



25 November 2022

## PLANNING COMMITTEE - 7 DECEMBER 2022

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 7 December 2022 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley  
Chief Executive

***Note: 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 9 November 2022.
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. Tree Preservation Order No 426
7. Delegated Decisions – 20 October to 16 November 2022

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

Councillors Gillias (Chairman), Mrs Brown, Daly, Eccleson, Mrs Hassell, Lawrence, Lewis, Mrs Maoudis, Sandison, Slinger, Srivastava and Willis

***If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail [veronika.beckova@rugby.gov.uk](mailto:veronika.beckova@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

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

**Planning Committee – 7 December 2022**

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

**Applications for Consideration**

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R22/0778	39 Park Road, Rugby CV21 2QU Change of use from Dwelling House (C3) into a total number of 6 rooms HMO (Sui Generis) and alterations.	3
2	R22/0623	95 King Edward Road, Rugby CV21 2TE Conversion of 4 bedroom house into 6 bedroomed HMO (7 people) including rear dormer window.	14
3	R21/0985	Land at Padge Hall Farm, Watling Street, Burbage Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development).	25
4	R22/0500	Land South of Baileys Lane, Baileys Lane, Long Lawford CV23 9FS Construction of 2 bedroomed bungalow.	68
5	R22/0551	Land Northeast of Castle Mound Way, Castle Mound Way, Rugby Application for full planning permission for storage and distribution floorspace (Class B8 use), with ancillary offices, gatehouse, associated car parking, HGV parking, landscaping and infrastructure.	82
6	R22/0694	41 King Edward Road, Rugby CV21 2TA Amendment to R18/1153 to increase floor area of units 6, 8 and 10 to incorporate the unit approved under R20/0916 and associated external appearance amendments.	116

**Reference: R22/0778**

**Site Address: 39, Park Road, Rugby, CV21 2QU**

**Description: Change of use from Dwelling House (C3) into a total number of 6 rooms HMO (Sui Generis) and alterations.**

**Recommendation**

1. Planning application R22/0778 be approved subject to:
  - the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

**1.0 Introduction**

- 1.1 The application is being reported to the Planning Committee in accordance with the Scheme of Delegation, as more than 15 letters of objection from households residing in the locality of the application site have been received.

**2.0 Description of site and surrounding area**

- 2.1 The application site lies within the Rugby urban area approximately 400 metres from the town centre. To the north of the application site is a bungalow, 41A Park Road and the rear private amenity spaces for the properties that front onto Wood Street. The surrounding properties are generally formed in a linear arrangement comprising of two and three storey terraced houses with their respective frontages in close proximity to the highway. Although the majority of the properties along Park Road were likely to be built in the same era, the properties have different styles and architectural features.
- 2.2 The application dwelling is an end of terrace three storey property which is constructed predominantly out of brick with pebbledash render at first floor level on the front elevation. The property has a flat roof dormer on the front facing roof slope. The surrounding properties have original projecting two storey rear gable features. As the property is end of terrace the two storey rear feature has a mono-pitched roof. Attached to the rear of the two storey feature is an existing single storey element which mirrors the attached two storey feature. A small garden area is available to the rear along with a flat roofed garage, which is accessible from an alleyway via Wood Street.
- 2.3 A search of the public register of licensed houses in multiple occupation (October 2022) shows that Park Road has five registered HMO's.

**3.0 Description of proposals**

- 3.1 This application seeks full planning permission for the change of use from a dwellinghouse (C3) into a 6 bedroom HMO (Sui Generis) and alterations.
- 3.2 The property currently falls under Use Class C3 and has four bedrooms. The majority of the works are internal which have commenced. However, internal alterations do not

require planning permission, only the use of the dwelling as a Sui Generis HMO and some external alterations require planning permission.

- 3.3 It should be noted that not all conversions of residential properties to HMO's require planning permission. A change of use of a C3 dwellinghouse to a small HMO (Use Class C4) where the HMO is occupied by between three and six unrelated individuals does not require planning permission. Therefore, changing the use of a C3 dwellinghouse to a HMO with more than six residents (Use Class Sui Generis) would require planning permission.
- 3.4 The ground floor will comprise of two bedrooms, a kitchen/dining area, WC and shower room. The first floor is to comprise of three bedrooms, a bathroom and separate WC. One bedroom is proposed on the second floor. It has been confirmed that the HMO will contain five double bedrooms and one single bedroom. Assuming all the double bedrooms are filled with couples and a single occupant in the single bedroom there will be a maximum of eleven residents.
- 3.5 In terms of the external alterations, the corrugated sheet roof on the single storey element has been removed and the roof reconstructed with matching roof tiles. The corrugated sheet roof on the garage has been removed and reconstructed with three layers bituminous felt and the eaves, soffits and gutters have been replaced to match existing.
- 3.6 A bicycle storage shed is proposed on a concrete slab between the rear elevation of the property and the garage. The timber shed will have dimensions of approximately: width – 1.8 metres, length – 2.4 metres, eaves height – 1.8 metres and mono-pitched roof ridge height – 2.1 metres. The shed will accommodate between 6 and 8 bicycles and garden equipment. The bicycle shed and concrete slab proposed could be achieved under Class E and Class F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 respectively.

#### 4.0 Relevant planning history

Application No.	Description	Decision	Date
R21/1249	Internal reconfiguration and change of use into a total number of 9 HMO, including a first floor extension and a garage conversion to provide a standalone HMO. Additional windows added to provide natural daylighting into reconfigured rooms.	Withdrawn by applicant / agent	28/03/2022

#### 5.0 Relevant Planning Policies and Guidance

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.

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

Policy GP2: Settlement Hierarchy

Policy HS5: Traffic Generation and Air Quality, Noise and Vibration

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy SDC1: Sustainable Design

Policy D2: Parking Facilities

## Supplementary Planning Documents

Sustainable Design and Construction SPD (February 2012)

Air Quality Supplementary Planning Document (July 2021)

## National Planning Policy Framework – 2021

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

### **6.0 Technical consultation responses**

- 6.1 WCC Highway Authority – has no objection to the application. Note the number of vehicles associated with this development may increase from the current use however given the range of TRO's (Traffic Regulation Orders) along Park Road the development will not have a detrimental impact on highway safety.
- 6.2 WCC Ecology – recommend a bat note, nesting bird note and biodiversity enhancement note are attached as informatives.
- 6.3 Warwickshire Fire & Rescue – no response received.
- 6.4 RBC Environmental Health – has no objection to the application subject to an air quality neutral/mitigation condition, air quality informative, asbestos informative, construction hours informative and other legislation informative.
- 6.5 RBC Works Services – has no objection to the application. Recommend an informative regarding collection of bins.

### **7.0 Third party comments**

- 7.1 Councillor O'Rourke – objects to the proposal as there are not enough parking space in the area and there is an over concentration of HMOs which is having an impact on the local community.
- 7.2 Neighbours – neighbours notified and a site notice displayed with 21 household objections received.

#### Summary of the objections received:

- Increase in the amount of rubbish dumped in the access road to the rear.
- Increase in rubbish on Park Road.
- Occupiers of HMO's don't have a vested interest which can harm the character of the area.
- HMO's decrease the sense of community.
- Noise disturbance from a HMO.
- Property was built for half the number of people.
- Already parking issues in the area.
- Lead to additional vehicles and the highway safety issues this would cause.
- Not enough space for residents to park and the number of permits available will not cover all residents of the HMO and will lead to people parking without a parking permit.

- Developer should provide sufficient parking with necessary charging points.
- Building works will be a nuisance.
- Dust from the construction works.
- Concerns over poor up keep and maintenance of HMO properties.
- Marked degradation within the street which is believed to be due to the increasing number of HMO's.
- Lack of social space in HMO properties and the associated problems.
- Already a large number of bedsits, flats and HMO's.
- Council should consider the use of an Article 4 direction to stop HMO conversions as Park Road is saturated with HMO's.
- Number of properties which are being run as HMO's without a licence.
- Audit required to determine how many HMO's there are along Park Road.
- Impact house values.
- Concerns over the type of people who typically live in HMO's.
- Antisocial behaviour.
- Privacy and safety compromised.
- Works started to the property months ago without planning permission.
- Owner of 39 Park Road is not a proper person to run a HMO.
- Proposed cycle shed will block light from entering the garden and spoil the existing view. There is a perfectly good garage available for bikes to be stored in.

## 8.0 **Assessment of proposals**

8.1 The main considerations in respect of this application are as follows:

9. Principle of Development;
10. Character and Design;
11. Impact on Residential Amenity;
12. Highway Safety and Parking;
13. Ecological Considerations;
14. Air Quality;
15. Other matters;
16. Conclusion and Recommendation.

### 9.0 Principle of Development

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

9.2 The application site is located within Rugby town as defined by Policy GP2. Rugby town is the main focus for all development in the Borough and development is permitted within existing boundaries. Rugby Town is considered to be the most sustainable location within Rugby Borough, providing the best access to a range of services and facilities.

9.3 The application is considered to be in accordance with Policy GP2 of the Local Plan.

### 10.0 Character and Design

10.1 Policy SDC1 in the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and that proposals will only be supported where the

scale, density and design responds to the character of the area in which they are situated. Factors including the massing, height, landscape, layout, materials and access are a key consideration in the determination of planning applications.

- 10.2 Section 12, paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 further states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.3 The majority of the works are internal which do not require planning permission. The only external works relate to the replacement roofs on the single storey element to the rear and the garage along with the bicycle shed. The replacement works to the single storey element and the garage are seen to be improvements as the existing corrugated sheets are replaced with more sympathetic materials. The timber shed to the rear will provide undercover cycle spaces for the occupants of the HMO. The external works are to the rear of the property and therefore the proposals will not have a significant impact on the character and appearance of the area.
- 10.4 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.
- 11.0 Impact on Residential Amenity
- 11.1 Policy SDC1 in the Local Plan states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 11.2 Section 12, paragraph 130 (f) of the NPPF states decisions should ensure developments provide a high standard of amenity for existing and future users.
- 11.3 The alterations to the roofs of the single storey element and garage will not cause any loss of light or privacy. The proposed bicycle shed is to be located next to the rear boundary of No. 101 Wood Street, close to the existing garage to the rear of No. 101 Wood Street. It is noted that the ground level at No. 39 Park Road is higher than the ground level of the rear gardens on Wood Street. However, when considering the location of the shed in relation to the existing garage at No. 101 Wood Street, its height, the existing built form and the sun path, it is considered that the proposed cycle shed will not cause significant loss of light to any adjoining properties. Furthermore, the cycle shed could be built under permitted development. The remaining external amenity space is considered to be of an acceptable size for the future occupiers of the HMO.
- 11.4 Although the proposal may increase the number of residents at the property, the property will remain residential and provide a home for occupants. Environmental Health have raised no objection to the application. The HMO will be subject to a separate licensing process to ensure compliance with legislation separate to planning. If the planning application is approved, any noise, waste, parking or antisocial behaviour complaints would be dealt with separately. Overall, the proposals would not have an unduly detrimental impact on the amenities of the surrounding properties.
- 11.5 It is considered that the application is in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

12.0 Highway Safety and Parking

- 12.1 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 (or impaired mobility), based on the Borough Council's Standards.
- 12.2 Section 9, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.3 The parking standards within the Local Plan state that each HMO will be considered on its own merits.
- 12.4 39 Park Road has a garage to the rear which can be accessed via Wood Street which provides one off-road car parking space. The garage has internal dimensions of approximately 2.5 metres in width and 4.8 metres in length. The internal dimensions may restrict large vehicles using the garage. Any additional vehicles associated to the HMO will have to park on-street. Park Road and the surrounding streets are permit controlled. Each property, regardless of its use as a HMO or C3 dwellinghouse, is eligible for three parking permits plus a visitor parking permit therefore the proposed use should not lead to additional demand for parking in the area.
- 12.5 WCC Highway Authority have no objection to the application. Park Road has designated parking bays along with adequate junction protection in the form of double yellow lines and other TRO's to ensure vehicles do not park where they should not. The proposal will therefore not have a detrimental impact on highway safety in the area.
- 12.6 It is acknowledged that the property may have an increase in the number of occupants over the current use which may increase the number of associated vehicles. However, the permit controls will likely mean the number of vehicles associated to 39 Park Road will not exceed the number of permits available to the property, despite the parking restrictions only applying between the hours of Monday to Saturday 8am – 8pm. This is because residents are unlikely to alter their lifestyle to cater to the parking restrictions. Vehicles without a permit can however park along Park Road outside of those hours above which may potentially cause residents along Park Road to park a short walk away from their properties. The proposal has the potential to cause a minimal additional impact on this matter and it is seen to be an amenity issue rather than a highway safety issue.
- 12.7 It is considered unreasonable to refuse the application on highway safety and parking as 39 Park Road is located in a highly sustainable area. The town centre is approximately 400 metres away; the train station is approximately 650 metres away; there are bus stops within the vicinity; and there are car parks nearby. In addition, the applicant is providing a cycle shed to the rear of the property which can accommodate between 6 and 8 bicycles which reduces the reliance on the car. The application site is in an area with access to a range of services and facilities which is accessible by foot, bicycle or public transport.
- 12.8 It is therefore considered that the proposal will not have an adverse impact on highway safety and is in accordance with Policy D2 of the Local Plan and Section 9 of the NPPF.

### 13.0 Ecological Considerations

- 13.1 Policy NE1 in the Local Plan states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Furthermore, development will be expected to deliver a net gain in biodiversity and planning permission will be refused if significant harm to biodiversity cannot be avoided, mitigated or compensated for.
- 13.2 Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. The planning system should also promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.
- 13.3 WCC Ecology recommend that a bat note, nesting bird note and biodiversity enhancement note are attached to the decision notice. The proposed works are not anticipated to impact upon protected species.
- 13.4 The application is considered to be in accordance with Policy NE1 of the Local Plan and Section 15 of the NPPF.

### 14.0 Air Quality

- 14.1 Policy HS5 states that development of more than 1,000 sqm of floorspace or any development within the Air Quality Management Area that generates new floorspace must achieve or exceed air quality neutral standards or address the impacts of poor air quality by mitigating their effects. The Council seeks to reduce air pollution in order to contribute to achieving national air quality objectives.
- 14.2 It is recognised that the current proposal impacts on the Air Quality Management Area and as such policy HS5 is relevant. Therefore, it is deemed appropriate to attach a condition and an informative to any permission granted to make sure the development is air quality neutral or to ensure mitigation methods are in place to assist in reducing the impact upon the Air Quality Management Area.
- 14.3 The application is considered to be in accordance with Policy HS5 of the Local Plan.

### 15.0 Other matters

- 15.1 Objections have been received with concerns over the number of HMO's in the area. Whilst it is acknowledged that there are a number of HMO's within the locality, which have introduced an alternative type of residential accommodation being provided, there is no policy position or constraint that would prevent further changes of use from houses to multiple occupation accommodation.

### 16.0 Conclusion and Recommendation

- 16.1 The site is located within the most sustainable location in the borough with access to a range of services and facilities. Externally, only minor alterations and a cycle shed are proposed which are to the rear of the property therefore not adversely impacting the character and appearance of the area. The proposals will have little adverse impact on the amenities of the adjoining properties. The proposals are unlikely to have a detrimental impact on highway safety and operation and impact on protected species.

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

**16.3 Recommendation**

1. Planning application R22/0778 be approved subject to:
  - the conditions and informatives set out in the draft decision notice appended to this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R22/0778

**DATE APPLICATION VALID:**  
05-Sep-2022

**APPLICANT:**  
Mr Ali Karimi 39, PARK ROAD, RUGBY, CV21 2QU

**AGENT:**  
Dr Amir Nankali, AMA UK Consultancy LTD, 1 Ensign Business Centre, Westwood Way,  
Westwood Business Park, Coventry, CV4 8JA

**ADDRESS OF DEVELOPMENT:**  
39, Park Road, Rugby, CV21 2QU

**APPLICATION DESCRIPTION:**  
Change of use from Dwelling House (C3) into a total number of 6 rooms HMO (Sui Generis) and alterations.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON 1:**

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

**CONDITION 2:**

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

Application form received by the Council on 05th September 2022.

Location plans (Drawing no. AMA 734-001) received by the Council on 27th July 2022.

Plans as existing (Drawing no. AMA 734-002) received by the Council on 27th July 2022.

First floor and roof (Drawing no. AMA 734-003) received by the Council on 27th July 2022.

Elevations as existing (Drawing no. AMA 734-004) received by the Council on 27th July 2022.

Ground & first floor plans as proposed (Drawing no. AMA 734-005 Revision A) received by the Council on 09th November 2022.

Attic & roof plans as proposed (Drawing no. AMA 734-006) received by the Council on 27th July 2022.

Sections and cycle shed (Drawing no. AMA 734-007 Revision A) received by the Council on 09th November 2022.

**REASON 2:**

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

**CONDITION 3:**

Prior to the first occupation of any room, the cycle shed indicated on drawing no.: AMA 734-005 Revision A and AMA 734-007 Revision A shall be implemented and made available for use at all time.

**REASON 3:**

In the interests of residential amenity.

**CONDITION 4:**

Prior to the first occupation of any room, a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained in perpetuity.

**REASON 4:**

In the interests of air quality.

**INFORMATIVE 1:**

As per condition 4 the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. 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 as mitigation for air quality purposes.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

**INFORMATIVE 2:**

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

**INFORMATIVE 3:**

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 4:**

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

Landlord is required to contact the Council's Housing Enforcement Team prior to commencement of works and under the Housing Act 2004 is required to comply with HMO legislation and submit a HMO application prior to occupancy.

**INFORMATIVE 5:**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. If evidence of bats is found during works, work should stop immediately, and the National Bat Helpline must be contacted on 0345 1300 228 for advice on the best way to proceed.

**INFORMATIVE 6:**

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

**INFORMATIVE 7:**

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

**INFORMATIVE 8:**

Bins must be presented kerbside for collection by 7.30 a.m. on morning of collection and returned back to the property after emptying.

**Reference: R22/0623**

**Site Address: 95, King Edward Road, Rugby, CV21 2TE**

**Description: Conversion of 4 bedroom house into 6 bedroomed HMO (7 people) including rear dormer window**

**Recommendation**

1. Planning application R22/0623 be approved subject to:
  - the conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application has been called into committee by Councillor Harrington following concerns regarding the number of HMOs in the area and there not being enough facilities for existing residents.

**1. Description of site**

1.1. The application property is a two-storey end terrace within King Edward Road. It is located within Rugby Town. The dwelling has is subject to on street parking. The street scene consists of mostly two storey terraced dwellings. The application site is located 0.4 miles from the train station and approximately 05 miles from the town centre.

**2. Description of proposals**

2.1. This application seeks full planning permission for the change of use of a 4 bedroomed dwelling (C3) into a 7 person House in Multiple Occupation (HMO) including a rear dormer window.

2.2. The proposed rear dormer would be approximately 3 metres in height, 3.5 metres in depth and 5.5 metres in width (approximate volume of 29 cubic metres). The dormer is proposed to be flat roofed with one window proposed on the rear elevation. The internal layout is proposed to be altered in order for the property to accommodate 6 bedrooms and a communal living space/kitchen.

2.3. Amended plans have been received through the course of the application following officer concerns relating to the impact upon neighbouring residential amenity and the character of the area. The relevant re-consultation was undertaken in relation to the amendments.

2.4. The Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020 allows for residential dwelling houses within Use Class C3 to be converted into a HMO (C4) under permitted development rights so long as there are six or fewer residents living there. This application seeks 7 occupants therefore planning permission is required.

**3. Planning History**

None relevant

**4. Relevant Planning Policies**

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

HS5: Traffic Generation and Air Quality

NE1: Protecting Designated Biodiversity and geodiversity Assets

SDC1: Sustainable Design

D2: Parking Facilities

National Planning Policy Framework, 2021 (NPPF)

Section 2: Achieving Sustainable Design

Section 9: Promoting Sustainable Transport

Section 12: Achieving well-designed places

Supplementary Planning Documents and other reports

Sustainable Design and Construction, 2012

Air Quality, 2021

National Design Guide, 2019

**5. Technical consultation responses**

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

- WCC Ecology
- RBC Work Services
- RBC Environmental Health
- WCC Highways

**6. Third party comments**

Councillor Harrington objected to the application in regard to:

- Not enough facilities for current residents
- Significant amount of HMOs within Benn Ward
- Not enough room for bins to be left on the pavement so this will cause access issues
- No HMO's on this street, residents want to keep the area a family area
- Could cause anti-social behaviour

4 letters of objection received from 3 addresses were received which raised the following:

- Number of HMO's in the area is already significant and the amount of traffic and parking availability has already been impact significantly.
- More vehicles causes more pollution
- Already a highly populated area
- Detrimental impact upon surrounding area
- No site notice for planning application
- Impact upon neighbouring amenity

## **7. Assessment of proposals**

7.1. The key issues for consideration in this application are:-

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

## **8. Principle of development**

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 8.2. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy with Rugby town being the main priority of development within the borough.
- 8.3. 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.
- 8.4. This application is therefore considered to comply with Policy GP2 of the Local Plan. The principle of development is therefore considered to be acceptable subject to the detailed assessments below and all other material planning considerations.

## **9. Impact upon character of the area**

- 9.1. Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.
- 9.2. Section 12 of the National Planning Policy Framework states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Furthermore, paragraph 127 (a) states that buildings will add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 127 (b) states that buildings are visually attractive as a result of good architecture and layout.
- 9.3. The property is not registered on the Public Register of licensed HMOs (October 2022). This alongside the side visit confirms that the property is not being used as a HMO currently and as such, still benefits from permitted development rights associated with the residential use of the property.
- 9.4. The existing roof volume of the dwelling is approximately 67.5 cubic metres. The proposed dormer seeks to increase the volume by approximately 29 cubic metres. The dormer would

be set in from the eaves by at least 0.2 metres. If the application site was remaining under the C3 use then the proposed dormer could be constructed under the permitted development rights outlined in Schedule 2, Class B of the General Permitted Development Order based on the proposed design and the floorspace above.

- 9.5. The proposed dormer would be viewable from the street scene as it would project beyond the existing gable and the property is an end terrace. It would protrude beyond the existing roof line however would be viewed within the context of the existing dwelling so would not appear overly prominent within the street scene. The proposal would seek to use the same materials as the existing dwelling and clad the dormer window in tile.
- 9.6. The external amenity space to the rear is to be unaltered and retained for use by the occupiers and there would be no alteration to boundaries treatments and therefore no change to how the property is perceived within the streetscene.
- 9.7. Overall, it is considered that the proposed works would complement the character of the existing dwelling and the wider street scene. The application is therefore considered to be in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF

#### **10. Impact upon residential amenity**

- 10.1. Policy SC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.2. The application provides external amenity space for the future occupiers to the rear of the property. The proposed room sizes comply with national space standards for this type of accommodation. The proposal therefore complies with Section 12 of the National Planning Policy Framework and Policy SDC1 of the Local Plan, which requires high quality design and the paragraph 123 of the National Design Guide which seeks the provision of good quality internal and external environments for users of buildings.
- 10.3. The proposal seeks occupation for 7 people within the property. The proposed dormer would be approximately 20 metres from the rear elevation of no. 46 Lodge Road which is to the rear of the site. The proposed window on the rear of the dormer would not be closer to no.46 than the windows on the first floor. Due to the distance between the dwellings it is considered that there would be no adverse overlooking impact in relation to this new window.
- 10.4. The proposed dormer would be approximately 10 metres from the rear of the dwellings on Wood Street. The proposal would add approximately 1 metre to the end gable. There is intervening gardens and an alley between these dwellings. It is not considered that the additional height to the roof form of the main gable is considered to be of a scale that would create an overbearing impact upon these neighbouring dwellings.

10.5. It is therefore considered that the proposed scheme accords with Policy SDC1 of the Rugby Local Plan and Section 12 of the National Planning Policy Framework.

**11. Impact upon highway safety**

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

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

11.3. Objections have been received in relation to the number of HMO's in the area, which is already highly populated, and the impact this has on the amount of traffic and parking availability.

11.4. WCC Highways were consulted and have undertaken a full assessment of the application. They have no objections to the application and do not consider that there would be a material increase to the vehicular trip generation at the site.

11.5. It is acknowledged that the proposed use of the property may increase the number of occupants with associated vehicles. WCC Highways have confirmed that the number of residential parking permits which may be applied for and potentially granted for the address would be limited to 3 with an additional visitor permit. The parking restrictions in the area apply between 8am and 8pm Monday – Saturday.

11.6. Parking standards outlined in the Local Plan states that Houses of Multiple Occupancy will each be considered on its own merits. Given the location, accessibility to public transport, the close proximity to the town centre, and also the proposed provision for safe and secure cycle parking this is considered acceptable.

11.7. Objections have been received in relation to there not being enough room on the pavement for the number of bins and therefore causing access issues. Bike storage and bin storage to the rear of the property has been shown on the amended site plan. Condition 4 will be applied to secure the details for the structures and their installation indicated on the proposed site plan before occupation of the HMO. Bin collection is one day per week and it is standard for bins to be on the pavement otherwise they will be stored to the rear of the property.

11.8. It is therefore considered that on balance this application would not warrant refusal on highways grounds and that this proposal complies with Policy D2.

**12. Ecology**

12.1. Section 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and,

promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

- 12.2. 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.
- 12.3. Warwickshire County Council Ecology have reviewed the application, consulted the Habitat Biodiversity Audit Phase 1 data and searched the Warwickshire Biological Records Centre (WBRC). The building appears to be well-sealed with concrete interlocking tiles and no obvious gaps beneath ridge tiles or to the gable end mortar. The WBRC holds records for bats in the surrounding area, including a roost.
- 12.4. It is considered that the development has low potential for protected species and therefore is considered acceptable subject to informatives relating to bats and bird nesting.
- 12.5. It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 and Section 15 of the NPPF.

### **13. Air Quality**

- 13.1. Policy HS5 requires that development within the Air Quality Management Area as defined in Appendix 8 of the Local Plan that would generate any new floorspace must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.
- 13.2. Objections have been received in relation to the pollution the additional vehicles from the development will emit.
- 13.3. The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal increases floorspace within the Air Quality Management Area and as such policy HS5 is relevant.
- 13.4. Environmental Health were consulted on the application and had no objections subject to an air quality mitigation condition being imposed on any permission (Condition 5).
- 13.5. As the proposal does not involve a significant increase in emissions that materially affects the AQMA compared with the existing use, the proposal is considered to achieve or exceed air quality neutral standards. As a result mitigation as detailed in points 2 to 4 of the policy are not required.
- 13.6. This application is therefore considered to be in accordance with Policy HS5 of the Local Plan.

### **14. Other matters**

- 14.1. Objections have been received in regard to there not being enough facilities in the area for the new occupiers. In regard to the additional pressure on community infrastructure,

changes of use to private rented accommodation, do not trigger a requirement for financial contributions.

- 14.2. Objections have been received concerning the number of HMO's in the area. Whilst it is acknowledged that there are a number of HMO's within the locality, which have introduced an alternative type of residential accommodation being provided, there is no policy position or constraint that would prevent further changes of use from houses to multiple occupation accommodation.
- 14.3. Objections have been received in regard to the residents wanting to retain this area as a family area. Each application is to be assessed on its one merits taking into account any material planning considerations. This is not considered to be a material planning consideration.
- 14.4. Objections have been received in regard to anti-social behaviour occurring from the development site. If this were to occur this would fall within the control of the police and the Environmental Health and Community Safety team. It is not a material planning consideration however there is separate legislation which covers this and therefore could be controlled if it were to occur.
- 14.5. Objections have been received in relation to a site notice not being displayed for the application. A site notice was not required in this instance, the application was publicised in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **15. Planning Balance and Conclusion**

- 15.1. The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not have a detrimental impact upon highway safety. It would also not have a detrimental impact upon air quality or ecology.
- 15.2. On balance, it is concluded that the proposal complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material Considerations including the Framework, it is considered that planning permission should be approved subject to conditions and informatives.

## **16. Recommendation**

1. Planning application R22/0623 be approved subject to:
  - the conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice

## DRAFT DECISION

**REFERENCE NO:**  
R22/0623

**DATE APPLICATION VALID:**  
27-Jun-2022

**APPLICANT:**  
Abacus Property Group

**AGENT:**  
Anjum Mehmood, Anjum Design Ltd, 435 Stratford Road, Shirley Solihull, B90 4AA

**ADDRESS OF DEVELOPMENT:**  
95 King Edward Road, Rugby, CV21 2TE

**APPLICATION DESCRIPTION:**  
Conversion of 4 bedroom house into 6 bedroomed HMO (7 people) including rear dormer window.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

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

**REASON 1:**

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

**CONDITION 2:**

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

Site Location Plan (Drg no. PL01 Rev: A) received by the Council on 12<sup>th</sup> September 2022.  
Proposed Elevations (Drg no. PL04 Rev: B) received by the Council on 4<sup>th</sup> November 2022.  
Proposed Side Elevation (Drg no. PL05 Rev: B) received by the Council on 4<sup>th</sup> November 2022.  
Proposed Floor Plans (Drg no. PL03 Rev: B) received by the Council on 4<sup>th</sup> November 2022.  
Proposed Site Plan (Drg no. PL01 Rev: B) received by the Council on 4<sup>th</sup> November 2022.

**REASON 2:**

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

**CONDITION 3:**

The facing materials to be used on the dormer window shall as specified on the application form, received by the Council on 27<sup>th</sup> June 2022.

**REASON 3:**

To ensure a satisfactory external appearance in accordance with Policy SDC1 of the Local Plan (2029).

**CONDITION 4:**

Prior to the first occupation of any room, details of the cycle provision indicated on the Proposed Site Plan (drg no: PL01 Rev: B) shall be submitted to the Local Planning Authority for approval. The provision shall then be implemented before occupation in accordance with the approved details and shall remain available in perpetuity.

**REASON 4:**

In the interests of residential amenity in accordance with Policy SDC1 of the Local Plan (2019).

**CONDITION 5:**

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 or to provide suitable mitigation, 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 5:**

In the interests of air quality to accord with Policy HS5 of the Local Plan (2019).

**CONDITION 6:**

The application site at 95 King Edward Street, Rugby, CV21 2TE shall be limited to no more than 7 occupants at any one time.

**Reason 6:**

In the interests of residential amenity in accordance with Policy SDC1 of the Local Plan (2019).

**INFORMATIVE 1:**

As per condition 5 the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. 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 as mitigation for air quality purposes.

Should you require any further advice on ensuring your development has a positive contribution on air quality, further information can be obtained from the Commercial Regulation team through 01788 533533 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

Should an Air Source Heat Pump be proposed for installation, it should be ensured that the noise from such plant will not adversely affect residential amenity in the area. These units can create noticeable noise levels which may affect neighbouring dwellings so noise mitigation may be necessary to avoid complaints or possible formal action under other legislation.

#### INFORMATIVE 2:

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

Landlord is required to contact the Council's Housing Enforcement Team prior to commencement of works and under the Housing Act 2004 is required to comply with HMO legislation and submit a HMO application prior to occupancy.

#### INFORMATIVE 3:

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 4:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. If evidence of bats is found during works, work should stop immediately, and the National Bat Helpline must be contacted on 0345 1300 228 for advice on the best way to proceed.

#### INFORMATIVE 5:

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

#### INFORMATIVE 6:

Consideration should be given to the provision of suitable bat and bird boxes within the new build or adjacent trees in order to increase opportunities for wildlife. Many bat and bird populations have declined dramatically in recent years due to loss of roost, nest and foraging sites as a result of development. However, a variety of bat and bird species use boxes and they can be particularly useful in the built environment, where natural nesting places can be scarce. Please ensure that the boxes are appropriately sited and not lit at night in the case of bat boxes. Further advice and information can be obtained from the Bat Conservation Trust (BCT), and the Royal Society for the Protection of Birds (RSPB). WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required, in particular regarding which type of boxes to use.

**INFORMATIVE 7:**

Bins must be presented kerbside for collection by 7.30 a.m. on morning of collection and returned back to the property after emptying.

