



16 May 2022

## PLANNING COMMITTEE - 25 MAY 2022

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 25 May 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  
Executive Director

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

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

## A G E N D A

### PART 1 – PUBLIC BUSINESS

1. Minutes  
To confirm the minutes of meetings held on 6 April 2022 and 19 May 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. Planning Appeals Update
7. Delegated Decisions – 17 March to 4 May 2022

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

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

Councillors Mrs Brown, Daly, Eccleson, Gillias, Mrs Hassell, T 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 – 25 May 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.

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

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

There are no applications recommended for refusal to be considered.

### Recommendations for approval

<b>Item</b>	<b>Application Ref Number</b>	<b>Location site and description</b>	<b>Page number</b>
1	R22/0235	14 Preston Close, Rugby, CV23 1BU Retrospective consent for the retention of the opening and insertion of bi-fold doors into east side elevation of garage.	3
2	R22/0185	13 Edison Drive, Rugby, CV21 1FF Installation of air source heat pump.	12
3	R21/0622	Elms Farm, Stretton Baskerville Solar Farm, Watling Street, Hinckley, LS10 3EE Construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure.	19

**Reference: R22/0235**

**Site Address: 14, PRESTON CLOSE, RUGBY, CV23 1BU**

**Description:** Retrospective consent for the retention of the opening and insertion of bi-fold doors into east side elevation of garage

**Recommendation**

Approve subject to conditions

**1. Introduction**

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

- **R15/1702** (Outline)  
Condition 20 restricted garages to be kept for the parking of vehicles only.
- **R18/0544** (Reserved Matters)  
Again, this restricts garages for parking of vehicles only.  
Condition 47 states that other than shown on the approved plans no new windows/rooflight shall be formed in the east side elevation/roof slope of plots 347 and 348 which specifically refers to No 14 Preston Close. This Condition was included because of the impact any re-development of these properties would have on the housing and residents already living on Crick Road.

**2. Description of site**

The application site is located within the settlement boundary and forms part of the new urban extension of Houlton of 380 dwellings. Houlton is located to the eastern edge of the borough, close to the north Northamptonshire border.

The application site is located at the eastern end of Preston Close and is accessed by a private driveway shared with six other dwellings. No.14 Preston Close is comprised of a large detached two-storey dwelling constructed from red multi-brick with a grey tiled gable roof with front gable projection. The main entrance has a canopied porch, and the windows are white uPVC. A small area of shared private drive extends slightly into the front amenity space for the dwelling, and the front garden is laid to lawn with some planting. It is enclosed by open metal railed fencing around the east and south perimeters, where the property fronts onto the A428, Crick Road. A single garage is set back to the rear of the dwelling with the driveway extending along the western side of the property providing tandem parking for a further two vehicles. To the rear, the garden is laid to lawn with two metre high fencing around the perimeter; the east side elevation of the garage fronts onto the rear garden area and the land levels slope down northwards, away from the rear of the house.

**3. Description of proposals and application history**

- 3.1 The application seeks retrospective consent for the insertion of bi-fold doors into the east side elevation of the garage, where a large opening has been made. In addition, a new

fence topper is proposed to be added to the eastern fence of the rear garden. This would take the overall height of this fence to 2.9 metres. As the works have already begun, the application is in part retrospective.

- 3.2. This application is a second submission following on from R21/0728 that was withdrawn on 20/10/2021. This application included plans to convert the garage; this is no longer part of the proposed scheme.
- 3.3 Both applications have been submitted in response to a complaint that was received by the planning authority on 1st June 2021. The investigation into the complaint found that works to convert the garage and insert an opening in the east side elevation of the garage, were in breach of planning conditions applied to R18/0544 specifically:

**Condition 47:**

Other than those shown on the approved plans no new windows/rooflights shall be formed in the east side elevation/roofslope of plots 347 and 348.

**Condition 48:**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the proposed garages shall only be used for the accommodation of vehicles.

