to visual character of the setting or overcome the conflicts with both local and national planning policies.

### **9. Recommendation**

9.1 Refusal due to conflict with local and national policy.

Report written by: C Davies 07/02/2020

## DRAFT DECISION

**REFERENCE NO:**  
R19/1490

**DATE APPLICATION VALID:**  
14-Jan-2020

**APPLICANT:**  
Tania Reid TRICKLE BROOK, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS

**AGENT:**  
M J Chapman Mount Pleasant Farm West Haddon Road Crick NN6 7XJ

**ADDRESS OF DEVELOPMENT:**  
TRICKLE BROOK, SMEATON LANE, COOMBE FIELDS, RUGBY, CV23 0PS

**APPLICATION DESCRIPTION:**  
Repositioning of secure container for storage of tools and feed/hay for agricultural use.

### CONDITIONS, REASONS AND INFORMATIVES:

#### REASON FOR REFUSAL 1:

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

Whilst the storage container is to be used for agricultural purposes, its structure does not have the level of permanence required to be considered to be a building and so does not benefit from the special circumstances outlined above. In addition, the visual impact of the container detrimentally impacts on the openness of the Green Belt. Therefore the retention of the storage container constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for retention and relocation of the storage container in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy GP2 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF.

#### REASON FOR REFUSAL 2:

The site is located within open countryside. There is insufficient screening to mitigate for the visual impact of the storage container, and incongruous appearance if it within an agricultural setting would be detrimental to the character and appearance of both the site and the wider setting. In the opinion of the Local Planning Authority, there are no special circumstances which would justify the granting of planning permission for this development in the face of a strong presumption against inappropriate rural development derived from the prevailing policies. The development is therefore contrary to policies GP1 and SDC1 of the Rugby Local Plan 2011- 2031, June 2019 and the NPPF.

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policies GP1, GP2, NE1 and SDC1 of the Rugby Borough Council Local Plan 2011-2031  
The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site [www.rugby.gov.uk](http://www.rugby.gov.uk) or at the Council Offices.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant and agent in a positive and proactive manner, in accordance with paragraph 38 of the NPPF. Unfortunately it has not been possible to reach a positive conclusion in this instance, due to conflict with prevailing local and national policies.

DRAFT

**Reference: R19/1025**

**Site Address: HILLMORTON WHARF LIMITED, HILLMORTON WHARF, CRICK ROAD, RUGBY, CV21 4PW**

**Description: Use of land for siting of 23no. mobile timber holiday lodges with associated works.**

**Case Officer Name & Number: Lucy Davison, 01788 533696**

**Recommendation**

Approval subject to conditions

**Description of site**

The application site comprises a large field to the south of the existing Bluehaven Marina, which is located immediately south of the Royal Oak Public House, on the south side of Crick Road (A428), adjacent to a road bridge over the Oxford Canal. The marina has access directly onto the Oxford Canal and currently has around 25 berths for canal boats as well as repair/workshop facilities in two adjoining buildings.

The application site is relatively flat and is separated from the existing marina by a grassed bank and a hedgerow.

**Description of proposals**

Planning permission was granted in 2013 for 23 timber holiday lodges (R12/2182) which were permanent lodges constructed with foundations. Further permission was granted for 23 mobile timber holiday lodges in 2016 (R16/0081).

This proposal again seeks permission for 23 mobile timber holiday lodges with associated works. This proposal has a different site layout to those previously approved.

The lodges will be mobile units which will be transported to the site in 2 sections using low loaders. These will measure around 6m by 12m and will be single storey and around 4.2m high. These will predominantly contain 3 bedrooms, however 2 bedroom units can be provided with the same external dimensions. The units will retain their wheels and be anchored to the ground, however these will be concealed by decking and cladding. The lodges will have cladding to the exterior and a tile effect roof.

Parking areas will be provided adjacent to each lodge. Existing hedgerows to the field boundaries will be retained and landscaping will be carried out between the cabins.

The agent has confirmed that the applicant will retain ownership of the lodges and that these will be let to holiday makers.

**Planning History**

R12/2182	Erection of 23 timber holiday lodges with associated works.	
Approval		27/11/2013
R16/0081	Use of land for siting of 23 mobile timber holiday lodges, with associated works.	
Approval		23/05/2016

### **Relevant Planning Policies**

Rugby Borough Local Plan 2011-2031, June 2019

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

ED4: The Wider Urban and Rural Economy

HS5: Traffic Generation and Air Quality

NE2: Strategic Green and Blue Infrastructure

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC2: Landscaping

D2: Parking Facilities

National Planning Policy Framework, 2019 (NPPF)

### **Technical consultation responses**

WCC Highways Initial objection requiring an updated Transport Statement following submission of the updated report there is no objection.

WCC Ecology Biodiversity Impact Assessment undertaken prior to determination.

Following revisions and additional information no objection subject to condition

Canal and River Trust No objection subject to condition

WCC Archaeology No objection subject to condition

RBC Environmental Health No objection subject to condition

Severn Trent No comment suggested informative

Environment Agency No objection subject to informative

Natural England No comment

Inland Waterways No objection

### **Third party comments**

No comments received.

### **Assessment of proposals**

The site lies adjacent to an existing marina which is located just outside of the defined urban edge of Rugby in a countryside location.

The main issues regarding the acceptability of this proposal relate to; the principle using the site for the siting of mobile holiday lodges in this countryside location, appearance and design, landscape impact, highways and parking, impact on the canal, ecology, flood risk and archaeology.

#### 1 Principle of development

1.1 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 the NPPF.

1.2 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. The site is located within the countryside and new development will be resisted; only where national policy on countryside locations allows will development be permitted.

1.3 Policy ED4 of the Local Plan supports forms of sustainable rural tourism and leisure developments that comply with the other policies in the Local Plan. Paragraph 83 © of the NPPF (2019) outlines how planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

1.4 The proposal will compliment an existing rural business providing flexible accommodation options either for those who have a no link to the existing business or those who wish to combine a stay with the canal boats.

1.5 It is therefore considered that the proposal accords with Policy GP2, Policy ED4 and the NPPF and the principle of development is acceptable.

1.6 Holiday accommodation is a type of dwelling. As new dwellings are not appropriate in the countryside a condition is necessary to ensure that the lodges are not used as primary residential accommodation.

## 2 Character and Design

2.1 Policy SDC1 of the Local Plan states that development should 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.

2.2 Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Likewise; Paragraph 127 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Whereas Paragraph 127 (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

2.3 The proposal will introduce built form into a countryside location. The proposed lodges will be a similar design to the previously approved, single storey with shallow pitched roofs. With a height of circa 4.5m high this will reduce the impact of the lodges in terms of visual amenity.

2.4 The lodges will be visible from nearby land outside of the site, however they will be low level and will not be prominent. They may be visible to users of the canal although the lodges will be screened by landscaping and will be seen in association with the existing marina and buildings.

2.5 In order to protect the character of the area existing trees and hedgerow will be retained around the site boundary. In response to comments from consultees and to help shield the development from the canal corridor by appropriate vegetation additional landscaping and planting will be ensured and agreed by planning condition.

2.6 The proposal is therefore considered to comply with Policy SDC1.

## 3 Highways and parking



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

3.2 Following initial consultation WCC Highways required submission of an updated Transport statement. After amendments to the proposal and submission of a revised transport statement WCC Highways had no objection to the application.

3.3 The Planning Obligations SPD outlining the Councils parking standards does not include specific holiday accommodation requirements. Within this vicinity parking standards for dwellings would require 1.5 spaces for bedroom units and 2 spaces for 3 bedroom units. Each lodge has parking spaces proposed adjacent and it is considered that this requirement can be met.

3.4 Details of cycle parking has not been provided, this can be controlled by condition and the applicant details acceptance of this in the submitted transport statement report. There is also enough space to provide cycle parking.

3.5 The parking provision is considered acceptable with parking standards and accordance with Local Plan Policy D2 and the SPD on Planning Obligations.

#### 4 Ecological Considerations

4.1 Section 15 of the NPPF states that the planning system

- should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

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

4.3 A biodiversity impact assessment has been carried out and soft landscaping plans submitted. WCC Ecology have requested by proposed condition for an updated reptile and Great Crested Newt survey, construction environmental management plan, landscape ecological management and scheme of protection of all existing trees and hedges prior to commencement. Conditions have been attached to previous applications and imposing similar conditions to ensure there is no adverse impact on protected species is considered reasonable.

4.4 Natural England made no comments on the applications.

4.5 The application site location adjacent to the canal falls within the strategic green infrastructure network as identified in Policy NE2. To create a comprehensive strategic green infrastructure Policy NE2 outlines this shall be achieved by the protection, restoration and enhancement of existing and potential Green and Blue infrastructure assets.

4.6 The retention of the trees and hedgerows at the site perimeter will provide linkages to the Green Infrastructure network. Additional landscaping is also proposed across the site.

4.7 The proposal is considered to comply with Policy NE1 and NE2 of the Local Plan.

## 5 Heritage Assets and Archaeology

5.1 Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.2 Policy SDC3 of the Local Plan states development will be supported that sustains and enhances the significance of the Borough's heritage asset including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes.

5.3 The proposed development site lies within an area of archaeological potential. A Written Scheme of Investigation (WSI) has been submitted with this application which details a proposed programme of archaeological work to be undertaken across this site by Pre-Construct Archaeology. This document was produced in response to the earlier application, which differs (in relatively minor ways) from this one; the plans for the original proposal are included in it. Whilst the scope of the programme of archaeological work detailed in the included WSI is likely to be appropriate in this instance, this will be dependent on the final details associated with this revised application.

5.4 WCC Archaeology do not object to the proposal subject to a programme of archaeological evaluation being undertaken prior to the development of the site which can be secured by planning condition.

## 6 Impact on Residential Amenity

6.1 Section 12 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SDC1 of the Local Plan states that proposals need to ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

6.2 Residential properties on Crick Road are a significant distance from the site. The nearest property to the site is Wharf Farm. This property will be around 40m from the closest lodge and it is not considered there will be an adverse impact on the amenity of this property.

6.3 Therefore, this proposal would accord with Policy SDC1.

## 7 Flood Risk and Drainage

7.1 Policy SDC5 of the Local Plan outlines that a sequential approach to the location of suitable development will be undertaken by the Council based on the Environment Agency's flood zones. New development will be steered to areas with the lowest probability of flooding, in order to minimise the flood risk to people and property and manage any residual risk.

7.2 A flood risk assessment was submitted with the application. The Environment Agency raised no objection subject to informatives. Policy SDC6 of the Local Plan states that sustainable drainage systems should be used. The application states that surface water will drain to existing watercourse and a sustainable drainage system which is considered acceptable.

7.3 Foul drainage is proposed to drain to a package treatment plant and no objection has been raised to this.

## 8 Air Quality

8.1 Policy HS5 states that development throughout the Borough of more than 1,000sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area that would generate any new floor space must address the impacts of poor air quality and introduce measure to mitigate against it.