DRAFT

**Reference:** R21/0985

**Site Address:** LAND AT PADGE HALL FARM, WATLING STREET, BURBAGE

**Description:** Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development).

<b>Recommendation</b>
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Refusal of planning permission
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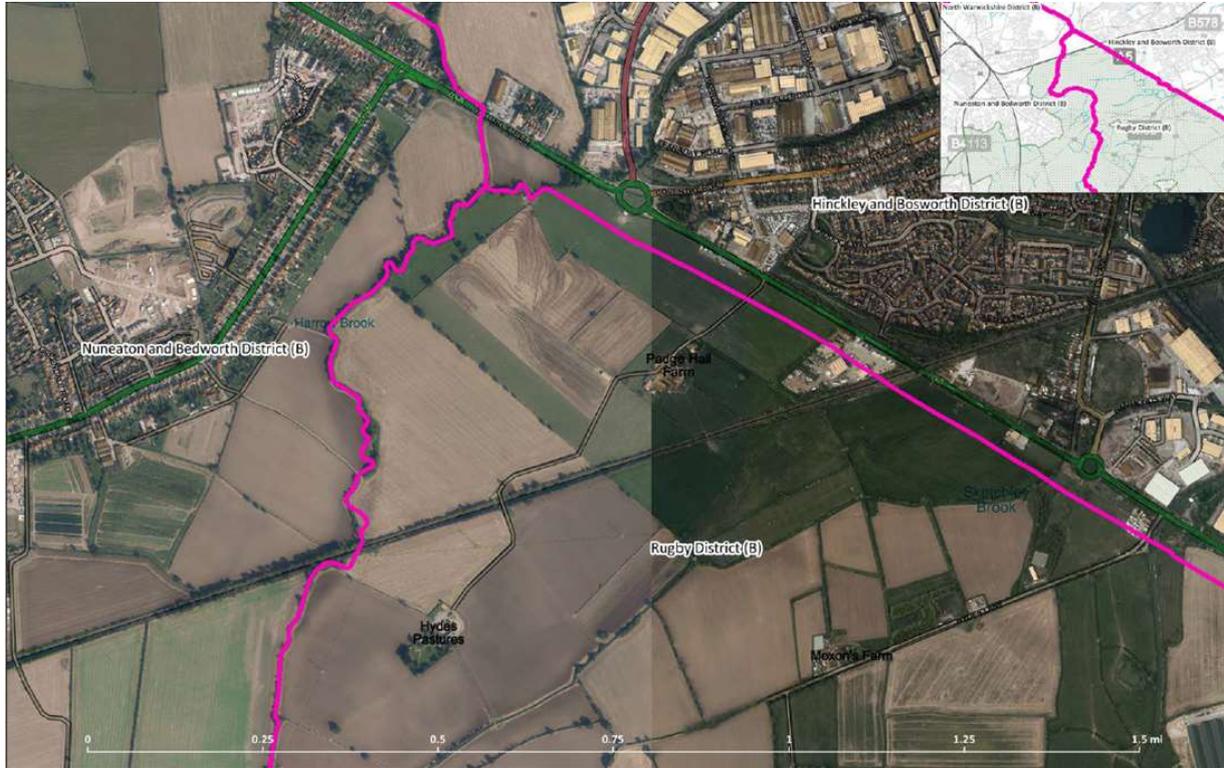
## 1. Introduction

- 1.1. This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development and it is a departure from the development plan.
- 1.2. The development proposed is considered to be an Environmental Impact Assessment (EIA) development and as such, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is accompanied by an Environmental Statement (ES). The ES provides an overview of the environmental impact of the proposals with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. A series of technical papers consider the range of environmental factors.

## 2. Application Proposal

- 2.1. The application, which is submitted for consideration, is a hybrid proposal; this is where an applicant seeks outline planning permission for one part and full planning permission for another part of the same site. This is a cross boundary application with Hinckley and Bosworth Borough Council (HBBC) and Nuneaton and Bedworth Borough Council (NBBC).
- 2.2. HBBC and NBBC have not resolved to determine their elements of the application yet and although RBC cannot grant planning permission for the parts of the scheme in HBBC and NBBC, they are a material consideration.

- 2.3. The plan overleaf identifies the appropriate Borough boundaries for each Local Authority adjoining the application site. It is important to note that the Local Plan policies only apply to the area of the site within Rugby Borough Council's administrative area however the whole planning application is a material planning consideration.



*Outline Planning Permission*

- 2.4. The outline permission sought is for the demolition of existing structures and the erection of distribution and industrial buildings falling within Use Class B2 and B8 including ancillary offices and associated earthworks, infrastructure and landscaping. The main considerations in this application are the principle of development and access to be taken from the A5. With layout, landscaping, scale and appearance all being reserved matters to be considered in detail at a later stage.

*Full Planning Permission*

- 2.5. Full planning permission is being sought for the development of a distribution building within Use Class B8, including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals also include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street by lowering the road under the bridge.

*Unit 1 – Global Logistics Company*

- 2.6. Unit 1 would be sited to the south of the application site and would be located at least 200 metres away from Watling Street (A5). The proposal would have a maximum height of 18 metres with a height of 16.5 metres to the top of the parapet and an internal floor space of 55,740 square metres. The proposal is required for a global logistics company,

who specialise in the design and operation of supply chain solutions for automotive and technology customers.

- 2.7. The requirements of the logistics company has informed the size and proportions of the warehouse unit, office space, depth and general arrangement of operational service yard, the quantum and displacement of access doors along the two primary cross docked elevations and the provision of car, motorcycle and bicycle parking and other essential support functions.

### **3. Site and Surrounding Area**

- 3.1. The application site is located on the south-western edge of Hinckley, adjoining and immediately to the south-west of the A5. The southern boundary of the site is defined by the Birmingham-Leicester Rail Line. To the west of the application site lies the urban area of Nuneaton and includes the A47 which connects through to the A5 to the north of the site. The site is surrounded by agricultural fields to the west and Harrow Brook extends through the site on the northern and western sides of the site. The vast majority of the application site is situated within the jurisdiction of Rugby Borough Council and a minor part is within the West Midlands Green Belt.
- 3.2. The land is gently sloping, with the vast majority of the site falling from south-east to north-west, with a very gentle fall in land from the farm towards the eastern corner of the site. The context of the site includes industrial and commercial development immediately beyond the A5 and the north-eastern boundary of the site.

### **4. Relevant Planning History**

- 4.1. Whilst there is an extensive planning history on this site none of this directly relates to this application.

### **5. Responses to the application**

#### ***Technical Responses***

Objections have been received from:

- Warwickshire County Council (Highways)
- Leicestershire County Council (Highways)

No objections, some subject to conditions/obligations, have been received from:

- Warwickshire County Council (Flood Risk Management)
- Warwickshire County Council (Public Rights of Way)
- Warwickshire County Council (Infrastructure)
- Warwickshire County Council (Archaeology)
- Warwickshire County Council (Ecology)
- Rugby Borough Council (Environmental Services)
- Rugby Borough Council (Arboriculture Officer)
- Warwickshire Fire and Rescue
- The Ramblers Association
- Agricultural Consultant
- Environment Agency

- Warwickshire Police
- Seven Trent Water
- Historic England
- Natural England
- Network Rail
- Cadent Gas
- Health and Safety Executive (HSE)
- National highways
- Hinckley and Bosworth Borough Council

No comments have been received from:

- Rugby Borough Council (Work Services)
- Nuneaton and Bedworth Borough Council
- Warwickshire Wildlife Trust
- Planning Casework Unit
- CPRE

### ***Third Party Responses***

Neighbours notified and a site and press notice has been displayed with five letters of support being received raising the following:

1. The new building is required to facilitate the increasing demand from the automotive and technology sectors both in the UK and globally;
2. A two-year search has been carried out and there are no sites within Hinckley which meet the requirements with a shortage of logistics development sites across the midlands area;
3. They are aware of other sites within Northampton and Coventry but these would create significant disruption of the business;
4. Relocating to this location would see the existing workforce retained which is drawn from Warwickshire and Leicestershire communities;
5. The proposal would create approximately 2,500 direct and indirect jobs in addition to the existing facility and operation remaining open;
6. The application would provide new premises in a desirable location with a constrained supply of logistics floorspace being available locally;
7. Covering 136,350 square metres of employment space in an extremely strategic location this responds directly to changing needs and will create and safeguard 2,500 local jobs;
8. The plans retain an existing occupier based in Hinckley and without the development will risk losing the business to the local area as investment moves to alternative locations;
9. Employees to this site travel across the area and the development would support them to maintain and grow the workforce;
10. The new facility needs to be operational in 2023 with no emerging sites within the area capable of delivering these timing from a planning or infrastructure perspective;
11. The development will be a net zero carbon development; and
12. The lowering of the A5 carriageway will prevent well known issues with the Watling Street rail bridge making the route significantly safer.

Neighbours notified and a site and press notice has been displayed with two letters of objection from one address being received raising the following:

1. This is an unsuitable location for the development as the A5 down to Dodwells roundabout is already highly congested and this will increase the traffic problems; and
2. An additional set of traffic lights and two Tuscan crossings in close proximity will not improve the situation as increased traffic flow will cause longer tailbacks.

One email has also been received detailing a number of observations in relation to the proposed development: These observations are as follows:

#### *Visual Impact*

1. The elevational details of the warehouse units need to be sympathetic to the surrounding area;
2. The buildings should not include colour banding or corporate colours on the cladding, no logos, signage of any sort or external lighting to the rear elevations facing the properties;
3. As an outline proposal the maximum build heights need to be known;
4. The tree line of Harrow Brook which is visible from the Long Shoot has large gaps within resulting in the development having a visual impact including external lighting pollution at night;
5. New tree planting and landscaping should be appropriate for the area and provide continuous screening all year round.
6. No development should take place, with the exception from tree planting and habitats, on the Long Shoot side of Harrow Brook.

#### *Site Drainage and Surface Water run-off (Flooding)*

1. Whilst located within Flood Zone 1 and the lowest category of flood-risk the fields do experience water run off during particular times of the year which is having an impact on the gardens within the Long Shoot;
2. The focus appears to be on the flooding towards the A5 and the Railway Bridge, however, residents are concerned as to any impacts flooding, on land directly behind properties, that impacts then on our garden; and
3. Highways should be dealing with the road flooding issues.

#### *Traffic and Transport*

1. The proposal focuses on the improvement to the A5 with the works to increase the height under the bridge which is a positive aspect of the proposals, but should not take a development to have to pay and undertake these works;
2. What impacts will there be on more local traffic flow; particularly HGV movements, along Eastboro Way and The Long Shoot, with additional vehicles servicing the application site. Lower vehicle emissions are mentioned but this will not be the case for increased movements on local roads. An idea of numbers / figures are needed here rather than just saying it will be looked at in the modelling;
3. Warwickshire County Council are proposing a cycle way along The Long Shoot, which would reduce speed limits from 40 MPH to 30 MPH and reduce carriageway width to allow for cyclists. Has this been considered as part of the proposal;

4. Will the junction off Dodwells Island ever be used to access the site, the latest plan shows it greyed out, what does this mean for the future.

### *Ecology*

1. The development would lose a significant amount of countryside and Green Belt the development should go above and beyond minimum stands to reduce the environmental impact;
2. The Community Green Space should play a major part in this but not be the only part of the solution;
3. The right tree species, vegetation and habitats should be included as part of additional planting and be in keeping with what is already in the area.
4. What will happen to local wildlife species encountered on the land to be developed?

### *External Lighting*

1. Night time pollution from external lighting should not expose residents to direct glare or darkness pollution from the external lighting scheme with no lighting to the rear of the units seen from the Long Shoot. We have upstairs bedrooms that face outwards towards the proposed development – we would not wish the external lighting to cause problems with this in terms of light pollution.
2. A detailed external lighting design and illumination scheme should be submitted for each plot.
3. The layout of the buildings on the Masterplan helps to reduce impacts by having lorry yards facing inwards and away from residential dwellings this should be maintained and improved.

### *Noise and Air*

1. There should be no impact from noise issues and air quality issues on local residents from the proposed development.
2. Concerns over the use of reversing beepers during the operation of the site and whether they would be restricted in the evening and during night-time hours.
3. What are the current noise levels of Syncreon to mark as a benchmark for the proposed location.

### *Sustainability*

1. The development should look at achieving high sustainability and environmental credentials on the basis that it is destroying large areas of natural countryside in our green belt.
2. BREEAM 'Very Good' accreditation is mentioned within the application but should be aiming for BREEAM 'Excellent' as a minimum.
3. Net zero carbon buildings should be considered in terms of embodied carbon during the build and materials selection stages and also the operational energy of the buildings.
4. Provision of solar panels and details of location extent and electricity generated should be known.
5. Other sustainability measures should be considered as part of the development.
6. Electric vehicle charging provisions should be provided for both Tenants and Public to use.

7. Community Green Space should be something special and not a token gesture that gets left to rack and ruin it should be special allowing for ecology and nature to re-establish.

No comments have been received from:

- Stretton Baskerville Parish Council

## **6. Relevant Planning Policies and Guidance**

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

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

### Local Plan Policies – 2011 – 2031

Policy GP1: Securing Sustainable Development  
Policy GP2: Settlement Hierarchy  
Policy DS1: Overall Development Needs  
Policy ED3: Employment Development outside Rugby Urban Area  
Policy HS2: Health Impact Assessments  
Policy HS5: Traffic Generation, Air Quality, Noise and Vibration  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets  
Policy NE3: Landscape Protection and Enhancement  
Policy SDC1: Sustainable Design  
Policy SDC2: Landscaping  
Policy SDC3: Protecting and Enhancing the Historic Environment  
Policy SDC4: Sustainable Buildings  
Policy SDC5: Flood Risk Management  
Policy SDC6: Sustainable Drainage  
Policy SDC7: Protection of the Water Environment and Water Supply  
Policy SDC9: Broadband and Mobile Internet  
Policy D1: Transport  
Policy D2: Parking Facilities  
Policy D3: Infrastructure and Implementation  
Policy D4: Planning Obligations

### National Planning Policy Framework – 2021

Section 2: Achieving Sustainable Development  
Section 6: Building a Strong, Competitive Economy  
Section 8: Promoting a Healthy and Safe Communities  
Section 9: Promoting Sustainable Transport  
Section 11: Making Effective Use of Land  
Section 12: Achieving Well Designed Places  
Section 15: Conserving and Enhancing the Natural Environment  
Section 16: Conserving and Enhancing the Historic Environment

## Supplementary Planning Documents and other

Planning Obligations SPD – 2012

Sustainable Design and Construction SPD – 2012

Air Quality SPD – 2021

Employment Land Study – 2015

Housing and Economic Needs and Distribution Assessment – 2022

## **7. Assessment of proposals**

The main considerations in respect of this application are as follows:

- Principle of Development;
- Green Belt
- Land Designation and Use
- Character and Design
- Impact on Residential Amenity
- Pollution
- Impact upon the Highway
- Flooding;
- Trees and Hedgerows
- Landscape and Visual Impact
- Ecology
- Archaeology
- Heritage
- Other Matters
- Planning Obligations

## **8. Principle of Development**

- 8.1. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.2. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.3. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.
- 8.4. The application site is located within the countryside as defined in Policy GP2 of the Local Plan. As such new development will be resisted and only where national policy on countryside locations allows will development be permitted.

### *Proposed Location*

- 8.5. In this case the application site is located within the countryside, which sets out a clear sequential approach to the selection of sustainable development, specifically related to Rugby Town. As such the site is considered to be an unsustainable location which would result in a heavy reliance on the private car for residents of Rugby to access the employment opportunities, services and facilities from the neighbouring settlements.
- 8.6. It is acknowledged that the site is situated adjacent to the settlement boundaries of both Hinckley and Nuneaton which are considered to be highly sustainable locations in their administrative areas as Market Towns. Paragraph 3.16 of the Local Plan states that 'The administrative boundary of Rugby Borough sits very close to urban area such as Bedworth, Nuneaton, Hinckley [...] development within the Borough that is related to these urban area or sites remains contrary to the spatial strategy set out in the Plan to focus development at Rugby and the /main Rural Settlements.' However, this paragraph then also goes on to state that 'any such proposal would be judged on its own merits in consultation with the relevant neighbouring Local Planning Authority, taking account of other policies of this plan and national planning policy.'
- 8.7. Paragraph 3.14 of the Local Plan also states that "Countryside locations are those which are not defined by a settlement boundary and are therefore generally unsuitable for development... only where national policy on countryside locations allows will development be permitted."
- 8.8. A small element of the site is within the Green Belt however this will be assessed in a separate section of this report.
- 8.9. Policy ED3 of the Local Plan states that with the exception of sites allocated for employment, employment development will not be permitted outside of the Rugby urban area except for in the following circumstances:
- Conversion of a building for employment purposes, subject to its location and character, including historic or architectural merit, being suitable for the proposed use and it having been in existence for at least ten years; or
  - Redevelopment, at a similar scale, of an existing building or vacant part of an existing employment site for employment purposes, where this would result in a more effective use of the site; or
  - Sustainable expansion of an existing group of buildings for business uses where the site is readily and regularly accessible by means of transport than the private car; or
  - A building or structure related to agriculture, horticulture or forestry where it is genuinely required as an ancillary use for an existing rural employment development.
- 8.10. The Proposed development is not within the Rugby urban area and does not meet any of the above bullet points and therefore the proposal is contrary to Policy ED3.
- 8.11. It is considered that the proposed development does not align with the spatial strategy of the Borough as set out within the Local Plan. The proposal therefore conflicts with Policies GP2 and ED3 of the Local Plan.
- 8.12. Rugby Borough Council (Development Strategy) have objected to the application on the grounds that the development is contrary to Policy GP2 due to its location within an

unsustainable location. The proposal is also contrary to Policy DS1 due to the proposal exceeding the amount of employment floor space required within the Borough. Along with Policy DS4 and ED3 with the application site not being located within an allocated employment area and does not meet the requirements for employment within the countryside.

- 8.13. Paragraph 82 of the NPPF seeks to positively and proactively encourage sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development.
- 8.14. Although the site is not within a defined settlement boundary and is contrary to the local plan policies in relation to the spatial strategy it is within close proximity to highly sustainable settlements and therefore it not classed to be in an unsustainable location in relation to proximity to services. It is considered therefore that the development should not be refused in relation to being in an unsustainable location.
- 8.15. Therefore, the proposals would need to demonstrate that the overall social, environmental and economic benefits outweigh the disadvantages of the location in relation to the spatial strategy of the Borough.

#### *Employment Need*

- 8.16. Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.17. The provision of distribution and industrial buildings is considered to be a type of use that contributes to the overall employment development needs of the Borough as detailed in Policy DS1. This confirms that 208 hectares, including 98 hectares to contribute towards Coventry's unmet need, will be provided within the Borough of Rugby to address this unmet need. Policy ED2 of the Local Plan seeks to provide provision for employment in the most sustainable locations of the Borough by permitting new employment development within the Rugby Urban area, and Policy ED3 resists employment development outside the Rugby urban area except in specific circumstances.
- 8.18. The Local Plan requirement for employment land over the 2011 – 2031 period equates to approximately 10 hectares per year. The latest Authority Monitoring Report (October 2021) identifies that permission has been granted for 152.3 hectares, which equates to 15.2 hectares per year. As such, the Local Planning Authority is permitting an amount of employment floor space, which is at a rate that is faster than that set out within the Local Plan. The sites identified within the Local Plan to meet the Borough's strategic economic needs consist of a variety of sites and sizes and have been found sound by an Inspector, having been tested at examination.
- 8.19. The Local Plan does provide flexibility over and above the land required purely based on the quantitative need, to allow for further growth in not only Rugby's economy but also that of Coventry and Warwickshire. The amount of land required equates to 55.7 hectares of land to be permitted over the remaining 10 years of the Local Plan period (up

to 2031). The application site seeks approval for 63.8 hectares (of which approximately 53ha is within RBC), as such the granting of planning permission, would nearly exceed the requirements of Policy DS1 with 10 years of the plan still remaining.

8.20. The balance of employment and housing needs has been assessed as a sustainable strategy for the Borough of Rugby through the Local Plan process. A development of this size in addition to what is allocated, could potentially tilt the balance between employment and housing needs, which may then increase the housing needs of the Borough, resulting in unsustainable development. It does not appear, therefore, that there is a 'need' for the authority to permit this application to meet the requirements of DS1.

8.21. Since the adoption of the Local Plan Coventry and Warwickshire Housing Market Area have undertaken a Housing and Economic Needs Assessment (HEDNA) (2022) (reported to cabinet on 5<sup>th</sup> December as an appendix in association with the Local Plan Review).

8.22. The HEDNA concludes the following employment land need for Rugby (2021-2041):

<b>Office</b>	<b>General Industrial (B2)</b>	<b>Subtotal</b>	<b>Total Strategic B8 for Coventry and Warwickshire</b>
5.2 ha	150.5	155.7 ha	606 ha

8.23. Chapter 11 within the HEDNA report provides guidance on identifying suitable locations for Strategic B8 development, and key corridors within which Icenl (report authors) consider development is likely to be focussed. The considerations are road accessibility, power supply, proximity to rail terminals, labour availability and neighbouring activities. The A5 corridor is noted as a potential location for this sort of development however it is noted that there are potential issues of capacity and the prospect of funding to dual the road. Existing concentrations of development indicates that the A5 is an attractive location for strategic B8 development and relates well to the logistics golden triangle. However, there is the potential that over concentration of development in this area to the north of the sub-region could create pressures particularly in terms of the highways network and labour market.

8.24. There is therefore a need for B2 and B8 development above the Local Plan requirement which needs to be considered moving forward however this evidence still needs to be tested through the Local Plan process. It is considered that sites will be selected through the Local Plan Review process to meet this need as this need exceeds the current Local Plan period by 10 years.

*Consideration of Alternative Sites*

8.25. There is no formal requirement for a sequential assessment. However, as the proposals are EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 4, Part 5 does require an alternative study for inclusion in the Environmental Statement.

- 8.26. The applicant's submission outlines that the consideration of alternative sites is not always as straight forward as it appears, as it is difficult to appraise or fully consider sites which are outside of the applicant's control or being promoted by others. It has been stated that as the applicant does not control land locally outside of the proposed application site it means there are no other reasonable alternatives which could be brought forward by the applicant or form a detailed assessment within the remit of the EIA.
- 8.27. The proposal has been driven by an existing Hinckley based occupier who wish to continue to invest and expand in close proximity to Hinckley. The occupier had undertaken an extensive search for alternative sites or premises, and confirmed through the submitted Market Report, that there is a severe shortage of existing, allocated employment land in the area. It is stated within the consideration for alternative sites that the occupier's workforce is primarily drawn from the local area, and is a high priority to retain, as well as expand, the local workforce.
- 8.28. The need of the occupier therefore significantly reduced the relevant area for a potential new site without creating additional economic and operational impacts, as well as potential environmental effects by changing transport patterns and journeys to work. The application site is close to the occupier's existing facility, and adjacent to the urban edge of Hinckley and as such it represents a sustainable location with regard to accessibility and minimising wider effects, more so than remote locations further from the town.
- 8.29. Additional considerations were made by the applicant including the awareness of the West Midlands Green Belt which extends around the southern part of Hinckley, extending southwards along the A5 corridor, and westwards around Nuneaton. The majority of the application site itself is outside the Green Belt and located within the countryside which then informed decisions around the extent and scale of the site based on features on the ground and local context.
- 1.19 As a logistics led employment proposal, any alternative site needs good access to the Strategic Road Network (SRN), which results in limiting factors on sites further to the west or north around Hinckley, and greatly limits any realistic alternatives. The application site is accessed from the A5, and with access to the M69 motorway to the east, maximising accessibility, and minimising the traffic effects on other parts of the local highway network when compared to any alternatives further from the SRN.

### *Conclusion*

- 8.30. Whilst the application site may be considered a sustainable location when the proximity is read in conjunction with Hinckley and Nuneaton the site does fall within the countryside within Rugby Borough and therefore constitutes an unsustainable location in relation to the spatial strategy. The proposals are therefore contrary to Policies GP2 and ED3 of the Local Plan.
- 8.31. The site is not an allocated site and the employment need identified within Policy DS1 of the Local Plan is on track to be met. In relation to the HEDNA (2022) it is considered that should an excess of employment development be granted prematurely the balance of

employment and housing need will tilt the balance between the employment and housing needs resulting in unsustainable development.

- 8.32. Therefore, the proposals would need to demonstrate that the overall social, environmental and economic benefits outweigh the identified harm in relation to the need and location.

## 9. Green Belt

- 9.1. The majority of the application site lies adjacent to the West Midlands Green Belt. However, it is acknowledged that a minor part of the red line lies within this area of the Green Belt. The development within this part of the red line would consist of improvements to the existing drainage network in relation to the A5.
- 9.2. In respect of development in the Green Belt, Policy GP2 states that new development will be resisted; only where national policy on Green Belt allows will development be permitted.
- 9.3. Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt.
- 9.4. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.5. Paragraph 150 of the NPPF sets out certain forms of development which would not be classed as inappropriate within the Green Belt. The proposed drainage improvements would fall within criteria b which relates to engineering operations. The proposal would conserve the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt as set out within paragraph 138.
- 9.6. Therefore, it is considered that the element of the proposal within the Green Belt would not constitute inappropriate development and would not significantly impact the openness of the Green Belt. The proposal therefore complies with paragraphs 137, 138, 147 and 150 of the NPPF and Policy GP2 of the Local Plan.

## 10. Land Designation and Use

- 10.1. The application site is currently utilised as agricultural land. Paragraph 174 (b) of the NPPF and Reference ID: 8-001-20190721 of the National Planning Practice Guidance are therefore relevant and outline the need to consider the economic and other benefits of the best and most versatile agricultural land. Paragraph 174 (b) putting an emphasis on protection of sites of geological value and soils with the NPPG highlighting the importance of soil as an essential natural capital asset that provides important ecosystem services such a growing medium for food, timber and other crops.

- 10.2. This higher quality land represents that which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. In this respect agricultural land is graded on a scale of 1 to 5 where the grades are: 1 (excellent); 2 (very good); 3a (good); 3b (moderate); 4 (poor); and 5 (very poor). The best and most versatile land are classified as being grades 1 (excellent), 2 (very good) and 3a (good).

#### *Approach to Agricultural Land*

- 10.3. The above policy implies that a sequential approach should be considered where poorer graded land is potentially considered in advance of higher quality land. Although no sequential assessment has been undertaken by the applicant with regard to agricultural land, the NPPF indicates that it is for Local Planning Authorities to judge the economic and other benefits of the best and most versatile agricultural land. This is consistent with the technical note produced by Natural England entitled 'Agricultural Land Classification: Protecting the Best and Most Versatile Agricultural Land' (2012). This note emphasises the importance of such land as a natural resource which is vital to sustainable development. However, it does note that decisions rest with planning authorities and that the agricultural land classification is not the sole consideration.

#### *Agricultural Land Classification with Warwickshire and Rugby*

- 10.4. According to Natural England's statistics, approximately 12% of land (23,692 hectares) in Warwickshire falls in grades 1 (excellent) and 2 (very good). In Rugby Borough there is no grade 1 (excellent) land but there are 4,186 hectares of grade 2 (very good) land which equates to 11.8% of land within the Borough. The figures for grade 3 (good/moderate) land provided by Natural England do not split grades 3a (good) and 3b (moderate) but indicate that approximately 75.5% of land within the Borough (26,686 hectares) is grade 3 (good/moderate) land.

#### *Land Designation and Use Conclusions*

- 10.5. The application site comprises of 63.6 hectares of land at Padge Hall Farm. Following consultation with the Local Authority's Agricultural Consultant it has been confirmed that the land which is proposed to be developed is classified as Grade 3, with the vast majority being Sub Grade (3b) with some Sub Grade (3a) on the higher ground in the centre and East of the site.
- 10.6. Land classified as Grade 3, Sub Grade (b) is midway between Grade 1 and Grade 5, and is suitable for growing good crops of cereals, pulses, oilseeds and grassland for grazing and/or conservation as hay/silage. The land in Sub-Grade 3 (b) is more limited than that within Sub-Grade 3 (a) which is more suited to autumn sown crops and grassland. The land which comprises the site is currently cropped with either pasture, which is used by cattle, or in arable cropping.
- 10.7. The suitability of this type of land for cropping is improved and enhanced if it has been under drained which will extend the period of time when the land can be worked or grazed.

10.8. The proposed development would result in the loss of 63.6 hectares of average quality agricultural land together with the farmhouse and buildings at Padge Hall Farm resulting in a significant loss to agriculture. In terms of the loss of Best and Most Versatile Land (Grade 3a in this case) this would be limited however there is still a loss. This will be weighed within the planning balance.

## 11. Character and Design

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

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

### *Outline Planning Permission*

11.3. Whilst the main consideration under this application is the principle of development and access only, the initial indicative layout submitted with the proposal is considered to be acceptable in this instance and is capable of accommodating the employment units with associated development.

11.4. Whilst it is acknowledged that layout is not a matter for consideration given the levels differences within the application site it is considered important that any finalised layout takes the levels into consideration in order to limit any impact on the character and appearance of the surrounding area. This will mostly be assessed at reserved matters stage however a parameters plan (which would be conditioned) has been submitted which sets out the following parameters for the outline section of the application:

- Finished floor level to 91.00m AOD +/- 300mm
- Maximum height of buildings (from FFL to highest ridge point) – 18 metres
- Up to 136,350 square metres of floorspace (including unit 1 – detailed)

11.5. The character of the development along the A5 is both industrial and commercial. The site is adjacent to both Nuneaton and Hinckley. The development in Nuneaton is largely residential in this area. The development in Hinckley is mixed. Directly to the north-east of the site (off Dodwell's roundabout) is Dodwells Bridge Industrial Estate and Harrowbrook Industrial Estate. Further along the A5 to the south-east is a residential estate, Nutts Lane Industrial Estate and Logix Distribution Park (where Syncreon are currently located).

11.6. There is therefore a range of development in the area of varying scales, including warehousing development. The proposed indicative layout and scale of development is similar to other industrial estates within the area. The parameters are considered to be acceptable in relation to this development and provide assurance in the absence of detail.

11.7. Therefore, it is considered that the character and design of this element of the scheme will be acceptable subject to conditions and reserved matters applications.

### *Full Planning Permission*

- 11.8. Whilst the appearance of the outline element of the scheme will be determined at Reserved Matters Stage. Unit 1 has been submitted for full planning consideration as such, this will lead the way in any forthcoming reserved matters applications, in relation to the design and treatment of the proposals, ensuring continuity throughout the development.
- 11.9. Unit 1 has been designed around the requirements of the specific end user for the site and the needs of a global logistics company. This unit is the largest building proposed on site and would benefit from a total internal floor space of 55,740 square metres. The proposal would have a maximum height of 18 metres, with a height of 16.5 metres to the top of the parapet. There would be a width of approximately 312 metres and a depth of 212.1 metres.
- 11.10. The north-east elevation includes the three storey office element and the hub office single storey element. This elevation will face onto the A5 and therefore elements of an active frontage have been introduced. The service yards are proposed to both the south east and north west. Windows are proposed above the service areas and hub offices are also proposed in the centre of these elevations to provide relief.
- 11.11. The materials pallet, of which the details are still to be agreed, will ascend in three bands each shade being lighter, to assist with blending into the skyline with other architectural tools to reduce the perceive mass of the building. It is proposed that detailing will be seen throughout the main warehouse building, office areas and ancillary structures, whilst ensuring that the proposal would not date too quickly.
- 11.12. Important features such as roof mounted PV solar provision will be incorporated into the scheme providing up to 1.05M KWP, a battery storage system supporting onsite power generation, green roofs are proposed where appropriate to enhance onsite biodiversity, with roof lights and panoramic glazing to maintain and enhance natural light reducing the demand for artificial lighting and minimise passive heat gain.
- 11.13. The proposal has been well designed incorporating sustainability measures which has been harmoniously linked into the environment through the meeting of the built form seen in Nuneaton and Hinckley whilst keeping key links to the Countryside and Green Belt within Rugby to provide a balanced form of development.
- 11.14. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

### 12. Impact on Residential Amenity

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

- 12.2. Likewise Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.