14 Preston Close was plot 348 on the approved plans.

- 3.4 At the time of the officers site visit the works had ceased pending the outcome of an application. The newly created opening in the garage east side elevation was boarded up.
- 3.5. The submission made under R21/0728 was for “Use of garage as a home gym to include alterations to southeast side elevation of detached garage to install bi-folding doors. Fence topper added to the existing fencing to the eastern boundary”. This application seeks consent for the retention of the opening and the insertion of the bi-fold doors. These are to be glazed with obscure glass. The fence topper is also included within the proposed scheme. The applicant has expressed his intention to keep the garage for the parking of a vehicle and so this current proposal does not include the conversion of the garage.
- 3.6 In the originally submitted scheme, there was additional parking shown on the proposed site plan. Following officers concerns and neighbour comments, the plan was amended to remove the proposed third parking space to the front; this was reconsulted on for 14 days.

**Planning History**

R15/1702	A Hybrid Planning Application consisting of: 1/ Outline planning permission for the erection of up to 380 new homes including a new access from A428 Crick Road; a spine road from Crick Road to northern boundary of the site; a local centre; associated infrastructure including storm water balancing arrangements on land between Moors Lane and the Oxford Canal and the demolition of redundant farm buildings, (all matters except access are reserved) and 2/ Full planning permission for the erection of 88 dwellings including access, appearance, layout	Approved 11/07/2017
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R18/0544	Approval of Reserved Matters – Erection of 380 dwellings with associated works and landscaping. (Approval of reserved matters in relation to outline)	Approved 20/07/2018
R21/0728	Use of garage as a home gym to include alterations to southeast side elevation of detached garage to install bi-folding doors. Fence topper added to the existing fencing to the eastern boundary.	Withdrawn 20/10/2021

#### 4. 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 D2: Parking Facilities

#### 5. Technical consultation responses

5.1 No technical consultations for this application

#### 6. Third party comments

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

- Condition 20 of R15/1702 restricted garages to be kept for the parking of vehicles only.
- Planning consent R18/0544 again restricts garages for parking of vehicles only. Also, Condition 47 states that other than shown on the approved plans no new windows/rooflight shall be formed in the east side elevation/roof slope of plots 347 and 348 which specifically refers to No 14 Preston Close which was plot 348. This condition was included because of the impact any re-development of these properties would have on the housing and residents already living on Crick Road

6.2 Neighbours – one objection was received from the occupants of Crown Point, raising the following points:

- Increased loss of privacy and overlooking
- Visual amenity harm from the overbearing outlook
- Design and appearance impact of the bi-fold doors, not in keeping with the house and other garages within the wider Houlton development.

#### 7. Determining considerations

The main issues concerning this application are the principle of development, character and appearance, impact on neighbouring properties, and parking.

#### 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. 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.
- 8.3 The site is within a sustainable location within the settlement boundary and conforms with Policy GP2 of the Local Plan which relates to the settlement hierarchy. Subject to detailed consideration being given to the impact of the proposed scheme having an acceptable impact on the character and appearance of the area, residential amenity and parking, to ensure it complies with national and local policies detailed above, the principle of development is considered acceptable.

## 9. Character and appearance

- 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 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. Section 12 of the National Planning Policy Framework supports and promotes good design as a key aspect of sustainable development.
- 9.2 The Design and Access Statement that accompanied the reserved matters application R18/0544 was included a mini design code within its contents. Section 3.3 sets out three character areas for the site and Preston Close is located within the character area designated as 'Rural Edge'. Section 6.4 further defines the Rural Edge as forming an important role in establishing the development as 'high quality' and to create a high quality environment. Section 4.2 of the document identifies an opportunity to keep the visual impact of cars to a minimum.
- 9.3 The approved Site Layout Plan WFR01-MCB-ZZ-ZZ-DR-A-0230-D5-P12 for the Houlton development, has designed the parking layout for the majority of the dwellings to be set away from the frontages and on plot, so that it is not forward of residential principal elevations. This is especially true for the properties within the Rural Edge Character Area within prominent roads that border the site where it connects with the wider area and urban form.
- 9.4 Preston Close is one such road, being situated within a prominent location for the Houlton development fronting onto a busy main A Class Road; the urban extension spreads out from here to the north and west. The seven dwellings within this section Preston Close are all detached two storey dwellings which follow a uniform build line and are all constructed from the same palette of materials, with slight variations in design. The garages form an integral part of the parking arrangements for the dwellings and are set back at the end of the driveway parking with the east elevation facing towards the rear garden spaces.