8.2 The proposal is within Rugby's Air Quality Management Area and the smoke control area. In order to mitigate against the development RBC Environmental Health have recommended subject to the granting of any permission an air quality neutral and air quality assessment condition, as mitigation measures are different for each.

8.3 This application is therefore considered to be in accordance with Policy HS5 of the Local Plan.

### **Recommendation**

Approval subject to condition

## DRAFT DECISION

**REFERENCE NO:**  
R19/1025

**DATE APPLICATION VALID:**  
15-Aug-2019

**APPLICANT:**  
Hillmorton Wharf Limited

**AGENT:**  
Mr David Postins Home Farm Cottage, Tomlow Road, Southam, CV47 8HX

**ADDRESS OF DEVELOPMENT:**  
HILLMORTON WHARF LIMITED, HILLMORTON WHARF, CRICK ROAD, RUGBY, CV21 4PW

**APPLICATION DESCRIPTION:**  
Use of land for siting of 23no. mobile timber holiday lodges with associated works.

**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:**

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Application form
- Ecology Survey report by Cherryfield Ecology
- Westfield 2DB elevation
- Westfield 2DB floorplan
- Flood Risk Assessment Report No.XL03177/FRA Dated June 2013 by clarkebond
- Construction Details plan Dwg No. 19/06/130
- Lodge cross section Dwg No. 99100160
- Planning Statement

received by the Local Planning Authority on 4th July 2019

- Site location plan Dwg No.19/06/1000 Rev A

received by the Local Planning Authority on 7th October 2019

- Drainage and Services Plan Dwg No.19/06/110 Rev B

received by the Local Planning Authority on 22nd October 2019

- Biodiversity Impact Assessment Summary amended

- Soft Landscaping Details Dwg No.19/06/121

received by the Local Planning Authority on 28th November 2019

- Transport Statement by Lennon Transport Planning Ltd Dated December 2019

received by the Local Planning Authority on 19th December 2019

**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 lodges hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

The operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON:**

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside.

**CONDITION 4:**

The lodges hereby approved shall not be occupied during the month of February in any year.

**REASON:**

To ensure the development provides holiday accommodation only in order to protect the character and appearance of the countryside.

**CONDITION 5:**

No above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, 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:**

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

**CONDITION 6:**

No walls, fences or gates shall be erected unless and until full details 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:**

In the interest of visual amenity.

**CONDITION 7:**

No development shall commence unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

To ensure the proper development of the site.

**CONDITION 8:**

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 any lodge.

**REASON:**

In the interest of visual amenity.

**CONDITION 9:**

The accommodation for car parking and access roads, shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons at the lodges and shall not be used for any other purpose.

**REASON:**

In order to ensure that satisfactory parking and access arrangements are maintained within the site.

**CONDITION 10:**

No development shall take place until a Construction Methodology detailing the means of undertaking all earthmoving, excavations or other operations required for constructing the foundations/bases required for the holiday lodges and all other areas of hardstanding, access roads, vehicle parking areas etc has first been submitted to and approved in writing by the Local Planning Authority. The Methodology shall also provide details of arrangements for establishing and maintaining an appropriate stand-off distance from the Oxford Canal for all plant and machinery during all construction operations and any other measures as may be necessary to protect the stability of the cutting slope both during and after construction works to ensure that the completed development does not pose a risk to the future stability of the slope. The development shall thereafter only be carried out in accordance with the approved Construction Methodology.

**REASON:**

To ensure that any risk of adversely affecting the stability of the cutting slope adjacent to the Oxford Canal is adequately minimised both during and after construction operations and to comply with the guidance on land stability contained in the NPPF and in NPPG.

**CONDITION 11:**

The holiday lodges shall not be occupied until a detailed scheme for the disposal of surface water and foul sewage from the development has first been submitted to and approved in writing by the Local Planning Authority and implemented in full.

**REASON:**

To ensure that adequate arrangements for the disposal of surface water and foul sewage from the development are provided in the interests of minimising the risk of flooding of adjacent land and of adversely affecting water quality in the adjacent Oxford Canal.

**CONDITION 12:**

The holiday lodges shall not be occupied until a detailed management and maintenance regime for the operation of the surface water and foul sewage disposal arrangements approved under Condition 11 above has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance regime shall thereafter be implemented as approved.

**REASON:**

To ensure that adequate arrangements for the disposal of surface water and foul sewage from the development are provided in the interests of minimising the risk of flooding of adjacent land and of adversely affecting water quality in the adjacent Oxford Canal.

**CONDITION 13:**

No development shall commence unless and until an updated reptile and Great Crested Newt survey carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist and appropriate mitigation measures have been submitted to and agreed by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

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

**CONDITION 14:**

The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expect to see details concerning pre-commencement checks and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

**REASON:**

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

**CONDITION 15:**

No development shall take place until a landscape ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate the recommendations detailed in the ecological surveys. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

**REASON:**

To ensure a net biodiversity gain in accordance with NPPF.

**CONDITION 16:**

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

**REASON:**

To protect trees and other features on site during construction.

**CONDITION 17:**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**REASON:**

In the interest of archaeology.

**CONDITION 18:**

Prior to occupation, an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. This will take into consideration the impact of traffic emissions likely to arise from the proposed development. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

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

**CONDITION 19:**

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

**REASON:**

In the interests of air quality.

**CONDITION 20:**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (d) below have been complied with. 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 Defra and the Environment Agency's Model Procedures for the Management of Land Contamination CLR 11.

(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 21:**

A noise assessment shall be undertaken by a suitably qualified person and submitted to and approved by the Local Planning Authority. It should assess the existing noise levels that could adversely affect the proposed development. Regard should be had to noise from nearby commercial operations and potential noise sources on site that could affect nearby residential dwellings.

The report should include recommendations for any necessary acoustic mitigation works, having regard to current guidance for the residential development.

**REASON:**

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

**CONDITION 22:**

Prior to the commencement of any works, a Construction Method 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 groundwork's 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.

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 and to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

**CONDITION 23:**

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:**

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

**INFORMATIVE 1:**

The applicant is advised to contact the Canal & River Trust's Utilities Team to discuss any proposed discharges to the Oxford Canal (including indirect discharges via the Kilsby Feeder Channel adjoining the southern boundary of the application site) to establish whether consent will be required from the Trust. Please contact Jacquie Watt, Utilities Surveyor, at [jacquie.watt@canalrivertrust.org.uk](mailto:jacquie.watt@canalrivertrust.org.uk) or on 07584 335885 for advice in the first instance.

**INFORMATIVE 2:**

The applicant is advised to contact the Canal & River Trust's Estates Team to discuss any proposals to use the existing bridge over the Kilsby Feeder Channel. Please contact Keith Johnston, Estates Surveyor, at [keith.johnston@canalrivertrust.org.uk](mailto:keith.johnston@canalrivertrust.org.uk) or on 07710 175119 for advice in the first instance.

**INFORMATIVE 3:**

As per the condition the applicant is required 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 4:**

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

**INFORMATIVE 5:**

Environmental Services advise that in order 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. - 18.00 p.m.,

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

No work on Sundays & Bank Holidays.

**INFORMATIVE 6:**

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties. Reference should be had to the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light.'

**INFORMATIVE 7:**

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal.

**INFORMATIVE 8:**

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

**Reference: R19/1505**

**Site Address: 23, PATTERDALE, RUGBY, CV21 1PQ**

**Description: Erection of new 1500mm high railings to form a new fence line adjacent to public highway**

**Case Officer Name & Number: Frances Keenan, 01788 533845**

**Recommendation**

Approval, subject to conditions

**Introduction:**

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as the applicants are Rugby Borough Council.

**Application site:**

Patterdale sheltered housing scheme was built in the early 1970's and consists of 21, one bedroom flats, over two floors, located on Patterdale in Brownsover, Rugby. In recent years, the council has found it increasingly difficult to let the flats, experiencing high voids rates often up to 100 days. Therefore, a scheme of improvement works was agreed at Cabinet on the 30th June 2014. These included: window and door replacements, external cladding, communal lighting, environmental improvements and new fencing and a gated access.

**Proposal:**

This application seeks full planning permission for the erection of new 1500mm high railings to form a new fence line adjacent to public highway. The railings will be bow top railings up-cycled from a nearby site and painted black. The fencing is intended to create a large communal area for the residents of the sheltered scheme.

**Planning History:**

There is no relevant planning history on this site.

**Technical Responses:**

- Warwickshire Country Council Highways – No Objection
- RBC Trees and Landscaping – No Objection

### **Third Party Responses:**

Neighbours notified and a site notice has been posted. No letters of representation have been received.

### **Relevant Planning Policy and Guidance**

National Planning Policy Framework – 2019

Section 12: Achieving well-designed places

Local Plan (2011-2031) – June 2019:

Policy GP2: Settlement hierarchy

Policy SDC1: Sustainable design

Supplementary Planning Documents

Sustainable Design and Construction – 2012

### **Determining Considerations**

#### 1. Principle of Development

1.1. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.

1.2. The application site is located within the Rugby Town as defined in Policy GP2 of the Local Plan; as such there is a principle in favour of development within existing boundaries and as part of allocated sustainable urban extensions.

1.3. This application is therefore considered to comply with Policy GP2 of the Local Plan.

#### 2. Character and Design

2.1. 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.

2.2. Rugby's sustainable design and construction supplementary planning Documents states that fences to the front of dwellings can significantly change the appearance of an area and therefore before such structures are introduced, the character and appearance of the area should be considered. Open plan estates and areas with natural vegetated boundaries would look to be protected from means of enclosure and loss of existing hedgerows.

2.3. The open plan arrangement is evident along Hollowell Drive, as the Patterdale sheltered housing scheme is set back from the main highway with a staggered

building line. This area offers a visually pleasing landscape with trees and shrubs in close proximity to the property, which appear to be well maintained by RBC Grounds Maintenance Team. It is considered that the open rail fencing will retain this character within the street-scene, being visually open and in keeping to the immediate surroundings.

2.4. This application is therefore considered to be in accordance Policy SDC1 of the Local Plan.

### 3. Impact on Residential Amenity

3.1. Section 12 of the NPPF states that planning should always seek a high standard of amenity for existing and future users of developments. Policy SDC1 of the Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

3.2. Given the position of the fence to the front of the properties, the neighbouring amenities will be maintained.

3.3. This application is therefore considered to be in accordance with Section 12 of the NPPF and Policy SDC1 of the Local Plan.

### 4. Conclusion

4.1. The proposal would respect the scale and character of the existing dwellings and open plan nature of the site and would not adversely affect the amenities of the neighbouring properties. Accordingly, the application is to be considered to be in accordance with the NPPF and the Local Plan. It is therefore recommended for approval subject to conditions.