*Outline Planning Permission*

- 12.3. Whilst design, scale and massing of the buildings are to be dealt with at reserved matters stage it is considered that the illustrative masterplan and parameters plan indicate the level of development proposed. The parameters plan shows a maximum ridge height of 18 metres within the outline area and the illustrative masterplan shows the location of units 2-5 set significantly away from the nearest residential dwellings on The Long Shoot with a landscape buffer proposed between the proposed buildings and the dwellings. The service yards are also shown to be internal to the site so any noise and light spillage would be reduced.
- 12.4. The detailed designs will be assessed at reserved matters stage however a condition would be imposed to ensure that the reserved matters layout is in general accordance with the illustrative masterplan and conforms with the parameters set out on the parameters plan. Subject to these conditions it is considered that the outline element of the application is acceptable and that a detailed design which safeguards neighbouring residential amenity can be achieved.

*Full Planning Permission*

- 12.5. The nearest residential dwellings are located along the Long Shoot within the Borough of Nuneaton and Bedworth and are situated to the west of the application site. These properties are sited approximately 400 metres away off the common boundary onto the rear elevation of Unit 1. Whilst the landscape character will be altered from what is currently experienced, taking into consideration the separation distance from the proposal, along with the enhanced landscaping mitigation measures proposed. It is considered that there will be no materially adverse impacts in terms of overbearing impact, loss of light or loss of privacy on the occupiers of these properties.
- 12.6. To the north of the application site are a number of residential dwellings and businesses are situated on the opposite side of the A5. These businesses and dwellings are located approximately 170 metres away from the A5 which has seen significant landscape enhancements embedded into the scheme. It is considered that there will be no materially adverse impacts in terms of overbearing impact, loss of light or loss of privacy on the occupiers of these properties.
- 12.7. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan and Section 12 of the NPPF.

13. Pollution

- 13.1. Paragraph 174 of the NPPF states that proposals should be prevented from contributing to, being out at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution.

- 13.2. Environmental Health have assessed the application and have no objections subject to conditions/informatives.

*Noise*

- 13.3. A Noise Assessment has been submitted as part of the application. The recommendations in paragraph 9.3.45 of chapter 9 shall be implemented. In terms of the 4 units subject to outline approval (if granted) the full and detailed impact of the proposed development would not be comprehensively known until the reserved matters stage, given the outline nature of the proposed development. It is therefore considered necessary that prior to each reserved matters application a new noise assessment is required to be undertaken to update the baseline. This would be secured via condition. It would also be conditioned that only electric fork lift trucks shall be used in the stockyard area and that any reversing alarms shall be broadband alarms. A demolition and construction management plan condition will also be imposed to regulate noise in the construction period. This will include the control of construction hours. Overall, it is considered that subject to conditions and reserved matters approval the proposal would comply with the NPPF.

*Lighting*

- 13.4. The proposed development will be lit after dark as a 24/7 operation is proposed. Presently there are sources of light in the local environment from other commercial estates as well as residential areas. The Environmental Statement which assesses lighting sets out recommendations. These recommendations are considered to be acceptable and shall be conditioned as per paragraph 7.5.5 of chapter 7 of the ES.

*Air Quality*

- 13.5. Policy HS5 requires that development of more than 1000 sqm of floorspace or 10 or more dwellings must achieve or exceed air quality neutral standards. If air quality neutral standards are not met, points 2, 3 and 4 of the policy detail how developments should address the impacts of poor air quality, including mitigation measures.
- 13.6. The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” It is recognised that the current proposal triggers the threshold of a Major development and as such policy HS5 is relevant.
- 13.7. Within the context of point 1 of the policy, the development is not considered to be air quality neutral and in addition requires an Air Quality Assessment. This has been submitted as an Environmental Statement chapter and concludes that any increase in pollutant levels is predicted to be not significant. Environmental Health agree with the conclusions of the assessment. As a result, only on-site mitigation measures as detailed in points 2 to 4 of the policy are required. The following on-site mitigation measures are proposed:
- Electric Charging points
  - Cycle parking spaces
  - Solar panels

- 13.8. Taken as a whole, it is considered that the above package of mitigation measures meet the requirements of points 2-4 of the policy and as such complies with Policy HS5. Details would be secured via condition.

*Contaminated Land*

- 13.9. Paragraph 183 of the NPPF states that a site should be suitable for its proposed use by taking account of ground conditions and any risks arising from land instability and contamination.
- 13.10. The application has been accompanied by a Phase I and II Geo-Environmental Assessment. The evidence shows that the majority of the site has been historically farmland and that there is a low risk of contamination as no elevated levels of contamination have been found to date. Subject to appropriate conditions this element of the application is considered acceptable.

*Asbestos*

- 13.11. Informative notes shall be included due to the demolition of the farmhouse and buildings. If asbestos is found the HSE and Environment Agency must be notified as this falls within their remit.
- 13.12. Overall, it is considered that the development will have no adverse impacts in terms of pollution and therefore complies with the policies specified above.

14. Highway Safety

- 14.1. Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals.
- 14.2. Local Plan Policy D2 also states that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 14.3. Paragraph 110 of the Framework states that it should be ensured that safe and suitable access to a site can be achieved for all users.
- 14.4. Policy 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 14.5. A Transport Assessment (TA) and Framework Travel Plan were originally submitted with the application within the Environmental Statement (ES). Various addendums and technical notes have been submitted throughout the course of the application.

- 14.6. Objections have been received in relation to the development being located in an unsuitable location as the A5 to Dodwells roundabout is already highly congested and this development will increase traffic problems. In addition it has been raised that the proposed mitigation will not improve the situation as increased traffic flow will cause longer tailbacks,
- 14.7. Due to the location of the site National Highways (NH), Warwickshire County Council (WCC) and Leicestershire County Council (LCC) have all assessed the scheme. The access to the site is off the A5 which is within Hinckley and Bosworth Borough Council and is within the jurisdiction of National Highways as a strategic highway. National Highways have assessed the impact of the scheme on the strategic road network (SRN). The Local Highway authorities have assessed the impact on the Leicestershire and Warwickshire local road networks (LRN). All authorities have assessed the sustainable access to the site in terms of walking and cycling.
- 14.8. National Highways have no objections to the scheme however the Local Highway Authorities do not share the same view.

#### ***National Highways Assessment***

- 14.9. The site access, trip generation and distribution and traffic modelling has been assessed by NH. The site is situated on land to the south of the A5 adjacent to the Dodwells Roundabout. It should be noted that this is along the corridor of the A5 Hinckley to Tamworth Road Investment Strategy 3 (RIS3) Pipelines scheme as identified in the Road Investment Strategy 2 (RIS2). The current commitment for National Highways is up to option development. Progress into further stages, including construction, will be determined through the RIS3 process. However, as the site is situated adjacent to the A5, notwithstanding work currently being undertaken by NH, it is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. The submitted parameters plan has identified an 'A5 Future Road Corridor (Indicative Safeguard Area)'. It is uncertain at this stage whether this area will contribute positively to future options being considered as part of NH RIS3 Pipeline scheme. However, the applicant has committed to transfer this land to NH, such that it would be available for future consideration.

#### Transport Modelling and Network Impact

- 14.10. NH have reviewed the TA information, together with subsequent clarifications including the TA Addendum dated April 2022. NH are satisfied that the proposed development would not have a severe impact on the SRN.

#### Mitigation measures

- 14.11. The application proposes a new site access junction with the A5, as well as, changes to the A5 Dodwells roundabout and the lowering of the A5 carriageway under the Nutts Lane railway bridge. A Walking, Cycling and Horse-riding Assessment and Review was also submitted to support the proposals. Following review, discussion and revision of the submitted drawings and associated documents the principle of these improvements has been accepted. Stage 1 Road Safety Audits have been undertaken of the proposed schemes with the findings and action approved by National Highways.

- 14.12. In summary, having reviewed the submitted information, NH considers that the proposed development would not have a severe impact on the SRN. In addition, the proposed improvements would provide substantial betterment to the operation of the A5. NH therefore are of the opinion that there the application complies with local and national policy subject to conditions.

#### ***Local Highway Authorities Assessment***

- 14.13. The Highway Authority for both Warwickshire County Council and Leicestershire County Council have undertaken a full assessment of the development proposals in accordance with National and Local Planning and Transport Policy. Both WCC and LCC have proposed 3 reasons for refusal:

##### *Reason for refusal 1:*

- 14.14. *The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 of the National Planning Policy Framework (2021).*

##### *Reason for refusal 2:*

- 14.15. *The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework (2021).*

##### *Reason for refusal 3:*

- 14.16. *The proposals submitted by the Applicant may be prejudicial to the delivery of strategic improvements to the A5 Hinckley to Tamworth RIS3 Pipeline scheme as identified in the Road Investment Strategy 2 (RIS2).*

#### **Detailed Development Impact Assessment**

##### ***A5 Bridge***

- 14.17. A principal benefit of the development scheme proposed is the inclusion of a potential scheme to lower the A5 carriageway under the rail bridge over the A5. A bridge previously termed "the most bashed bridge in Britain" in the media. The LHA's support this in principle. However, the LHA's have concerns with the scheme in regards to the mitigation. Within this LCC LHA raised the issue of increased flood risk associated with the road – this is considered by Lead Local Flood Authority for the A5 which is LCC. As the A5 is not in Warwickshire this is to be considered and reported by Hinckley and Bosworth Borough Council. Highways are discussed as a whole in this report for context and to provide the full picture for consideration however Rugby Borough Council would only be determining the application in its own administrative area.
- 14.18. It is important to note though that due to the issues raised LCC LHA consider that this aspect of the scheme design does not therefore appear to be fully considered and may mean that this key benefit of the overall scheme is not in fact deliverable.
- 14.19. With regard to the forecast modelling undertaken in support of the development proposed the LHA requested that the potential highway impact of the rail bridge scheme

be assessed in terms of the additional HGV demand onto the A5 that could be induced from high sided HGV's previously restricted from this route. Noting the development proposal's location within the Midlands Golden Triangle of Logistics and inevitable high proportion of HGV logistics traffic that results, a robust assessment of this was expected.

- 14.20. The applicant has advised that National Highways had suggested high sided HGV's account for 20% of the HGV fleet. However, the applicant has proposed to test only a 10% increase in HGVs as part of this sensitivity test and not the 20% which could result. Moreover, it is understood that 20% is the national average. The LHA would expect this to be greater given this stretch of the A5 is within the heart of the Midlands Golden Triangle.
- 14.21. The applicant has put forward three reasons why the submitted traffic modelling includes an 10% increase in HGVs rather than 20%. However, the LHA do not accept these reasons. Due to the existing height restriction the 2014 base counts will not include high sided HGVs. The LHA comment that the HGV modelling should have included a 20% increase. Therefore, the applicant's conclusion of the number of high-sided HGV's that would be attracted to the route appears to have been significantly under-estimated.
- 14.22. The LHA also notes from the latest National Highways response that a condition is advised for the A5 bridge lowering scheme to be implemented within 3 years of the development being first occupied whereas the access and Dodwells scheme will be implemented from first occupation. It is not known where the bridge lowering scheme falls within the applicant's delivery programme and to what extent this could lead to an increase in bridge strikes in the short term or an alternative access strategy being required in the interim for the potential 20% of development HGV trips which would wish to route east of the site. Delay of the bridge lowering scheme does also delay one of the principal benefits of the development scheme and extends the period of construction and network disruption experienced on this key route. The extent to which these factors have been considered by the applicant is not known however the short-term impact of which will inevitably lead to significant impact on the local road network from re-routing traffic as demonstrated by the submitted modelling results.
- 14.23. The final issue the LHA's raise in relation to the A5 bridge lowering scheme is that whilst the existing disruption caused by high sided vehicle strikes, this is ultimately a short lived and isolated disruption. Failure to appropriately assess, plan for and mitigate against a proposed, permanent, scheme will lead to permanent impacts on the local highway network for which the impacts are not fully understood. The LHA would therefore advise that the Applicant has failed to demonstrate that any significant impacts from the development can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework (2021).

*Site Access and A5 Dodwells Roundabout*

- 14.24. The LHA's understand that the principle of access onto the SRN has been agreed with National Highways and comprises a new signalised junction onto the A5 and a complimentary access scheme at the adjacent Dodwells roundabout junction to facilitate U-turning traffic wishing to travel east on the A5. A short stretch of additional widening on the westbound A5 approach to Dodwells roundabout creates an additional right turn lane whilst preserving the existing two-lane approach. An additional U-turning lane is added on the Dodwells circulatory to facilitate this movement over the existing single lane which

serves right turning traffic to the A47, B4666 or the very infrequent U-turn movement that may currently, occasionally occur.

- 14.25. Whilst this scheme therefore provides additional stacking capacity on the A5 westbound approach to Dodwells roundabout, site observation demonstrates that the existing arrangement already provides more stacking space than is actually used. The queue of slow-moving traffic approaching Dodwells roundabout becomes stationary once the near side lane queues back to the point it becomes a single lane approach on the A5; a distance of 80m back from the stop line and consistently occurs with very low utilisation of the second lane. Occasionally vehicles were observed to overtake this pinch point on the opposite side of the A5 however a manoeuvre typically prevented by oncoming traffic travelling eastbound on the A5. There is also an observable bias towards the nearside lane for vehicles travelling west on the A5. This is possibly due to the short extent of the second lane through the junction prior to a short merge lane or most likely as it presents the highest possibility of entering the roundabout on a green phase given the blocked circulatory and existing queue on the A5 westbound arm leaving the roundabout. Vehicles using the near side lane were observed to enter the junction and join the queue just beyond the stop line without causing further interference with the blocked circulatory. In effect demonstrating that the saturated nature of the wider network in this area prevents the capacity enhancement promised by additional stacking space on the A5 westbound approach. Put simply, during the peak the additional stacking space has nowhere to go.
- 14.26. As identified above, the A5 westbound approach currently provides 80m of two-lane approach back from the stop line at Dodwells roundabout. The proposed scheme is presented as providing a 3 lane approach for 60 metres and 2 lanes for 100 metres. This is mainly achieved by provision of land along the development site's frontage with the A5 and which affords the additional third lane approach and enlarged Dodwells roundabout to facilitate the U-turn movements necessitated by the signalised site access being left out only. The LHA notes that the additional 20m of two-lane approach equates to approximately 3 cars or 1 HGV in length.
- 14.27. Given the alignment of the westbound A5 approach and proximity of the third-party land boundary of the adjacent Motor Sales business at The Old Builders Yard preventing the 2-lane approach from being extended any further than the 20m proposed it is difficult to see how the single lane approach and failure to utilise the additional stacking capacity provided would not continue to occur in practise. Notwithstanding this, and if the additional stacking space was used, the existing, severe congestion of Dodwells roundabout in the peak periods, blocked circulatory and blocking back of the A5 Long Shoot arm means that very few vehicles could access, let alone clear the junction during each green phase from the additional stacking space created on the A5 approach.
- 14.28. In short, it is the view of the LHA's that such a scheme may appear to present a greater capacity enhancement on paper or in modelling software than may materialise when implemented on the ground.
- 14.29. Turning to the submitted modelling assessment, the proposed signalised access junction is assessed in the latest TA addendum document. It is suggested that the longest predicted queue would be on the A5 Watling Street eastbound approach in the 2031 evening peak hour of 8.2 passenger car units with an associated delay of 11.7 seconds.

The LHA would question the validity of this assertion on the basis that typical existing queues on the A5 in the evening peak hour extend significantly further than this already. Extensive queuing is also noted along Nutts Lane from its junction with the B4666 Coventry Road.

- 14.30. It is also unclear to what extent the operation and achievable visibility from the existing, adjacent Veolia site will be affected by the access proposals and additional queuing traffic on the A5 nor to what extent the applicant has considered this. The LHA also notes that the eastbound movement through the signalised access junction is not signalised except when the Toucan crossing is called, a situation the applicant estimates will occur every 4 minutes or so (which also appears to demonstrate high pedestrian/cycle demand). The posted speed limit along the A5 in this location is 50mph and therefore in free flow conditions for eastbound traffic anticipated vehicle speeds approaching the Veolia site access would likely necessitate visibility splays of 160m from the access. In free flow conditions the proposed signalised junction will be located within this visibility splay obscuring the required and currently achievable visibility splay, for example street furniture, signal heads and vehicles waiting to turn right into the development site. During times of queuing on the westbound lane back from the development access, achievable visibility may be significantly reduced to the west for vehicles turning right out of the Veolia access into the oncoming traffic lane.
- 14.31. With regard to the strategic assessment, network performance degrades in the 'with development, with mitigation' scenario when compared with the 'without development' scenario and demonstrates the Dodwells junction to exceed its operational capacity despite this being the junction the applicant has sought to mitigate.
- 14.32. Given that the strategic model assumes perfect driver knowledge it is unclear in reality if this Dodwells impact could be worse than the strategic model predicts on the basis it may have overestimated to some degree the level of network wide re-routing to avoid the additional congestion and delay brought about by the development proposals though neither option is desirable.
- 14.33. Notwithstanding this, the strategic modelling demonstrates increased levels of rat running traffic utilising less suitable urban local routes such as Nutts Lane and Sunnydale Road to avoid the congested A5 corridor and specifically stretch of A5 comprising the proposed development access. Nutts Lane is a residential area, with the operation of the lane significantly constrained by a height restricted railway bridge and a narrow canal bridge with shuttle operation. Both have restricted pedestrian provision and demonstrate significant existing vehicular congestion. Sunnydale Road is also a residential area which benefits from traffic calming to slow vehicle speeds and reduce attractiveness to rat running traffic.
- 14.34. The report details this as a main difference in flow change in the 'with development' scenario demonstrating its importance in the consideration of the strategic model outputs. The LHA is aware of this issue including its sensitivity locally. The LHA has long advised adequate mitigation proposals along the A5 corridor ought to be considered to negate this rat run demand however the strategic modelling would appear to show that this is yet to be resolved. The highway, highway safety and amenity impact of this is paramount in the consideration of the planning application.

14.35. In summary, and despite being an assertion based in part on strategic modelling that does not reflect the latest access and mitigation proposals put forward by the applicant, the mitigation strategy currently proposed would not appear to mitigate the residual cumulative impact of development which would also lead to adverse material impacts elsewhere on the county network which have not been demonstrated can be sufficiently mitigated. The applicant has therefore failed to demonstrate that any significant impacts of the development can be mitigated, contrary to the National Planning Policy Framework.

*Access by sustainable modes*

- 14.36. The LHA's previously raised concerns with the sustainable connectivity proposed to the application site, namely inadequate crossing facilities, lack of provision east along the A5 to connect with the existing provision that terminates under the railway bridge, further details of provision to the residential area to the east (Applebees Meadow) and to the west of the site along the A5 and linkages to Nuneaton. The LHA has assessed the latest Walking, Cycling, Horse-riding Assessment and Review (WCHAR).
- 14.37. Sustainable connectivity to the site is predominantly proposed via a link from Applebees Meadow and crossings at the proposed Dodwells roundabout and signalised access junctions. The routes via Dodwells roundabout rely upon a number of Toucan and uncontrolled crossings.
- 14.38. From Dodwells roundabout a footway/cycleway appears to be proposed to connect to/within the site adjacent to the emergency access. However, no firm details are provided in either the access drawings or on the detailed layout drawing for Unit 1 for the footway/cycleway despite both being considered in detail for a hybrid planning application which seeks detailed permission for these aspects. It is not clear what the detailed proposals for this link entail e.g. adoption, lighting, surfacing, drainage nor how it would be delivered and maintained going forward despite being a key route for walking and cycling access to the site.
- 14.39. With regard to the potential provision of crossing enhancements over Coventry Road and the A5 westbound approach the applicant has concluded that there will be a very low additional user demand that would be generated by the development site and the absence of an existing Personal Injury Accident (PIA) problem at the B4666 Coventry Road uncontrolled crossing facility, there is not a strong justification for providing a controlled crossing facility on this arm of the junction. This appears at odds with the sustainable transport and local employment catchment aspirations of such a development and in any case should have been quantified in a formal assessment of potential demand using predicted mode split from the site's trip generation supported by a PV2 assessment (assessment of the level of conflict between pedestrians and vehicles at a given location). In the absence of this work it is difficult to conclude what the potential additional user demand might be and the associated infrastructure requirements necessary.
- 14.40. Review of the submitted WCHAR documents identifies that footway provision east along the A5 was considered. The applicant has however concluded that a safe and compliant scheme does not currently exist nor could one be delivered to facilitate sustainable travel, off carriageway, along the A5 to and from the east.

- 14.41. The additional pedestrian and cycle route suggested by the Warwickshire Highway Authority would require “third party land and/or access rights that are outside the control of the Applicant”. This response from the applicant is vague and does not specify where such constraints would be, in relation to existing highway extents. The applicants have not therefore demonstrated that a route better matching pedestrian and cycle desire lines from the built-up area of Nuneaton, and requiring fewer crossing movements, cannot be achieved. It is considered that a route is required for pedestrians and cyclists from Nuneaton. The scheme as currently presented, despite its proximity to Nuneaton is unlikely to be attractive in terms of access by walking and cycling due to the route.
- 14.42. Given the nature and scale of the proposed development the LHA’s would anticipate and welcome significant demand for travel by sustainable modes to the development site from existing residential areas, including from the east such as those adjacent to the existing Syncreon site.
- 14.43. It is therefore of concern that the current proposals present no safe and suitable direct connection to areas of significant existing/potential employment catchment and indeed present the potential for a worsening of the existing provision along the A5 under the rail bridge. An existing route which from site observation demonstrates obvious significant existing use where a visible track has been worn into the verge. To this end the finalised bridge scheme reduces the available width of the existing provision and increases the height differential with the proposed carriageway level. The LHA notes the applicant’s approach to offset the risk to potential users with the provision of Trief kerbs. Whilst potentially addressing the impact from a vehicle, this also introduces a greater height differential between a narrower footway and the carriageway.
- 14.44. The applicant details there are a number of existing Departures from Standard associated with the A5 under the railway bridge that would need to be retained due to the existing constraints imposed by the bridge, the LHA’s principal concern is not with the existence of these departures, but with the intensification of movements by vulnerable users that would inevitably result from a development located where by the applicant’s own admission no engineering solution can be provided.
- 14.45. On balance, the LHA has no alternative but to conclude that the proposals conflict with the National Planning Policy Framework in which safe and appropriate access to the site for all users has not been demonstrated, and appropriate opportunities to promote sustainable travel have not been taken up.

#### A5 Strategy/Improvements

- 14.46. The development proposals are speculative in nature with no Local Plan Allocation. As such, it is of significant concern to the LHA’s that they may be prejudicial to the strategic improvements under development for the A5 corridor in this area with the potential to prejudice the options which may be available for the Road Improvement Strategy 3 (RIS3) Pipeline scheme. NH also raised a potential concern with this however consider the development acceptable subject to the identified ‘safeguarded area’ within the development. The LHA’s note that the A5 Long Shoot to Dodwells dualling scheme, recently removed from the RIS 2 programme, formed part of various evidence bases in the allocation of existing planned growth in the area. The omission of this scheme heightens the importance of avoiding the situation where unallocated, speculative growth

prejudices the delivery of the future strategic improvements for the RIS3 Pipeline scheme.

- 14.47. Although National Highways had potential concerns surrounding the future improvements to the A5 in this area they set out clearly the current status of the work surrounding these potential improvements. The improvements do not have an associated scheme or funding and the area of land which could be safeguarded is also not outlined.
- 14.48. The Local Planning Authority consider that given the current status of the Road Improvement Strategy for this stretch of road and the fact that the land is not safeguarded within a local plan there would not be a justifiable reason for refusal in relation to this element of the concerns raised. The third reason for refusal will therefore not be imposed.

#### Local Highway Authority Assessment Conclusion

- 14.49. The Local Highway Authorities consider that a deliverable access strategy which enables safe and suitable access for all users has not been demonstrated. The proposed employment site located to the south of the A5 is anticipated to lead to significant pedestrian demand which the current proposals do not satisfactorily accommodate and in the case of pedestrian connectivity under the A5 rail bridge or adjacent Veolia access, the scheme proposals potentially make the existing situation less safe.
- 14.50. The strategic modelling assessment of the development impact was undertaken prior to an agreed access strategy being finalised. The outputs and conclusions presented from the strategic assessment may not therefore be relied upon. Similarly, the LHA's do not agree with the assumptions made within the sensitivity test associated with the additional HGV demand induced onto the A5 by lowering of the carriageway under the height restricted rail bridge. Notwithstanding this, the modelling outputs demonstrate significant impact on the local road networks with traffic rerouting away from the heavily congested A5. This situation is apparent in the 'with mitigation' scenario also demonstrating that the mitigation strategy tested is insufficient to mitigate the residual cumulative impact of development. The applicant has therefore failed to demonstrate that any significant impacts of the development can be mitigated.

#### ***Proposed Parking***

- 14.51. The parking proposed for the scheme as also been assessed in accordance with Local Plan Policy D2.
- 14.52. The tables below provides a breakdown of the use classes proposed within the application site, along with the total requirements for parking provision for the use classes, as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan, based on a maximum floorspace of 136,350 sqm the site should accommodate a 2154 parking spaces along with a minimum of 391 cycle spaces for Units 1 to 5.
- 14.53. It is important to note that the actual parking provision for the buildings, being applied for in outline, would be determined at the reserved matters stage. A key factor in this is that parking provision is calculated based on the floor space of the buildings and this is to be

formally determined should permission be granted at the detailed design stage. As a maximum amount of floor space is applied for as part of the outline application, 80,608 sqm the upper limited to the parking provision is detailed below. The application is for a mix of B2 and B8 uses use (up to 33.3% B2 and at least 66.7% B8 of the entire site – full and outline) a range of the upper limit of the parking provision for the outline application specifically is provided for these scenarios.

14.54. For the B2 and B8 split, this scenario takes into consideration the fact that Unit 1, which is applied for in detail, is 100% B8 and the 33.3% B2 is for the entire site not just the outline scheme.

<u>Land Use</u>	<u>Proportion of Unit 2 – 5</u>	<u>GIA (sqm)</u>	<u>Car Parking</u>	<u>Disabled Parking</u>	<u>Cycle Parking (minimum)</u>
B2	33.3%	45,450	1,010	13	221
B8	66.7%	35,158	586	9	105
Total	100%	80,608	1,596	22	326

<u>Land Use</u>	<u>Proportion of Unit 2 - 5</u>	<u>GIA (sqm)</u>	<u>Car Parking</u>	<u>Disabled Parking</u>	<u>Cycle Parking (minimum)</u>
B8	100%	80,608	1,343	16	242

14.55. The range of the parking provision provided for the outline scheme is therefore 1,596 of car parking spaces, 22 disabled spaces and 326 cycle parking spaces (minimum) for the B2 & B8 split scenario and 1,343 of car parking spaces , 16 disabled spaces and 242 cycle parking spaces (minimum) for the 100% B8 scenario.

14.56. The Local Plan details a requirement for electric vehicle charging provision, at a rate of 1 charging point per 10 spaces, including 1 charging point for every 10 disabled parking spaces. In line with this requirement an updated site plan, for Unit 1 (18-144 PP-04 Rev L), has been submitted which shows 550 car parking spaces including 54 electrical car parking spaces with 4 provided with the disabled parking provision and 184 cycle parking spaces.

14.57. The parking for unit 1 therefore complies with Local Plan policy. Units 2-5 will be assessed in detail at reserved matters stage but there should be no conflict with the parking for these units either based on the submitted information.

### ***Public Rights of Way***

14.58. Public footpath R282 runs through the site from the A5 to the north, connecting with footways R1, R1a and R2 to the south of the site.

14.59. The existing Public Right of Way R282 crosses the development site from the railway bridge in the southeast corner, to the existing site access junction on to the A5 Watling

Street. This Public Right of Way would need to be diverted so that it follows the railway line and then joins the site access road and would connect pedestrians to the A5 Watling Street.

- 14.60. The Ramblers Association support the proposal as it will provide a safe crossing of Watling Street to join with public footpath U61 in Leicestershire and provide a link between the end of public footpath R282 at the Warwickshire boundary and up to and across Watling Street to link up with public footpath U61 in Leicestershire.
- 14.61. Warwickshire County Council (Public Rights of Way) have confirmed that they have no objection to the proposal subject to appropriate conditions and informatives. The proposed alterations would also be subject to the submission of a Diversion Order, being submitted to the Local Planning Authority, with the final approval being the subject of confirmation from colleagues within Public Rights of Way.

### ***Highways Conclusion***

- 14.62. Although there is no objection from National Highways (subject to conditions), the Local Highway Authorities have serious concerns with this scheme.
- 14.63. In relation to proposed parking the scheme is acceptable and therefore complies with Policy D2 of the Local Plan.
- 14.64. For the reasons specified it is considered that the applicant has failed to demonstrate a safe and suitable access for all users would be provided and that any significant impacts on the transport network from the development can be mitigated. The development is therefore considered to be contrary to Policy D1 of the Local Plan and Paragraph 110 of the NPPF.

### 15. Flooding

- 15.1. Chapter 10 of the NPPF sets out government requirements on how the planning system should take into account the risks caused by flooding. The Planning Practice Guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 15.2. Policy SDC5 of the Local Plan sets out the sequential approach taken in relation to flooding based on the flood zone.
- 15.3. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- 15.4. Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team and the Environment Agency have been consulted on the application.
  - 15.5. The surface water drainage strategy proposed will discharge water at the existing greenfield mean annual rate and provide attenuation up to the 1 in 100 year plus climate change event.
  - 15.6. The Environment Agency initially objected to the application on the grounds that insufficient information had been submitted with this application. A request was made to the agent for the additional information to be submitted with the application. This information was received, and a re-consultation was carried out accordingly. It has been confirmed from the Environment Agency that they have no objections subject to conditions.
  - 15.7. Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information had been submitted with the application. The outstanding information was required to demonstrate that the works to be undertaken to lower the base level of an existing pond located in the southern area of the site can be constructed safely without an increase in potential short term surface water flood risk. A request was made to the agent for the additional information to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to conditions. This application is therefore considered to comply with Policy SDC5 of the Local Plan and Chapter 10 of the NPPF.
16. Trees and Hedgerows
    - 16.1. Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.
    - 16.2. Section 15 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including trees and woodland.
    - 16.3. The Local Authority's Arboricultural Officer has confirmed that there are no protected trees located within the application site neither is the application site located within a conservation area. The proposal confirms that perimeter trees and hedgerows are to be retained and incorporated into the development. It is therefore considered that should

planning permission be granted a robust Arboricultural Method Statement would be required to ensure all retained trees and hedgerows are not damaged during the construction phase of the development.

- 16.4. A number of established internal field boundary hedgerows and trees located within them are proposed for removal in order to facilitate the development and associated changes in ground level. Many of these hedgerows are in decline with a number of gaps, outgrown and are of a low species density. As such, they are considered to be of low quality. In addition, no notable trees were noted with the majority of the trees to be felled in physiological and mechanical decline or of limited value within the wider landscape.
- 16.5. The proposed planting would represent a significant net gain in terms of visual amenity, biodiversity and screening with greater emphasis made to the strengthening/widening of the southern landscape buffer and incorporating larger growing deciduous and coniferous species.
- 16.6. This application is therefore considered to be in accordance with Local Plan Policy SDC2 and Section 15 of the NPPF.

#### 17. Landscape and Visual Impact

- 17.1. As previously identified Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. With Policy NE3 stating that new development which positively contributes to landscape character will be permitted.
- 17.2. A Landscape and Visual Impact Assessment was submitted as part of the application as part of the Environmental Statement.
- 17.3. The site lies within National Character Area (NCA) 72: Mease/Sence Lowlands. This is a gently rolling landscape with rounded clay ridges and shallow valleys. It is a well ordered agricultural landscape of open views. Woodland cover is limited to scattered hedgerow trees, coverts and spinneys. Larger modern urban development is present on the fringes of the NCA in Nuneaton, Hinckley and Burton-upon-Trent.
- 17.4. The site lies to the edge of the Mease lowlands: Estate Farmlands Landscape Character Type (LCT) within Warwickshire which is defined similarly to the NCA. Enhancement to the continuity and wooded character of the river and streams and the tree cover through small woodland planting is sought in this character area.
- 17.5. The topography of the site is generally rolling and relatively lower lying. The higher ground lies 2-3km beyond the site in an arc that stretches from the north-west around to the south-east. Although the topography is gently rolling it has the appearance of being relatively flat. There is a levels change of 7-9 metres from east to west across the site.