- 9.5 Following the withdrawal of the previous submission advice was provided and a recommendation made to reduce the opening in the garage to a pedestrian sized door to allow direct access between the garage and rear garden area.
- 9.6 Notwithstanding this, the opening for the bi-fold doors has already been made and the retention of this opening along with the insertion of bi-fold doors is sought; whilst this is not entirely within keeping for a detached garage, in this particular case the location to the rear means that the east elevation of the garage is not readily apparent from the public realm, which in design terms reduces the material impact from the proposed doors and larger opening. There would be no alteration to the size of the footprint of the garage or the brick finish.
- 9.7 Overall, it is considered that the proposed works would not result in significant material harm that would warrant a refusal. The application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

## 10. Residential Amenity

- 10.1 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 NPPF states that planning should always seek a high standard of amenity for existing and future users of developments.
- 10.2 The closest neighbour to the application site is Crown Point and the occupants have objected to the development. Following this objection, the case officer undertook an additional site visit to the neighbouring property to enable a full assessment and understanding of the concerns regarding overlooking. The main impact upon residential amenity would be from the retention of the opening and the insertion of the bi-fold doors within the east elevation of the garage. This elevation is orientated towards the eastern neighbour Crown Point on Crick Road.
- 10.3 Planning consent R18/0544 included an additional condition to provide further protection for the residential amenity of the existing neighbouring properties and states:

Other than those shown on the approved plans no new windows/rooflights shall be formed in the east side elevation/roofslope of plots 347 and 348. (No.14 Preston Close being plot no.348.)

As such the retrospective works of the new opening within the east side elevation of the garage are in breach of this condition.

- 10.4 The land levels of the application site were raised subsequent to the granting of planning permission for the reserved matters. The land level differences have given the development at no.14 a slightly elevated position over the eastern neighbouring property and this has created a strong sense of perceived overlooking towards Crown Point. Whilst the built form of the garage is clearly visible from the ground floor rear patio and windows which serve the open plan kitchen and rear seating area of Crown Point, it is the opening created within the garage elevation that is causing concern for the occupants of Crown Point. However, only the top of the opening is visible, and the boundary fencing helps to ensure that potential overlooking is kept to an acceptable level.

- 10.5 The application includes the addition of a fence topper to the eastern boundary to raise the height of the fence to 2.9 metres to try to address the overlooking objection. However, the occupants of Crown Point argue that the increase would make the fence too high and 'look ridiculous' and restrict the daylight to the garden at no.14 Preston Close and its rear neighbour. However, the orientation of the site means that any potential increase to overshadowing from the fence topper would be in the early morning only; in regard to the height this is not considered to be significant enough to warrant a refusal on residential amenity grounds.
- 10.6 The distance between the properties has also been considered; the provision of a buffer strip to the eastern side of no.14 of 6.4 metres, along with the further 11.7 metres to the side elevation of Crown Point (from its position away from the buffer strip boundary), provides a generous separation distance between the two properties. Furthermore, the side elevation of the garage is located to the west side of the application site and the distance between the windows at Crown Point and the proposed bi-fold doors would be 28 metres. The separation between the bi-fold doors and the rear patio area is slightly greater at 30 metres. In regard to the visual appearance of the doors, these are only partially visible as stated in 11.4 and this separation distance further mitigates in this regard.
- 10.7 The only window to the first floor of Crown Point facing towards the rear garden of no.14 Preston Close, is a bathroom window. This is obscure glazed and also bathrooms are not primary habitable rooms and therefore overlooking concerns towards them are not given significant weight.
- 10.9 The covering letter for the application states that it is intended to use obscure glazing for the doors. In the interests of residential amenity this will be conditioned to secure the glazing standard to level 5 or equivalent within the Pilkington range of textured glass. (Condition 3)
- 10.8 Other neighbouring properties to the north and west would not be impacted by the proposals given the orientation and location of the garage and the bi-fold doors.
- 10.9 For the reasons discussed above, it is considered that the proposed scheme would not harm the residential amenity of the existing and future neighbouring occupiers and therefore safeguards the amenities of neighbouring occupants in accordance with Policy SDC1 of the Rugby Local Plan.

## 11. Highway Safety and Parking

11.1 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities. For a four bedroomed property in a low access zone 3 no. parking spaces are required.

11.2 Planning Condition 48 of R18/0544 states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the proposed garages shall only be used for the accommodation of vehicles. As such the retention of the use of the garage for the parking of a vehicle is important.