### 5. Recommendation

5.1. Approve, subject to conditions

Report prepared by: Frances Keenan, Planning Officer

**DRAFT DECISION**

**REFERENCE NO:**  
R19/1505

**DATE APPLICATION VALID:**  
10-Dec-2019

**APPLICANT:**

Ms Chloe Britton, Rugby Borough Council, Town Hall, Evreux Way, Rugby, CV21 2RR

**AGENT:**

Mr Ryan Murphy, Michael Dyson Associates Ltd., West House, Meltham Road, Honley, Holmfirth, HD9 6LB

**ADDRESS OF DEVELOPMENT:**

23, PATERDALE, RUGBY, CV21 1PQ

**APPLICATION DESCRIPTION:**

Erection of new 1500mm high railings to form a new fence line adjacent to public highway

**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**

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the plans [001-(PL)-08495, 002-(PL)-08495 and 003-(PL)-08495 received by the Council on [10/12/2019].

**REASON: 2**

For the avoidance of doubt.

**CONDITION: 3**

The materials to be used for the fencing shall be as specified on the [Application Form] received by the Local Planning Authority on [10/12/2019] and on plan [003-(PL)-08495] received by the Local Planning Authority on [10/12/2019]. Future repairs or replacements shall likewise accord with the details hereby approved.

**REASON: 3**

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

**Reference: R18/2076**

**Site Address: SHERWOOD FARM, RUGBY ROAD, BINLEY WOODS, CV3 2BE**

**Description: Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.**

**Case Officer Name & Number: Erica Buchanan, 01788 533789**

**Recommendation**

Approve subject to a S106 legal agreement, conditions and informatives

**1 Background:**

This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major developments.

**2 Site and Surroundings**

**3** The site comprises approximately 4.7 hectares (ha) of agricultural land which is partitioned by fencing into small, irregularly shaped parcels with a pond located in the centre of the site. There are several large agricultural buildings towards the eastern edge of the site, accessed by areas of hardstanding, which generally align with the northern site boundary.

**4** The site is located directly to the north of Rugby Road (A428) which is the main route through the village and located at the north-eastern edge of the Main Rural Settlement of Binley Woods. The site is bounded to the north-east by New Close Wood (designated ancient woodland and local wildlife site), whilst the residential property known as Sherwood Farm is located to the east. Further agricultural fields are located beyond the western boundary of the site. The southern site boundary comprises several mature trees that are subject to group TPOs along with hedges, separating the site from Rugby Road.

**5** Currently access to the site is via the vehicle access to Sherwood Farm that leads to the existing barns. This access will be retained for the farm use only.

**6** The existing properties opposite the site along Rugby Road are set in a linear form and comprise of a mixture of house types.

**7 Proposal**

**8** The application is for full planning permission for the demolition of the existing buildings, the change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, the erection of 80 dwellings with a new vehicular access off Rugby Road, new pedestrian access off Rugby Road, associated infrastructure and green infrastructure including public open space and Garden of Remembrance.



- 9 The proposed new vehicular access from Rugby Road would result in one of the TPO trees being removed.
- 10 The application was submitted with the following supporting documents:-
- Agricultural Land Considerations, prepared by Kernon Countryside Consultants;
  - Air Quality Assessment, prepared by M-EC;
  - Arboricultural Impact Assessment, prepared by Aspect Arboriculture;
  - Archaeology and Built Heritage Assessment, prepared by Pegasus Group;
  - Consultation Report, prepared by Pegasus Group;
  - Design and Access Statement, prepared by Pegasus Group;
  - Ecological Appraisal, prepared by Aspect Ecology;
  - Flood Risk Assessment and Drainage Strategy, prepared by Atkins;
  - Geo-Environmental Assessment, prepared by Geo Risk Management;
  - Landscape and Visual Impact Assessment, prepared by Pegasus Group;
  - Preliminary Contamination Assessment, prepared by Lioncourt Homes;
  - Noise Assessment, prepared by M-EC;
  - Stage 1 Road Safety Audit, prepared by PJA and incorporated as Appendix H of the Transport Assessment;
  - Transport Assessment, prepared by PJA;
- 11 During the course of the application some of the documents and plans have been updated to address comments from statutory consultees.
- 12 **Planning History**  
None Relevant
- 13 **Development Plan and Material Considerations**
- 14 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
- 15 The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below

Rugby Borough Local Plan 2011-2031, June 2019

- GP1 securing sustainable design
- GP2 Settlement hierarchy
- DS1 Overall Development Needs
- DS3.5 Residential allocation -Sherwood Farm
- DS6 Rural Allocations
- H1 Informing House Mix
- H2 Affordable Housing Provision
- HS1 Healthy, Safe and Inclusive Communities
- HS4 Open Space, Sports Facility and Recreation
- HS5 Traffic Generation and Air Quality
- NE1 Protecting Designated Biodiversity and Geodiversity Assets
- NE2 Strategic Green and Blue Infrastructure
- NE3 Landscape Protection and Enhancement

- SDC1 Sustainable Design
  - SDC2 Landscaping
  - SDC4 Sustainable Buildings
  - SDC6 Sustainable Drainage
  - SDC7 Protection of the Water Environment and Water Supply
  - SDC8 Supporting the Provision of Renewable Energy and Low Carbon Technology
  - D2 Parking facilities
  - D4 Planning Obligations
- 16 Supplementary Planning Documents (SPDs)  
 Planning Obligations SPD (2012)  
 Sustainable Design and Construction SPD (2012)
- 17 Material Considerations  
 National Planning Policy Framework (NPPF or “the Framework”) (2019)  
 National Planning Practice Guidance (NPPG)  
 Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
 National Design Guide (2019)  
 Binley Woods Parish Plan Village Design Statement
- 18 **Constraints**  
 Rugby District (B)  
 CD 15m (Airport Safeguarding)  
 CD 45m (Airport Safeguarding)  
 Binley Woods
- 19 **Technical consultation responses**
- |                              |   |
|------------------------------|---|
| Environment Agency           | No Comment  |
| Lead Local Flood Authority   | No objections subject to conditions   |
| Warwickshire County Highways | No objections subject to conditions   |
| Warwickshire Police          | No Objection  |
| Warwickshire Ecology         | No Objections subject to ecology mitigation   |
| Archaeology                  | Does not consider that the proposed development will have a significant archaeological impact |
| Warwickshire Fire and Rescue | No objection subject to informative relating to comply with approved document D               |
| Arboricultural Officer       | No objection subject to conditions  |
| Works Services               | No Objection  |
- 20 **Third party comments**
- |                                   |  |
|-----------------------------------|--|
| Parish Council                    | No objection and welcomes the Garden of Remembrance express a wish to manage the open space and street lighting. Concerns raised on infrastructure particularly if the nursery site and Brandon Speedway come forward. |
| Neighbours                        |  |
| 1 Objection from a local resident | Location not suitable for development and inappropriate in the Green Belt<br>Loss of quality green space<br>Impact on local amenity  |

Brandon Speedway and Nursery site more suitable locations  
Over development of the site  
Impact on the NHS and local schools  
Increase in traffic

21 **Assessment of the proposal**

22 Policy GP1 of the Local Plan states that applications that accord with the policies in the local plan will be approved without delay. Policy GP2 sets out the hierarchy of development where it identifies Binley Woods as a Main Rural Settlement and allows for development within the settlement boundaries and on allocated sites

23 Policy DS1 sets out the overall development needs of Rugby in terms of housing and employment. In the supporting paragraphs it states that the allocated sites provide additional land into supply. Policy DS3 relates to allocated sites in the rural areas. Policy DS3.5 specifically identifies the application site as one of the allocated sites.

24 Prior to its allocation the application site was located in the Green Belt, however as a result of the Local Plan process changes were made to the Green Belt boundaries resulting in the site now forming part of the Main Rural Settlement.

25 In determining the application as required by the local plan allocation process key consideration must also be given to the design of the site taking account of, amongst other issues, their historic environment and natural environment, in line with the policies contained within the local plan.

26 Delivery of the allocated sites are set out in Policy DS6 where it states that proposals for the development of rural allocations should be supported with information outlining how the specific characteristics of each site have been considered in the master planning, design and viability assessments of proposals.

27 Further onsite and offsite requirements are determined through the application of other relevant policies in the Local Plan with reference to Policy D4 and the Planning Obligations SPD.

28 Although there will be commonalities with the urban extensions in how the allocated sites are delivered, specific consideration is needed to address the rural location and Green Belt boundaries of each site.

29 It is also expected that proposals on the allocated sites should include onsite affordable housing, as stipulated in Policy H2.

30 Therefore, the principle of the site for residential development has been established as part of the Local Plan allocation process.

31 **Design and Appearance**

32 Policy SDC1 (sustainable design) of the Local Plan states that all development should 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.
- 33 Factors including the massing, height, landscape, layout, materials and access should also be a key consideration in the determination of planning applications.
- 34 Housing density is considered on a site by site basis with decisions informed by local context of the area in terms of design considerations amongst other things environmental integration, local character and identified local need.
- 35 The existing properties in the area are primarily post-war properties and are a mixture of 1 and 2 storey detached, semi-detached and terraced properties. The external appearances are of either a brick or render finish and are on larger than average plots allowing for off road parking and front gardens. Features of the existing properties comprise door canopies, chimneys, integral garages, bay windows, and porches.
- 36 Policy GP5 of the Local Plan relates to Neighbourhood level documents. Binley woods have produced a Village Design Statement (VDS) which identifies characteristics important to the local community to ensure they are preserved and enhanced. The VDS has been endorsed by the Borough Council and is therefore a material consideration.
- 37 The extensive tree cover within the Parish is noted as a key characteristic of the village. Retention and enhancement of the Green Belt and protection of woodland areas surrounding Binley Woods make up three of the five Strategic Objectives of the VDS.
- 38 The proposed scheme has located the new dwellings fronting Rugby Road behind the existing TPO trees and therefore visually the existing visual context would remain. Key properties are located either side of the new access into the site and have taken references from the existing properties within the immediate area.
- 39 Hedgerows are considered a valuable boundary treatment in the VDS and encourages that they are included in property boundaries so they can be maintained and avoid 'spilling' onto the highway grass verge.
- 40 The proposed development comprises a mix of different types and styles of houses that reflect those in the immediate vicinity and therefore integrates into the existing built form in terms of scale design and massing. In addition, the layout protects existing and proposed residential amenity and as such the proposal is a well-designed scheme which is in accordance with policy SDC1 and the NPPF.
- 41 **Highways**
- 42 Policy D1 of the local plan states that development will be permitted where sustainable modes of transport are prioritised, and measures are put in place to mitigate the transport impacts arising from individual proposals or the cumulative impacts of multiple proposals. D1 requires all large scale developments to be supported by a Transport Assessment to ensure mitigated measures are taken.
- 43 In addition to the above as part of the allocation process a sustainability appraisal was taken specifically looking at the location of the site with access to a range of services within the settlement and to ensure there were opportunities to use transport modes

other than the private car such as public transport, public rights of way, access to jobs and services such as shop, community facilities and open space.