- 17.6. The Local Authority's Arboricultural Officer initially objected to the application on the grounds that there is a lack of mitigation landscaping and green infrastructure to the south whilst other areas within the application site notably to the north, east and west benefited from large areas of landscaping. The illustrative landscape plan does include a landscaping strip (and mounding) to the south which is approximately 20 metres in width. However, this is significantly narrower than the landscaping buffers which have been provided to the north, east and west.
- 17.7. The Landscape and Visual Impact Assessment (LVIA) states that "the existing wider landscape is generally and relatively more sensitive to the south and south-west and relatively less sensitive to the north, north-west and east and south-east". The LVIA also states that the other wider effects and influences will be largely contained to the south. Whilst the proposed built form is located just outside of the West Midlands Green Belt, agricultural land beyond the Leicester/Birmingham railway to the south and south-east enjoys almost complete screening and separation from the adjoining towns of Nuneaton and Hinckley which are located in relative close proximity. Indeed, the rolling nature of the landscape comprises established field hedgerows and trees and is interconnected by a network of public footpaths and bridleways which appear highly used by the local community.
- 17.8. The nature of the direct change to the landscape character of the site and its immediate context will be notable, however it will reflect the mixed development already present and visible within the context of the site. The magnitude of landscape change arising from the urbanisation of the site through development will be high. In combination with the medium sensitivity of this landscape this will result in a moderate/major adverse landscape effect. This level of harm will be weighed within the planning balance. This impact is considered to be localised. Upon completion the harm would be at its highest magnitude however following the maturing of the landscaping planted and other mitigation measures in place it is considered that the overall harm to the landscape character of the local area would lessen.
- 17.9. The bridlepath which continues to the west of Hynes Lane enjoys a number of uninterrupted rural views along a raised ridge and as viewed looking north towards the application site. Given the scale of the application there would be high degree of landscape and visual effects. As viewed on site, the scale of the development is considerable and will still be visible post 15 years after the construction and establishment of the landscaping planting. It was therefore considered that given the sensitivity to the south of the site, that extra landscaping was needed to strengthen and widen of the southern landscaping buffer and green infrastructure.
- 17.10. Following concerns raised by the Local Authority's Arboricultural Officer further information was received from the applicants which confirms that the development has been carefully and comprehensively appraised in terms of its landscape and visual effects which has included the sites relationship with the southern boundary and the Green Belt with appropriate landscape and visual receptors to the south. This includes the widening of the site edge with mitigation mounding introduced and additional woodland and trees added.

- 17.11. It is considered that this forms an appropriate landscape mitigation approach and reflects what has been adopted elsewhere around other sides of the built development area. Whilst it is raised that the landscape boundary is approximately 20 metres it is in fact 35 metres wide. The supporting information submitted confirms that the proposed woodland, trees and other planting could be varied to improve the mitigation (in either the short or longer term), and would be willing to consider the selection and mix of species; sizes of planting stock and the density of planting.
- 17.12. Rugby Borough Council's Arboricultural Officer confirmed that there is no objection to the proposal following a review of the additional information submitted in terms of landscape and visual impact subject to the inclusion of appropriate conditions.
- 17.13. The proposal would result in an urbanisation of the site which would result in harm to the landscape and therefore there is some conflict with Policy NE3. However, whilst there is conflict it is deemed that the mitigated proposed and to be secured via condition is satisfactory. This application is therefore considered to comply with Local Plan Policy SDC2 and Section 12 and 15 of the NPPF.

18. Ecology

- 18.1. Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, Policy NE2 of the Local Plan requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network.
- 18.2. These policies are consistent with one of the core planning principles outlined within the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.
- 18.3. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 18.4. Warwickshire County Council (Ecology) have reviewed the Environmental Statement and initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information which was received and a re-consultation has been carried out accordingly.

*Habitats*

- 18.5. The site is dominated by arable land and improved grassland used for pasture, with field boundaries formed by native hedgerows, some with associated ditches and mature trees. A farm complex is present in the east of the site which comprises agricultural

buildings, a residential farmhouse and bungalow and hardstanding. The Harrow brook extends through the site and forms part of the western site boundary and is buffered from the arable fields by a narrow corridor of poor semi-improved grassland and tall ruderal vegetation within the southern half of the site, and by the improved grassland fields in the north. Additional habitats recorded include tall ruderal vegetation, dense and scattered scrub, bare ground, and mature tree belts.

#### *Species*

- 18.6. The Preliminary Ecological Appraisal draws on data records and surveys which indicate that the development has the potential to impact on birds, bats, badger, reptiles and great crested newts. In addition to these other notable mammals located within close proximity to the development site include otters, water vole and hedgehogs. A variety of measures are proposed to offset such potential impacts. Warwickshire County Council (Ecology) have assessed these and are satisfied that the potential impact to these species could be mitigated against through planning conditions.

#### *Biodiversity Impact Assessment*

- 18.7. A Biodiversity Impact Assessment (BIA) has been submitted which quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site (land within the blue line). The assessment concluded that there would be a net biodiversity gain arising from the proposed development of 37.75 area units and 12.45 hedgerow units. The habitat creation and enhancement is considered realistic and achievable with the long term management and monitoring being secured through a Landscape and Ecological Management Plan (LEMP). A condition will also be imposed to secure the management of the site through a 30-year management plan.

#### *Ecology Conclusions*

- 18.8. It has been found that the findings of the Preliminary Ecological Appraisal are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in a net gain of biodiversity which would be secured through a condition. The potential impact on species would be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain.
- 18.9. This application is therefore considered to be in accordance with Local Plan Policies NE1 and NE2 of the Local Plan and paragraph 170 of the NPPF.

#### 19. Archaeology

- 19.1. Section 16 of the NPPF states that Local Planning Authorities should consider the impacts which cause any harm to; or loss of; the significant of a designated heritage

asset. Furthermore, Local Plan Policy SDC3 states that applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment on the impacts the proposal has on the heritage asset.

- 19.2. The proposed development lies in an area of significant archaeological potential. Recent archaeological work undertaken approximately 800m to the northwest of the proposed development at Callendar Farm has identified extensive Iron Age and Roman period settlement evidence including round houses, industrial activity and a pit alignment. Following pre-application consultations with colleagues within Archaeology a geophysical survey followed by a programme of evaluative trial trenching was undertaken across the main central area of the proposed development site.
- 19.3. Areas along the western and eastern boundaries of the site were excluded from the initial phase of trial trenching due to access issues. The results of both of these phases of work have been submitted as appendices to the Environmental Statement submitted with this application. Other than traces of former ridge and furrow ploughing the geophysical survey did not identify any magnetic anomalies that were interpreted as representing probable archaeological features. Other than four large clay pits, former field boundary ditches and two undated features identified within a trench on the southern edge of the evaluation area no significant archaeological deposits were recovered from the area that was trial trenched.
- 19.4. Whilst colleagues within Archaeology have no objection to the development, it is considered that some further archaeological work should be required if consent is forthcoming. It is envisaged that this would be through a phased approach, the first phase of which would comprise an archaeological evaluation by trial trenching across those areas within the proposed development site which have yet to be fully evaluated. In addition, a programme of historic building recording being required should planning permission be granted for this scheme.
- 19.5. It is therefore considered that this application is in accordance with Section 16 of the NPPF and Local Plan Policy SDC3.

## 20. Heritage

- 20.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 20.2. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
  - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.

- 20.3. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 20.4. Paragraph 203 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 20.5. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 20.6. Policy SDC3 states that development will be supported that sustains and enhances the significance of the Borough’s heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes. Development affecting the significance of a designated or non-designated heritage assets and its setting will be expected to preserve or enhance its significance.

#### *Heritage Assets*

- 20.7. The subject site does not contain any designated Heritage Assets but does contain a non-designated Heritage Asset in the form of Padge Hall Farm and is located within close proximity to a Grade II Listed Farmhouse.

#### *Padge Hall Farm*

- 20.8. Padge Hall Farm is first noted on the Henry Dawkins Map of 1912 alongside further development located a short distance to the west. It is considered that the buildings in question date from the nineteenth century. The farm has since expanded in the twentieth century with the demolition of several parts of the farmstead present in nineteenth century mapping which historically enclosed a courtyard. The farmhouse has also seen a high level of alterations including UPVC windows and doors and twentieth century extensions to the existing property.
- 20.9. Whilst located within close proximity to Padge Hall Farm, it is considered that the heritage asset contains a low heritage interest with the buildings not being deemed to merit non-designated heritage asset status due to the number of alterations carried out over the years. Notwithstanding this the group value of the remaining buildings in the former nineteenth century farmstead provides almost all of the low level of local heritage interest that this asset possesses. In relation to setting, the surrounding agricultural landscape which surrounds the farmstead makes a contribution to the overall heritage interest of the asset which includes the application site.

### *Hill Farmhouse*

- 20.10. Hill Farmhouse is a Grade II Listed Farmhouse which was constructed in the early nineteenth century with mid-twentieth century additions to the rear. The Farmhouse consists of three storeys made from red brick with an old plain tile roof and gable end chimney stacks. The 'L' shape dwelling includes a later addition and has a three-window range of two and three light casements with architectural details including a brink string course and a dentil cornice with rendering to the front.
- 20.11. The building contains evidential value as an early nineteenth century farmhouse with remnant farmstead buildings situated around a courtyard, upon which, the southern, principal elevation, of the farmhouse forms the northern flank of the courtyard. Whilst the earlier farmstead is only partially retained with the bulk of the farm buildings now post-war development, the farmhouse shares group value with the red brick single storey original farm buildings which do remain.
- 20.12. Whilst the farm is visible from the southernmost element of the site on more elevated ground, at the distance it is located, the heritage asset is not easily distinguishable, with the more prominent buildings comprising of later twentieth century farm buildings associated with the farmhouse on the landscape. Due to the landscape setting and existing mature trees, the proposed development is not clearly visible when viewed from the farmhouse, aided by the fact that the site forms a small part of an extensive agricultural setting.
- 20.13. Hill Farmhouse is a heritage asset of high sensitivity as a Grade II Listed status with its designation deriving from its architectural and historic special interest as an example of a vernacular early nineteenth century farmhouse. It contains some group value from the remaining original farmstead which it faces onto. Whilst setting is an important factor, this is considered to be secondary in nature, with the wider agricultural landscape helping to inform the role of the farmhouse and provide its historic and existing context. Within this context the site makes a very small contribution to the very extensive wider setting and a very small contribution to the overall special interest of Hill Farmhouse.

### *Heritage Conclusion*

- 20.14. The Heritage Impact Assessment submitted with the application dated September 2021 indicates the following:
- The proposal would preserve the setting and significance of the designated heritage assets; and
  - The proposal would not harm the significance of any designated heritage assets.
- 20.15. This view was further supported by comments received from Historic England who confirmed that they had no objections to the proposal. The proposal therefore complies with National Planning Policy.

## 21. Other Matters

- 21.1. As acknowledged within section 3 of the appraisal that a minor part of the application site is within the Green Belt. The Town and Country Planning (Consultation)(England) Direction 2021 sets out that the Secretary of State shall be consulted on any application received by the Local Planning Authority (LHA) on or after 21 April 2021 to which the direction applies and the LHA does not propose to refuse.
- 21.2. The direction relates to Green Belt development and for the purpose of the direction defines it as development which consists of or includes inappropriate development on land allocated as Green Belt in the development plan and which consists of or includes;
- a) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 21.3. The development within the Green Belt within this application is not considered to fall within this definition and therefore the Secretary of State does not need to be consulted on this application once the planning committee have resolved to determine the application.

## 22. Infrastructure and Planning Obligations

- 22.1. Paragraph 54, 56 and 57 of the NPPF, policies H2, HS1, HS4, 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.
- 22.2. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the Planning Obligations PPG 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.
- 22.3. **Ecology:** A net gain in biodiversity can only be achieved by providing improvements on land adjacent to the site. This land is within the blue line but not within the ownership of the applicant at present therefore this biodiversity offsetting scheme is required to be secured through a section 106 agreement.
- 22.4. **Highways:** Due to the recommendations for refusal from the Local Highway Authorities no requests have been made however this does not mean that obligations may have been necessary in order to mitigate the development. No requests were made by National Highways.
- 22.5. In summary the contributions required for this proposal have been highlighted as per the table below:

Obligations	Requirement	Trigger
Biodiversity Net Gain	Provide biodiversity net gain on site (with the inclusion of the land within the blue line)	To be confirmed
Biodiversity Management Plan	30-year biodiversity management plan	To be confirmed

22.6. In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

22.7. Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

### **23. Planning Balance and Conclusion**

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

23.2. Whilst the application site may be considered a sustainable location when the proximity is read in conjunction with Hinckley and Nuneaton. The site does fall within the countryside of Rugby Borough Council and therefore constitutes an unsustainable location in relation to the spatial strategy. The proposals are therefore contrary to Policies GP2 and ED3 of the Local Plan.

23.3. Although the site is not within a defined settlement boundary and is contrary to the local plan policies in relation to the spatial strategy it is within close proximity to highly sustainable settlements and therefore it not classed to be in an unsustainable location in relation to proximity to services. It is considered therefore that the development should not be refused in relation to being in an unsustainable location.

23.4. The site is not an allocated site and the employment need identified within Policy DS1 of the Local Plan is on track to be met. In relation to the HEDNA (2022) it is considered that the identified need which extends beyond the current plan period (2031) by 10 years will be addressed through the Local Plan Review in order to ensure sustainable development.

23.5. The proposed development would result in the loss of 63.6 hectares of average quality agricultural land together with the farmhouse and buildings at Padge Hall Farm resulting in a significant loss to agriculture. In terms of the loss of Best and Most Versatile Land (Grade 3a in this case) this would be limited however there is still a loss.

- 23.6. The proposal would result in an urbanisation of the site which would result in moderate/major harm to the landscape and therefore there is conflict with Policy NE3. The landscape harm is given significant weight within the balance.
- 23.7. However, whilst there is conflict with NE3 it is deemed that the landscape mitigation proposed and to be secured via condition is satisfactory. This application is therefore considered to comply with Local Plan Policy SDC2 and Section 12 and 15 of the NPPF.
- 23.8. It is considered that the applicant has failed to demonstrate that both a safe and suitable access for all users would be provided and that any significant impacts on the transport network from the development can be mitigated. The development is therefore considered to be contrary to Policy D2 of the Local Plan and Paragraph 110 of the National Planning Policy Framework.
- 23.9. In relation to other matters set out in this report, subject to adequate mitigation or conditions, the development is considered to be acceptable and complies with the policies specified within this report.
- 23.10. Weighed against the identified harm and conflict is the significant weight placed on the need to support economic growth and productivity in accordance with paragraph 81 of the NPPF.
- 23.11. The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 23.12. From an economic perspective the proposed development would result approximately 900 construction jobs over a 3 year demolition and construction programme, approximately 2,000 full time jobs on the site across the manufacturing, logistics, transport and distribution sectors. Furthermore the proposal would also result in a contribution to the viability of local retail uses and services, this is considered to be a minor benefit to the sub-regional economy. The business rates generated from the development (approximately £2 million pa) would contribute significantly to the Borough. 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. The economic benefits associated with the scheme hold significant weight.
- 23.13. From a social perspective the scheme will provide new jobs therefore creating opportunities for new employment within the Borough. Job security is important to the community and access to employment opportunities is a critical component of

sustainable development. It also plays a key role in helping improve and safeguard mental health and wellbeing. As such, the proposed development would satisfy the social role of sustainable development. These benefits are given moderate weight within the planning balance.

- 23.14. From an environmental perspective additional planting is proposed through landscaping, additional pedestrian linkages are proposed and a biodiversity net gain would be secured through a legal agreement. Sustainable Urban Drainage Systems are also proposed. Where negative effects have been identified in terms of landscape harm, mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run off. It is considered that the proposed mitigation provided will off set any harm that may be caused. The environmental benefits are given significant weight.
- 23.15. On balance, taking into account the identified harm and the proposed benefits it is considered that the proposed benefits do not outweigh the harm in relation to highway safety and mitigation of significant highway impacts. It is acknowledged that the lowering of the carriageway under the bridge would be a significant benefit however as it would open up the A5 to more high sided HGV's without the required mitigation the harm on the wider highway network would outweigh this proposed localised benefit. Therefore, it is considered that the development would not result in sustainable development and is therefore recommended for refusal on highways grounds.

**Recommendation:**

Refusal of Planning Permission

## DRAFT DECISION

**REFERENCE NO:**  
R21/0985

**DATE APPLICATION VALID:**  
22-Sep-2021

**APPLICANT:**

Mr Steve Harley  
Oxalis Planning  
Toll Bar House  
Landmere Lane  
Edwalton  
Nottingham  
Nottinghamshire  
NG12 4DG

**AGENT:**

**ADDRESS OF DEVELOPMENT:**

LAND AT PADGE HALL FARM, WATLING STREET, BURBAGE

**APPLICATION DESCRIPTION:**

Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development).

**REASONS FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:**

1. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 of the National Planning Policy Framework (2021) and Policy D1 of the Local Plan (2019).
2. The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework (2021) and Policy D1 of the Local Plan (2019).

**RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:**

Policy D1 of the Local Plan (2019)  
Paragraph 110 of the National Planning Policy Framework (2021)

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) .

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the NPPF.

DRAFT

**Reference: R22/0500**

**Site Address: LAND SOUTH OF BAILEYS LANE, BAILEYS LANE, LONG LAWFORD CV23 9FS**

**Description: Construction of 2 bedroomed bungalow**

**Recommendation**

1. Planning application R22/0500 be approved subject to:  
  
the conditions and informatives set out in the draft decision notice appended to this report

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as Councillor Poole has requested the application be determined by the Planning Committee on the following grounds:

- Application not complying with Condition 5 of outline application R19/1530
- Concerns over potential design of the dwelling and future use of the roof space

**1.0 Description of site**

1.1 The application site is located within Long Lawford and the village boundary. Baileys Lane is a short road that slopes steeply upwards from School Street to the east, joining with Main Street to the west. Property types within the village are very mixed. Along School Street there are a number of two-storey detached dwellings to the southern end and west side of the road, whilst from the junction of Baileys Lane there are predominantly bungalows, and it is noted that dormers are not a common feature, and the roofs are hipped. To the west along Main Street the properties are older with predominantly two-storey terraced cottages with some modern infill development. Baileys Lane originally had no residential properties within it, as the rear gardens of the properties on School Street and Main Street were joined back to back. In 2014 an application for a detached dwelling was approved; this is the only residential dwelling within the road and is comprised of a small bungalow that sits level with the adjacent highway.

1.1 The application site is located to the south of Baileys Lane and was formerly part of the rear garden space for numbers 12 and 14 Main Street. The site is currently grassed and the gardens for 12 and 14 Main Street are to the west, with the gardens to 19 School Street and 2 Main Street located to the east and south of the site. There is an access to the rear of no's 4, 6, 8, 10, 12 and 14 Main Street from Baileys Lane to the northwest of the application site.

1.2 Although the application site fronts onto Baileys Lane the ground level is around 2 – 2.5m higher than the road and there is no independent access into the site, this can currently only be achieved by going through the rear garden access of number 14 Main Street. A high brick wall measuring 2.2 metres currently retains all of the ground within the application site.

**2.0 Description of proposals**

2.1 The application seeks consent for the erection of a 2 bedroom bungalow. In the originally submitted application the proposed scheme, the proposed dwelling would have a footprint of approximately 71m<sup>2</sup>, a height of 5.5 metres and included 4 no. attic rooflights, a rear

dormer window in the gable roof and a staircase into the attic. Following officer concerns the design was changed to a hipped roof and all the roof lights, the dormer and staircase were removed. In addition, the footprint of the property has been reduced to approximately 65.8m<sup>2</sup> and the height has been reduced to 4.4 metres. The existing land level would be excavated to lower it to street level within Baileys Lane for the dwelling, and the proposal includes off road parking to the front for 2 no. vehicles. The rear garden space would remain elevated above the dwelling with stepped access.

- 2.2 Retaining walls would be constructed to hold back the land around the site and the proposed boundary treatment to the south, would be comprised of close board feather edge timber fencing with the retention of existing close boarded fencing to the east and west boundaries. The amended scheme was re-consulted on for 14 days.

### **Planning History**

R19/1530 – Outline planning permission with all matters reserved for 1 no. dwelling. Approved 06/03/2020

R21/1093 – Full planning application. Proposed 4 bedroomed bungalow with roof dormers. Withdrawn 21/01/2022

R22/0138 – Full planning application. Erection of one and half height dwelling. Refused 25/04/2022.

### **Relevant Planning Policies**

National Planning Policy Framework, 2021 (NPPF)

Section 12: Achieving well-designed places

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy HS5: Traffic Generation and Air Quality

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy D2: Parking Facilities

Supplementary Planning Documents

Sustainable Design and Construction – 2012; including Residential Design Guide

Housing Needs SPD July 2021

Air Quality SPD July 2021

### **Technical consultation responses**

WCC Archaeology – no objection subject to conditions for archaeological investigation to be carried out at the site prior to commencement of works.

WCC Ecology – no objection subject to conditions to provide a scheme for nesting boxes and a schedule of enhancement measures.

WCC Building Control – no comments received.

WCC Fire and Rescue – no comments received.

WCC Highways – no objection subject to highways conditions and informatives

Western Power – no comments received

RBC Environmental Health – no objection subject to conditions for air quality mitigation and land contamination and air quality informative

RBC Tree Officer – no objection.

RBC Works Services Unit – no objection. Advisory re the kerbside waste collection service.

Severn Trent Water – no objection. Advisory not re the availability of public sewer.

### **Third party comments**

Ward Councillor Poole – Refer to planning committee for determination for the following reasons and concerns:

- Application not complying with Condition 5 of outline application R19/1530
- Concerns over potential design of the dwelling and future use of the roof space

Long Lawford Parish Council – objection

Neighbours objections. 5 were received raising the following points:

- Noise and disruption during the build
- Removal of existing hedge
- Design of original submission out of character
- Overbearing impacts
- Overlooking and overshadowing
- Potential future use of the roof space
- Concerns over the lack of main sewer to the site
- Applicants liability during the build
- Land shown not in applicants ownership
- Concerns regarding the tree to the south of the site
- Access along path to the south

### **3.0 Assessment of proposals**

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

4. Principle of Development
5. Character and Design
6. Residential Amenity
7. Biodiversity
8. Air Quality
9. Parking and Highways
10. Other Matters

#### 4.0 Principle of development

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

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

4.3 Paragraph 11 of the NPPF states that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application

conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.

- 4.4 The Local Plan for Rugby was adopted on the 4th June 2019. On adoption, the authority had a five-year supply of housing. The latest Annual Monitoring Report (AMR), published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
- 4.5 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy with Rugby town being the main priority of development within the borough.
- 4.6 The application site is located within the settlement boundaries of Long Lawford which is defined in Policy GP2 of the Local Plan, as being part of the Main Rural Settlements area. The plan supports development within the existing boundaries of all main rural settlements and on allocated sites.
- 4.7 This application is therefore considered to comply with Policy GP2 of the Local Plan.
- 4.8 Other planning permissions are also a material consideration and outline planning approval was given in 2019 for a dwelling which is currently a live consent but has not been progressed.
- 4.9 Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the area, residential amenity, ecology, air quality and parking, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

#### 5.0 Character and Design

- 5.1 Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design. New development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated, and developments should aim to add to the overall quality of the areas in which they are situated.
- 5.2 The main concern with the application site has been the height of the land. Previous iterations have failed to address this adequately and this application is the first scheme submitted that seeks to address the land levels adequately. The proposed scheme shows the area to be occupied by the new dwelling as fully excavated, such that it is level with the adjacent highway. The only part of the site to retaining the existing height would be the rear garden area.
- 5.3 The proposed dwelling has been substantially altered. The roof height has been lowered and the design changed from gable to hipped; all roof lights and the dormer have been removed. The plans show a painted render finish with brick quoin details and concrete interlocking roof tiles. **Condition 3** will be applied to any consent granted in order to secure finishing details for the new dwelling.

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

## 6.0 Residential Amenity

- 6.1 In addition to seeking development to respect the character of an area, Policy SDC1 of the Local Plan seeks to safeguard the living conditions of existing and future neighbouring occupiers. Section 12 of the National Planning Policy Framework states that planning should always seek a high standard of amenity for existing and future users of developments.
- 6.2 The closest neighbours to the application site would be numbers 10, 12 and 14 Main Street, whose back gardens meet with the west boundary of the site. No's 6 and 8 Main Street are also impacted as they have access to the path that runs immediately behind and adjacent to the southern boundary of the application site.
- 6.3 Objections to the application have been received from five separate addresses raising concerns regarding a number of issues including concern over the potential future use of the roof space. Whilst it is not possible to make a determination on what might happen, **Condition 14** will be applied to remove permitted development rights for the property in order that any future changes can be properly considered by the Local Planning Authority.
- 6.4 The original scheme was higher and larger than the amended proposal under consideration. Objections relating to over shadowing, loss of light, and overlooking have also been received. The property will be set down from neighbouring dwellings and as such any potential for overshadowing has been mitigated and it is considered that there would not be significant harm. All of the roof lights have been removed along with the dormer and there would be no windows in the side elevations. The main entrance door would be located in the west side elevation; however, this opens onto the hallway which is a passing place and not a habitable room
- 6.5 Potential noise and disruption during the build process would be addressed by way of an informative advising construction hours for the build, which has been requested by Environmental Health. Similarly, Severn Trent have advised the applicants to get in touch regarding the sewer situation and the applicant informed. They have also been advised that a cesspit would require planning permission and invited to include this with the application. This was not forthcoming and instead a condition was requested. It is considered that a condition for this would not meet the six test requirements, as it would be unreasonable to apply because the need for a cesspit has not been properly assessed by the applicant. Therefore, an informative will be added instead to advise of the need for planning permission should the need for the cesspit arise.
- 6.6 To the rear of the site is an access path that used to serve rear garden spaces for some of the properties in Main Street. Concerns regarding this being made safe and kept accessible have also been raised. This is not a material planning consideration but would be covered under the building control regulations. Similarly, the applicants liability during the build process is not a material planning matter.
- 6.7 Concern that the red line plan includes land that is not within the applicants ownership was raised after the application was registered. This matter is discussed at section 10 of this report.

6.8 The issue raised regarding the hedge removal is discussed at section 7 of this report

6.9 It is considered that the amended proposed scheme is in accordance with Policy SDC1 of the Rugby Local Plan in that the new development appropriately safeguards the amenities of neighbouring occupants

#### 7.0 Biodiversity

7.1 Policy NE1 looks at delivering a net gain in biodiversity. WCC Ecology have considered the proposals requested that conditions to secure a scheme for nesting boxes and a schedule of enhancement measures are attached to any permissions granted to highlight the risks to the protected species and to use the development as an opportunity to enhance the site for biodiversity in line with the NPPF and ODPM Circular 2005/06. These have been applied and **Conditions 7 and 8** would be required to be discharged prior to the commencement of any building work.

7.2 In addition to the conditions a general trench note would be included to help monitor site clearance and footings during early stages of construction, along with an informative to avoid disturbance to nesting birds, should a consent be granted.

7.3 Notwithstanding this the site originally had a high leylandii hedge along the north boundary fronting the road. Objections to its removal have been received and it is understood that the applicant has already removed this. Whilst the hedge itself is not afforded any protection by the planning regime, the removal took place during bird nesting season and the appropriate authorities have been notified.

7.4 Concerns regarding the tree set back from the south boundary have also been raised by neighbours. The RBC Tree Officer had been consulted and advises that the tree is a self-set Sycamore of low quality. As such no objection has been raised by the tree officer concerning the tree.

7.5 Subject to this the impact on protected species is considered acceptable in accordance with Policy NE1 of the Local Plan.

#### 8.0 Air Quality

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

8.2 The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”

8.3 It is recognised that the current proposal increases floorspace within the Air Quality Management Area and as such policy HS5 is relevant. The proposal introduces new boiler and increases car parking by 2 spaces. Therefore, there would be a material increase of emissions from the proposed development compared with the emissions of the previous land use. Within the context of point 1 of the policy, the development is not considered to be air quality neutral. As a result, mitigation as detailed in points 2 to 4 of the policy are required.

- 8.4 Environmental Health have been consulted and have requested that **Condition 4** be applied to secure a scheme for air quality mitigation. This would be done prior to the commencement of the development. In addition, they have also requested **Condition 5** in case unexpected land contamination is encountered during the build process.
- 8.5 Subject to the conditions and an informative for air quality mitigation it is considered that the proposal complies with Policy HS5 of the Local Plan.

#### 9.0 Parking and Highways

- 9.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities. For a two bedroomed property in a low access zone 1.5 no. parking spaces are required.
- 9.2 WCC Highways have not objected to the scheme subject to **Conditions 9, 10, 11 and 12**. In addition **Condition 13** has been applied to secure the onsite parking in perpetuity.
- 9.3 The proposed scheme provides 2 no. parking spaces and as such meets the requirements of Policy D2 of the Rugby Local Plan.

#### 10.0 Other matters

- 10.1 Concerns that the red line plan includes land that is not within the applicants ownership was raised after the application was registered. Certificate A then B were initially completed however, following further concerns regarding land ownership, raised by the neighbouring property the application was withdrawn from an earlier committee to allow time for matters to be resolved.
- 10.2 It has been confirmed from land registry that the ownership of the land that is to be used for the vehicle visibility splay is unknown, and also there was concern that some of the land may still be within the ownership of the northern neighbour. In order to address this matter, Certificate C was completed, and notice served on the landowner to the north of the application site and a further notice was published within the Rugby Observer. This has ensured that all efforts have been made to ascertain the land ownership for all of the land within the redline plan. Evidence has been provided to confirm that these actions have been carried out and a 21 day re-consultation has been done. There have been no new comments, objections or requests from statutory consultees or neighbours.
- 10.3 The Local Planning Authority is satisfied that the correct statutory procedures have now been followed and completed.

#### 11.0 Planning Balance and Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not have a detrimental impact upon highway safety.

11.3 The case officer has worked positively and proactively to secure an acceptable amended scheme. On balance, it is concluded that the proposal complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material Considerations including the Framework, it is considered that planning permission should be approved.

**12.0 Recommendation**

Planning application R22/0500 be approved subject to:

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

## DRAFT DECISION

**REFERENCE NO:**  
R22/0500

**DATE APPLICATION VALID:**  
01-Jun-2022

**APPLICANT:**  
Mr Tejza Top flat, 13 Albert Street, Banbury, OX165DG

**AGENT:**  
Dawid Kornata, DK Plans Architectural Services, Ransom Hall, Ransom Wood Business Park, Mansfield, NG21 0HJ

**ADDRESS OF DEVELOPMENT:**  
LAND SOUTH OF BAILEYS LANE, BAILEYS LANE, LONG LAWFORD CV23 9FS

**APPLICATION DESCRIPTION:**  
Construction of 2 bedroomed bungalow

### 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 which do not give rise to additional or different likely significant effect 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 received on 24/05/2022

Certificate C received on 09/11/2022

Drawing number DK138-LP Location Plan received on 01/06/2022

Drawing number DK138-301A Existing Site Plan received on 01/06/2022

Drawing number DK138-302C Proposed Site Plan received on 26/07/2022

Drawing number DK138-303B Proposed Floor and Roof Plans received on 18/07/2022

Drawing number DK138-304A Proposed Elevations received on 18/07/2022

**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 development shall commence on site until full finishing details for the proposed dwelling have been submitted and approved in writing by the Local Planning Authority for the following:

- Colour and make of brick to be used for quoin detailing on the walls and the retaining walls along with samples
- The materials to be used for hard surfaced areas to the front sides and rear
- Colour and make of the roof tiles along with samples

- The type of render to be used for the proposed development, along with the colour
- Full details of the of windows including the colour.

The development shall not be carried out other than in accordance with the approved details.  
 REASON: In the interests of visual amenity in accordance Policy SDC1 of the Rugby Local Plan

**CONDITION 4:**

Unless non-material variations which do not give rise to additional or different likely significant effect are 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 the air quality mitigation requirements of policy HS5 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 5:**

When carrying out work as part of this development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken 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.

b) Where remediation is necessary 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.

c) 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.