11.3 The covering letter accompanying the application states that the garage will be retained for parking as required by Condition 48. As such the required 3 parking spaces will be available at the property.

11.4. Given the Rural Edge Character Area that no.14 Preston Close is located within, (as defined by the Design and Access Statement that accompanied the reserved matters application R18/0544), it is advised that the use of the front area for the parking of a third vehicle, would not be acceptable as it would have a detrimental impact upon the visual amenity of the street scene and be contrary to the objectives set out in the Design and Access Statement of the originally consented scheme. Any future use of this as a parking space would be contrary to this and as such would conflict with paragraph 135 of the National Planning Policy Framework, which states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion.

11.5 The condition wording to retain the garage for the parking of a vehicle will therefore be applied to any consent given to reinforce the importance of the retention of the required parking provision at the site and secure a satisfactory permission. (Condition 4)

## **12. Planning Balance and Conclusion**

12.1 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.

12.2 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.

## **13. Recommendation**

13.1 Approve subject to appropriate conditions and informatives set out in the draft decision appended to this report

## DRAFT DECISION

**REFERENCE NO:**  
R22/0235

**DATE APPLICATION VALID:**  
07-Apr-2022

**APPLICANT:**  
Mr Odedra 14, PRESTON CLOSE, RUGBY, CV23 1BU

**AGENT:**  
Connor Shingler DLP Planning Limited, 18 Regent Place, Rugby, CV21 2PN

**ADDRESS OF DEVELOPMENT:**  
14, PRESTON CLOSE, RUGBY, CV23 1BU

**APPLICATION DESCRIPTION:**  
Retrospective consent for the retention of the opening and insertion of bi-fold doors into east side elevation of garage.

### 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 18/03/2022  
Covering Letter received on 18/03/2022  
Houlton Estate Site Location Plan received on 18/03/2022  
Trellis Fence Topper Details received on 18/03/2022  
Drawing number 100-1 Proposed Elevation and Floor Plan received on 18/03/2022  
Site Location Plot Plan received on 11/04/2022

**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 glazing to be used within the bi-fold doors inserted into the opening within the east elevation of the garage, shall be obscurely glazed to or equivalent to level 5 within the Pilkington range of textured glass and thereafter shall be permanently retained in that form.

**REASON:** To protect the privacy of future and adjoining occupiers in accordance Policy SDC1 of the Rugby Local Plan

**CONDITION 4:**  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the

garage shall be permanently retained for the accommodation of vehicles along with any other items of incidental domestic paraphernalia.

REASON: In order to ensure that satisfactory parking and access arrangements are maintained within the site and in the interests of visual amenities of the overall site.

**CONDITION 5:**

Other than those shown on the approved plans, no new windows or rooflights shall be formed in the east elevation and roofslope of the garage, unless non-material variations are agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

**INFORMATIVE:**

The applicant is reminded that the use of the front area for the parking of a third vehicle, would not be acceptable as it would have a detrimental impact upon the visual amenity of the street scene and be contrary to the objectives set out in the Design and Access Statement of the originally consented scheme. Any future use of this area as a parking space would be contrary to this.

DRAFT

**Reference: R22/0185**

**Site Address: 13, Edison Drive, Rugby, CV21 1FF**

**Description:** Installation of air source heat pump

**Recommendation**

Approve subject to conditions

**1. Introduction**

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as an application submitted by an officer of the council.

**2. Description of site**

The application site is located to the north of Rugby within an established residential area and the Rugby Borough urban edge. It forms part of a development that was phased over a number of years to provide a mixture of residential housing, employment and retail space and a new college campus.

No.13 Edison Drive is the mid-terraced two-storey dwelling within a row of 3 no. properties. It is constructed from brown brick with a horizontal contrasting brick detail across the middle and has a gable roof and white uPVC windows and doors. There is a small, shallow front amenity area and flat canopy style porch above the main entrance. The rear of the property is accessed through a parking court to the west behind the rear garden boundary. There is a small rear garden which has 1.8 metre high fencing around the perimeter and gated access to the car parking court.

**3. Description of proposals and application history**

The application seeks consent for the installation of an Air Source Heat Pump to the rear of the property. It would be located on the boundary shared with the neighbour to the north of the application site.