- 44 The site is located on the Rugby Road which is a main route from Coventry to Rugby and in terms of public transport provision there are bus stops either side of Rugby Road adjacent to the site which provide bus routes to Coventry and Northampton and Coventry and Rugby.
- 45 The nearest Public Right of Way (PRoW) is footpath R77y which adjoins the A428 and runs through New Close Wood connecting to the famous 'Twelve O'Clock Ride'(R78a).
- 46 In terms of walking distance from local services the site is within walking distance of the village hall, shop, primary school and post office. Of these services the furthest is the post office which is 610m away. Therefore, there are a range of local amenities within an acceptable walking distance from the site.
- 47 Policy D2 requires new development to provide parking facilities in accordance with the standards set out in the SPD. The is within a low access area and the parking requirements for residential dwellings is 1.5 space for a 1-2 bed unit, 2 spaces for a 3 bed unit and 3 spaces for a 4 bed unit. The proposal provides parking provisions in accordance with the parking standards.
- 48 Due to concerns raised by County Highways regarding the main spine road a Road Safety Audit was carried out which identified the need to make some adjustments to the main spine road with the introduction of a speed table.
- 49 The RSA recommended additional traffic calming in the form of a raised table however the applicants suggested location was considered to cause an issue with access to parking spaces. WCC Highways have however taken the recommended raised table and relocated it to the junction opposite plot 71. Additional traffic calming measures include narrowing of the road and priority traffic measures to help maintain the design speed.
- 50 WCC Highways have no objections to the proposal subject to conditions for highway works and have recommended the provision of sustainable traffic packs via a S106.
- 51 Overall the site is sustainably located and designed to accommodate both vehicular and nonvehicular movements and complies with Policies D1 and D2 of the Local Plan and the NPPF.
- 60 **Landscaping**
- 61 Policy NE3 of the Local Plan states that new development should protect the existing landscape and provide landscape enhancement as part of the scheme. The design proposals include a new planting buffer to the west along the site's boundary with the ancient woodland in addition to new tree planting within the public open space. A generous area of public open space would remain as retained and enhanced grassland to the north of the site.
- 62 An attenuation area is proposed towards the western edge of the site and a children's play area more centrally located in the public open space. As a result of the public

- consultation response a remembrance garden is proposed within a more secluded part of the site away from the more active areas of public open space. It is proposed that the remembrance garden will have ornamental tree and shrub planting.
- 63 WCC Ecology have stated that the planting around the proposed memorial garden should be restricted to native species only due to its proximity to the woodland and the risk of non native species spreading into the priority habitat.
- 64 A butterfly wildflower walk is proposed within the retained and enhanced wildflower meadow grassland which includes informal mown pathways.
- 65 The southern boundary located adjacently to Rugby Road is characterised by a linear group of predominately mature Oak and some Ash trees.
- 66 This linear group are protected by TPO no.300 and are specified between two groups. Group 1 is located immediately adjacent (left of) to the proposed site entrance and contains 7 Oak and 1 Ash. Group 2 is located adjacent to Group 1 and contains 11 Oak and 1 Ash. Collectively they form a high value visual amenity and biodiversity feature and form an effective green edge and screen to the site behind.
- 67 The proposed access requires the loss of one oak from Group 1 to facilitate the scheme. This represents a minor loss (5% of the total trees) and it is considered that the impact to the overall group is minimal and the group's overall value is maintained.
- 68 The layout of the development has a spur road of the main spine road with turning head north of 4 of the trees in Group 2 on the frontage. Private driveways lead off this turning head serving the properties to either side. The location of the turning head reduces the extent of new hard surfacing in the RPAs to below 20% for each component. This is below the threshold as recommended in BS5837:2012. The applicants have confirmed that the driveways are being constructed on a CellWeb subbase, with drainage and services outside the RPAs (private driveways not adoptable highways). This is an acceptable robust arboricultural method and it is proposed to be conditioned to ensure that the method statement is adhered to during development works. This also applies to other works for example to implement the new access which comes in relatively close proximity to one of the trees.
- 69 The Landscape and Visual Impact Assessment set out how the existing vegetation located immediately outside of the site boundary has influenced the development envelop to ensure the vegetation is protected and retained. A 30m offset is retained from the Ancient Woodland to the north from the proposed development as an integral aspect of the proposals in addition to a set back from the TPO Trees along Rugby Road.
- 70 The Parish Council have stated that the open land to the north and east of the site which is to be left undeveloped but landscaped have requested that this land could be donated to the Village in order that the Parish Council can manage and maintain it as with other parks and recreation areas within the Parish which would ensure that the area is kept tidy and pleasant.
- 71 The Parish Council have requested that the proposed fenced play area should be installed with equipment aimed at the smaller age group children, aged up to ten or

eleven years. Older children are adequately provided for, within the Recreation Ground on Craven Avenue.

- 72 Policy HS4 of the local plan requires developments of 10 dwellings or more to provide or contribute towards the Councils open space standards. Policy NE2 requires new developments where appropriate to provide suitable Green and Blue Infrastructure corridors. The amount of open space provided has been designed in order to cater for the recreational needs of the existing and new community at Binley Woods and to meet the requirements of the policy. The site requires a total of 1 ha for the development. The proposal would provide 2.45 hectares of public open space and green infrastructure. This would include an area of amenity greenspace, rich grassland and Locally Equipped Area of Play (LEAP). The provision and maintenance of on-site open space and a LEAP would be secured within a S106 Agreement
- 73 **Biodiversity**
- 74 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.
- 75 The Borough has a number of different natural landscape characteristics as identified within the 2006 Landscape Assessment and the Landscape Sensitivity Study 2016. The Borough also contains a large number of environmental assets, including features of historic interest, geological/geomorphological significance and particular habitats of nature conservation interest.
- 76 These range from Sites of Specific Scientific Interest (SSSI's), Local Nature Reserves and significant tracts of woodland deemed to be of ancient origin. There are also many other sites and features that are subject to non-statutory designations, such as Local Wildlife Sites identified through the Habitat Biodiversity Audit, that reflect their particular contribution to biodiversity.
- 77 New Close Wood, Ancient Woodland Site (AWS) and local wildlife site, is adjacent to the application site and Little Brandon Wood, Brandon Wood Piles Coppice and Binley Common Farm Wood, all AWS are all within 1.2km of the site.
- 78 Policy NE1 of the Local Plan relates to the protection of designated biodiversity and Geodiversity Assets where it states that in terms of Ancient Woodlands that planning permission would be refused for development resulting in the loss or deterioration of ancient woodland, and/or the loss of aged or veteran trees found outside of ancient woodland unless the need for, and benefits of, the development in that location clearly outweighs the loss.
- 79 In addition NE1 states that all development proposals in the proximity of ancient woodland shall incorporate buffers having regard to Natural England's standing advice. The proposal includes a buffer of 30m between the woodland and the built development as proposed. It is proposed that during work fencing will be used to keep a 15m distance between construction and the woodland.

- 80 Warwickshire County Council ecological team have welcomed the proposed 30m buffer to New Close Wood and have recommend that 15m of this buffer closest to the woodland is planted with native, shrub layer species such as field maple, hazel and hawthorn. This would add value for the protection of the woodland edge, increase cover for faunal species commuting through the site and introduce an increased species diversity and varied vegetative height.
- 81 The application was submitted with an ecological report and that the surveys of the site were carried out during the optimal time of the year for each survey and a biological data search was undertaken.
- 82 The existing site consists of improved and semi improved grassland with a central pond, surrounded by hedgerows with the ancient woodland to the north and east. Features of most ecological interest within the site comprise the hedgerows, the field to the north of the site (F1) and the central pond which are considered Habitats of Principal Importance under the NERC Act. The hedgerow (H1) on the western boundary and Hedgerow (H3) on the southern boundary are considered most important. Hedgerow H3 is considered to be species rich and likely to qualify as important under Hedgerow Regulations 1997. Field F1 contained indicator species indicative of Habitat of Principal Importance 'Lowland Meadow', albeit in poor condition.
- 83 The hedgerows are all proposed to be retained and protected apart from one section of Hedgerow H3 which is proposed to be lost to facilitate access to the site. The most southerly section of H1 will be located to the rear of some of the proposed plots. The ecological survey document highlights potential issues such as potential damage, removal and fly tipping and the suggested solutions within the survey WCC ecology have stated that the proposed protection of hedgerow H1 appears to be robust.
- 84 In the ecological survey the pond is described as being in poor condition, having no vegetation associated with healthy aquatic habitats and being covered with yellow flag and hosting a schedule 9 plant, "New Zealand pigmyweed". It is proposed that the pond will be filled in to facilitate the development.
- 85 Protected and Priority Species
- 86 Bats  
Bat surveys were carried out in the form of building inspections, emergence and re-entry surveys, use of static detectors to the north woodland boundary and walked transect surveys. These appear to have been carried out appropriately in accordance with BCT guidelines.
- 87 Bats on site may be impacted by loss of commuting and foraging areas to the boundaries of the site although most of the hedgerows within the site will be retained.
- 88 Eight buildings on site were surveyed for potential to support roosting bats. Of the eight only one, a residential building, was identified as having suitable features. Activity surveys of this building were undertaken and no evidence of roosting bats were found. Appropriate precautionary measures with respect to demolition work to minimise the risk to protected species should be detailed within the CEMP.



- 89 Trees on site were assessed for PRFs and three mature oak trees were considered to have moderate bat roosting potential. The other trees were considered to have low potential and WCC ecology have recommended that a further inspection is carried out if any other works are proposed.
- 90 Walked transect and static surveys highlighted higher levels of use by common pipistrelle. Similarly high numbers of common pipistrelle were recorded using the central areas of the site together with lower levels of use by soprano pipistrelle, Myotis species and larger bats. It is recommended that the retained hedgerows surrounding the site are enhanced by filling gaps using native flower and berry producing species. WCC ecology have recommended that lighting should be directed away from boundaries and not used at all within 15m of New Close Wood.
- 91 It has been agreed that the mitigation measures outlined in the ecological survey in terms of updated surveys, removing of roofs under a watching brief and sensitive lighting should be secured within a CEMP.
- 92 In addition it has been recommended that as bats have been recorded using the boundaries of the site and to avoid adverse impact on bats a lighting scheme is submitted in the form of a Lux Plan showing how reduced and considered lighting across the site will not impact bats or other nocturnal species.
- 93 Badger
- 94 No setts were recorded during the survey. The report indicates that the site area did have mammal paths and other evidence of their presence, suggesting that badgers may use the site for commuting and foraging.
- 95 It is agreed that the buffer area to the north of the site will allow badgers to continue to commute through, as long as the area is not over managed and contains areas of suitable cover closer to the woodland edge.
- 96 The mitigating measures relating to badgers specified in the ecological survey are considered appropriate. As badgers are a dynamic species and setts can appear overnight it is recommended that a pre-check for this species is also included in the CEMP.
- 97 Dormice
- 98 A dormouse survey was undertaken during an optimal time of the year according to recognised guidelines and sufficient tubes were used. No evidence of dormice was observed.
- 99 It is recommended that the retained hedgerows are enhanced and retained especially the ones which connected to the woodland. The New Close Wood edge buffer should retain species which are favoured by dormice including hazel, bramble and honeysuckle. Any proposed enhancements such as filling in existing gaps should also make use of these species.
- 100 Other mammals
- 101 Other small mammals such as brown hare, hedgehog and harvest mouse have been recorded in the wider area, although no evidence of them was observed during the surveys undertaken by Aspect Ecology.