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 6:**

No development shall commence unless and until:

a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON: In the interest of archaeology.

**CONDITION 7:**

No part of the development hereby permitted shall be commenced until a scheme for the provision of two suitable general passerine species nesting boxes to be integrated into the new building been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be maintained in perpetuity.

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

**CONDITION 8:**

The development hereby permitted shall not commence until a detailed schedule of enhancement measures (to include native species planting and details of any habitat creation and species-specific enhancements such as hedgehog highways, bird and bat boxes provided) has been submitted to and approved in writing by the Local Planning Authority. Such approved enhancement measures shall thereafter be implemented in full.

REASON: In accordance with NPPF, ODPM Circular06/2005.

**CONDITION 9:**

The development shall not be commenced until an access for cars has been provided to the site not less than 5 metres or greater than 6 metres in width at any point.

REASON: In the interests of highway safety

**CONDITION 10:**

The vehicular access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length.

REASON: In the interest of highway safety.

**CONDITION 11:**

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

REASON: In the interest of highway safety.

**CONDITION 12:**

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

REASON: In the interest of highway safety.

**CONDITION 13:**

The accommodation for car parking, shown on the approved plan DK138-302C Proposed Site Plan received by the Council on 18/07/2022, shall be provided before the occupation of the development hereby permitted and shall be retained permanently for the accommodation of vehicles for the approved dwelling.

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

**CONDITION 14:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON: In the interest of residential amenity.

**CONDITION 15:**

No new windows or rooflights shall be formed in the west elevation or any roofslope of the proposed dwelling hereby approved, without the prior written permission of the Local Planning Authority.

REASON: In the interest of residential amenity.

**CONDITION 16:**

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

REASON: In the interests of sustainability and water efficiency.

**INFORMATIVE 1:**

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

**INFORMATIVE 2:**

Particular care should be taken when clearing ground prior to development, and if evidence of badgers, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badger snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089.

**INFORMATIVE 3:**

Condition numbers 8-11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

**INFORMATIVE 4:**

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 5:**

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

[https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed\\_1.pdf](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

**INFORMATIVE 6:**

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 7:**

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

**INFORMATIVE 8:**

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of

these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

**INFORMATIVE 9:**

The applicants attention is drawn to the informative from Severn Trent Water in regard to public sewer records. Should the requirement for a cesspit arise during construction, further planning permission will be required for construction and installation of this.

DRAFT

**Reference: R22/0551**

**Site Address: Land North-East of Castle Mound Way, Castle Mound Way, Rugby**

**Description: Application for full planning permission for storage and distribution floorspace (Class B8 use), with ancillary offices, gatehouse, associated car parking, HGV parking, landscaping and infrastructure.**

**Recommendation**

1. Planning application R22/0551 be approved 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 Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

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

**1.0 Description of site**

- 1.1 The application site is located within the open countryside and comprises 8.61 hectares of former agricultural land, bounded by existing hedgerows and mature trees. The M6 motorway runs parallel to the north of the site. Beyond the motorway is a patchwork of agricultural land and small settlements to include the Coton House Estate and the villages of Churchover (to the north /west) and Shawell (to the north/east). To the East of the site lies agricultural/arable land and Newton Lane. To the south/east is the village of Newton.
- 1.2 The application site is allocated for employment and forms part of a wider allocation within the Local Plan, (Policy DS7 – Coton East). The remainder of the wider allocation is proposed for approximately 800 dwellings.

**2.0 Description of proposals**

- 2.1 Full planning permission is being sought for employment development on land to the north-east of Rugby, adjacent to the M6 motorway.
- 2.2 The proposal is for a single storage and distribution building (Class B8 use), which will measure 26,421 Square metres (Gross internal Area), with ancillary offices and gatehouse, associated car parking, HGV parking, earthworks, and new infrastructure, including the creation of new landscaping. The building and ancillary infrastructure, once completed, will occupy the majority of the site.
- 2.3 An existing local company (CDW), who are currently located on Castle Mound Way, are seeking to move their operations to the proposed larger purpose-built unit to enable their expansion plans to be realised. If the company were to relocate, it would enable the

retention of 218 existing staff members: (the majority of which live within 5 miles of the site) whilst creating an additional 65 jobs in a wide variety of roles.

- 2.4 In February 2021, Planning Permission R20/0272 was granted for the erection of several smaller industrial, storage and distribution units on the site. The permission has not been implemented and it is the applicant's intention for this development (the larger unit) to replace the current permission (the smaller units).

### **Planning History**

R20/0272 - Hybrid planning application for the erection of industrial, storage and distribution (Class B1c, B2 and B8) (Outline - Principle Only) including full planning permission for all infrastructure works, access, and site levels - Approval - 24/02/2021

### **Relevant Planning Policies**

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

Rugby Borough Local Plan 2011-2031

Policy GP1 - Securing Sustainable Development

Policy GP2 - Settlement Hierarchy

Policy DS1 - Overall Development Needs

Policy DS4 – Employment Allocations

Policy DS7 - Coton Park East

Policy HS1 - Healthy, Safe and Inclusive Communities

Policy HS2 - Health Impact Assessments

Policy HS5 - Traffic Generation, Air Quality, Noise and Vibration

Policy ED1 - Protection of Rugby's Employment Land

Policy ED2 - Employment Development within Rugby Urban Area

Policy ED3 - Employment Development Outside Rugby Urban Area

Policy NE1 - Protecting Designated Biodiversity and Geodiversity Assets

Policy NE3 - Landscape Protection and Enhancement

Policy SDC1 - Sustainable Design

Policy SDC2 - Landscaping

Policy SDC3 - Protecting and Enhancing the Historic Environment

Policy SDC4 - Sustainable Buildings

Policy SDC5 - Flood Risk Management

Policy SDC6 - Sustainable Drainage

Policy SDC7 - Protection of the Water Environment and Water Supply

Policy SDC9 - Broadband and Mobile Internet

Policy D1 - Transport

Policy D2 - Parking Facilities

Policy D3 - Infrastructure and Implementation

Policy D4 - Planning Obligations

National Planning Policy Framework, 2021 (NPPF)

National Planning Policy Guidance

*Supplementary Planning Documents*

Coton Park East Masterplan – 2019

Sustainable Design and Construction – 2012

### **Technical consultation responses**

Rugby Borough Council Environmental Health Department – No Objection, subject to conditions and informatives.

Rugby Borough Council Development Strategy – Provided Comments

National Grid c/o Cadent Gas Limited – Provided comments and an informative

Warwickshire Police - Provides advise in terms of building and site security

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

Environment Agency - Midlands Central – Response of no comment

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

Warwickshire County Council Ecology Unit – Initial recommendation for refusal

Warwickshire Fire & Rescue – No objection, providing there is sufficient Access and Facilities for the Fire Service

Warwickshire County Rights of Way – No objection

Warwickshire County Council Highways Department – Initial objection

Warwickshire County Council Planning Infrastructure Team – Confirmation they are not seeking a request for a financial contribution

Warwickshire County Council Planning – No response

Warwickshire County Council Flood Risk Authority – Request for additional information.

Severn Trent Water – No Response

Rugby First Ltd – No Response

National Highways – Initial recommendation of non-approval, until the Geotechnical, Drainage and technical design detail can be properly assessed

The Ramblers Warwickshire Area – No objection

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

Warwickshire County Council Highways Department – No objection, subject to conditions, and planning obligations.

Warwickshire County Council Flood Risk Authority – No objection, subject to conditions

National Highways – No objection, subject to conditions, and planning obligations.

Warwickshire County Council Ecology Unit – No objection, subject to conditions, and planning obligations.

Warwickshire Fire & Rescue – Additional Response, confirmation there is sufficient Access and Facilities for the Fire Service

### **Third party comments**

Cllr Livesey – Raised concerns/provided comments, regarding the development:

- Increased lorry movements
- The location of Rugby free school, the impact of increased traffic at peak times on road safety for children accessing the school (although the area is designated industrial use the fact is that the school exists).
- Any travel plan for the new occupants would be considered.

Cllr Livesey is not opposed to the development in principle but wanted to be sure that impacts on the school were fully considered or mitigated.

The Agent has provided a response to Cllr Livesey

- The impact of vehicle trips (including lorry movements) has been reviewed as part of the application.

- The latest proposal will see fewer vehicle trips than the scheme approved under Planning Permission R20/0272
- Rugby Free Primary School has suitable pedestrian and cycle access and a Toucan crossing available on the A426.
- There are no safety trends that this area is a hotspot for Personal Injury Collision (PIC). In the 5-year period from 2014 to 2019 there has been only 1 vehicle collision, none between 2020 and 2021, and none where a pedestrian has been involved.
- A Workplace Travel Plan will be prepared prior to occupation of the Site (this will be a condition, (Condition 26), of the planning consent) which will include a series of measures to encourage staff to use sustainable modes of transport to access the site.
- Additional cycling improvements will be brought forward, in conjunction with Warwickshire County Council.

On receipt of this information, Cllr Livesey considered that her concerns had been covered.

#### Newton and Biggin Parish Council

- The Local Plan requires the site to be developed with a variety of small units (as previously approved)
- The current proposal is for a single monolithic unit to occupy the entire site
- The Parish Council have sought mitigation measures to offset the impact of the proposed development on the local community, without success
- Smaller units would contribute to Rugby having a balanced economy
- The Parish Council has not, and does not object to the principle of the development of the site but it would urge the Local Planning Authority not to give approval to a proposal that is contrary to the Local Plan unless it can be clearly demonstrated that this would not compromise its intent to provide for the balanced and sustainable economic growth of Rugby

The agent provided a letter to the Parish, to try and alleviate their concerns. In response, the Parish provided the following comments:

In the light of the applicant's letter of 16th August 2022 Newton and Biggin Parish Council raises no objection to the application subject to –

- Any planning permission be subject to the Conditions suggested by the applicant aimed at securing local employment opportunities during both construction and operation.
- The applicant's offer to make a contribution towards the Five Arches Wildlife Site be accepted by Rugby Borough Council (and the money is not to be spent elsewhere). (The agreed approach is described under the ecology section of this report).
- That Newton and Biggin Parish Council be included in any future discussions relating to how the Five Arches money be spent, with particular reference to the development of a Management Plan.

#### Neighbours (1) Objection

- Additional HGV traffic in the area will cause a safety concern for the nearby primary school and the residents of Coton Park - Particularly with children walking to the nearby primary school.
- A considerable number of vehicles already use and park on roads around Castle Mound Way and Central Park Drive.

Pegasus Group, on behalf of AC Lloyd Holdings Ltd have provided representation. AC Lloyd are the applicant for the outline planning application reference R20/0787 - "erection of up to 475 dwellings, with land for a Primary School" on land immediately adjoining the application site to the south.

The Pegasus Group advise that they have no objection in principle to the Application, having regard to the layout and proposed hours of use, they wish to ensure that such housing development (R20/0787) and the amenity of future occupants is not unduly impacted by the operations resulting from development pursuant to the application, should planning permission be granted.

The Key points of concern and request for conditions are highlighted below:

- There is a potential discrepancy in the Site Plan (drawing reference COT-PHP-XX-00-DR-A-4270-100-P15) and the submitted Noise Assessment (report reference 332210700/3001 rev AA).
- Request for a condition relating to acoustic screening of the site, for the protection of the amenities of future residents on the Coton Park East residential site.
- Request for a condition relating to the implementation and ongoing management of the detailed landscaping scheme.
- Request for a condition relating to the control of noise generation from vehicles and operations associated with the use of the building
- Request for a condition noise from plant and other building servicing operations
- Request for a condition for the submission and approval of a detailed Lighting Scheme

On receipt of these comments, The RBC Environmental Health Team have been reconsulted. Ongoing dialogue regarding other planning matters, and the above matters continued with WCC Ecology, WCC Highways, National Highways and RBC Tree and Landscaping Officer.

### **3.0 Assessment of proposals**

3.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan (The Rugby Borough Council Local Plan 2011-2031) unless material considerations indicate otherwise.

3.2 The Key issues regarding this application are the principle of development, character and design, impact on residential amenity, highway safety, parking, flooding and drainage, landscape, ecology, archaeology, developer contributions, and the final consideration (planning balance), as to whether the proposed development is acceptable

### **4.0 Principle of development**

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

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

- 4.3 Paragraph 11 of the NPPF states that where there is an up-to-date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted’.
- 4.4 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in the countryside being resisted and only where national policy allows will development be permitted. Although the application site is located within the countryside, it is positioned adjacent to the established Coton Park area and the Rugby Town Urban Area Boundary, which is the most sustainable location within the borough, as defined by Policy GP2. Additionally, the site has been allocated for employment purposes under Policy DS7.
- 4.5 Policy ED1 – Protection of Rugby’s Employment Land states that ‘Proposals for new employment development will be permitted within all employment areas, including Local Plan allocations, subject to accordance with other policies in the Local Plan’.
- 4.6 Policy ED2 - Employment Development Within Rugby Urban Area. The site is located within the countryside, adjacent to the urban area. The Policy seeks to prioritise new employment sites ‘in and around the Rugby urban area’, to ensure that employment land is provided close enough to residential development to allow good access for the resident work force in the Borough, without unduly impacting on residential amenity.
- 4.7 Policy ED3 - Employment Development Outside Rugby Urban Area is not permitted, with one exception being those sites allocated for employment purposes. The site has been allocated for employment purposes under Policy DS7.
- 4.8 Policy DS3 – Residential Allocations states that Rugby town is the most sustainable location for growth in Rugby Borough, with the Local Planning Authority (LPA) seeking to maximise the potential of the urban area and land immediately adjacent to it to accommodate growth. It is recognised there is opportunity for sustainable expansion for employment development within the Coton Park East site, located adjacent to the urban edge.
- 4.9 Policy DS4 – Employment Allocations states that employment land will be allocated within Coton Park East.
- 4.10 The application site is located within a sustainable location and allocated for employment purposes within the Local Plan (Policy DS7).
- 4.11 Policy DS7 Coton Park East states that the area has been allocated to provide 7.5 hectares of employment land, with proposed development being informed by the Coton Park East Masterplan Supplementary Planning Document.
- 4.12 The DS7 Policy states employment development at this location should be provided to meet the qualitative demand for smaller units in the range of 5,000 - 50,000 sq. ft, in B1c, B2 and ancillary B8 employment uses.

- 4.13 Factors (as guided by the Coton Park East Masterplan SPD) in support of allocating smaller units to this site include:
- The application site is considered to be the best location, due to being of a smaller size and the current mix of employment units in the adjacent Central Park.
  - Start-up rates for small and medium sized enterprises were higher in Rugby than the average for Warwickshire.
  - Smaller units are more compatible with residential properties and the school, being less overbearing, therefore protecting the living conditions for any current and future residents of Coton Park East.
- 4.14 The application site is positioned adjacent to the urban edge, and has been allocated to provide employment, under policy DS7.
- 4.15 It is recognised that the proposed development will not provide the smaller B1c, B2 and ancillary B8 employment use units as identified within the Local Plan and Coton Park East Masterplan SPD.
- 4.16 A Hybrid Planning Permission has already been granted to the same applicant, which is for smaller B1c, B2 and B8 employment use units. (Planning reference R20/0272).
- 4.17 At the time of the Masterplan's adoption, the Planning Inspector had requested for the policy to allow for flexibility, (as guided by the NPPF). The modification included, changing the wording of Policy DS7 to *'Employment development should be provided to meet the qualitative demand for smaller units'*, instead of *'will be provided'*. The inspector observed that *'Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'*.
- 4.18 The NPPF (Paragraph 122(b)) refers to *'decisions needed to reflect changes in the demand for land'*, *'where the local planning authority considers there to be no reasonable prospect of an application coming forward'*.
- 4.19 The applicant has provided evidence in support of the current application and justification for the development (as approved under Planning Permission R20/0272), not coming forward.
- 4.20 Highlighted below, are a summary of the key points:
- No reasonable prospect of the site coming forward for the allocated use after 2 years of unsuccessful marketing due to a plethora of deliverability issues applicable to smaller units and arising from the infrastructure costs of opening up the site
  - There continues to be a strong high-level support for larger units within the storage and distribution sector and the benefits it can generate, including from Government through the recently published Future of Freight Plan.
  - Take-up records for larger units continue to be broken at the national level with vacancy levels remaining critically low at 3.01%.
  - At the regional level, there is only 0.36 years' worth of supply and only one unit in the construction pipeline in the 200,00–300,000 ft2 size band which has exchanged.

- Supply within Rugby continues to dwindle following the 1 million ft<sup>2</sup> letting at South-West Rugby in June 2022.
  - Newlands have agreed to accept a suitably worded planning condition requiring Employment and Skills Plans for both the construction and end user phases to secure local benefits.
  - Newlands has committed to BREEAM 'Excellent': thereby exceeding adopted policy requirements and what was approved under Planning Permission R20/0272.
  - A local company, currently located on Castle Mound Way, is seeking to move their operations to the building.
- 4.21 The Development Strategy Team have been consulted and acknowledge, from the supporting information provided by the applicant, that there is a demand, including a demand locally, for larger B8 units. However, they have also sought advice from the Coventry and Warwickshire Local Enterprise Partnership (CWLEP). The CWLEP maintain that there is a current demand for smaller units, which supports the evidence base of the Policy DS7.
- 4.22 The Development Strategy Team considered that a larger B8 unit would not make a significant contribution to meeting the need for smaller units, as identified within the Policy DS7. Notwithstanding this, they recognise that the NPPF references the specific locational needs of logistics development and gives significant weight to supporting economic growth and productivity whilst accounting for local business needs.
- 4.23 In support of the application: -
- 4.24 The site is allocated for employment use, with the proposed development providing a building for employment use – a single Class B8 use unit for purposes of storage and distribution.
- 4.25 There is a preference within the Policy DS7 to provide smaller sized units, similar to the current mix of employment units in the adjacent Central Park. However, within Central Park, there are also a mixture of employment uses and unit sizes. Several of the adjacent units are of a comparable size and of a similar use to the proposed development.
- 4.26 The applicant has been actively marketing the site since February 2020, prior to the previous application R20/0272, being submitted. Although there has been interest, the applicant advises that conversations with interested parties have stalled at an early stage.
- 4.27 The applicant details the challenges associated with the significant upfront costs to enable works and infrastructure, means that a significant portion of the site (80-90%) would need to be pre-let to make it deliverable. Potential occupiers have been wary of committing to the scheme, with the key issues being the cost of acquiring a new pre-let unit (rent/lease term commitment required), the uncertainty and reliance of co-ordinating multiple companies and interested parties in delivering the scheme and rising construction costs. Typically, occupiers for smaller units acquire existing buildings. The applicant considered the delivery of the site is only realistic through a large single unit delivered on a pre-let basis, as currently proposed.
- 4.28 The applicant has experienced interest from current employers within Rugby, seeking additional warehouse space. The site's location relative to the M6 (Junction 1) and the

strong economic geography of the site that sits on the motorway network at the very heart of the 'Golden Triangle of Logistics', has been the principal factor driving market interest in the site. One occupier has shown interest in the proposed unit, and they are currently located on Castle Mound Way. They wish to remain within the Borough to retain their existing employee base, utilise their existing supply chains and ensure they can accommodate the growing needs of their business in an efficient manner. A letter of intent to move their operations has been sent to the LPA. Although there is interest from a local company, the proposed development would also need to be addressed on its own merits, as there is no guarantee that the company will occupy the new premises.

- 4.29 Nationally, there has been a demand for this type of unit, with high take-up rates within Rugby and the wider region. Rugby is an established distribution location at the heart of the UK's logistics network. The site is situated close to Junction 1 of the M6 motorway, with direct access to the M1 motorway less than 3 miles away. It falls within a prime area for large-scale logistics. Such is the level of demand for logistics property, much of the existing/immediately deliverable development opportunities have been leased or pre-leased.
- 4.30 Although the proposed development is a large single unit. In comparison to the smaller units, as approved under Planning Permission R20/0272, the footprint of the proposed large unit and the previously approved smaller units are of comparable size, and on a similar footprint, albeit the smaller units provide space and gapping between. Any adverse impacts on existing neighbouring properties are addressed later within this report. Any potential adverse impacts on future occupiers will be assessed when the relevant application(s) for the adjacent site is/are submitted to the LPA.
- 4.31 It is considered, at this time, that there is not a realistic prospect of the smaller units, as approved under R20/0272 being built or occupied. There is interest in a larger sized unit from an existing company, which is currently located within Central Park. Never-the-less, if they chose not to move, the evidence provided by the applicant indicates there is a regional and national shortage and demand for larger B8 units. There is flexibility in the wording of Policy DS7 that allows for development that differs from that explicitly stated in the policy. In addition, the requirements of NPPF paragraph 122 have been met as the applicant has demonstrated that there would be no reasonable prospects of smaller units being delivered on the site, as well as there being unmet demand for larger B8 units in Rugby Borough. It is therefore considered there is sufficient evidence to support the proposed development and therefore it is established that the principle of development is acceptable, and the proposed development would comply with Policies ED1, ED2, ED3, GP1, GP2, DS3, DS4, and DS7 of the local plan and the relevant guidance within the NPPF.
- 4.32 Policy SDC4 - Sustainable Buildings states that 'All non-residential development over 1000 sqm should aim to achieve as a minimum BREEAM (an assessment method to rate the sustainability of the building) standard 'very good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable'. The applicant has agreed to commit to BREEAM standard of 'excellent' thereby exceeding the requirements of the adopted policy and what has been previously approved under Planning Permission R20/0272. A condition, (Condition 6), will be included to ensure an 'excellent' level is achieved.

4.33 The applicant has also agreed to include a skills condition (Conditions 9 and 10) to provide Employment and Skills Plans for both the construction and end user phases to secure local benefits.

## **5.0 Healthy, safe, and inclusive communities**

5.1 The Council recognises the important role that spatial planning has in the creation of healthy, safe, and inclusive communities.

5.2 Policy HS1 Healthy, Safe and Inclusive Communities advises that developers must consider the potential and opportunity for creating healthy, safe, and inclusive communities.

5.3 Policy HS2: Health Impact Assessments Development states that developers must demonstrate that development will not generate adverse impacts on health and wellbeing:

5.4 A Health Impact Assessment accompanies this application, which outlines the potential impact on health and wellbeing arising from the development. To include specific categories:

- The design of the building
- Access to Healthcare and other Social Infrastructure
- Access to open space and nature
- Air quality, noise, and neighbourhood amenity
- Accessibility and Active Travel
- Crime Reduction and Community Safety
- Access to Healthy Food
- Access to Work and Training
- Social Cohesion and Lifetime Neighbourhoods
- Minimising the Use of Resources
- Climate Change

5.5 The Assessment concludes that the development, for each category, or sub-category, would provide either a neutral or positive contribution to the community. It is therefore considered that the development would comply with Policies HS1 and HS2.

## **6.0 Design**

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

6.2 Policy SDC1 states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated.

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

6.4 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design

is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 6.5 The application site is located adjacent to the existing business units to the west and south/west at Coton Park (and Gateway) and will form part of the established business and employment park. Although once completed the unit will be of a large scale and massing, it will be of comparable size to the other units within Coton Park, and of other units used for B8 storage. The building, once completed, will be positioned nearer to the north boundary, with the HGV parking to the front. This will provide a separation gap, between the development and the future residential development to the south. A landscaped buffer zone on the southern boundary will also help provide screening between the two areas.
- 6.6 The proposed materials in construction, will provide longevity and durability, with the elevations provided horizontal bands of grey tone. The darker grey at the bottom will create a solid visual base, with the lighter white colour to the top creating a softer contrast with the sky. The entrance lobby and other entrances will be finished in pastel orange, to contrast with the grey.
- 6.7 Similar finishes have been successfully used elsewhere within the borough and throughout the country.
- 6.8 A request was made to the applicant to incorporate feature framed flank corners into the design, similar to the industrial buildings at Gateway, however, the applicant considered that adding framed corners to enhance prominence is likely to make the building's massing more apparent within the landscape and would compromise the design, with the current intended effect being for the building to blend into the sky and reduce its perceived massing.

## **7.0 Residential Amenity**

- 7.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 7.2 Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.
- 7.3 The application site has been allocated for employment use and has planning permission for smaller units.
- 7.4 The application site is approximately 500 metres from the established residential dwellings and dwellings under construction at Coton Park to the south and the established settlement at Newton, to the south/east and the settlements to the north across the motorway: Coton House Estate and the villages of Churchover and Shawell. The separation distance is considered appropriate to prevent any adverse impact on the existing neighbouring properties.
- 7.5 The immediate area to the east and south is allocated for residential development and for either a primary school or a primary and secondary school, as indicated within the Coton Park Indicative masterplan. A landscape buffer will separate the application site and the proposed residential development, as indicated within the Coton Park East Masterplan - Supplementary Planning Document. Any potential impact on the residential amenity of

these future residential development sites will be addressed once the reserved matters application has been submitted to the Local Planning Authority by the residential developer.

- 7.6 To protect the amenity of the neighbouring properties and future residential properties and to ensure the development is acceptable, conditions have been included for the development to remain only for storage and distribution purposes (Condition 3) and to prevent the enlargement of the building and the installation of a mezzanine floor. (Condition 5)
- 7.7 In the interest of visual amenity, a condition has been included to prevent storage, outside of the main employment area, located beyond the security fence (Condition 4).

#### **Environmental Health**

- 7.8 The application includes supporting information to include an Air Quality Assessment, Noise Impact Assessment, Lighting Details, Construction Management Details, and matters relating to Contamination and Demolition.
- 7.9 The Environmental Health Department have been consulted and have raised no objection to the proposed development, subject to conditions and informative notes, should approval be granted.
- 7.10 A condition, (Condition 8), will be included relating to actions to be taken in the event of previously unidentified contamination being identified. Informative notes will be included: to ensure external lighting on the building is acceptable; and the need for a noise assessment to be undertaken in the future if intermodal shipping containers are to be handled or transferred at site.
- 7.11 The Environmental Health Department has been reconsulted and have reassessed the application, in relation to the representation provided by the Pegasus Group. Environmental Health were satisfied the areas of concern had already been covered, however, they requested for the inclusion of an additional condition regarding external lighting.
- 7.12 The applicant has provided additional information to include an external lighting report, it is considered that the report is acceptable, therefore, the external lighting condition will now not be necessary, in matters relating to Environmental Health.
- 7.13 It is therefore considered that once any additional information, in relation to any conditions, is received to the satisfaction of the Local Planning Authority, the development will comply with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031

#### **Air Quality**

- 7.14 Policy HS5: Traffic Generation and Air Quality, Noise and Vibration Development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles (including electric/hybrid cars) to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 7.15 An Air Quality Assessment and other related documentation accompanies this application. The Environmental Health Department have been consulted and have noted and accepted the reports and conclusions/recommendations. It is therefore considered that the

development will not have an adverse impact on Air Quality, beyond what is considered acceptable, and the proposed development complies with Policy HS5.

**Broadband and Mobile Internet**

- 7.16 Policy SDC9: requires developers to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services. A condition, (Condition 7), will be included to ensure the building is provided with the facility to enable broadband internet connection. It is considered once the condition has been complied with satisfactorily, the proposed development will comply with Policy SDC 9.

**8.0 Landscape and Visual**

- 8.1 Policy NE3 Landscape Protection and Enhancement states new development which positively contributes to landscape character will be permitted.
- 8.2 Policy SDC2 Landscaping states that landscape aspects of a development proposal will be required to form an integral part of the overall design, to include the identification and retention of Important site features.
- 8.3 The development will provide a soft landscaping scheme, to retain the existing vegetation, to incorporate new landscaping, and to enhance the amenity value of the site.
- 8.4 The Tree and Landscaping Officer has been consulted and has reviewed the Arboricultural and Landscape information submitted. The Officer has raised no objection to the proposed development, subject to a condition regarding tree protection, (Condition 12), and a condition, (Condition 13), for the implementation of soft landscaping.
- 8.5 In relation to the comments made by other interested parties (Pegasus), the Officer has confirmed a maintenance plan will be in place.
- 8.6 Once the conditions are complied with, it is considered that the development will accord with Policy NE3 and SDC2.

**9.0 Archaeology**

- 9.1 Policy SDC3 Protecting and Enhancing the Historic Environment states that development will be supported that sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes, and townscapes.
- 9.2 Paragraph 189 of the NPPF states that, amongst other things, that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 9.3 The application was accompanied by an Archaeological Method Statement and Mitigation Strategy.
- 9.4 Warwickshire County Council Archaeology have been consulted and consider that the strategy and proposed programme of archaeological excavation, set out in the above documents would, together, satisfactorily mitigate the impacts that the development will have on the archaeological features which survive across this site.

9.5 Archaeology have requested a condition, (Condition 11), to secure the implementation of the mitigation strategy detailed in the documents.

9.6 It is therefore considered that there are measures in place to satisfactorily mitigate any impacts that the development will have on the archaeological features which may survive across this site and therefore sustain the significance of the Borough's heritage asset (archaeology) and accord with Rugby Borough Council Local Plan Policy SDC3

#### **10.0 Ecological Considerations**

10.1 Part 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, amongst other things.

10.2 In addition, Policy NE1 Protecting Designated Biodiversity and Geodiversity Assets of the Rugby Borough Council Local Plan 2011-2031 states that the Council will protect designated areas and species of international, national, and local importance for biodiversity and geodiversity. In addition, development will be expected to deliver a net gain in biodiversity.

10.3 The Warwickshire County Council Ecology Unit have been consulted and initially raised concerns in relation to ecological protection and enhancement of the site been similar to those submitted for the previous application (R20/0272) and not accurately reflecting the impact of the current proposal. The site has a larger site footprint (to the previous application). It is also proposed to culvert the River Avon Local Wildlife Site (LWS) tributary, resulting in impacts to a LWS and adjacent habitat, both onsite and downstream. Thereby increasing impact on otter and foraging bats, which was not factored into the original assessments. It had previously also been intended to retain and enhance important wetland habitat.

10.4 Based on the comments above, Ecology initially recommended the refusal of the application pending an updated Ecological Impact Assessment (EclA) and Biodiversity Impact Assessment (BIA). Ecology also requested additional details regarding an Environmental Management Plan (CEMP) and Landscape Environmental Management Plan (LEMP)

10.5 In response, the applicant has provided additional information, to include the revised Biodiversity Impact Assessment and a Construction Environmental Management Plan (CEMP), Landscape Environmental Management Plan (LEMP) and Lighting Plan.

10.6 Ecology have assessed the additional documentation and have reversed the response to one of no objection: -

- The lighting Scheme indicates that it has been designed to direct light inwards and minimises light spill onto vegetation at the site edges.
- The CEMP includes protection measures for protected sites, species and habitats as outlined in the Preliminary Ecological Appraisal and discussed in previous correspondence.
- The LEMP includes an outline of habitat creation and subsequent management for the site. Ecology have commented that additional information is still required in relation to the LEMP, however this can be controlled via a condition (Condition 21).

- 10.7 Ecology have also requested a biodiversity offset scheme, which can be secured via Section 106 Agreement.
- 10.8 The Parish Council has requested a financial contribution towards the Five Arches Site, a locally designated wildlife site, which is part of the larger Great Central Walk (North site), managed by the Parish Council in partnership with Butterfly Conservation.
- 10.9 The Ecology unit have advised that it may be possible to secure funding and provide a biodiversity offset site (as required by the Biodiversity Net Gain), providing it complies with the necessary requirements as stated within the Section 106 Agreement.
- 10.10 It is therefore considered that once the condition has been discharged and the Biodiversity Net Gain enhancement has been implemented, the development will comply with Policy NE1 of the Rugby Borough Council Local Plan 2011-2031
- 11.0 Flood Risk and Drainage**
- 11.1 Policy SDC5 Flood Risk Management aims to steer new development to areas with the lowest probability of flooding, to minimise the flood risk to people and property and manage any residual risk. Additionally, the policy requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1.
- 11.2 Policy SDC6 requires Sustainable Drainage Systems to be used on major developments.
- 11.3 Policy SDC7: Protection of the Water Environment and Water Supply requires adequate water supply to serve existing and proposed developments.
- 11.4 This application is accompanied by a Flood Risk Assessment and Drainage Strategy.
- 11.5 The Lead Local Flood Authority (LLFA) were consulted regarding the proposed development in relation to surface water drainage and associated flood risk grounds.
- 11.6 The LLFA initially objected, on the grounds that the documents submitted were insufficient, to enable a substantive response to be provided. In response to the objection, the agent has provided additional supporting information.
- 11.7 The LLFA have been reconsulted and have now recorded a response of no objection, subject to the inclusion of a condition, (Condition 14), for the applicant to provide a Verification Report, to be agreed by the LPA, for the installed surface water drainage system.
- 11.8 The Environment Agency have advised that they have no comments to make regarding this application.
- 11.9 Severn Trent were consulted on the application and have also provided no comments.
- 11.10 Severn Trent had provided comments on the previous application, R20/0272. They had advised the applicant that they would be required to undertake a formal Section 106 connection approval to connect into the public foul water sewer. The agreement would be the responsibility of Severn Trent and the applicant and not the responsibility of the LPA. Based on the current non-representation, and the previous comments, that any matters relating to this application and connection into the public foul water sewer, would also fall

outside the remit of the LPA and would be the responsibility of Severn Trent and the applicant.