**Planning History**

R06/0064/MAJP (Outline)	Outline Planning Application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store [5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross)], and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary	Approved 17/09/2007
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R12/0719 (Variation of conditions on outline)	Outline planning application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no. dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store (5156 sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975 sq.m) and garden centre products (1245 sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works: - variation of condition nos. 6, 10, 12, 13, 15, 33 and 34 attached to planning permission ref. R06/0064/MAJP dated 17/09/2007 to defer the implementation of highway, pedestrian and cycleway improvement works and to cover noise assessment in respect of the spine road.	Approved 22/08/2014
R12/1610 (Reserved Matters)	Erection of 87 dwellings and garages; construction of associated infrastructure comprising estate roads, foul water pumping station and balancing pond; provision of open space and all ancillary and enabling works - submission of reserved matters in respect of phase 1 comprising access, appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP dated 17.09.2007	Approved 30/01/2013
R13/1597	Outline planning application for the redevelopment of land to provide a mixed scheme incorporating residential development comprising the erection of 540no.dwellings, 2 hectares of employment (Class B1) development, a new college campus for Warwickshire College including associated facilities with car parking (Class D1), a DIY retail store (5156sq.m gross internal floor space with ancillary areas for the display and sale of building materials (975sq.m) and garden centre products (1245sq.m gross) and a new spine road together with associated landscaping, public open space, car parking, vehicular and pedestrian access ways and ancillary works:  - variation of condition nos. 6, 10, 13, 33 and 34, and waiver of condition 12 attached to outline planning permission ref. R06/0064/MAJP dated 17/09/2007 to defer the implementation of highway, pedestrian and cycleway improvement works and to cover noise assessment in respect of the spine road	Approved 25/07/2014

#### 4. Relevant Planning Policies

National Planning Policy Framework, 2021 (NPPF)

Section 2: Achieving sustainable development

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Rugby Borough Local Plan 2011-2031, June 2019

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy SDC1: Sustainable Design

Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology

## **5. Technical consultation responses**

- 5.1 WCC Flood Risk Authority – no comments provided as the application does not meet the requirements of a major development.
- 5.2 Environment Agency – no comments received
- 5.3 RBC Environmental Health – no objection subject to conditions

## **6. Third party comments**

- 6.1 Ward councillors and neighbours notified, and no comments were received

## **7. Determining considerations**

The main issues concerning this application are the principle of development, character and appearance and impact on neighbouring properties.

### 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. 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.
- 8.3 The site is within a sustainable location within the settlement boundary and conforms with Policy GP2 of the Local Plan which relates to the settlement hierarchy. 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 and residential amenity, to ensure it complies with national and local policies detailed above, the principle of development is considered acceptable.

### 9. Character and appearance

- 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 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. Section 12 of the National Planning Policy Framework supports and promotes good design as a key aspect of sustainable development.

- 9.2 The application proposes to locate the air source heat pump (ASHP) to the rear of the dwelling adjacent to the northern boundary fence. The submitted specifications state that the external dimensions of the ASHP would measure as follows:
- height 595mm;
  - width 870mm;
  - depth 290mm;
- 9.3 In visual terms the unit would be hidden from public view and as such is not considered to impact upon the character of the area and therefore is in accordance with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031

## 10. Residential Amenity

- 10.1 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 NPPF states that planning should always seek a high standard of amenity for existing and future users of developments.
- 10.2 The ASHP would be located on the boundary with the northern neighbour, no.15 Edison Drive. The primary concern is the noise emissions from the unit. It is intended to use the ASHP for both heating and cooling and as such it's use would be all year around.
- 10.3 The lack of comments from the occupiers of Nos 11 and 15 is noted. Nonetheless, the scheme would be permanent, and the impacts upon any future occupiers of these dwellings must be considered in reaching a decision.
- 10.4 Environmental Health have provided comments for the application and expressed concerns in regard to the noise levels generated by the unit, stating that the placement on the ground adjacent to the garden fence would result in higher noise levels being generated. An alternative location was proposed to place the unit above the patio doors, centrally on the rear elevation, and mid-way between the two adjoining neighbours.
- 10.5 The Microgeneration Certification Scheme (MSC) Planning Standards includes clear standards to support the installation of air source heat pumps. These stipulate that noise levels for an air source heat pump on its own must stay at or below 42 decibels (dB) from a metre distance away from any habitable room. An email from the agent has stated that a consultant has calculated that the placing of the unit centrally above the patio doors would comply with these requirements. Notwithstanding this no calculations or scaled drawings have been submitted to support this argument; the only calculations provided are based on locating the ASHP on the ground adjacent to the boundary. Also, it is noted that the alternative location would place the unit closer to the master bedrooms of all three properties.
- 10.6 As described under section 2 of this report the property is a mid-terrace and the small size of the rear garden means that there is not an alternative location that could help with noise mitigation. Environmental Health have recommended that conditions be applied to any consent given prior to the installation of the ASHP and to address noise concerns. Therefore, in the interests of securing a scheme that would ensure the safeguarding of residential amenity the conditions have been agreed and will be applied to the consent **(Condition 3 and 4)**