- 102 It would not be expected that brown hare and harvest mouse would be frequenting urban development. Hedgehogs do use domestic gardens and it is recommended that fencing has CD sized gaps to allow this species to forage across the site and this is proposed within the mitigation measures of the ecology report. This is also to be included in the boundary treatment by way of a condition.
- 103 Birds
- 104 The surveys recorded common species, such as wood pigeon, blackbird and magpie, which were observed to be making use of the boundaries of the site in the main. Also observed over the site were common swift. This species is recovering somewhat from decline and WCC ecology have recommended the use of swift bricks on the new buildings which is an inexpensive and effective way to increase nesting opportunities for this species.
- 105 The section of hedgerow H3 which is to be removed to facilitate access should be timed to avoid the nesting bird season or all vegetation which will be removed and a minimum of ten meters either side of it should be checked by a suitably qualified ecologist immediately prior to removal. Work should not take place if any active nests are found.
- 106 The proposed mitigation measures that no clearance of suitable vegetation should be undertaken during the bird nesting season (1st March to 31st August inclusive) are considered acceptable and it has been recommended that the pre-commencement check, if in nesting bird season is carried out immediately prior to works starting.
- 107 WCC ecology have recommended that increased opportunities for different species of birds are included and that bird boxes for a variety of species, including swift bricks, are integrated into the fabric of buildings as they are more robust, reduce the risk of being removed and do not require maintenance.
- 108 Reptiles
- 109 A reptile survey was undertaken between July and October with three of the seven checks made in the peak month of September. During the surveys a single grass snake was found, and no other species were observed and the proposed mitigation measures should be included in the CEMP which should include the provision of hibernacular around the perimeter site to the woodland and north west which will contribute towards biodiversity net gain.
- 110 GCN
- 111 One pond is present within the application boundary. A Habitat Suitability Index assessment was undertaken and the result was that the pond had average suitability to support great crested newt. An eDNA test was also undertaken and the result was negative. The surveys which were undertaken were carried out at appropriate times and appear to have been carried out in line with accepted guidelines. From the description of the pond, and HSI and eDNA results the proposals are unlikely to impact great crested newts.
- 112 The proposals will include infilling the pond. An apparent absence of great crested newt does not mean that other amphibian and invertebrate species may not be using the pond. It is therefore recommended that a method statement for the pond infill is included in the CEMP

- 113 Invasive species
- 114 One species, New Zealand pigmyweed, listed on Schedule 9 of the Wildlife and Countryside Act as an invasive species was recorded in the onsite pond.
- 115 WCC ecology have recommended that there is an Invasive species condition to prevent the spread of a non-native invasive species.
- 116 Other considerations
- 117 WCC ecology have recommended that the planting around the proposed memorial garden should be restricted to native species due to its proximity to the woodland and risk of non-native species spreading into the priority habitat.
- 118 Overall subject to mitigation measures detailed above, the proposal would comply with Policy NE1 and the NPPF
- 119 **Archaeology**
- 120 Policy SDC3 relates to the protection and enhancement of the historic environment and one of the elements considered in relating to the application site is archaeology.
- 121 A programme of evaluative archaeological fieldwork, comprising a geophysical survey and trial trenching, was undertaken across this site in accordance with an agreed Written Scheme of Investigation (WSI). Other than land drains and evidence of ridge and furrow cultivation, the results of Geophysical Survey were included within the appendix to the Archaeology and Built Heritage Assessment and did not identify any anomalies that were interpreted as being of probable archaeological origin.
- 122 The subsequent archaeological trial trenching undertaken by Oxford Archaeology which identified a number of undated features including a narrow ditch (possibly a former drain), a post hole, a pit containing charcoal and two further possible pits. The report detailing the results of the trial trenching were submitted as part of the supporting information with the application.
- 123 WCC Archaeology have stated that as a result of the programme of evaluative archaeological fieldwork it is not considered that the proposed development will have a significant archaeological impact.
- 124 Therefore the proposal complies with policy SDC3 and the NPPF.
- 125 **Flooding**
- 126 The site is located within Flood Zone 1; the area at least (less than 1 in 1,000 probability) risk of annual flooding. The site is not subject to any other statutory environmental or historical designations.
- 127 The updated flood risk assessment (FRA) and drainage strategy which addresses concerns relating to the outfall arrangement, with an alternative arrangement proposed,
- 128 The flood risk assessment (FRA) identifies that the site is located wholly within fluvial Flood Zone 1, with a surface water flow path through the east of the site. Information has been provided within the report with regards to Flood Risk Management and the Lead

- Local Flood Authority have recommended that it should be implemented during detailed design.
- 129 In terms of the existing pond in the centre of the site, the FRA confirms that no water has been observed within it and it is considered to be a depression where surrounding land will drain to.
- 130 In addition, the surface water drainage strategy has been updated and now utilises a proposed new outfall into an un-named watercourse at the north-eastern boundary of the site.
- 131 The Framework requires that consideration is given to the potential impact of flooding on new development whilst also ensuring that flood risk is not increased elsewhere as a result of it (paragraphs 155-165). It also sets out a sequential risk-based approach to the location of development to steer this away from the areas at highest risk. Policy SDC5 of the Local Plan is consistent with this.
- 132 It is considered that the proposed drainage strategy complies with the requirements of policy SDC5 and the NPPF.
- 133 **Contamination and Air Quality**
- 134 Air Quality
- 135 Policy HS5 of the Local Plan requires developments to promote sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 136 As previously stated, the location of the development is in a sustainable location with bus routes adjacent to the site. In addition, it is proposed to install electric charge points in accordance with the requirements of policy
- 137 Policy HS5 requires developments of 10 dwellings, or more should achieve or exceed air quality neutral standards or address the impacts of poor air quality due to traffic by mitigation measures.
- 138 The application was submitted with an air quality report and Environmental health reviewed the air quality assessment report ref: 24645/03-19/6538. The report states that the impact on air quality from the development will be negligible. However, Planning Policy HS5 requires developments of this size to meet the standard of air quality neutral so they have advised that a condition and informative note is included for a plan of mitigation to demonstrate that the standard is met.
- 139 Dust and Fine Particulate Emissions
- 140 Aside from the above, there is also the potential for construction activities to give rise to dust and fine particulate emissions. Mitigation measures would therefore need to be implemented to substantially reduce the potential impact on surrounding residential receptors. Environmental Health has therefore requested a condition requiring the submission of a Construction Environmental Management Plan. This would need to include details of how and what specific dust, noise and vibration mitigation measures will be incorporated into the proposed development to prevent off site migration of dust, mud and debris impacting on receptors and the local highway network.

- 141 A Demolition Risk Assessment has also been submitted and in relation to dust created during demolition & loading activities' mitigating measures includes use of water sprays, sheeting wagons, spraying of wagons during loading and prior to leaving site.
- 142 Noise
- 143 The application was submitted with a noise assessment and Environmental Health reviewed the Noise Assessment Report and have concluded that mitigation against traffic noise will be required in certain areas of the site. It is proposed that these mitigation measures are secured by condition.
- 144 In respect of existing properties, it is considered that the noise from additional road traffic and domestic activities arising from the development would not cause significant and detrimental harm. The impact of demolition and construction noise on these properties can also be limited to appropriate days and hours to reduce the harm.
- 145 Contamination
- 146 A Geoenvironmental Assessment Report was submitted with the application and Environmental Health reviewed this assessment the report contains evidence of Phase I and Phase II investigations and contains a site conceptual model which is backed up by investigative work.
- 147 Environmental Health have agreed with the assessment that no remediation is required in regard to contaminated soil or ground gas however have advised that a condition is included for discovery of unidentified contamination. A condition is proposed as per the report that all topsoil should be stripped, stockpiled separately for future re-use and tested to ensure compliance with BS:3882 (2015).
- 148 The contaminated land report and investigative works do not however cover the area of the site that is currently occupied by agricultural buildings. Therefore, further investigation would need to be carried out either prior to or once these buildings have been demolished.
- 149 It is considered that matters relating to air quality and ground contamination can be satisfactorily be addressed and therefore complies with policy HS5 and the NPPF.
- 150 **Affordable Housing**
- 151 Policy HS1 of the Local Plan requires proposal to provide a mix of market housing house types and sizes consistent with the Strategic Housing Market Assessment (SHMA). In addition, there is a requirement to take into account the current need particularly for older people and first time buyers.
- 152 Policy H2 sets out the requirements for affordable housing where there is a target of 30% is sought. There is a requirement that the affordable housing and market housing are integrated into the scheme and that the affordable housing is provided on site.
- 153 The proposal scheme provides a mixed development with the affordable housing integrated into the site and the proposal includes bungalow provision in addition to 30% affordable houses.
- 154 Therefore, the proposal is in accordance with policies HS1 and HS2 of the Local Plan and the NPPF.

155 **Sustainable Buildings**

156 Policy SDC4 of the Local Plan states that all new residential dwellings shall meet the Building Regulations requirement of 110 litre of water per person per day unless it can be demonstrated that it is financially unviable

157 In meeting the carbon reduction targets set out in the Building Regulations and BREEAM standards it is expected development to be designed to reduce energy demand through energy efficiency measures; supply energy through efficient means (i.e. low carbon technologies) and utilise renewable energy generation.

158 The re-use and recycling of surface water and domestic wastewater within new development will be encouraged.

159 With the use of relevant conditions, it considered that the proposal complies with policy SDC4.

160 **Developer Contributions**

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

162 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to require this. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

163 Local Plan Policy H1 states that a wide choice of high quality market housing must provide a mix of types and sizes with Policy H2 stating that affordable homes should be provided on all sites of at least 0.36 hectares or capable of accommodating 11 dwellings or more.

164 The SPD on Planning Obligations states that an off-site contribution is required towards Play and Open Space, subject to negotiation with the Council.

165 In terms of affordable housing Rugby Borough Council (Housing) have confirmed that it is currently compliant in terms of % of proposed affordable housing and property types ref the local plan.

166 In terms of tenure the terms of grant Homes England have recognised Rugby as a priority for social rented housing rather than affordable rented. This reflects the particular affordable housing pressures in the borough.

167 There currently is a requirement to provide quality, in terms of housing delivery, rather than numbers. Housing have stated that they would like to see some reassurance that

the affordable housing offer units are compliant with the Technical Housing Standards – nationally described space standards.

168 NHS

169 The University Hospitals for Coventry and Warwickshire NHS Trust have been in contact advising that this development has an effect on health and wellbeing in particular in relation to the impact that the development has on the acute service provided by the Trust. Following there advise they have confirmed that they require a contribution which would be used directly to provide health care services to meet patient demand.

170 Play and Open Space

171 The application provides a total of 2.4 ha of open space and green infrastructure to cater for the recreational needs of the existing and new community at Binley Woods this includes an area of amenity greenspace, rich grassland and Locally Equipped Area of Play (LEAP). The provision and maintenance of on-site open space and a LEAP would be transferred to the Parish Council at nil cost to secure its use as public open space in perpetuity.