- 11.11 It is considered once the drainage infrastructure is in place and the conditions have been discharged, to the satisfaction of the LPA, the proposed development will comply with policies SDC5, SDC6 and SDC7.

## **12.0 Access, Traffic and Transport**

- 12.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved. Additionally, development will only be permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.
- 12.2 The application is accompanied by a Transport Statement, to include details of parking provision, trip generation, traffic impact, pedestrian and cycle facilities and public transport facilities.
- 12.3 Warwickshire County Council Highways have been consulted and initially objected to the proposal. Whilst Highways had no objection in principle, they considered there was insufficient information to fully assess the impact the development would have on highways. Highways requested additional information in relation to the following highway matters, to include:
- Trip rates
  - Car Parking – in relation to future occupiers and to account for shift workers
  - Heavy Good Vehicle movements – to include swept path analysis
- 12.4 In response to Highways objection, the applicant provided the requested information.
- 12.5 Highways have reviewed the information and provided a response of no objection, subject to conditions, (Conditions 22, 23, 24, 25, 26 and 27) and informatives. Additionally, Highways have requested a Section 106 Agreement for works to the local and national highway infrastructure, cycle infrastructure, public transport services and Traffic Regulation Orders.
- 12.6 It is unlikely that the extension of the Castle Mound Way highway will be adopted by WCC Highways. Although, in the event it was adopted the applicant would be required to undertake a Road Safety Audit, prior to determination of the application. Never-the-less, Highways have still requested a Stage 1 Road Safety Audit, in the interests of public safety for users of the proposed private road, which the applicant has agreed to provide.
- 12.7 On receipt of the Road Safety Audit, WCC Highways have raised no additional concerns.
- 12.8 National Highways have been consulted, initially, they recommended that the application should not be approved until further information was provided. Based on their assessment, it was considered that there were several areas where further clarification and consideration were required, particularly, regarding the potential impact of the development on the safe and efficient operation of the Strategic Road Network, notably the M6 Motorway and A5 / A426 'Gibbet Hill' Roundabout Junction.

- 12.9 The applicant has provided additional information which addresses the initial concerns raised by National Highways subject to conditions, (Conditions 15, 16 and 28), relating to Geotechnical Risk; for any signage visible from the M6 motorway to be non-illuminated and for external light fittings and external light columns details to be submitted to and approved in writing by the Local Planning Authority.
- 12.10 National Highways have also requested for a financial contribution (secured by a Section 106 Agreement) to enable the implementation of an improvement scheme at the A5/A426 Gibbet Hill Roundabout Junction.
- 12.11 It is therefore considered that once the conditions are discharged to the satisfaction of the LPA, the proposed development will comply with Policy D1 Transport.

**Parking**

- 12.12 The Local Plan 2011-2031 Policy D2 Parking Facilities states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities. The application form and Transport Statement advises that the development will provide the following on-site parking provision and can be compared against the RBC Parking Standards, for development within a low access area.

Land Use	Car Parking Provision			Cycle Parking		
	RBC Parking Standard	Development Requirement	Proposed Development Provision	RBC Parking Standard	Development Requirement	Proposed Development Provision
B8 – 26,421m2	1 Space per 60m2	440	194	1 Stand per 500m2	53	40

- 12.13 The proposed parking provision does not meet the standards, as advised by the LPA, within the Local Plan.
- 12.14 The applicant has addressed the shortfall within the Transport Statement:

‘The proposed level of car parking provision is considered appropriate by the proposed occupier. Whilst a lower quantum of cycle parking is proposed on-site than required by the standards – site-specific information forecasts a total staff headcount of 228. The provision of 40 cycle parking spaces (allowing for 17% of staff) is therefore considered sufficient’.

The applicant has advised that the cycle parking demand will be reviewed following occupation of the site.

‘It is noted that the parking standards do not take into account commercial vehicle parking standards, and the provision will be considered on the basis of individual planning applications. 69 HGV trailer spaces are proposed to serve the B8 unit, as well as 24 dock levellers’.

- 12.15 Warwickshire County Council Highways initially raised concerns regarding the parking provision. Highways considered that there was insufficient information provided to fully assess whether the vehicular parking for the proposal would be adequate, given that the

number of car parking spaces would be significantly less than the Local Planning Authority's standard.

- 12.16 The applicant has submitted additional information, to include a parking accumulation assessment.
- 12.17 The Highway Authority has reviewed the additional information and are satisfied that the level of car parking provided is likely to be sufficient for the current intended occupiers.
- 12.18 Highways recognise that parking demand for future occupiers can vary greatly. Therefore, a condition, (Condition 27), will be included that any future occupiers will be required to submit a Parking Monitoring and Management Plan to ensure that any overspill parking does not take place in locations where such parking would be severely detrimental to the safe and effective operation of access routes to and within the site.
- 12.19 The LPA's parking standards refer to a 4% car parking provision for those with disabilities, reflecting the proposed provision. The B8 unit proposals meet the required 7 spaces through the proposed provision of 20 spaces.
- 12.20 In respect of electric vehicle charging, the LPA's parking standards suggest the provision of 1 charging point per 10 spaces to include 1 charging point for every 10 disabled spaces. This standard is reflected on the Site Plan.
- 12.21 Although the development does not meet the standards, WCC Highways are satisfied that there is sufficient parking provision on site for the proposed occupier of the development. The condition also safeguards any future occupiers to ensure that there is an acceptable level of parking provision, to the satisfaction of the Highways Authority. It is therefore considered that suitable parking facilities can be provided in accordance with policy D2.

#### ***Public Rights of Way***

- 12.22 The applicant is seeking to legally divert the public right of way, R105, which crosses the application site.
- 12.23 The Warwickshire County Rights of Way Team have been consulted and have advised that the diversion of the footpath would require a legal order and the specifications of the proposed route must be agreed with the Highway Authority.
- 12.24 Providing the legal order and specifications of the route are provided, the Rights of Way Team has no objection to the proposed development. Conditions will be included (Conditions 17, 18, 19 and 20), to ensure the footpath remains open and usable, to mitigate or minimise any potential impact on the public footpath and its users.

#### **13.0 Other Matters**

- 13.1 Warwickshire Police have provided information regarding site security, to include glazing, pedestrian access, CCTV, boundary fencing and railings, roller shutter vehicle access doors, lighting, and internal theft by employees. Within the Design and Access Statement there are details regarding the security measures to be implemented. However, the key areas of consideration, as informed by the Police, will also be included as an informative note, with the accompanying information being made available to the agent and applicant.

- 13.2 Warwickshire Fire Safety have been consulted and have provided a response of no objection, subject to the development complying with the requirements necessary for access and facilities for the Fire Service. The applicant has provided additional information to confirm there is fire service access to 100% of the perimeter of the building. The advice will be included as an informative note.
- 13.3 Cadent (National Grid) have been consulted and although they do not object in principle, they do object to works proceeding without full consideration of its policies and procedures intended to ensure the safe operation of its network. An informative note will be included to advise the developers of their responsibilities in relation to the pipeline infrastructure falling under the remit of Cadent. It should be noted that the Applicant is actively engaged with Cadent on ensuring it complies with their policies and procedures.
- 13.4 Policy D3 - Infrastructure and Implementation - states that the 'delivery of new development will be dependent on sufficient capacity being available in existing infrastructure and/or measures being proposed to mitigate its impact'. It is considered that the relevant areas, relating to infrastructure, have been addressed within the submitted documents and plans, by condition or within the Section 106 Agreement.

#### **14.0 Planning Obligations**

- 14.1 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.
- 14.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:  
(a) necessary to make the development acceptable in planning terms;  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development.  
If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received several requests for planning obligations as detailed below. It is considered that the requests below meet the necessary tests and are therefore CIL compliant.
- 14.3 National Highways and Warwickshire County Council Highways have requested a Section 106 contribution to enable the implementation of an improvement scheme at the A5/A426 Gibbet Hill Roundabout Junction.
- 14.4 Warwickshire County Council Highways have requested highway and transport mitigation contributions, similar to those agreed within the Section 106 as required for Planning Permission R20/0272, for works to local and national highway infrastructure, cycle infrastructure and public transport services.
- 14.5 The Highway Authority have also requested that a sum of £6,000 shall be made available from the applicants for the making of Traffic Regulation Orders on the public highway D7245 Castle Mound Way.
- 14.6 Warwickshire County Council Ecology have requested a sum of £212,701 to be secured through a Section 106 agreement, to mitigate against a loss in biodiversity. The payment

can be made to Warwickshire County Council, or an independent scheme set up by the developer.

**Heads of Terms**

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

<b>Obligations</b>	<b>Requirement</b>	<b>Trigger</b>
National Highways (In agreement with Warwickshire County Council)	Towards an improvement scheme at the A5/A426 Gibbet Hill Roundabout Junction.	Prior to occupation
Warwickshire County Council Highways	Works to local and national highway infrastructure, cycle infrastructure and public transport services.	Prior to occupation
Warwickshire County Council Highways	Requests that a sum of £6,000 for the making of Traffic Regulation Orders on the public highway D7245 Castle Mound Way.	Prior to occupation
Warwickshire County Council Ecology	Biodiversity Net Gain £212,701	Prior to occupation

14.8 If the committee resolves to approve the proposal, this will be subject to the completion of an agreement by way of a section 106 (s.106) covering the aforementioned heads of terms.

14.9 In relation to any financial contributions or commuted sums sought through a s.106 agreement, the financial contributions or commuted sums set out in this report will be adjusted for inflation for the period from resolution to grant to completion of the s.106 agreement. In addition, any financial contributions or commuted sums sought through a s.106 agreement will be subject to indexation from the completion of the s.106 agreement until the date that financial contribution or commuted sum falls due. Interest will be payable on all overdue financial contributions and commuted sums.

14.10 Subject to the completion of a section 106 agreement the development would be in accordance with Policy D3 of the Local Plan.

**15.0 Planning Balance and Conclusion**

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

15.2 The NPPF sets out a presumption in favour of sustainable development and advises decision-takers to approve a development proposal that accords with the development plan without delay. The NPPF (Paragraph 7) identifies the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 15.3 Paragraph 8 goes on to advise that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are an Economic, Social and Environmental objective.

***Economic***

- 15.4 Whilst it is acknowledged that the proposed development is a different format to that explicitly stated in the wording of Policy DS7, a development of that size and type has no reasonable prospects of being delivered and the proposed development is still an employment use for which there is a demonstrated need. The flexibility in the wording of Policy DS7 permits the proposed development and, from an economic perspective, the proposed development would result in financial investment into the Borough. It would safeguard existing jobs, if the existing company which has shown interest is to relocate and will provide new employment opportunities. This is entirely consistent with the allocation of the site, regarding Policy DS7, to provide 7.5 hectares of employment land. Additionally, it would help to ensure the Council meets its employment land targets as outlined in policy DS1 of the Local Plan.
- 15.5 Other economic benefits would include safeguarding of construction jobs; supporting other jobs and businesses that are not directly involved with the development; potential new construction employment opportunities. the potential for new jobs within the Borough; and support of businesses and jobs who provide services to the facility.
- 15.6 Overall, the proposal represents a substantial investment in the Borough. It would provide new employment opportunities. Consequently, it would have a significant positive impact on the regional and local economy. In line with the Framework, these benefits to economic growth and productivity provide significant weight in favour of the proposed development.
- 15.7 It is considered that the clear economic benefits outlined above should carry very substantial weight in favour of the proposed development.

***Social***

- 15.8 From a social perspective the development of this site would consequently provide a significant number of new employment opportunities. Given the current economic and social uncertainty, particularly in relation to jobs and job security, this is of paramount importance. Indeed, access to employment opportunities is a critical component of sustainable development. It also plays a key role in helping improve and safeguard mental health and wellbeing. Furthermore, the applicant has agreed to include a skills condition to provide Employment and Skills Plans for both the construction and end user phases to secure local benefits.
- 15.9 It is considered that the clear social benefits outlined above should carry substantial weight in favour of the proposed development.

***Environmental***

- 15.10 From an environmental perspective, the potential adverse impacts of the proposed development in relation to landscape, visual appearance, trees, hedgerows, ecology, highway safety, traffic flows, flood risk, drainage, heritage, archaeology, air quality, noise, contamination, light, residential amenity, and air quality have all been considered.

- 15.11 The assessment has subsequently shown that there would be no adverse impacts in most instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through different measures and strategies, to include conditions or by planning obligations.
- 15.12 Furthermore, the proposed development will reduce carbon reduction targets by achieving a BREEAM rating of Excellent; exceeding both the adopted policy requirement and what was approved for Hybrid Planning Permission R20/0272.
- 15.13 This carries weight in favour of the proposed development.
- 15.14 Paragraph 8 of the NPPF is clear that the 3 roles should not be taken in isolation, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously. The development would result in significant social and economic benefits as well as environmental benefits.

### ***Conclusion***

- 15.15 In conclusion, it is considered that the development is acceptable, regarding the key material planning considerations, to include, the principle of development, character and design, impact on residential amenity, highway safety, parking, flooding and drainage, landscape, ecology, and archaeology. Planning obligations set out in a Section 106 agreement will address adverse impacts of the development, ensuring it is acceptable in Planning terms.
- 15.16 Therefore, as per the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to material considerations including the National Planning Policy Framework, the proposed development is considered compliant with the policies of the adopted Rugby Borough Council Local Plan 2011-2031 and should be approved subject to conditions and informatives.

### ***Recommendation***

1. Planning application R22/0551 be approved 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 Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

## DRAFT DECISION

**REFERENCE NO:**  
R22/0551

**DATE APPLICATION VALID:**  
24-May-2022

**APPLICANT:**  
Equites Newlands (Rugby) Limited

**AGENT:**  
Mr Matthew Golisti, Avison Young, St Catherines Court, Berkeley Place, Bristol, BS8 1BQ

**ADDRESS OF DEVELOPMENT:**  
Land North-East of Castle Mound Way, Castle Mound Way, Rugby.

**APPLICATION DESCRIPTION:**  
Application for full planning permission for storage and distribution floorspace (Class B8 use), with ancillary offices, gatehouse, associated car parking, HGV parking, landscaping, and infrastructure.

### **CONDITIONS, REASONS AND INFORMATIVES:**

#### **CONDITION 1:**

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

#### **REASON:**

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

#### **CONDITION 2:**

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

The Application Form

Site Location Plan - COT-PHP-XX-00-DR-A-4270-010-P05

Warehouse Unit - GA Plans - COT-PHP-A1-00-DR-A-4270-200-P05

Warehouse Unit Office - GA Plans - COT-PHP-A1-00-DR-A-4270-201-P04

Warehouse Unit - GA Roof Plan - COT-PHP-A1-00-DR-A-4270-205-P04

Warehouse Unit - Gatehouse Plan & Elevations - COT-PHP-A1-00-DR-A-4270-206-P03

Plot A Warehouse GIA Area Schedule - COT-PHP-A1-XX-DR-A-4270-700-P04

Plot A Warehouse GEA Area Schedule - COT-PHP-A1-XX-DR-A-4270-701-P04

Access Road Longitudinal and Cross Sections - 46003/2004 - 100/105 - Rev A

Access Road Footpath Sections - 46003/2004 - 107 - Rev B

Yonder - Sustainability Statement - 13th May 2022

Yonder - Zero Carbon Road Map - Coton Park Phase 2 Rugby - 2463 Rev 01 - 04.05.2022

Yonder - Part L2A Compliance Report - Coton Park Phase 2 Rugby - As Designed 2463 Rev 02 - May 22

Yonder - Energy Strategy - Coton Park Phase 2 Rugby - 2463 - Rev 02 - May 22

FPCR-Equites Newlands (Rugby) Limited - Single Unit Scheme - Coton Park, Rugby -

Arboricultural Impact Assessment & Method Statement - May 2022

FPCR-Equites Newlands (Rugby) Ltd-Coton Park Phase 2-Bat Survey Report-May 2022

FPCR-Equites Newlands (Rugby) Ltd-Coton Park Phase 2-Ecological Appraisal-May 2022

FPCR-Equites Newlands (Rugby) Ltd-Coton Park Phase-Reptile Survey Report 2-May 2022  
 FPCR-Equites Newlands (Rugby) Ltd-Coton Park Phase 2-Water Vole, Otter and Crayfish Survey Report-May 2022  
 FPCR-Landscape Cross Sections-8987-L-02 - Rev D  
 FPCR-Equites Newlands (Rugby) Ltd-Land at Castle Mound Way, Coton Park East, Rugby, Warwickshire-Landscape and Visual Appraisal-May 2022 (Part 1 and 2)  
 Finished Levels - 20086-HYD-XX-XX-DR-D-0200 - Rev P8  
 Earthwork Volumes - 20086-HYD-XX-XX-DR-D-0201 - Rev P8  
 Drainage Layout - 20086-HYD-XX-XX-DR-D-0500 - Rev P4  
 Stantec Coton Park East Employment, Rugby - Transport Statement (Part 1 to 3)  
 Stantec Coton Park East, Rugby Noise Impact Assessment  
 Stantec Technical Note - 001 - Air Quality Technical Note  
 Burbage Realty - Our Ref: TK/co/2111 - Marketing Report  
 Construction Management Framework Plan April 2022 (Part 1 to 3)  
 Tree Pit, Staking & Plant Protection Details - CNP-BCA-ELS-XX-DR-L-2166-21-02-S4 - Rev P2  
 Landscape Proposals Drawing - CNP-BCA-ELS-XX-DR-L-2166-21-03-S4-P9  
 Indicative Landscape Sections - CNP-BCA-ELS-XX-DR-L-2166-21-04-S4-P5  
 Soft Landscape Works - Maintenance and Management Proposals - 5 Years -CNP-BCA-ELS-XX-RP-L-2166/21-RP01-S4-P5  
 Avison Young - Planning Statement - Coton Park East, Rugby - May 2022 (Part 1 and 2)  
 Coton Park East - Design and Access Statement May 2022 Rev: P3 (Part 1 and 2)  
 Avison Young - Health Impact Assessment Screening Report - Coton Park East, Rugby, 06 May 2022  
 Archaeology Warwickshire - Coton Park East 2 - Rugby, Warwickshire, Archaeological Method Statement - Date: May 2022  
 Hydrock - Coton Park Phase 2, Rugby - Desk Study Review and Ground Investigation Report - 06764-HYD-XX-XX-RP-GE-0001-S2-P03 - 9th May 2022 (Segment 001-012)  
 Received by the Local Planning Authority on the 24th May 2022

Access Road Visibilities - 46003/2004 102 C  
 Access Road - Proposed Road Contour - 46003/2004 100/104 C  
 Access Road - Land to be Dedicated - 46003/2003 100/004 F  
 Access Road - Site Clearance - 46003/2004 200/001 C  
 Access Road - Earthworks - 46003/2004 600/001 C  
 Access Road - Traffic Signs and Road Markings - 46003/2004 1200/001 C  
 Access Road - Street Lighting - 46003/2004 1300/001 C  
 Plot A Warehouse - Elevations - COT-PHP-A1-00-DR-A-4270-300-P08  
 Stantec - Flood Risk Assessment - Project Ref: 332210700/300 | Rev: E | Date: June 2022  
 Received by the Local Planning Authority on the 17th June 2022

Access Road - Swept Paths - 46003/2004 101 C  
 Trip Rate Calculation - Audit-706704-220711-0733  
 Received by the Local Planning Authority on the 14th July 2022

Site Plan - COT-PHP-XX-00-DR-A-4270-100-P16  
 Received by the Local Planning Authority on the 21st July 2022

Stantec Technical Note - 2002 / TN005 - Response to Comments Raised Under Condition 1 (JGA letter ref: 05967 030)  
 Access Road - Drainage Design-46003/2004-500/001-Rev D

Access Road - Culvert General Arrangement Sheet 1of2 - STN-SBR-XXXX-DR-CB-0001 P02  
Access Road - Culvert General Arrangement Sheet 2of2 - STN-SBR-XXXX-DR-CB-0002 P02  
Received by the Local Planning Authority on the 25th August 2022

Fire Strategy Plan - Warehouse - Level 00 (Fit-out) - COT- pHp- 01- 00- DR- A- 4270 - 220- T01  
Site Plan - Fire Strategy -Fit-Out - COT-PHP-XX-00-DR-A-4270-111-T03  
Received by the Local Planning Authority on the 16th September 2022

Hydrock - Coton Park - Drainage Design Note - 20086-HYD-XX-XX-TN-D-0001- P4 17 August 2022  
Stantec Technical Note - 200/TN001 rev B - SuDS Maintenance Plan  
Stantec Technical Note - 2002 / TN005 rev B - Response to Comments Raised Under Condition 1 (JGA letter ref: 05967 030)  
Stantec Technical Note - 2002 / TN001 Rev H - Foul Water and Surface Water Drainage Strategy  
Received by the Local Planning Authority on the 04th October 2022

RPS - Archaeological Mitigation Strategy - Coton Park East Phase 2: Rugby Borough Council ref R20/0272 -JAC25854 - Coton Park East Phase 2 - 2.0 - 15th February 2022  
FPCR Coton Park Phase 2 - Construction Environmental Management Plan - October 2022  
Biodiversity Impact Assessment (excel)  
Received by the Local Planning Authority on the 14th October 2022

CPW Newlands Coton Park - 220273 - External Lighting Report - Rev P01  
(to include: Proposed External Lighting Layout - 220273-CPW-XX-00-DR-E-EXT01 S3 P03)  
Earthwork Cross-sections - CNP-HYD-SGT-SM1-DR-GE-4002 Rev P07  
Received by the Local Planning Authority on the 17th October 2022

Access Road - Public Right of Way - 46003/2004 103 E  
Access Road - General Arrangement - 46003/2004 100 F  
Access Road - Pavement - 46003/2004 700/001 D  
Access Road - Kerbing and Paved Areas - 46003/2004 1100/001 F  
Received by the Local Planning Authority on the 18th October 2022

**REASON:**

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

**CONDITION 3:**

The premises shall be used for storage and distribution within use Class B8 of the Town and Country Planning (Use Classes) Order 1987, or equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

**REASON:**

To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise or other nuisance.

**CONDITION 4:**

No part of the site, which falls outside of the area bounded by the 'security fence', as indicated by the blue line on the plan - Site Plan - COT-PHP-XX-00-DR-A-4270-100-P16 - shall be used for storage purposes.

**REASON:**

In the interests of the visual amenities of the locality.

**CONDITION 5:**

Notwithstanding the provisions of Part 7, Class H of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

**REASON:**

To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

**CONDITION 6:**

Within one year of the development hereby permitted being occupied, a post construction certificate demonstrating that the building achieves a BREEAM rating of 'Excellent' shall be 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 measures and details.

**REASON:**

To ensure energy efficiency is achieved through sustainable design and construction and to reduce carbon emissions.

**CONDITION 7:**

Prior to the first occupation, the building, hereby approved, shall be provided with the facility to enable broadband internet connection.

**REASON:**

To ensure there is appropriate facility for broadband internet connection

**CONDITION 8:**

Previously unidentified Contamination

When carrying out work as part of this development hereby permitted and having regard to the Hydrock Coton Park Phase 2, Rugby Desk Study Review and Ground Investigation Report, date 9 May 2022, Doc ref: 06764-HYD-XX-XX-RP-GE-0001-S2-P03, project ref C-06764-C, rev P03 status S2', in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

a) An investigation and risk assessment shall be undertaken 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.

b) Where remediation is necessary 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.

c) 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.

**REASON:**

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

**CONDITION 9:**

Local Employment Strategy - No above ground development shall commence unless and until a Local Employment Strategy relating to the construction phase has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include detail of the local labour and employment opportunities and initiatives and construction skills training associated with the development, which actively promotes jobs to the local workforce.

**REASON:**

To promote employment opportunities for local residents

**CONDITION 10:**

Employment and Skills Plan - Prior to first occupation of the development, an End User Employment and Skills Plan (ESP) shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall include details of the skills and training opportunities associated with the end user phase of development to actively promote jobs to the local workforce. The development shall be implemented in accordance with the approved details.

**REASON:**

To promote employment opportunities for local residents

**CONDITION 11:**

Any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the RPS document 'Archaeological Mitigation Strategy. Coton Park East Phase 2: Rugby Borough Council ref R20/0272. Version 2' and the Archaeology Warwickshire document 'Coton Park East 2, Rugby, Warwickshire. Archaeological Method Statement'.

**REASON:**

In the interest of archaeology and the historic environment

**CONDITION 12:**

All tree protection measures identified within the Arboricultural Implications Assessment and method statement dated May 2022 relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the Local Planning Authority. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Pre-commencement site meeting to be arranged with the applicant, Local Planning Authority tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

**REASON:**

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

**CONDITION 13:**

All proposed soft landscape planting detailed within the approved landscape proposal drawing (drawing number CNP-BCA-ELS-XX-DR-L-2166-21-03-S4-P9 dated 03/08/2021) must be planted in the 1st planting season following completion of construction. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

**REASON:**

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

**CONDITION 14:**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment Flood Risk Assessment Rev E, Stantec (May 2022) and Foul Water and Surface Water Drainage Strategy Rev H, Stantec (29th September 2022) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
- As-Built Drawings and accompanying photos
- Results of any performance testing undertaken as a part of the application process (if required / necessary)
- Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- Confirmation that the system is free from defects, damage and foreign objects

**REASON:**

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the National Planning Policy Framework and Local Planning Policy.

**CONDITION 15:**

Any signage that is visible from the M6 motorway shall not be illuminated.

**REASON:**

In the interest of highway safety

**CONDITION 16:**

Prior to the commencement of earthworks (excluding site clearance and archaeological works), the applicant will provide a Geotechnical Design Report via the Council, along with all relevant Design Manual for Roads and Bridges CD 622 (Managing Geotechnical Risk) process requirements. Such submission shall be confirmed as being satisfied in writing by National Highways to the Council before any earthworks commence on the site.

REASON:

To ensure the safety, stability, and serviceability of the Strategic Road Network (M6)

CONDITION 17:

No site security fencing may be erected on or within 1m of public footpath R105 (unless closed by legal order).

REASON:

To mitigate or minimise any potential impact on the public footpath and its users

CONDITION 18:

Prior to commencement of any works involving disturbance of the surface of public footpath R105 the developer must contact the Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.

REASON:

To mitigate or minimise any potential impact on the public footpath and its users

CONDITION 19:

The resurfacing of the public footpath R105 shall be carried out in accordance with the plan - Access Road Kerbing and Paved Areas - 46003/2004-1100/001-Rev F - prior to the first occupation of any property at this site.

REASON:

To mitigate or minimise any potential impact on the public footpath and its users

CONDITION 20:

The applicant must carry out remedial works to make good any damage on the surface of the public right of way within the redline boundary caused during the construction phase of the development. These remedial works must be completed to the satisfaction of the Highways Authority prior to the first occupation of the site

REASON:

To mitigate or minimise any potential impact on the public footpath and its users

CONDITION 21:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development. The content of the LEMP shall include the following.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

REASON:

To ensure a net biodiversity gain in accordance with NPPF.

CONDITION 22:

The development shall not be occupied until an access for vehicles has been provided to the site in general accordance with drawing number 46003/2004/100/100 Rev F.

REASON:

In the interest of Highway Safety

CONDITION 23:

The access to the site for vehicles (with the exclusion of construction vehicles) shall not be used in connection with the development hereby permitted until it has been surfaced with a bound macadam material for its whole length.

REASON:

In the interest of Highway Safety

CONDITION 24:

The development shall not be occupied until all elements within the site to enable direct access for cycles and pedestrians to the site from Residential Allocation DS3.1 have been constructed in accordance with drawing number COT-PHP-XX-00-DR-A-4270-100-P16 and 1100/001F (kerbing and paved areas). The access shall thereafter be available for that purpose at all times.

REASON:

In the interest of Highway Safety

CONDITION 25:

The development shall not be occupied until a turning area has been provided within the site so as to enable Heavy Goods Vehicles (with the exception of construction vehicles) to leave and re-enter the public highway in a forward gear in accordance with drawing numbers COT-PHP-XX-00-DR-A-4270-100- P16 and 46003/2004/100/101 Rev C. The turning area shall thereafter be maintained in accordance with the approved details and shall be available for vehicular use by highway users at all times

REASON:

In the interest of Highway Safety

CONDITION 26:

The development shall not be occupied until a Travel Plan to promote sustainable transport choices to the site has been submitted to and approved by the Local Planning Authority. The

measures (and any variations) so approved shall continue to be implemented in full at all time.  
The plan shall:

- a. specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- b. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- c. explain and justify the targets and measures by reference to the approved Transport Statement reference 332210700;
- d. include a scheme of wayfinding between the site and all public transport services with active passenger stops within a walking distance of 1km of the site using footpaths and footways that are surfaced in a bound material, enabling legible walking routes of the shortest distance along such routes. The scheme shall include the provision of signage both on-site, and off-site where consent from the landowner allows such provision. The plan shall make provision for the review and amendment of the scheme as the patterns of public transport services and walking networks within the scope of the scheme change;
- e. identify a senior manager of the management company operating the site or of a business using the site with overall responsibility for the plan and a scheme for involving employees of the occupants of the development in its implementation and development.

REASON:

In the interest of Highway Safety

CONDITION 27:

Prior to the development hereby approved first being occupied, a Parking Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The plan shall include:

- a. identification of locations within the site and private access road where parking is to be prevented;
- b. measures to be implemented to prevent parking in those locations;
- c. identification of locations within the site where additional car parking could be provided if required;
- d. measures to routinely monitor the number of vehicles parking on the site and private access road, both within and outside marked parking bays, and provide additional car parking if necessary;

Once approved the plan shall be implemented at all times while the site is in use.

REASON:

In the interest of Highway Safety

CONDITION 28:

(External Lighting)

Prior to installation, details of all external light fittings and external light columns shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the lighting details are installed in accordance with the approved details.

REASON:

In the interest of highway safety.

**INFORMATIVE 1:**

Wherever possible the applicant is encouraged to use sustainable and environmentally friendly construction and work practices, to include the sourcing of materials, during the construction phase, and when removing, recycling, and disposing of waste from the site.

**INFORMATIVE 2:**

The development is required to comply with the 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)

**INFORMATIVE 3:**

Warwickshire Police recommend any development is designed in such a way to prevent potential crime or criminal activity. Areas for consideration when designing the site layout, and once the development is in operation, to include: glazing, pedestrian access, CCTV, boundary fencing and railings, roller shutter vehicle access doors, lighting, and internal theft by employees.

**INFORMATIVE 4:**

The Applicant must ensure that no works are undertaken in the vicinity of Cadent's gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place with Cadent's plant protection engineers.

Cadent has a Deed of Easement which restricts development activities within its easement strips in relation to the High-Pressure Gas Pipeline. If any works are proposed within Cadent's easement strip, the Applicant must obtain Cadent's approval in advance and in accordance with the terms of the legal easement.

The Applicant should ensure that all persons, including direct labour and contractors, working on or near Cadent's apparatus follow the requirements of HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services'.