172 **Heads of Terms**

173 In summary the contributions required for this proposal have been highlighted as per the table below:

Contribution	Requirement	Trigger
Play and Open Space	Open Space contribution	Prior to occupation
Affordable Housing	30%	Prior to occupation
Highways	Sustainable Packs	Prior to occupation
NHS Trust	Contribution towards service provision	Prior to Occupation
Ecology	Mitigation Measures	Prior to Occupation
Lighting	Low Power LED to be adopted by Parish Council	During Highway Construction Phase

174 Planning Balance and Sustainability of Development

175 The application site has been allocated within the Local Plan and is in accordance with policy DS3 and is considered to be in a sustainable location and provide residential dwellings within the parish and meeting the needs for housing within the borough. Along with the provision of 30% affordable houses it is considered that the proposal therefore meets the social perspective of sustainable development.

176 From an economic perspective the proposed new dwellings would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of

local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.

- 177 From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, trees and hedgerows, archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions have all been considered. In the instances where there are any adverse impacts this can be mitigated against through conditions and S106 and therefore the proposal meets the environmental arm of sustainable development.
- 178 In conclusion, taking all matters into account the proposal would secure a sustainable form of development in accordance with the policies set out in the local plan and the NPPF subject to a legal agreement, conditions and informatives.
- 179 **Recommendation**
1. Planning application R18/2076 be granted subject to:
    - a. the conditions and informatives set out in the draft decision notice appended to this report; and
    - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
  2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.



## DRAFT DECISION

**REFERENCE NO:**  
R18/2076

**DATE APPLICATION VALID:**  
14-May-2019

**APPLICANT:**  
Lioncourt Strategic Land

**AGENT:**  
David Pickford, Pegasus Group Colmore Place 39 Bennetts Hill Birmingham B2 5SN

**ADDRESS OF DEVELOPMENT:**  
SHERWOOD FARM, RUGBY ROAD, BINLEY WOODS, CV3 2BE

**APPLICATION DESCRIPTION:**  
Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.

**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**

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Plans received 05<sup>th</sup> February 2020  
BWRR\_PL\_002J amended layout  
BIR.3967\_15C Indicative Landscape Masterplan

Accommodations schedule;  
BWRR\_PL\_003H – Materials Plan (to replace BWRR\_PL\_003F);  
BWRR\_PL\_004G – Boundary Treatments Plan (to replace BWRR\_PL\_004F).  
P18\_1649 06E Streetscenes

Amended Housetypes  
BWRR\_PL\_021B\_LN1469-P  
BWRR\_PL\_022C\_CE1478-E  
BWRR\_PL\_023B\_CE1478-P  
BWRR\_PL\_024C\_RO1113-E  
BWRR\_PL\_025C\_RO1113-P  
BWRR\_PL\_028C\_MA1243-E  
BWRR\_PL\_029C-MA1243-P  
BWRR\_PL\_030B\_HAW685-SEMI-E

BWRR\_PL\_031B\_HAW685-P  
BWRR-PL-037B-HA863-P  
BWRR-PL-040B-1B2P-APT-V1-E  
BWRR-PL-041B-1B2P-APT-V1-P  
BWRR-PL-042B-1B2P-E  
BWRR-PL-043B-1B2P-P  
BWRR-PL-044B-2B BUNG-E  
BWRR-PL-045B-2B BUNG-P  
BWRR-PL-046B-3B BUNG-E  
BWRR-PL-047A-3B BUNG-P

Documents

Agricultural Land Considerations;  
Air Quality Assessment,  
Archaeology and Built Heritage Assessment,  
Consultation Report,  
Design and Access Statement  
Ecological Appraisal,  
Flood Risk Assessment and Drainage Strategy,  
Geo-Environmental Assessment,;  
Landscape and Visual Impact Assessment  
Preliminary Contamination Assessment,  
Noise Assessment, prepared by M-EC;  
Appendix H of the Transport Assessment;  
Transport Assessment, prepared by PJA;  
Received 14/05/2019

Updated Arboricultural Impact Assessment to take account of revisions to layout –  
9953\_AIA.001 Rev B (received 05/02/2020)  
Road Safety Audit (received 14/02/2020)

REASON:

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

CONDITION: 3

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

REASON:

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

CONDITION:4

No above ground development shall commence unless and until details of all proposed 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:**

In the interest of visual amenity.

**CONDITION: 5**

No works, demolition or development shall take place until a final arboricultural method statement and tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme must include details and positioning of tree protection fencing and any ground protection measures to create construction exclusion zones. All tree protection measures identified within the approved Arboricultural Method Statement and Tree protection plan relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works.

**REASON:**

to ensure retained trees and their Root Protection Area's are not damaged during the development phase and are successfully integrated into the scheme

**CONDITION:6**

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, the garages shall not be converted to living accommodation.

**REASON:**

To ensure of satisfactory parking provisions and In the interest of highway safety.

**CONDITION:7**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

A validation/verification report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that successful remediation has been carried out.

**REASON:**

To ensure the protection of controlled waters.

**CONDITION:8**

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

**REASON:**

In the interests of sustainability and water efficiency.

**CONDITION:9**

The on-site measures relating to air quality to meet the mitigation requirements of policy HS5 as detailed in the supporting statement titled [insert title of document and version number] submitted to the Local Planning Authority on [insert date] shall be implemented [prior to

occupation/prior to commencement of the use] and maintained in perpetuity unless non-material amendments are otherwise agreed in writing by the Local Planning Authority.

**REASON:**

In the interests of air quality.

**CONDITION:10**

No above ground development shall commence until full details of the electric car charging points, 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. No dwelling shall be occupied until the approved electric car charging point for that plot has been installed in accordance with the approved details.

**REASON:**

In the interest of sustainability.

**CONDITION:11**

No development except demolition and site clearance shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBar runoff rate for all return periods.
- c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.  
Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- d. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

**REASON:**

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

**CONDITION:12**

No occupation, or subsequent use, of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the

party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

**REASON:**

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

**CONDITION:13**

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of New Zealand pygmyweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

**REASON:** To prevent spread of a non-native invasive species.

**CONDITION:14**

The development hereby permitted, including site clearance, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and great crested newt and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**REASON:** In accordance with NPPF, ODPM Circular 2005/06

**CONDITION:15**

No development shall commence until a Habitat Management Strategy for the site has first been submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented for ecological enhancement, habitat management, measures for the monitoring of outcomes/means of reviewing the strategy and the body or organisation responsible for implementation of the strategy. The approved strategy shall be implemented in full and followed at all times.

**REASON:**In accordance with NPPF, ODPM Circular 2005/06.

**CONDITION:16**

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the north and west adjacent to the woodland, towards all boundary vegetation and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON: In accordance with NPPF, ODPM Circular 2005/06

CONDITION:17

-No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations

REASON:

in the interests of biodiversity and visual amenity.

CONDITION:18

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. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work) and shall be carried out before the commencement of any works.

REASON:

In the interest of visual amenity.

CONDITION:19

The development shall not be occupied until the public highway A428 Rugby Road has been improved so as to provide for pedestrian crossing facilities and a relocated bus stop in general accordance with drawing number 0103 Revision P2.

REASON:

In the interest of highway safety

CONDITION:20

The development shall not be occupied until the existing vehicle activated speed sign on the public highway A428 Rugby Road located opposite the property 224 Rugby Road has been relocated in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety

CONDITION:21

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

REASON:

In the interest of highway safety

**CONDITION:22**

The development shall not be occupied until it has been laid out and constructed in general accordance with drawing number BWRR\_PL\_002 Revision J.

**REASON:**

To ensure a satisfactory layout in the interest of highway safety

**CONDITION:23**

The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

**REASON:**

In the interest of highway safety

**CONDITION: 24**

No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

**REASON:**

In the interest of highway safety.

**CONDITION:25**

No development shall commence unless and until a Construction Method Statement / Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

- (i) Hours of demolition, construction and deliveries;
- (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
- (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
- (vi) Measures to prevent deleterious material being carried onto the highway network; &
- (vii) Heavy Goods Vehicle construction/demolition routing plan;

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

**REASON:**

In the interests of the amenities of the area.

**INFORMATIVE:1**

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by

the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on the telephone number or email below.

#### INFORMATIVE:2

To register the properties on this development and receive postal addresses or to amend an existing address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at:

[http://www.rugby.gov.uk/site/scripts/documents\\_info.php?documentID=223&categoryID=200295](http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295)

#### INFORMATIVE:3

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning) Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, 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:4

Condition numbers 20-22 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

#### INFORMATIVE:5



Condition number 23-25 require that the estate roads including footways, verges and footpaths are designed and laid out and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

#### INFORMATIVE:6

Before preparing detailed plans of the estate roads for the purposes of adoption under Section 38 of the Highways Act 1980, the applicants/developers should contact the Street Lighting Group, Warwickshire County Council, Communities, Shire Hall, Warwick, CV34 4SX.

#### INFORMATIVE:7

Unless the applicants/developer have entered into an agreement under Section 104 of the Water Industry Act 1991 with the appropriate water supply and sewerage treatment company for the adoption of all sewers contained or passing within the limits of a highway, the Highway Authority may not be prepared to complete a Highway Works Agreement under Section 38 of the Highways Act 1980 to adopt the highway.

#### INFORMATIVE:8

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

#### INFORMATIVE:9

This development is subject to a s106 legal agreement.

**AGENDA MANAGEMENT SHEET**

**Report Title:** Delegated Decisions - 17<sup>th</sup> January 2020 to 13<sup>th</sup> February 2020

**Name of Committee:** Planning Committee

**Date of Meeting:** 4 March 2020

**Report Director:** Head of Growth and Investment

**Portfolio:** Growth and Investment

**Ward Relevance:** All

**Prior Consultation:** None

**Contact Officer:** Dan McGahey 3774

**Public or Private:** Public

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

**Report En-Bloc:** No

**Forward Plan:** No

**Corporate Priorities:** This report relates to the following priority(ies):

**(CR) Corporate Resources**  To provide excellent, value for money services and sustainable growth

**(CH) Communities and Homes**  Achieve financial self-sufficiency by 2020

**(EPR) Environment and Public Realm**  Enable our residents to live healthy, independent lives

**(GI) Growth and Investment**  Optimise income and identify new revenue opportunities (CR)

Prioritise use of resources to meet changing customer needs and demands (CR)

Ensure that the council works efficiently and effectively (CR)

Ensure residents have a home that works for them and is affordable (CH)

Deliver digitally-enabled services that residents can access (CH)

Understand our communities and enable people to take an active part in them (CH)

Enhance our local, open spaces to make them places where people want to be (EPR)

Continue to improve the efficiency of our waste and recycling services (EPR)

Protect the public (EPR)

- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

<b>Statutory/Policy Background:</b>	Planning and Local Government Legislation
<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
<b>Environmental Implications:</b>	There are no environmental implications for this report
<b>Legal Implications:</b>	There are no legal implications for this report
<b>Equality and Diversity:</b>	There are no equality and diversity implications for this report
<b>Options:</b>	
<b>Recommendation:</b>	The report be noted.
<b>Reasons for Recommendation:</b>	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers

**Planning Committee - 4 March 2020**

**Delegated Decisions - 17<sup>th</sup> January 2020 to 13<sup>th</sup> February 2020**

**Public Report of the Head of Growth and Investment**

**Recommendation**

The report be noted.

**1. BACKGROUND**

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

**Name of Meeting:** Planning Committee

**Date of Meeting:** 4 March 2020

**Subject Matter:** Delegated Decisions - 17<sup>th</sup> January 2020 to 13<sup>th</sup> February 2020

**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>

# DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 17/01/2020 To 13/02/2020

APPENDIX 1

## Delegated

### 8 Weeks PA Applications Applications Refused

R19/1354 8 Weeks PA Refusal 17/01/2020	Land to the rear of 96-98 Hillmorton Road	Erection of four one-bed apartments with associated parking and access.
R19/1481 8 Weeks PA Refusal 24/01/2020	STRETTON HOUSE FARM, FREEBOARD LANE, RYTON- ON-DUNSMORE, COVENTRY, CV8 3EQ	Garage with farm office
R19/0758 8 Weeks PA Refusal 29/01/2020	THE OLD PASTURES, MOOR LANE, WILLOUGHBY, RUGBY, CV23 8BT	Demolition of existing garage and erection of a new dwelling.
R19/1504 8 Weeks PA Refusal 03/02/2020	PARKFIELD, OFF MAIN STREET, BRANDON, COVENTRY, CV8 3FW	Removal of condition 2 of R06/1171/PLN - (Retention of a general purpose agricultural building)
R19/1218 8 Weeks PA Refusal 06/02/2020	STRETTON HOUSE, FOSSE WAY, STRETTON-ON- DUNSMORE, RUGBY, CV23 9JF	Demolition of existing stable building and erection of new dwelling.

# Delegated

## 8 Weeks PA Applications Applications Refused

R19/1517  
8 Weeks PA  
Refusal  
07/02/2020

45, STANLEY ROAD, RUGBY,  
CV21 3UE

SINGLE STOREY EXTENSION  
TO REAR OF DWELLING

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## Applications Approved

R19/1152  
8 Weeks PA  
Approval  
17/01/2020

67, RUGBY ROAD,  
DUNCHURCH, RUGBY, CV22  
6PQ

Erection of wooden carport and  
store unit

---

R19/1276  
8 Weeks PA  
Approval  
17/01/2020

LAND AT GYPSY LANE R08  
1057 PLN, GIPSY LANE,  
WOLVEY, HINCKLEY, LE10  
3HQ

New stables and menage  
(variation of Conditions 2 and 4 of  
R16/0951 to retain the height of  
the stable building as built and to  
clad the whole of the walls of the  
building in horizontal wooden  
cladding) - Amended Plans.

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R19/1360  
8 Weeks PA  
Approval  
17/01/2020

126, ASHLAWN ROAD, RUGBY,  
CV22 5EP

PROPOSED TWO STOREY  
REAR EXTENSION AND  
ALTERATIONS TO DWELLING

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DOLLMAN FARM, CRICK  
ROAD, HILLMORTON, RUGBY,

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# Delegated

## 8 Weeks PA Applications Applications Approved

CV23 0AB

R19/1464  
8 Weeks PA  
Approval  
17/01/2020

Change of use of Dollman Barn  
from flexible office use with  
associated meeting space (B1(a))  
to a community use facility (D1).

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R19/1405  
8 Weeks PA  
Approval  
20/01/2020

HOLYWELL HOUSE, WATLING  
STREET, NEWTON,  
LUTTERWORTH, LE17 6AR

First floor rear extension

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R19/1427  
8 Weeks PA  
Approval  
20/01/2020

DIRFT III LAND WEST OF A5,  
WATLING STREET, RUGBY,

Discharge of requirements 3, 6,  
8, 12, 13, 14, 15, 16, 22(C), 23,  
24, 25, 26 and 32 in relation to  
works No.1, No.2, No.3, No.4,  
No.5, No.7, No.9 No.10 as  
contained within the Daventry  
International Rail Freight  
Interchange Alteration Order  
2014 and further site wide  
development on respect of Phase  
2 infrastructure as set out in the  
Lichfields Discharge Of  
Requirements Statement  
(Reference 02984/34/JG/CM)  
Dated 4 October 2019

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R19/1483  
8 Weeks PA  
Approval

212, RUGBY ROAD, BINLEY  
WOODS, COVENTRY, CV3 2BD

Erection of a first floor extension

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# Delegated

## 8 Weeks PA Applications

### Applications Approved

20/01/2020

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R19/1491  
8 Weeks PA  
Approval  
20/01/2020

5, BEECHERS KEEP,  
BRANDON, COVENTRY, CV8  
3LD

Replacement of existing uPVC  
Windows, Doors and Porch. The  
property currently has dark  
Brown uPVC windows, doors and  
porch and permission is  
requested to replace these with  
new Anthracite Grey uPVC  
products.

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R19/1508  
8 Weeks PA  
Approval  
20/01/2020

THE STABLES, GREEN LANE,  
BRINKLOW, RUGBY, CV23 0NU

Alternative design of approved  
dwellinghouse on Plot 5 including  
provision of first floor  
accommodation and 2 no. dormer  
windows to front elevation

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R19/1349  
8 Weeks PA  
Approval  
21/01/2020

89, CRICK ROAD, RUGBY,  
CV21 4DZ

PROPOSED SINGLE STOREY  
REAR EXTENSION AND  
RAISING OF THE EXISTING  
ROOF

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R19/1353  
8 Weeks PA  
Approval  
22/01/2020

14, DANESWOOD ROAD,  
BINLEY WOODS, COVENTRY,  
CV3 2BJ

Erection of a two storey rear  
extension

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Erection of summer house and

---

# Delegated

## 8 Weeks PA Applications Applications Approved

R19/1432 8 Weeks PA Approval 22/01/2020	LITTLE BRIDGE, FITZJOHNS, BARBY ROAD, RUGBY, CV22 5QB	greenhouse together with the installation of 1 new gate
R19/1217 8 Weeks PA Approval 23/01/2020	COACH HOUSE, BIRDINGBURY ROAD, FRANKTON, RUGBY, CV23 9QR	Proposed two storey and single storey extensions and internal alterations
R19/1252 8 Weeks PA Approval 23/01/2020	LAND ADJACENT THE MAVERICK, BILTON FIELDS FARM LANE, RUGBY, CV22 6RU	Proposed residential dwelling adjacent to The Maverick together with oak-framed outbuilding to provide garaging for The Maverick
R19/1316 8 Weeks PA Approval 23/01/2020	261, DUNCHURCH ROAD, RUGBY, CV22 6HP	Resubmission of withdrawn application reference R19/0238 for demolition of existing carport structure and proposed single- storey extension to garage to form car port
R19/1531 8 Weeks PA Approval 23/01/2020	1, VICARAGE LANE, DUNCHURCH, RUGBY, CV22 6QP	Erection of part two storey, part single storey front, side and rear extension, replacement windows, rear dormers, front rooflights,

# Delegated

## 8 Weeks PA Applications Applications Approved

solar panels to front, alterations to levels of rear garden and portico over front entrance (part retrospective).

---

R19/1382  
8 Weeks PA  
Approval  
24/01/2020

Land To Rear Of No.99 Lentons  
Lane, Coventry, CV2 1NY

Conversion of existing garage to single storey dwelling house with increase in overall ridge height, width and depth along with associated car parking and vehicular access (cross boundary application).

---

R19/1279  
8 Weeks PA  
Approval  
27/01/2020

HOME FARM, RUGBY ROAD,  
BRETford, RUGBY, CV23 0LB

Conversion of existing barns to 1no. dwelling including demolition of modern agricultural building and construction of an attached double garage (Resubmission of previously approved scheme under R16/1889).

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R19/1485  
8 Weeks PA  
Approval  
27/01/2020

31, OBERON CLOSE, RUGBY,  
CV22 6LZ

Roof conversion and extension with flat roof dormer to rear elevation. Single storey rear and side extension. Internal alterations.

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Little Lawford Mill, Little Lawford  
Lane, LITTLE LAWford, CV23

# Delegated

## 8 Weeks PA Applications Applications Approved

OJJ

R18/0246  
8 Weeks PA  
Approval  
28/01/2020

PROPOSED CONVERSION OF  
EXISTING DETACHED  
GARAGE/WORKSHOP AND  
FORMER STABLES TO  
PROVIDE INCIDENTAL  
ACCOMMODATION AND  
RECORDING STUDIO FOR  
EXISTING DWELLING  
(AMENDMENT TO PLANNING  
PERMISSION R17/0753)

---

R19/1477  
8 Weeks PA  
Approval  
28/01/2020

42, MAIN STREET, WOLSTON,  
COVENTRY, CV8 3HJ

Proposed single storey front  
extension and two storey front,  
side and rear extension.

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R19/1453  
8 Weeks PA  
Approval of Reserved  
Matters  
29/01/2020

2, NORTHAMPTON LANE,  
DUNCHURCH, RUGBY, CV22  
6QA

Erection of 5 new dwellings  
(Reserved matters application for  
landscaping following outline  
planning approval under  
R16/1519 granted 5th December  
2016).

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R19/1104  
8 Weeks PA  
Approval  
30/01/2020

RUGBY MODEL ENGINEERING  
SOCIETY, ONLEY LANE,  
RUGBY, CV22 5QD

Erection of a new facilities  
building and two pedestrian foot  
bridges

# Delegated

## 8 Weeks PA Applications Applications Approved

R19/0679 8 Weeks PA Approval 31/01/2020	10 KNOB HILL, STRETTON-ON- DUNSMORE, CV23 9NN	Proposed rebuilding of coach house to create a dependent relatives annexe
R19/1370 8 Weeks PA Approval 31/01/2020	5, STAVELEY WAY, RUGBY, CV21 1TP	Conversion of integral garage and enclosing of porch
R19/1399 8 Weeks PA Approval 31/01/2020	8, RUGBY ROAD, PAILTON, RUGBY, CV23 0QH	Provision of a dropped kerb and the installation of a retaining wall and hardstanding to front garden.
R19/1474 8 Weeks PA Approval 31/01/2020	HOME FARM, MAIN STREET, BRANDON, COVENTRY, CV8 3HW	Proposed change of use and single storey rear extension to redundant outbuilding to create 1 (No.) residential dwelling.
R19/1489 8 Weeks PA Approval 31/01/2020	THE OLD SUNDAY SCHOOL, 35A, CHURCH ROAD, SHILTON, CV7 9HX	Single storey side extension
	5, DUNCAN DRIVE, RUGBY,	

## Delegated

### 8 Weeks PA Applications Applications Approved

CV22 7RS

R19/1500  
8 Weeks PA  
Approval  
31/01/2020

ALTERATIONS TO ROOF  
STRUCTURE TO FORM  
ADDITIONAL  
ACCOMMODATION AND  
STORAGE

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R19/1377  
8 Weeks PA  
Approval  
03/02/2020

16, HEATH WAY, RUGBY, CV22  
5JA

Proposed two storey extension to  
rear

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R19/1441  
8 Weeks PA  
Approval  
03/02/2020

74, BILTON ROAD, RUGBY,  
CV22 7AL

Changes in roof structure to  
provide gable to front elevation  
(Retrospective) from previously  
approved scheme R18/1307  
granted on 28/08/2018 for the  
erection of two storey side and  
rear extension and use for two  
flats (including the retention of  
existing dwelling).