Please direct all works enquiry's to Cadent through [www.lsbud.co.uk](http://www.lsbud.co.uk)

**INFORMATIVE 5:**

**Reversing alarms**

Reversing alarms incorporating one of more of the features listed below or any other comparable system should be used on any mobile plant or vehicle operated on site. Where reasonably practicable this will apply to any delivery vehicles;

- i) highly directional sounders;
- ii) use of broadband signals;
- iii) self-adjusting output sounders; and
- iv) flashing warning lights.

**INFORMATIVE 6:**

**Lighting**

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

**INFORMATIVE 7:**

**Intermodal shipping containers**

Should the loading or unloading of intermodal shipping containers from trailers, by use of straddle carrier/reach truck/ or similar mechanism in the external areas, be proposed for the site then a new noise assessment should be undertaken in advance and any recommendations for acoustic attenuation be implemented. The methodology should be discussed with Rugby Borough Council (commercial regulation team) prior to the noise assessment being carried out.

**INFORMATIVE 8:**

Any works within the channel of an Ordinary Watercourse will likely require Land Drainage Consent prior to construction from Warwickshire County Council as Lead Local Flood Authority.

**INFORMATIVE 9:**

Public footpath R105 must remain open and available for public use at all times unless closed by legal order.

**INFORMATIVE 10:**

If it is proposed to temporarily close public footpath R105 during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council well in advance.

**INFORMATIVE 11:**

Any disturbance or alteration to the surface of public footpath R105 requires the prior authorisation of the Highway Authority, as does the installation of any new gate or other structure on the public footpath.

**INFORMATIVE 12:**

A. Condition numbers 22 and 25 require that the estate roads including footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' 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 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 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.

B. Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for highways technical approval the applicants/developer are advised that an independent stage 1 and 2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

INFORMATIVE 13:  
This development is subject to a s106 legal agreement.

**Reference: R22/0694**

**Site Address: 41, KING EDWARD ROAD, RUGBY, CV21 2TA**

**Description: Amendment to R18/1153 to increase floor area of units 6, 8 & 10 to incorporate the unit approved under R20/0916 and associated external appearance amendments**

### **Recommendation**

Planning application R22/0694 be approved subject to:

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

This application is being reported to Planning Committee for determination because the proposed development is subject to 5.2.3 (i) of the Rugby Borough Council Scheme of delegation as a departure from advice of the Highway Authority.

### **1. Description of site**

1.1. The site is located in the rugby Urban area and is currently a vacant brownfield site due to the prior demolition of existing buildings on site. The site itself is accessed from its narrowest point on the highway of King Edward Road and extends west where it transitions to a larger area which is contained within the houses on Manor Road and Holbrook Avenue. The character of the street scene is mainly residential constructed of two storey terraced rows with examples of two storey semi-detached dwellings. Northlands primary school is also situated in proximity to the site. The site is situated near to the northern junction with Manor Road resulting in rear elevations of a terraced row on Manor Road facing the site.

### **2. Description of proposals**

2.1. The application seeks to amend R18/1153 to increase the floor area of units 6, 8 & 10 to incorporate the unit approved under R20/0916 and associated external appearance amendments. Due to the multiple approved applications prior to this submission, a time line has been provided in the appendix of this report.

2.2. The previously approved application R20/0916 would have a width of 4 metres and a ridge height of 9 metres and an eaves height of 7.2 metres. This proposal would have the same width of 4 metres but would extend to a higher ridge of 9.3 metres and alter the south facing eave to a taller height of 7.9 metres.

2.3. The proposal uses timber cladding and brickwork and would result in one less window on the south elevation and would add two roof lights and two windows to the north elevation. The eastern elevation which faces the road would have three windows, one at each storey.

### 3. Planning History

Application No	Description	Decision	Date
R18/1153	Demolition of the existing building and construction of 10 no. 1 bed apartments	Approval	06-Dec-2018
R20/0916	Demolition of commercial building and construction of 2 bedroom duplex apartment.	Approval	12-March-2021

### 4. Relevant Planning Policies

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

4.2. 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.

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

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

4.4. Supplementary Planning Documents (SPDs)

Sustainable Design and Construction SPD – 2012

4.5. Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) 2021

National Planning Practice Guidance (NPPG)

### 5. Technical consultation responses

RBC Environmental Health:	No Response received
WCC Ecology:	No objection, Subject to informatives
Work services unit	No objection, Subject to informatives
WCC Highways	Objection

### 6. Third party comments

6.1. No Third-Party Comments Received

## 7. Assessment of proposals

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

Section 8	Principle of Development
Section 9	Highway Safety
Section 10	Character and Design
Section 11	Impact on Residential Amenity
Section 12	Biodiversity
Section 13	Planning Balance and Sustainability of Development
Section 14	Recommendation
Section 15	Appendix

### 8. Principle of development

8.1. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the Settlement Hierarchy.

8.2. The proposal is located in the Rugby Urban area which is the Main focus for all development in the Borough therefore development is permitted within existing boundaries and as part of allocated Sustainable Urban Extensions.

8.3. The current proposal makes part of a storied planning history for this development as can be seen in section 3 of this report. Therefore, the assessment of all below planning matters are to be weighted against the fall-back positions of the previously approved proposals which are still extant.

8.4. The proposal is therefore considered in accordance with Policy GP2.

### 9. Character and Design

9.1. 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 a scale, density and design that responds to the character of the areas in which they are situated.

9.2. The proposal has been amended, under the original proposal submitted the east facing elevation which faces the street scene would have a blank elevation. This was amended to include windows which contribute to existing architectural features within the street scene and therefore deemed acceptable.

9.3. The scale of the proposal does increase slightly, accommodating a larger roof which alters the pitch. Although, the roof pitch somewhat differs from those within the street scene it is not considered to be significantly detrimental to the street scene and would create a more harmonious design across the development.

9.4. Materials were also amended from standing seam zinc to timber cladding and brickwork, creating an acceptable uniform aesthetic across the whole development and an acceptable impact to the street scene.

9.5. The application is therefore considered of an acceptable design and in turn in accordance with Policy SDC1.

#### 10. Impact on residential amenity.

10.1. Policy SDC1 states that Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.

10.2. Section 12 of the NPPF states that planning should always seek a high standard of amenity for existing and future users of developments.

10.3. In assessment, the impact upon residential amenity is to be weighted against the potential impact from the previously approved permissions which provide a fallback position for the development.

10.4. The main increase in potential harm would be the windows added to the northern facing elevation and the impact on the rear elevations of the terraced row on Manor Road. The officer noted on the original submitted plans the chosen fenestration created a significantly harmful impact.

10.5. However, due to the windows being moved onto the east elevation in order to create an acceptable design some of the harm was alleviated.

10.6. There would still be a window required on both the ground floor and first floor unit which would face the dwellings on Manor Road. The acting agent amended these windows to be screened louvres which can be seen in figure 1 below.

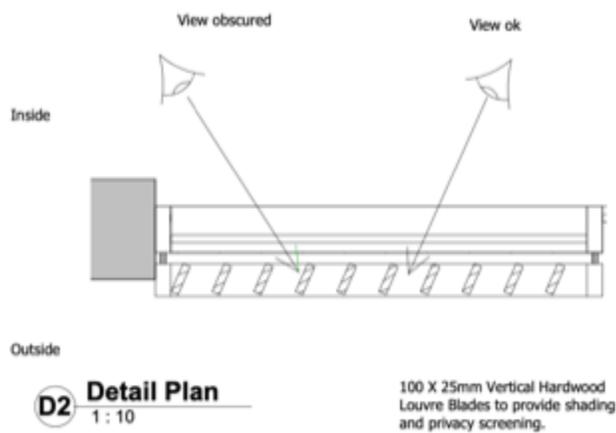


Figure 1 Screened Louvres

- 10.6. The case officer accepts the windows do not entirely remove the subsequent impact. However due to the level obscurity and the light source to the rooms, the inclusion of this window type is considered acceptable and will be safeguarded under condition to remain in this manner.
- 10.7. It is therefore considered this application would not cause significant harm to the surrounding residential amenity and future occupiers and is therefore considered to be in accordance with Section 12 of the NPPF and Policy SDC1 of the local plan.

## **11. Ecology & Biodiversity**

- 11.1. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. Policy NE1 seeks to safeguard priority habitats/species of conservation concern and requires developers to take mitigating measures for their protection.
- 11.2. Warwickshire County Ecologists have no objection. The proposal is therefore considered to be in accordance with Chapter 15 of the NPPF and Policy NE1 of the Local Plan

## **12. Highways Considerations**

- 12.1. Section 9 of the NPPF states that development should achieve a safe and suitable access to a site for all users. Policy D2 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking facilities including the provision for motorcycles, cycles and for people with disabilities.
- 12.2. The leading highways authority were consulted in order to assess the application. In accordance with the previous stance on prior applications highways objected to the application on the following grounds;

*1. As previously discussed, the existing vehicular access is only wide enough to allow one-way vehicle movements.*

*2. There appears to be insufficient space for vehicles to manoeuvre into/out of parking spaces 8 and 9. Section 8.3.51 of Manual for Streets (MfS) indicates that the width needed for vehicles to access perpendicular spaces is 6m.*

*3. The Highway Authority requires vehicle tracking drawings to be provided, to demonstrate that a Multi-Person Vehicle (MPV) can manoeuvre into/out of car*

*parking spaces 1, 2 and 3.*

*4. Figure 8.18 and Paragraph 8.3.51 of MfS indicates that car parking spaces in a perpendicular arrangement should be at least 2.4m wide by 4.8m long. Although the length of the proposed car parking spaces are in accordance with MfS standards, the car parking spaces proposed vary in width from approximately 2.1m to 2.35m. Car parking spaces bound on one side by a fence/wall/hedgerow should measure at least 3m in width.*

*5. A bin storage area has been proposed to the rear of the proposed building, alongside the rear boundaries of nos. 55 and 57 Manor Road. It is unclear how the bin storage area will be accessed by refuse collectors. The bin store should also be located within 25m of the public highway, so as not to exceed the recommended walking/carrying distance for refuse collectors.*

12.3. The case officer does not dispute the highways reasoning for objection which is in accordance with application R18/1153. However, due to the storied planning history of the site and previous planning approvals, the potential impact to the highway must be weighed against the quantum of development proposed as part of this proposal.

12.4. In assessment, the only increase in scale for the proposal is that of the roof height and a creation of a net loss of 1 unit with a consolidation of the unit approved under R20/0913 into the extension of 3 units approved under R18/1153. It is therefore considered on balance, that the proposal does not propose a development which is significantly more detrimental than the prior applications that have been approved.

### **13. Planning Balance and Conclusion**

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

13.2. In conclusion, the proposal is acceptable in principle and through amendments to design is considered acceptable. Impact on residential amenity has also been addressed through amendment and with the inclusion of the obscure screened windows would not be considered significantly detrimental. No public objections were received and all technical consultee matters have been addressed apart from the highways objection.

13.3. On balance, the leading highways authority retains their stance of objection in accordance with the approved R18/1153. In assessment the development within this proposal would not be seen to add any further impact to the highway and therefore is considered acceptable when assessed against the planning history for the site which is a material consideration.

## 14. Recommendation

14.1. Planning application R22/0694 be approved subject to:

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

## 15. Appendix

R20/0916



R18/1153



## DRAFT DECISION

**REFERENCE NO:**  
R22/0694

**DATE APPLICATION VALID:**  
11-Jul-2022

**APPLICANT:**

Adam Thomas, A M T Projects Construction Ltd A M T Projects Construction Ltd, AMT Projects Construction LTD, Unit 3A, Great Central Way, Rugby, C

**AGENT:**

David Box, HB Architects HB Architects, The Old Telephone Exchange, Albert Street, Rugby, CV21 2SA

**ADDRESS OF DEVELOPMENT:**

41, KING EDWARD ROAD, RUGBY, CV21 2TA

**APPLICATION DESCRIPTION:**

Amendment to R18/1153 to increase floor area of units 6, 8 & 10 to incorporate the unit approved under R20/0916 and associated external appearance amendments

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1**

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

**REASON:**

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

**CONDITION 2**

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

Received by Council 27-Oct-2022  
Elevations Drawing No 20016-HBA-DR-A-055  
Floor Plans Drawing No 20016-HBA-DR-A-056

Received by Council 11-July-2022  
Site Location Plan Drawing No 20016-HBA-DR-A-051  
Site Plan Drawing No 20016-HBA-DR-A-053

**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**

Prior to first installation, full working drawings of the proposed windows on the northern elevation shall be submitted to and approved in writing by the Local Planning Authority. These should be at a scale of not less than 1:20 and should specify the materials of construction and cross-sections of the glazing and the level of obscuration. Development shall not be carried out other than in accordance with the approved details and retained in this manner in perpetuity

**REASON:**

In the interest of visual amenity .

**CONDITION 5**

No above ground construction shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall: - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDs Manual' CIRIA Report C753 by providing a cross section of the permeable paving. - Provide and implement a maintenance plan 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. -Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

**REASON:**

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

**CONDITION 6**

No ground works 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, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### CONDITION 7

Prior to the commencement of construction 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 demolition and construction activities including groundworks, formation of infrastructure and arrangements to monitor noise emissions - the control of dust including arrangements to monitor dust emissions from the development site during the demolition and construction phases - measures to reduce mud deposition offsite from vehicles leaving the site. The 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 interest of highway safety and residential amenities

#### CONDITION 8

The accommodation for car parking and the loading and unloading of vehicles, shown on the approved plan 20016-HBA-DR-A-053 shall be provided before the occupation of the

development hereby permitted and shall be retained permanently for the accommodation of vehicles of persons living in or calling at the premises 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 9**

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

REASON: In the interest of visual amenity.

**CONDITION 10**

The development hereby approved shall not be occupied until full details of the access gates, bin store and cycle store have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory appearance of the development.

**CONDITION 11**

Before the development hereby permitted is first occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

REASON: In the interest of highway safety.

**CONDITION 12**

Other than those shown on the approved plans no new windows/rooflights shall be formed in the proposed development unless otherwise agreed in writing by the Council.

REASON: In the interest of residential amenity.

**CONDITION 13**

The application hereby approved (ref R22/0694) shall not commence unless and until R18/1153 has commenced and all conditions attached to R18/1153 have been approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved plans.

**REASON:**

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

**INFORMATIVE:**

RBC's work service unite advise ALL bins must be presented kerbside on morning of collection and returned back to property after collection.

**AGENDA MANAGEMENT SHEET**

**Report Title:** Tree Preservation Order No. 426

**Name of Committee:** Planning Committee

**Date of Meeting:** 7 December 2022

**Report Director:** Chief Officer - Leisure and Wellbeing

**Portfolio:** Leisure and Wellbeing

**Ward Relevance:** Stretton under Fosse

**Prior Consultation:** Public - Site Owner

**Contact Officer:** David Gower  
Arboricultural Officer  
01788 533634; david.gower@rugby.gov.uk

**Public or Private:** Public

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

**Report En-Bloc:** No

**Forward Plan:** No

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

**Summary:** A provisional Tree Preservation Order (No.426) was made on the 27 July 2022 in respect of two mature Oak trees (Reference T1 and T2) located in a wooded area on land adjacent to 3 Main Street, Stretton under Fosse.

The Tree Preservation Order was served in response to the receipt of a planning application (ref: R20/0440) for the erection of one new dwelling on land adjacent to 3 Main Street, Stretton under Fosse.

The trees were not considered within the planning application and as per the recommendations of BS5837:2012 (Trees in relation to design demolition and construction).

The proposed footprint of the property is located 6.5-7 metres away from T2 at its nearest point.

The tree has a "root protection area" with radius equal to 11.4 metres with a large canopy spread of 11-14 metres protruding directly over the application site and proposed dwelling.

Therefore, the proposed dwelling would be directly within the root protection area and canopy spread of the trees.

The two trees are approximately 20/25 metres in height and are highly prominent visual amenity and landscape features being highly visible from the adjacent highway and footpath. Placing a dwelling in close proximity would put their future viability as visual amenity features into doubt.

There is potential for excessive root damage and there would be a requirement to excessively cut the nearest tree back to achieve clearance from the build. This may be detrimental to the health/stability of the trees.

One objection to the Tree Preservation Order has been received from the owner of the land where the trees are located.

**Financial Implications:** N/A

**Risk Management/Health and Safety Implications:** N/A

**Environmental Implications:** If the Tree Preservation Order is not confirmed the trees in question may be removed. The trees are a valuable landscape feature and their loss would also result in a loss of sustainable public amenity and wildlife habitats which would then have a subsequent detrimental impact on the surrounding environment and biodiversity.

<b>Legal Implications:</b>	The confirmation of a Tree Preservation Order may be challenged in the High Court pursuant to the provisions of the Town and Country Planning Act 1990. Any challenge must be brought within six weeks of the date of confirmation of the Tree Preservation Order.
<b>Equality and Diversity:</b>	N/A
<b>Options:</b>	<ol style="list-style-type: none"> <li>1. To confirm the Tree Preservation Order without modification to the schedule (being the Tree Preservation Order Plan).</li> <li>2. To confirm the Tree Preservation Order with modification to the schedule (being the Tree Preservation Order Plan).</li> <li>3. To reject the Tree Preservation Order.</li> </ol>
<b>Recommendation:</b>	Tree Preservation Order No. 426 to be confirmed without modification to the schedule (being the Tree Preservation Order Plan).
<b>Reasons for Recommendation:</b>	<ol style="list-style-type: none"> <li>1. The trees included within Tree Preservation Order No. 426 display good form and vitality with no major external signs of disease, decay or structural defects.</li> <li>2. The trees are highly visible to the general public as viewed from Main Street, Stretton under Fosse and form a prominent visual amenity feature and landscape feature within the local area.</li> <li>3. Without a Tree Preservation Order in place, the trees could be removed which would have a detrimental impact upon the local landscape character of the area, public amenity, wildlife habitats and biodiversity.</li> </ol>

**Planning Committee - 7 December 2022**

**Tree Preservation Order No. 426**

**Public Report of the Chief Officer - Leisure and Wellbeing**

**Recommendation**

Tree Preservation Order No. 426 to be confirmed without modification to the schedule (being the Tree Preservation Order Plan).

**1. Background**

The Arboricultural Officer is a formal consultee for planning applications within Rugby Borough Council's administrative area, advising on landscape, biodiversity and arboricultural matters.

The Arboricultural Officer was consulted on a planning application (Ref: R22/0440) at land adjacent to 3 Main Street, Stretton under Fosse for the construction of a residential dwelling. The application is still to be decided.

Following an objection from the Arboricultural Officer on 13 June 2022 due to the potential negative impact on two mature Oak trees located on land immediately adjacent to the proposed dwelling a provisional Tree Preservation Order (TPO) (No.426) was made on 27 July 2022 in respect of the two trees (as shown in Appendix 1 – The TPO plan).

The trees (T1 and T2) are mature Oaks (2.2 metres apart) located within the wooded area to the south-west, upwards of 20/25 metres in height and approximately 120 years old. The trees do have some moderate/major dead wood in them but are in generally good condition.

The trees are not shown within the site plan for the planning application (as shown in Appendix 2 – The Proposed Site Plan). T2 is 6.5-7 metres away to the South West from the proposed dwelling at its nearest point. The tree has an estimated root protection area (heavily ivy clad main stem) with radius equal to 11.4 metres with a large canopy spread of 11-14 metres protruding directly over the application site and proposed dwelling. Root Protection Areas are worked out at 12x diameter. Stem diameters are 95cm.

Therefore, the proposed dwelling would be directly within the root protection area and canopy spread of the trees. The two trees are highly prominent visual amenity and landscape features being highly visible from the highway and footpath.

Placing a dwelling in close proximity would put the trees' future viability as a visual amenity feature into doubt. There is potential for excessive root damage and there would be a requirement to excessively cut the nearest tree back to achieve

clearance from the build. This may be detrimental to the health/form/stability of the trees.

The trees have not been considered within the design/application. A BS5837:2012 tree report has not been submitted.

Collectively the trees contained within the provisional TPO constitute an important visual amenity. Removal of the trees would be to the detriment of the local landscape character (Appendix 3 – Views of trees).

One letter of objection to the provisional TPO no.426 were received in relation to the trees contained within the provisional TPO.

As a result of this objection, the decision as to the confirmation of the provisional TPO is a matter for the Planning Committee in accordance with Part 2A, paragraph 16.1(ff)(ii) of the constitution.

## **2. Government Advice**

Government advice is that Tree Preservation Orders (TPOs) should be used to protect selected trees if their removal would have a significant impact on the environment and its enjoyment by the public.

Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made and confirmed and therefore, the trees should be visible from a public place.

The benefits may be present or future, and the trees may be worthy of preservation for a number of reasons including their intrinsic beauty or their contribution to the surrounding area, or their contribution to the landscape or because they serve as a screen to an eyesore or future development.

The value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland or historical importance, may be taken into account, which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

It may be expedient to make a TPO if the local planning authority believes there is a risk of trees being cut down or pruned in ways that would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate.

In some cases the local planning authority may believe that certain trees are generally at risk from development pressures. The local planning authority may have some other reason to believe that the trees are at risk; changes in property ownership and intention to remove trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.

The Government further advises that TPOs should be administered positively and local planning authorities should consider their approach to applications for pruning and felling when making a TPO. They are also encouraged to offer advice on tree

management and ensure that necessary tree work takes place in an orderly fashion so as to maintain the amenity of the tree(s) as long as possible.

### **3. The Case for Confirming the Provisional Tree Preservation Order No. 426**

The trees included within the provisional TPO (see Appendix 3 for views of the trees to be included in the TPO) form a significant visual amenity and contribute positively to the overall landscape character of the local area. Without a TPO in place, the trees could be removed which would have a detrimental impact upon the local landscape character of the area, public amenity, wildlife habitats and biodiversity.

### **4. Response to Objection Received**

One letter of objection has been received in relation to the two trees following the implementation of the provisional TPO from the owner of the land where the trees are located.

Those objections and the Arboricultural Officer's response to those objections are set out below:

*We would like to object to the tree preservation order 426 imposed by Rugby Borough Council on the land adjacent to 3 Main Road, Stretton Under Fosse CV23 0PF. Can the council please provide more detail why the tree preservation order has been applied? The council has stated:*

*"The grounds that Rugby borough council has made the order is that the trees are worth preserving from an amenity point of view"  
This is a generic statement and does not explain why?*

*Guidance states that "When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way" can the council please advise the way this decision has been achieved.*

*We would like to formally object the tree preservation order on the grounds of:*

- The trees in question have several substantial branches of dead wood, please see attached pictures and T2 is leaning with overhangs into the neighbouring property.*
- The tree preservation order has been put in place primarily to prevent a residential development on the neighbouring plot and not for local amenity.*
- The trees are typical of others in the locality and do not have significant merit for a tree preservation order.*
- Our family have owned and farmed the block of land where the trees are since the early 1980's. We have no desire or intentions to remove or fell the trees so feel the tree preservation order is unnecessary regulation and restriction without cause.*

All trees are a material consideration in the planning process. Effects on trees will therefore be considered by the consenting authority. Adverse effects that cannot be mitigated and which are not acceptable on balance against other benefits may weigh against the granting of planning permission.

In this case the trees have not been considered and as such it is highly likely that an adverse impact on the trees may arise given the close proximity to the trees both within the root protection area and radial canopy spread of the trees.

In order to achieve a successful relationship between trees and proposed new development it is important they are surveyed and assessed as per the Recommendations of British Standard 5837:2012 (Trees in relation to design demolition and construction – Recommendations) to establish key design constraints and parameters. This has not been carried out by the applicant.

The amenity value of the trees was assessed using the TEMPO method (Tree Evaluation Method for Preservation Orders). This is tool for assessing suitability for TPO based on a number of criteria including condition, expected retention span, relative public visibility and level of threat. In this instance the trees are shown to “Definitely merit TPO” (Appendix 4 – TEMPO).

The trees are located 2.2 metres apart and have grown symbiotically with each other to form one whole canopy unit. There is some sporadic moderate and major dead wood in the trees as is common for mature Oaks but other than this the trees are in good condition. Remedial works to remove the dead wood may be prescribed.

## **5. Conclusion**

For the reasons set out in sections 1 and 3 above, and in the absence of any valid objections, it is recommended that provisional Tree Preservation Order No. 426 is confirmed without modification to the schedule (being the Tree Preservation Order Plan).

**Name of Meeting:** Planning Committee  
**Date of Meeting:** 7 December 2022  
**Subject Matter:** Tree Preservation Order No. 426  
**Originating Department:** Leisure and Wellbeing

**DO ANY BACKGROUND PAPERS APPLY**       YES       NO

**LIST OF BACKGROUND PAPERS**

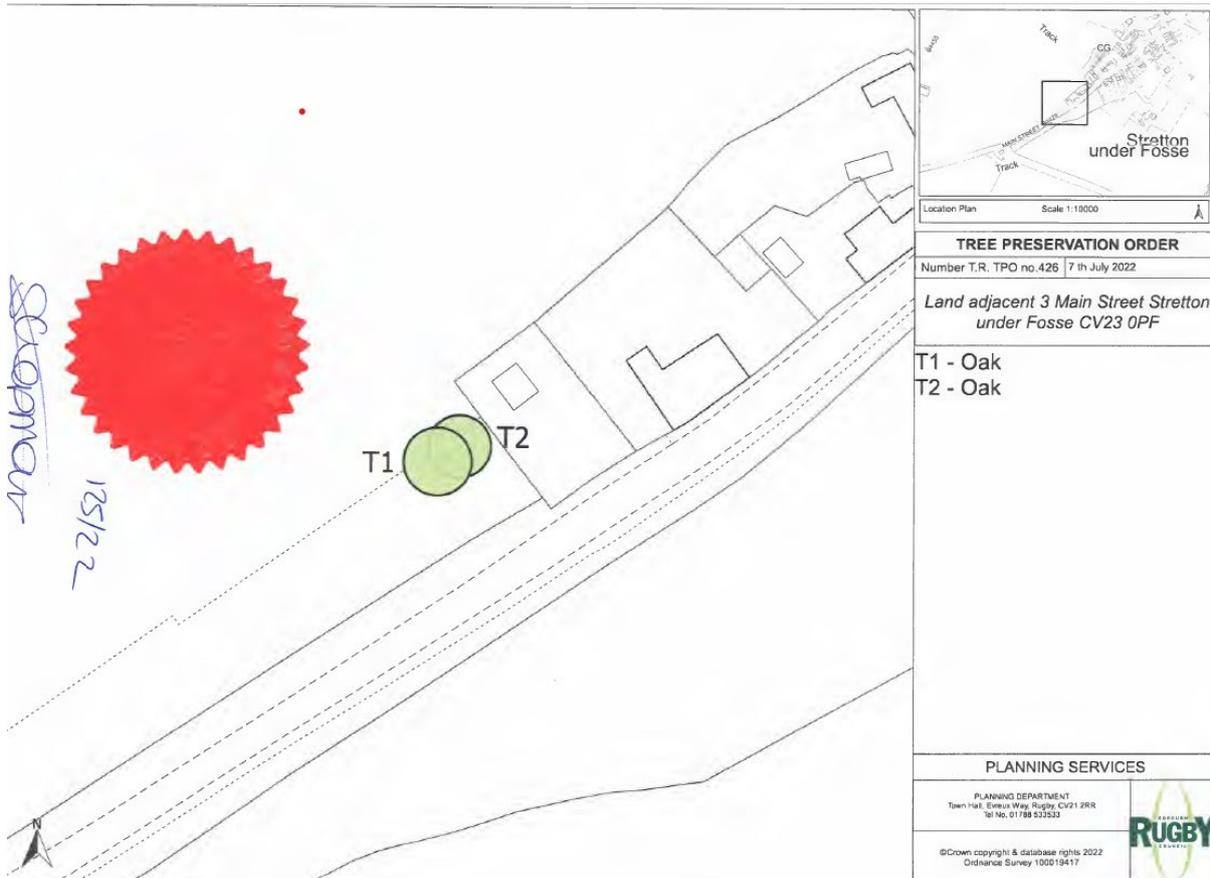
Doc No	Title of Document and Hyperlink

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

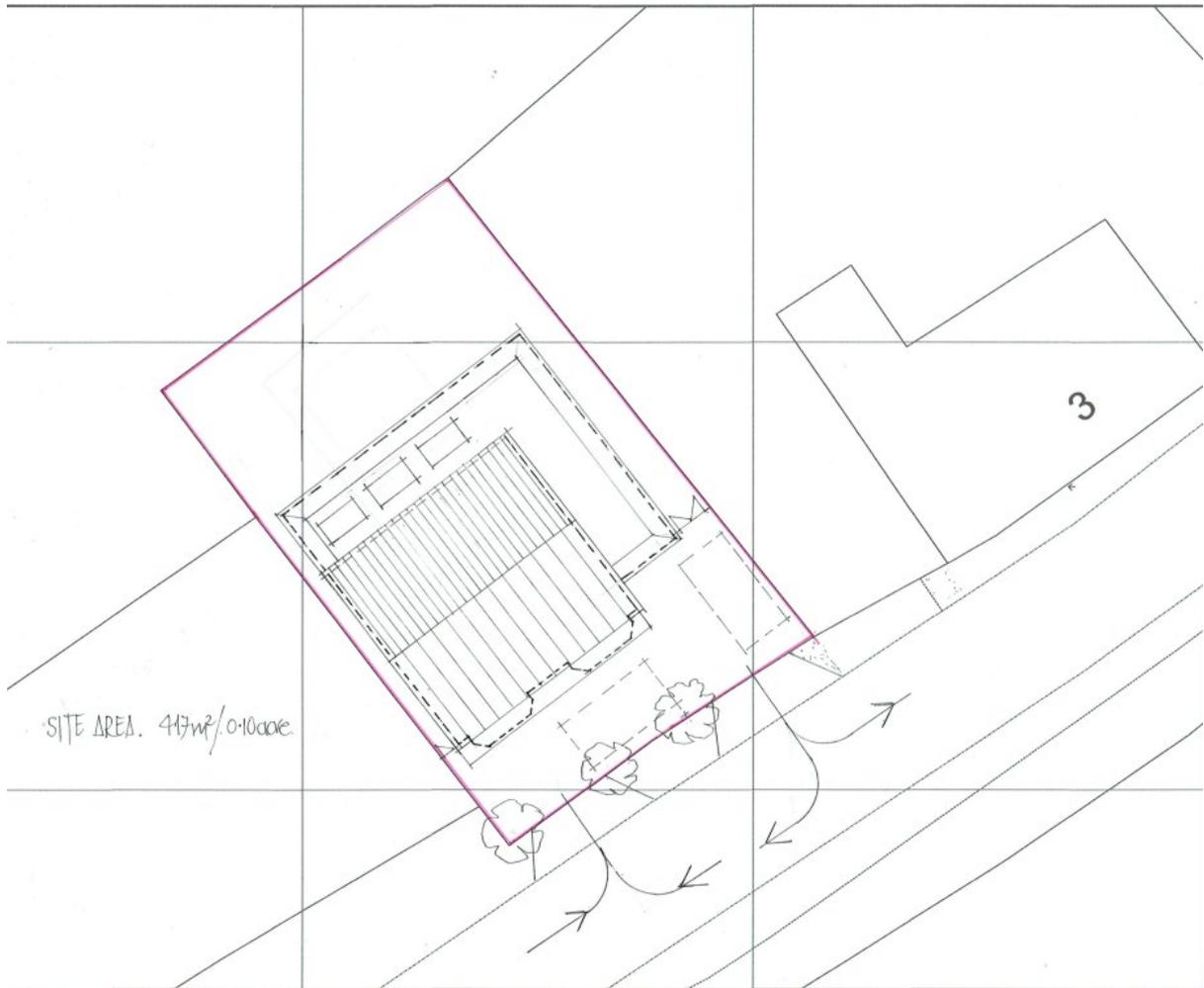
Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