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R19/1502  
8 Weeks PA  
Approval  
03/02/2020

48, LAWRENCE ROAD, RUGBY,  
CV21 3SA

Rear single story extension

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R19/1506  
8 Weeks PA

LAND AT, ALMOND GROVE,  
NEWBOLD, RUGBY,

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# Delegated

## 8 Weeks PA Applications

### Applications Approved

Approval

03/02/2020

Outline planning permission for the construction of one dwelling. All matters reserved except for means of access

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R19/1516  
8 Weeks PA  
Approval  
03/02/2020

11, SPOTTISWOOD CLOSE,  
RUGBY, CV22 7GP

Single storey rear and side extension

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R19/1522  
8 Weeks PA  
Approval  
04/02/2020

18, WEST COAST LANE,  
RUGBY, CV21 4PA

Single storey rear extension to create a bedroom and lobby, conversion of existing garage to a disabled wet room and sensory room and ramped access to the rear elevation

---

R19/1533  
8 Weeks PA  
Approval  
04/02/2020

NEWBOLD ON AVON POST  
OFFICE, 19, MAIN STREET,  
RUGBY, CV21 1HH

Retrospective application to regularise the change in configuration of new refrigeration plant

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R19/0379  
8 Weeks PA  
Approval  
05/02/2020

THE OLD HALL COTTAGE,  
LILBOURNE ROAD, CLIFTON  
UPON DUNSMORE, CV23 0BD

Conversion and extension of existing dwelling to form 4 dwellings together with the conversion and alterations of lower stable into garages and

# Delegated

## 8 Weeks PA Applications Applications Approved

conversion of upper stable to form a residential unit (variation of condition 2 of approved planning permission R18/2022 dated 09/01/2019 to include the provision of 2 no. rooflights and additional car parking).

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R19/1051  
8 Weeks PA  
Approval  
05/02/2020

NEWNHAM PADDOX HOUSE,  
NEWNHAM PADDOX, MONKS  
KIRBY, RUGBY, CV23 0RX

Demolition of existing dwelling,  
garage and shed and erection of  
replacement dwelling and  
associated work

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R19/1417  
8 Weeks PA  
Approval  
05/02/2020

5-7 SCHOOL LANE, STRETTON-  
ON-DUNSMORE, RUGBY, CV23  
9NB

Erection of first floor level rear  
extension, erection of single  
storey rear extension, erection of  
detached garage, re-tiling of roof  
and various other external  
alterations to dwellinghouse.

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R19/1345  
8 Weeks PA  
Approval  
06/02/2020

WHITELAW HOUSE, 4,  
HILLMORTON ROAD, RUGBY,  
CV22 5DE

Proposed extension, remodelling  
(alteration), refurbishment and  
landscaping works to the existing  
boarding house.

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R19/1015  
8 Weeks PA  
Approval  
07/02/2020

27, LIME TREE AVENUE,  
RUGBY, CV22 7QT

Extensions and alterations to  
dwelling together with a  
basement

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## Delegated

### 8 Weeks PA Applications Applications Approved

R19/1061 8 Weeks PA Approval 07/02/2020	DUNCHURCH NEWS AND OFF LICENSE (GROUND FLOOR), THE GREEN, DUNCHURCH, RUGBY, CV22 6NX	Change of Use from a Newsagent (Class A1) to a Chiropractic Clinic (Class D1)
R19/1300 8 Weeks PA Approval 07/02/2020	DEEP MEADOWS, 137, LONDON ROAD, STRETTON- ON-DUNSMORE, RUGBY, CV23 9JB	Erection of single storey front extension and external alterations to existing annexe.
R20/0001 8 Weeks PA Approval 11/02/2020	GLENFERN GARDENS, 2, OXFORD ROAD, RYTON-ON- DUNSMORE, COVENTRY, CV8 3EA	Erection of a single storey rear extension
R19/1514 8 Weeks PA Approval 13/02/2020	126, ASHLAWN ROAD, RUGBY, CV22 5EP	Extension of existing dropped kerb to front of dwelling house

### Certificate of Lawfulness Applications Applications Approved

FIELD HOUSE, LOWER

# Delegated

## Certificate of Lawfulness Applications Applications Approved

STREET, WILLOUGHBY,  
RUGBY, CV23 8BX

R19/1383  
Certificate of  
Lawfulness  
Approval  
17/01/2020

Certificate of lawfulness for the  
conversion of a garage into living  
space together with alteration  
and extension to existing single  
storey rear extension

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R19/1322  
Certificate of  
Lawfulness  
Approval  
23/01/2020

THE WHITE HOUSE, PRIORY  
ROAD, WOLSTON, COVENTRY,  
CV8 3FX

Certificate of Proposed Lawful  
Use or Development – Pursuant  
to Section 192 the erection of an  
outbuilding for purposes  
incidental to the enjoyment of the  
dwellinghouse known as The  
White House under Permitted  
Development, provided that the  
said outbuilding does not have a  
verandah, balcony or raised  
platform associated with or  
attached to it, and that the use of  
said outbuilding is incidental to  
and relevant to the use of The  
White House as a single dwelling  
and not as a dwelling in its own  
right.

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R19/1143  
Certificate of  
Lawfulness  
Approval  
29/01/2020

MANOR FARM, FLECKNOE  
ROAD, FLECKNOE, RUGBY,  
CV23 8AT

Certificate of Lawfulness for  
lawful occupation of dwelling  
(condition 2 of R89/1805/0354/P),  
without complying with an  
agricultural occupancy condition  
imposed on this property.

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# Delegated

## Certificate of Lawfulness Applications Applications Approved

9, MOULTRIE ROAD, RUGBY,  
CV21 3BD

R19/1392  
Certificate of  
Lawfulness  
Approval  
05/02/2020

Certificate of Lawfulness for an  
incidental outbuilding to rear of  
dwelling

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## Discharge of Conditions Applications Approved

R19/0557  
GRANGE FARM, LONDON  
ROAD, RYTON-ON-  
DUNSMORE, CV8 3EW

07/02/2020

Extension of bull pen to form  
stables (partly retrospective)

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## Listed Building Consent Applications Applications Approved

R19/1503  
Listed Building Consent  
Approval  
20/01/2020  
Monument at Junction of A45 and  
Fosse Way, London Road,  
Stretton on Dunsmore, Rugby

Hard bound surface around  
Gallipoli Monument with  
associated landscaping and  
lighting

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2, ARNOLD VILLAS, RUGBY,  
CV21 3AX

Listed Building Consent for  
internal alterations; to include the  
relocation of an internal doorway

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## Delegated

### Listed Building Consent Applications Applications Approved

R19/1455  
Listed Building Consent  
Approval  
22/01/2020

and kitchen.

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R19/1052  
Listed Building Consent  
Approval  
05/02/2020

NEWNHAM PADDIX HOUSE,  
NEWNHAM PADDIX, MONKS  
KIRBY, RUGBY, CV23 0RX

Listed Building consent for the demolition of existing dwelling, garage and shed and erection of replacement dwelling and associated work. Plus the installation of plant in the stable blocks.

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R19/1346  
Listed Building Consent  
Approval  
06/02/2020

WHITELAW HOUSE, 4,  
HILLMORTON ROAD, RUGBY,  
CV22 5DE

Listed building consent for the extension, remodelling (alteration), refurbishment and landscaping works to the existing boarding house.

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### Major Applications Applications Approved

R19/0806  
Major Application  
Approval of Reserved  
Matters  
21/01/2020

RUGBY RADIO STATION,  
WATLING STREET, RUGBY,  
CV23 0AS

Key Phase 2 Parcel G(part) -  
Submission of reserved matters  
comprising access, appearance,  
landscaping, layout and scale for  
the erection of 29 dwellings  
together with garages, access

## Delegated

### Major Applications Applications Approved

roads, parking and associated works pursuant to outline planning permission ref. no R17/0022 dated 28th June 2017.

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### Non Material Amendment Applications Applications Approved

R18/1259 Britvic Soft Drinks Ltd, Aventine Way, Brownsover, Rugby, CV21  
Non-Material 1HA  
Amendment agreed  
07/02/2020

New canopy to existing production facility with amendment to road line and new retaining wall.

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### Prior Approval Applications Prior Approval Applications

R19/1515 63, EDEN ROAD, RUGBY, CV21  
Prior Approval 4HT  
Extension  
Withdrawn by  
Applicant/Agent  
20/01/2020

Prior Approval larger home rear extension

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SPARROW HALL BARN,  
COMBE FIELDS ROAD,  
COOMBE FIELDS, COVENTRY,

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# Delegated

## Prior Approval Applications

### Prior Approval Applications

CV7 9JP

R19/1537  
Prior Approval  
Extension  
Not Required  
30/01/2020

The construction of a single storey extension which would extend beyond the rear by 8m and a height of 3.92m which will form a dual pitched roof

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R20/0002  
Prior Approval  
Extension  
Not Required  
03/02/2020

1, ORCHARD WAY, RUGBY,  
CV22 7PS

Erection of a single storey rear extension that will extend 4.3m beyond the existing elevation and have a maximum height of 2.67m.

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R20/0006  
Prior Approval  
Extension  
Not Required  
05/02/2020

30, SODENS AVENUE, RYTON-  
ON-DUNSMORE, COVENTRY,  
CV8 3FE

Erection of a single storey rear extension with tiled pitched roof that will extend 3.35m beyond the existing rear wall and will have a maximum height of 3.55m and an eaves height of 2.4m.

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R20/0029  
Prior Approval  
Extension  
Not Required  
10/02/2020

89, FLEET CRESCENT, RUGBY,  
CV21 4BG

Prior approval for a rear extension measuring 4.23 metres in depth; 3.60 metres in height to the ridge; and 2.25 metres in height to the eaves.

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R20/0007  
Prior Approval  
Extension

14, WENTWORTH ROAD,  
RUGBY, CV22 6BG

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# Delegated

## Prior Approval Applications

### Prior Approval Applications

Not Required  
12/02/2020

Prior approval for the erection of a single storey extension that extends 6m beyond the rear elevation of the existing dwelling and will have a total height of 4m.

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R20/0016  
Agriculture Prior  
Approval  
Not Required  
12/02/2020

Smockington Farm, Smockington  
Lane, Wolvey, LE10 3AR

Build an agricultural building

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R19/1535  
Prior Approval change  
of use  
Required and Refused  
13/02/2020

PAILTON RADIO STATION,  
MONTILO LANE, PAILTON,  
CV23 0HD

Prior approval change of use of buildings and land within their curtilage from office use Class B1a to to dwellinghouses Class C3 under Class O.