**Appendix 1**  
**TPO No 426 Plan**



**Appendix 2**  
Proposed Site Plan R22/0440



**Appendix 3**  
Views of Trees



View from site frontage

**Appendix 3**  
Views of Trees



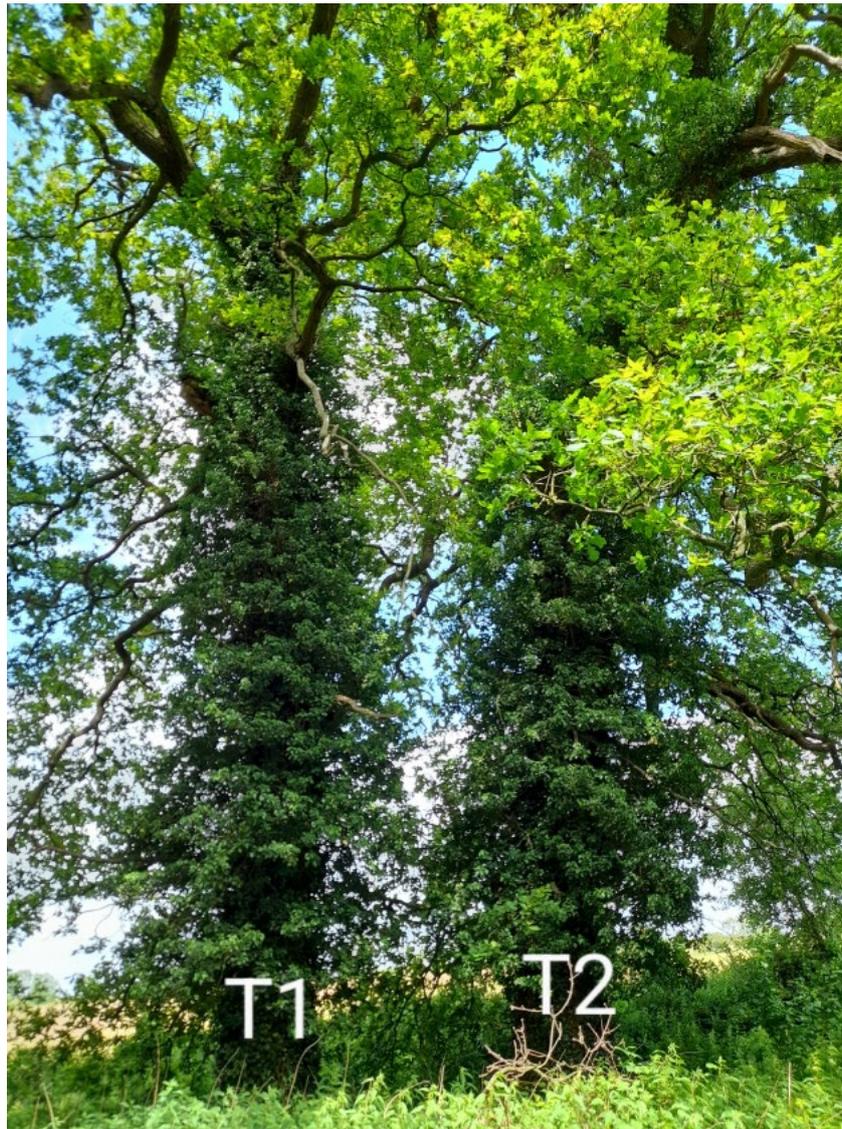
View from highway

**Appendix 3**  
Views of Trees



Distant highway view

**Appendix 3**  
Views of Trees



T1 and T2 located immediately adjacent to each other  
forming one whole canopy unit

**Appendix 4**  
Tree Evaluation Method for Preservation Orders

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

SURVEY DATA SHEET & DECISION GUIDE

Date: 10-6-22 Surveyor: D. GOWER

**Tree details**  
TPO Ref (if applicable): TPO 4-2b Tree/Group No: T1&T2 Species: Oak  
Owner (if known): \_\_\_\_\_ Location: Land adj 3 Main Street Stationer

Fore

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

**Score & Notes**  
5 - Some sporadic moderate/major deadwood lug to main stems

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

**Score & Notes**  
4 - Approx 120 yrs old long lived species

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

**Score & Notes**  
4 Large trees 20/25m visible from highway

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes**  
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**  
3 - Planning application. New dwelling very close

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

**Add Scores for Total:**  
17

**Decision:**  
TPO

**AGENDA MANAGEMENT SHEET**

**Report Title:** Delegated Decisions - 20 October to 16 November 2022

**Name of Committee:** Planning Committee

**Date of Meeting:** 7 December 2022

**Report Director:** Chief Officer - Growth and Investment

**Portfolio:** Growth and Investment

**Ward Relevance:** All

**Prior Consultation:** None

**Contact Officer:** Nicola Smith,  
Chief Officer - Growth and Investment  
01788 533720; nicola.smith@rugby.gov.uk

**Public or Private:** Public

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

**Report En-Bloc:** No

**Forward Plan:** No

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

**Summary:** The report lists the decisions taken by the Chief Officer for Growth and Investment under delegated powers.

**Financial Implications:** 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 - 7 December 2022**

**Delegated Decisions - 20 October to 16 November 2022**

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

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 7 December 2022

**Subject Matter:** Delegated Decisions - 20 October to 16 November 2022

**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 CHIEF OFFICER FOR GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 20/10/2022 To 16/11/2022

APPENDIX 1

## Delegated

### 8 Weeks Advert

#### Applications Refused

R22/0810	12, THE BANK, BANK STREET, RUGBY, CV21 2QE	Advertisement consent for the replacement of existing canopy features with new illuminated tray signage carrying the name of the business on site.
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### 8 Weeks PA Applications

#### Applications Refused

R22/0199	1, GRANGE ROAD, RUGBY, CV21 1EJ	Erection of detached 3Bed dwelling
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R22/0400	Beech Tree House, Ashlawn Road, Rugby, Warwickshire, CV22 5QE	Extensions and alterations to existing dwelling
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R22/0248	FERN COTTAGES, 3, RUGBY ROAD, BRINKLOW, RUGBY, CV23 0LZ	Single storey side and rear extensions and relocation of parking
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## Delegated

### 8 Weeks PA Applications

#### Applications Approved

R21/0696 8 Weeks PA Approval 20/10/2022	LAND ON THE SOUTH EAST SIDE OF, BUCKWELL LANE, CLIFTON UPON DUNSMORE	Erection of 2 dwellings, together with the creation of a new access and associated works.
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R22/0434 8 Weeks PA Approval 20/10/2022	23 BULKINGTON ROAD, HINCKLEY, LE10 3LA	Removal of existing outbuildings with the erection of an attached garage to the side elevation of the dwelling.
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R22/0593 8 Weeks PA Approval 20/10/2022	1, The Five Houses, School Street, Churchover, Rugby, Warwickshire, CV23 0EQ	Replacement of existing rear extension roof and small rear lobby extension.
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R22/0755 8 Weeks PA Approval 20/10/2022	13 , Slade Road, Rugby, Warwickshire, CV21 3AD	single storey rear extension.
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R22/0781 8 Weeks PA Approval 20/10/2022	32, Percival Road, Rugby, CV22 5JT	First floor extension
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R22/0849 8 Weeks PA Approval	3, Chestnut Grove, Wolston, Coventry, CV8 3HY	Side and rear extension to bungalow
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## Delegated

### 8 Weeks PA Applications

#### Applications Approved

20/10/2022

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<p>R22/0745 8 Weeks PA Approval 25/10/2022</p>	<p>150, ALWYN ROAD, RUGBY, CV22 7RA</p>	<p>Erection of a front, side and rear single storey extension. Rendering of existing dwelling to match proposed extension.</p>
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<p>R22/0825 8 Weeks PA Approval 25/10/2022</p>	<p>44, LENNON CLOSE, RUGBY, CV21 4DT</p>	<p>Erection of a single storey front porch extension and installation of horizontal timber cladding at first floor level on the front elevation.</p>
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<p>R22/0951 8 Weeks PA Approval 25/10/2022</p>	<p>152, Alwyn Road, Rugby, CV22 7RA</p>	<p>First floor rear extension</p>
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<p>R22/0603 8 Weeks PA Approval 26/10/2022</p>	<p>15 , Russell Avenue, Dunchurch, Warwickshire, CV22 6PX</p>	<p>Demolition of existing garage and erection of a single storey rear and single storey side extensions with new repositioned garage, additional paving and garden wall.</p>
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<p>R22/0807 8 Weeks PA Approval</p>	<p>62-62A, LAWFORD ROAD, RUGBY, CV21 2ED</p>	<p>Proposed Conversion of Existing Premises into 4 No. Residential Flats and 1 No. Bedsit</p>
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## Delegated

### 8 Weeks PA Applications

#### Applications Approved

26/10/2022

R22/0851  
8 Weeks PA  
Approval  
26/10/2022

Car Park, Lilbourne Road, Clifton  
Upon Dunsmore

Demolition and reinstatement of  
boundary wall to car park

R22/0723  
8 Weeks PA  
Approval  
27/10/2022

78 CLIFTON ROAD, RUGBY,  
CV21 3QT

Removal of condition 3 attached  
to R13/0326 to remove  
therequirement for the approved  
parking spaces to be retained in  
perpetuity

R22/0784  
8 Weeks PA  
Approval  
28/10/2022

44, MONTAGUE ROAD,  
RUGBY, CV22 6LU

Proposed single storey extension  
to dwelling

R20/0275  
8 Weeks PA  
Approval  
31/10/2022

HOME FARM, HILLMORTON  
LANE, CLIFTON UPON  
DUNSMORE, RUGBY, CV23  
0BL

Construction of a side extension  
to existing steel-portal frame  
building to create a unit suitable  
to rear piglets (Part  
Retrospective).

R22/0746  
8 Weeks PA  
Approval  
31/10/2022

56, IZOD ROAD, RUGBY, CV21  
2JY

Erection of garage and levelling  
garden by constructing retaining  
walls.

## Delegated

### 8 Weeks PA Applications Applications Approved

R22/0770 8 Weeks PA Approval 31/10/2022	33 , West Coast Lane, Hillmorton, Rugby, Warwickshire, CV21 4PA	Single storey rear extension and garden room to be used as a therapy room for a disabled child.
R22/0873 8 Weeks PA Approval 31/10/2022	2, Little Orchard Place, Rugby, Warwickshire, CV22 7JW	Single storey front and rear extensions to dwellinghouse
R22/0100 8 Weeks PA Approval 01/11/2022	THE BUNGALOW, GREEN EARTH NURSERIES, DRAYCOTE ROAD, DRAYCOTE, RUGBY, CV23 9RB	Ground floor and dormer extension
R22/0372 8 Weeks PA Approval 01/11/2022	THE BANK, PAILTON ROAD, HARBOROUGH MAGNA, RUGBY, CV23 0HQ	Single and Double storey extension to existing dwelling house.
R22/0891 8 Weeks PA Approval 01/11/2022	64 DERWENT CLOSE, BROWNSOVER, RUGBY, CV21 1JX	First Floor Side Extension to dwelling.

Adelante, Lutterworth Road,

## Delegated

### 8 Weeks PA Applications Applications Approved

Churchover, Warwickshire, CV23  
0EH

R22/0789  
8 Weeks PA  
Approval  
02/11/2022

single storey rear extension,  
alterations to main roof to create  
first floor at front and additional  
internal alterations and  
detached Garage.

R22/0882  
8 Weeks PA  
Approval  
02/11/2022

HASLEMERE COTTAGE,  
LILBOURNE ROAD, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0BB

Proposed change of use of  
agricultural land to garden and  
erection of granny annex (  
Amendment to R18/1350 )

R22/0462  
8 Weeks PA  
Approval  
03/11/2022

6, PAYNES LANE, RUGBY,  
RUGBY, CV21 2UH

Change of use from Auction  
House to a mixed use of classes  
E(g)(i), B2 and B8 and  
replacement timber fencing

R22/0614  
8 Weeks PA  
Approval  
03/11/2022

24, LANGTON ROAD, RUGBY,  
CV21 3UA

Erection of a first floor rear  
extension and single storey rear  
extension to dwelling house

R22/0787  
8 Weeks PA  
Approval  
03/11/2022

STORYBROOKE, BULKINGTON  
ROAD, WOLVEY, HINCKLEY,  
LE10 3LA

First floor extension to create 3  
no. dormer windows.

## Delegated

### 8 Weeks PA Applications Applications Approved

R22/0523 8 Weeks PA Approval 04/11/2022	165, MURRAY ROAD, RUGBY, CV21 3JR	Change of use of redundant retail storage area to cafe/restaurant forming part of adjoining fish and chip premises, associated car parking and alterations
R22/0850 8 Weeks PA Approval 04/11/2022	8, Windmill Close, Rugby, CV21 4EJ	planning permission for extra car parking space to the front garden
R22/0535 8 Weeks PA Approval 08/11/2022	THE MANOR HOUSE, ANNS LANE, STRETTON UNDER FOSSE, RUGBY, CV23 0PZ	Construction of stable block and manege with change of use of land to equestrian
R22/0978 8 Weeks PA Approval 08/11/2022	48, LOVEROCK CRESCENT, RUGBY, RUGBY, CV21 4AS	Single storey rear extension
R21/0496 8 Weeks PA Approval 09/11/2022	8, SMITHY LANE, CHURCH LAWTFORD, RUGBY, CV23 9EQ	Demolition of existing rear extension and erection of a part two storey part single storey rear extension.

## Delegated

### 8 Weeks PA Applications Applications Approved

11, Healey Close, Rugby, CV21  
1NE

R22/0342  
8 Weeks PA  
Approval  
09/11/2022

RESUBMISSION OF-  
PROPOSED TWO STOREY  
SIDE AND FRONT EXTENSION  
TO DWELLING AND  
ALTERATIONS TO REAR  
GARAGE, PLUS NEW GARDEN  
PARKING

R22/0647  
8 Weeks PA  
Approval  
09/11/2022

REAR OF, LODGE FARM,  
OXFORD ROAD, RYTON-ON-  
DUNSMORE, COVENTRY, CV8  
3EJ

Variation of condition 2 of  
R18/1436 - Erection of new  
production facility with limited  
infilling.

R22/0729  
8 Weeks PA  
Approval  
10/11/2022

10, JUDITH WAY, RUGBY, CV22  
7FY

Proposed new 1.8m close  
boarded timber fence and gates  
to enclose part of side garden

R22/1046  
8 Weeks PA  
Approval  
10/11/2022

34, NEWTON LANE, NEWTON,  
RUGBY, CV23 0DX

Variation of Condition 2 of  
R22/0458 (Proposed single and  
two storey front extension and  
alterations to dwellinghouse) to  
add 3no. side facing obscure  
glazed ground floor windows

Hazardous substances consent  
for storage of up to 17 tonnes of

## Delegated

### 8 Weeks PA Applications Applications Approved

R22/0566 8 Weeks PA Approval 11/11/2022	EXPRESS HOUSE UNIT 1 HILLMAN WAY RYTON-ON-DUNSMORE Warwickshire	Liquefied Natural Gas (LNG)
R22/0751 8 Weeks PA Approval 14/11/2022	COOMBE ABBEY COUNTRY PARK, BRINKLOW ROAD, COOMBE FIELDS, COVENTRY, CV3 2AB	Construction of childrens woodland play equipment, plus associated facilities and ecological enhancements.
R22/0841 8 Weeks PA Approval 14/11/2022	6, DORRIT PLACE, RUGBY, CV21 1FZ	Internal loft conversion and the addition of front and rear facing velux rooflights
R22/0940 8 Weeks PA Approval 14/11/2022	4 , Friars Close, Binley Woods, Warwickshire, CV3 2QW	Garage conversion, front canopy and internal works to property.
R22/0991 8 Weeks PA Approval 14/11/2022	19 , St Annes Road, Overslade, Rugby, Warwickshire, CV22 6DH	2 storey rear extension to dwelling.
R22/0848 8 Weeks PA	28, BRAND ROAD, RUGBY, CV21 1AF	Retrospective application for air source heat pump

## Delegated

### 8 Weeks PA Applications Applications Approved

Approval  
15/11/2022

R22/0549  
8 Weeks PA  
Approval  
16/11/2022

6, MAPLE GARDENS,  
Dunchurch Road, Rugby, CV22  
6DZ

Proposed Double Storey  
enlargements to the dwelling.

R22/0768  
8 Weeks PA  
Approval  
16/11/2022

24, Holly Drive, Coventry,  
Warwickshire, CV8 3QA

First floor side extension, part of  
garage converted to living space  
& alterations

R22/0801  
8 Weeks PA  
Approval  
16/11/2022

CLIFTON CRUISERS, CLIFTON  
WHARF, CLIFTON UPON  
DUNSMORE, RUGBY, CV23  
0EY

Retention of ground floor one-bed  
residential flat, and demolition of  
existing lean-to storage area to  
create incidental amenity area.

R22/1002  
8 Weeks PA  
Approval  
16/11/2022

1, LEICESTER ROAD, Wolvey  
Heath, HINCKLEY, LE10 3HJ

Erection of garage and  
hardstanding in rear garden.

R22/1014  
8 Weeks PA  
Approval  
16/11/2022

1, The Laurels, GLENFERN  
GARDENS, OXFORD ROAD,  
RYTON-ON-DUNSMORE,  
COVENTRY, CV8 3EA

Erection of Boundary Fence

## Delegated

### 8 Weeks PA Applications Applications Approved

Rusty Stack, Bulkington Road,  
Wolvey, Warwickshire, LE10 3LA

R22/1016  
8 Weeks PA  
Approval  
16/11/2022

Extension to existing garage  
and conversion to a habitable  
room

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### Certificate of Lawfulness Applications Applications Approved

R22/0740  
Certificate of  
Lawfulness  
Approval  
20/10/2022

MILLFIELD, MILL ROW,  
WOLVEY, HINCKLEY, LE10 3HS

Proposal to erect an outbuilding  
incidental to the enjoyment of a  
dwellinghouse in accordance with  
Schedule 2, Part 1, Class E of  
the Town &  
Country Planning (General  
Permitted Development)  
(England) Order 2015 (as  
amended).

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R22/0557  
Certificate of  
Lawfulness  
Approval  
27/10/2022

BREACH HOUSE, COALPIT  
LANE, WOLVEY, HINCKLEY,  
LE10 3HD

A Certificate of Lawfulness  
seeking Lawful Development to  
an existing extension of a  
building used for agricultural  
machinery maintenance

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R22/0756  
Certificate of  
Lawfulness

Top Floor Flat, 111, Bath Street,  
Rugby, CV21 3JA

Existing use of an independent  
residential first floor flat.

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## Delegated

### Certificate of Lawfulness Applications

#### Applications Approved

Approval  
08/11/2022

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R22/0732  
Certificate of  
Lawfulness  
Approval  
10/11/2022

64 First Floor Flat, Boughton  
Road, Brownsover, Rugby,  
Warwickshire, CV21 1BJ

Existing use of an independent  
residential first floor flat

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R22/0758  
Certificate of  
Lawfulness  
Approval  
10/11/2022

Ground Floor Flat (front), 111,  
Bath Street, Rugby, CV21 3JA

Existing use of an independent  
residential ground floor flat

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R22/0759  
Certificate of  
Lawfulness  
Approval  
10/11/2022

129, BATH STREET, RUGBY,  
CV21 3JA

Existing use of an independent  
ground floor flat

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R22/0760  
Certificate of  
Lawfulness  
Approval  
10/11/2022

129, Flat 2, Bath Street, Rugby,  
Warwickshire, CV21 3JA

Existing use of an independent  
first floor flat.

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Existing use of an independent

## Delegated

### Certificate of Lawfulness Applications Applications Approved

R22/0761 Certificate of Lawfulness Approval 10/11/2022	FLAT 1, 146, GROSVENOR ROAD, RUGBY, RUGBY, CV21 3LB	ground floor flat.
R22/0762 Certificate of Lawfulness Approval 10/11/2022	FLAT 2, 146, GROSVENOR ROAD, RUGBY, RUGBY, CV21 3LB	Independent use of an existing first floor flat.
R22/0763 Certificate of Lawfulness Approval 10/11/2022	64, Ground Floor Flat, Boughton Road, Rugby, Warwickshire, CV21 1BJ	Existing use of an independent flat

### Conditions Applications Approved

R22/0821 Conditions Approval 25/10/2022	LAND NORTH OF ASHLAWN ROAD, ASHLAWN ROAD, RUGBY, CV22 5SL	Approval of details relating to Condition 8: Lighting of R13/2102 (Outline application for Ashlawn Road development) in relation to part of site covered by application R21/0996 only.
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## Delegated

### Conditions

#### Applications Approved

FORMER PEUGEOT FACTORY  
SITE C, OXFORD ROAD,  
RYTON-ON-DUNSMORE

R22/0796  
Conditions  
Approval  
01/11/2022

Application to discharge conditions 8 (water efficiency measures), 9 (energy efficiency measures), 14 (external lighting), 19a (Site Investigation Validation Report) and 21 (cycle storage) relating to the redevelopment of the southern part of the former Peugeot Works site pursuant of outline planning application attached to R16/2561(05-10-2017)

R22/0993  
Conditions  
Approval  
02/11/2022

ROLLS ROYCE, ANSTY  
AERODROME, COMBE FIELDS  
ROAD, COOMBE FIELDS,  
COVENTRY, CV7 9JR

Application to discharge condition C (scheme for dropped kerbs) and condition D (HGV access signage scheme and barrier), relating to the erection of three commercial units (Use Class B2) pursuant to planning application R21/0784.

R22/1006  
Conditions  
Approval  
02/11/2022

LAND ADJACENT TO  
MASTERS COURT,  
LEAMINGTON HASTINGS  
ROAD, BIRDINGBURY

Approval of details related to condition 4- landscaping scheme of R18/1987 (4 new detached dwellings and related facilities (outline))

## Delegated

### Conditions

#### Applications Approved

26, Main Street, Willoughby,  
Rugby, CV23 8BH (Land  
adjacent to)

R22/1141  
Conditions  
Approval  
03/11/2022

Approval of details for Condition  
3 (Materials for detached  
Garage) R21/0071 & R21/0072  
Conversion of redundant barn  
and outbuildings

R22/0730  
Conditions  
Approval  
04/11/2022

ROLLS ROYCE, ANSTY  
AERODROME, COMBE FIELDS  
ROAD, COOMBE FIELDS,  
COVENTRY, CV7 9JR

Approval of details in relation to  
conditions 3 (Construction  
Environmental Management  
Plan), 5 (Contamination) and 6  
(Off-Site Biodiversity  
Management Plan) attached to  
R21/1165 - Erection of three  
commercial units for flexible use  
within Use Classes B2 & B8 use  
(with ancillary uses), and  
associated works, including  
supporting infrastructure,  
landscaping and re-profiling  
works for the remainder of Plot 1

R22/0786  
Conditions  
Approval  
04/11/2022

LEICESTER GRANGE,  
HINCKLEY ROAD, WOLVEY,  
HINCKLEY, LE10 3FT

Discharge of condition 4 from  
approved application R21/0465.

276, RUGBY ROAD, BINLEY

## Delegated

### Conditions

#### Applications Approved

WOODS, COVENTRY, CV3 2BD

R22/1019  
Conditions  
Approval  
04/11/2022

Approval of details related to condition 5 of R21/0667 - Alterations to front elevation, canopy porch, landscaping and new gated entrance to include rear hipped to gable roof extension, provision of rear roof terrace with glass balustrade and privacy screening and alterations to rear fenestration.  
(Resubmission of previously approved scheme R19/1027 dated 10/09/2019 for alterations to front elevation, canopy porch, landscaping and new gated entrance).

R22/0944  
Conditions  
Approval  
09/11/2022

Rugby Radio Station, Watling Street, Clifton-upon-Dunsmore, CV23 0AS

Approval of details in relation to condition 5 (Structure Details) attached to R21/1105 - Land west of Dollman Farm in Key Phase 1 - Submission of reserved matters comprising access, appearance, landscape, layout and scale, for the construction of Formal Open Space and Allotments, including space for two sports pitches, a community garden, allotments, informal pocket park, new planting of trees and hedgerows, pedestrian

## Delegated

### Conditions Applications Approved

access and connections, hard and soft landscaping, fencing, any necessary drainage and utilities works, and any necessary earthworks, pursuant to outline planning permission ref. no R17/0022 dated 28th June 2017.

R22/0631  
Conditions  
Approval  
10/11/2022

Parkfield Business Park, Rugby  
Western Relief Road, Rugby,  
Warwickshire, CV21 1QJ

Discharge of conditions 3 and 8 of planning application R21/0664 for Erection of a steel clad portal frame building as a storage facility falling within Use Class B8, with associated ancillary two storey offices with external works, yard and vehicle parking, including roof mounted photo-voltaic panels.

R22/1200  
Conditions  
Approval  
10/11/2022

WATERCOURSE, ZONE C:  
LAND NORTH OF COVENTRY  
ROAD, COVENTRY ROAD,  
THURLASTON

Details for condition 8: Levels of R16/2569 (Outline application for Use Class B8 buildings with associated infrastructure) in relation to existing watercourse within Zone C of site

R22/0736  
Conditions  
Approval  
14/11/2022

GALLIFORD UK LIMITED  
BUILDING A, WOLVEY  
CAMPUS, LEICESTER ROAD,  
WOLVEY, HINCKLEY, LE10 3JF

Approval of details related to Condition 9 - Bat Survey - R22/0735 at Galliford UK Limited, Wolvey Campus, Leicester Road,

## Delegated

### Conditions Applications Approved

Wolvey, Hinckley, LE10 3JF -  
R20/0968 Outline application with  
all matters reserved except  
access for the demolition of  
existing buildings and the  
erection of residential dwellings  
(Use Class C3), including the  
retention and amendment of the  
existing vehicular access off  
Leicester Road and associated  
infrastructure, public open space  
and landscaping

R22/1142  
Conditions  
Approval  
14/11/2022

RUGBY RADIO STATION,  
WATLING STREET, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0AS

Application to discharge condition  
12 (electric vehicle charging  
points) relating to the erection of  
142 dwellings within Key Phase 3  
Parcel D, pursuant to planning  
application R21/0873.

R22/1052  
Conditions  
Approval  
16/11/2022

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

Approval of details in relation to  
Conditions 4 & 5 from application  
R19/1123 -Listed Building  
Consent for proposed repair  
works to listed garden wall within  
the Newnham Paddox site.

### Discharge of Conditions

## Delegated

### Discharge of Conditions

R22/1108	GALLIFORD UK LIMITED BUILDING A, WOLVEY CAMPUS, LEICESTER ROAD, Wolvey Heath, HINCKLEY, LE10 3JF	Approval of details related to: Condition 6 Phasing Plan - R20/0968 - Outline application with all matters reserved except access for the demolition of existing buildings and the erection of residential dwellings (Use Class C3), including the retention and amendment of the existing vehicular access off Leicester Road and associated infrastructure, public open space, and landscaping and Condition 4 Landscaping - R22/0113 Erection of up to 90 dwellings, associated access and infrastructure. Approval of reserved matters (layout, scale, appearance, and landscaping) relating to R20/0968.
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### Applications Approved

R21/0071	Adjacent to Forge Cottage, 26, Main Street, Willoughby, Rugby, CV23 8BH	Conversion of redundant barn and outbuildings to create one residential unit. New detached garage structure, driveway and new access onto the highway. Minor works to two adjacent Listed properties.
03/11/2022		

## Delegated

### Discharge of Conditions Applications Approved

Adjacent to Forge Cottage, 26,  
Main Street, Willoughby, Rugby,  
CV23 8BH

R21/0072

03/11/2022

Listed Building Consent for the conversion of redundant barn and outbuildings to create one residential unit. New detached garage structure, driveway and new access onto the highway. Minor works to two adjacent Listed properties.

R21/0667

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

04/11/2022

Alterations to front elevation, canopy porch, landscaping and new gated entrance to include rear hipped to gable roof extension, provision of rear roof terrace with glass balustrade and privacy screening and alterations to rear fenestration.  
(Resubmission of previously approved scheme R19/1027 dated 10/09/2019 for alterations to front elevation, canopy porch, landscaping and new gated entrance).

R22/0736

GALLIFORD UK LIMITED  
BUILDING A, WOLVEY  
CAMPUS, LEICESTER ROAD,  
WOLVEY, HINCKLEY, LE10 3JF

14/11/2022

Approval of details related to Condition 9 - Bat Survey - R22/0735 at Galliford UK Limited, Wolvey Campus, Leicester Road, Wolvey, Hinckley, LE10 3JF -

## Delegated

### Discharge of Conditions Applications Approved

R20/0968 Outline application with all matters reserved except access for the demolition of existing buildings and the erection of residential dwellings (Use Class C3), including the retention and amendment of the existing vehicular access off Leicester Road and associated infrastructure, public open space and landscaping

R19/1123  
16/11/2022  
NEWNHAM PADDIX HOUSE,  
NEWNHAM PADDIX, MONKS  
KIRBY, RUGBY, CV23 0RX

Listed Building Consent for proposed repair works to listed garden wall within the Newnham Paddock site

### Listed Building Consent Applications Applications Approved

R22/1039  
Listed Building Consent  
Approval  
10/11/2022  
26, Flat 6, Gilshaw Lodge, Bilton  
Road, Rugby, Warwickshire,  
CV22 7AL

Repairs to existing sash windows and enlarging glazing rebates to accept double glazed units

### Non Material Amendment Applications

## Delegated

### Non Material Amendment Applications

#### Applications Approved

R17/0958	36 NEWLAND STREET, NEW BILTON, RUGBY, CV22 7BJ	Variation of condition 2 of approval R16/0226 (Conversion of existing garage/workshop to 2no.one bedroom apartments) dated 03/03/16 to allow a front extension to the building.
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Non-Material  
Amendment agreed  
22/10/2022

R22/0234

71, Main Street, Long Lawford,  
Rugby, CV23 9BB

Non-Material  
Amendment agreed  
03/11/2022

Replacement of existing garage  
for new granny annex

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### Prior Approval Applications

#### Prior Approval Applications

R22/0903	WHITEHALL MEDICAL PRACTICE, MORTON GARDENS, RUGBY, CV21 3AQ	Prior Approval for installation of roof mounted solar photovoltaic panels on non-domestic buildings.
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Non-domestic solar  
prior approval  
Not Required  
20/10/2022

R22/0831

12, REGENT PLACE, RUGBY,  
CV21 2PN

Prior Approval change  
of use  
Required and Approved  
21/10/2022

Application for Prior Approval for  
the change of use from  
commercial to residential  
dwellinghouse

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## Delegated

### Prior Approval Applications

### Prior Approval Applications

R22/1025 Prior Approval Extension Not Required 27/10/2022	70, St Andrews Crescent, Rugby, CV22 5PH	Single storey rear extension
R22/0914 Prior Approval Extension Not Required 28/10/2022	21, Newbold Road, Rugby, CV21 2LX	Proposed construction of single storey rear extensions, with flat roof and in materials to match existing.
R22/0946 Non-domestic solar prior approval Required and Approved 01/11/2022	4, QUARTZELEC LIMITED, CASTLE MOUND WAY, RUGBY, CV23 0WB	Prior Approval for the installation of Roof Mounted Solar PV Panels
R22/1022 Prior Approval Extension Not Required 01/11/2022	19, Bagshaw Close, Ryton-On- Dunsmore, Coventry, CV8 3EX	Single storey rear extension
R22/0829 Prior Approval change of use Required and Approved	FIELD HOUSE FARM, BROADWELL LANE, BROADWELL, RUGBY, CV23 8HP	Prior approval change of use of agricultural building to 1 no.dwellinghouse (Re-submission of R22/0155).

## Delegated

### Prior Approval Applications

### Prior Approval Applications

03/11/2022

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<p>R22/1054 Prior Approval Extension Not Required 08/11/2022</p>	<p>17, Houston Road, Rugby, CV21 1BS</p>	<p>Single storey rear extension projecting 3.365m from original wing.</p>
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<p>R22/1068 Non-domestic solar prior approval Not Required 10/11/2022</p>	<p>DRAYCOTE WATER SAILING CLUB, SOUTHAM ROAD, KITES HARDWICK, WARWICKSHIRE, CV23 8AB</p>	<p>Prior Approval for the installation of 74 solar panels on roof of Draycote Water Sailing club.</p>
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<p>R22/1157 Agriculture Prior Approval Not Required 11/11/2022</p>	<p>Willowbank Farm, off Barr Lane, Brinklow, RUGBY, CV23 0PS</p>	<p>Prior Approval under Schedule 2 Part 6 of the General Permitted Development Order for an extension to an existing straw barn</p>
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