10.7 Subject to the conditions the conditions it is considered that the 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.

## 11. Other Matters

11.1 Policy SDC8 of the Local Plan supports new low carbon and renewable energy technologies providing it can be demonstrated that any adverse impacts on local residential amenity have been minimised. Section 14 of the National Planning Policy Framework recognises that even small scale projects provide a contribution to cutting greenhouse gas emissions (paragraph 158a) and that local planning authorities should approve an application if its impacts are (or can be made) acceptable (paragraph 158b).

11.2 In considering the application the potential impacts have been weighed against the residential amenity concerns. The ASHP is intended to work with the existing solar panels on the dwelling and as such is improving the renewable energy provision for the property. It is in line with the objectives and aims for sustainable development that form the core of the National Planning Policy Framework. As such the local planning authority has worked to be able to find a supportive solution to be able to approve the proposed scheme.

## **12. Planning Balance and Conclusion**

12.1 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 provide additional renewable energy for no.13 Edison Drive.

12.2 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.

## **13. Recommendation**

13.1 Approve subject to appropriate conditions and informatives set out in the draft decision appended to this report

## DRAFT DECISION

**REFERENCE NO:**  
R22/0185

**DATE APPLICATION VALID:**  
18-Mar-2022

**APPLICANT:**  
Mr Wilmott 13, Edison Drive, Rugby, CV21 1FF

**AGENT:**  
Michelle Hill, Simple Planning Solutions Ltd, 136 Lincroft Crescent, Coventry, CV5 8GX

**ADDRESS OF DEVELOPMENT:**  
13, Edison Drive, Rugby, CV21 1FF

**APPLICATION DESCRIPTION:**  
Installation of air source heat pump

### 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 18/03/2022

Proposed Site Plan received on 03/03/2022

Site Location Plan received on 03/03/2022

Air Source Heat Pump drawing with dimensions received on 03/03/2022

Air Source Heat Pump Technical Specifications received on 03/03/2022

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

#### CONDITION 3:

Prior to installation of air source heat pumps it shall be demonstrated that the noise from such plant will not adversely affect residential amenity in the area.

REASON: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

#### CONDITION 4:

Prior to installation a scheme of works shall be submitted to and approved by the Local Planning Authority and any mitigation kept for the operation of the Air Source Heat Pump. Reference shall be had to BS4142:2014+A1:2019 due to the nature of the equipment.

REASON: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

**INFORMATIVE:**

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.

DRAFT

**Reference: R21/0622**

**Site Address: Elms Farm, Stretton Baskerville Solar Farm, Watling Street, Hinckley, LS10 3EE**

**Description: Construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure.**

**Recommendation**

It is recommended that planning application R21/0622 is granted subject to:

- a. the conditions and informatives set out in the draft decision notice appended to this report.
- b. referral to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2021, due to the application being located within the Green Belt.

**Description of site:**

The application site is positioned within Elms Farm, an established agricultural unit. The site is approximately 84.49 hectares predominately greenfield, agricultural land located within the open countryside and the Green Belt. Although the site is positioned mainly within the Rugby Borough Local Authority Boundary, it is located closer to an urban area of Hinckley, to the north, across the A5 (Watling Street) Highway. A small strip (approximately 50 metres in width) of the site is located within the Borough of Hinckley and Bosworth. The site is classified by the Environment Agency as Flood Zone 1, the lowest risk of flooding.

The site is bounded by the A5 Watling Street to the north and Hydes Lane to the north/west. The Ashby De La Zouch Canal bisects the site, gently winding north to south. Towards the centre, within the application boundary, but not part of the application site, is Elms Farm, farmyard, which comprises a small assemblage of buildings. To the west of the farmyard and not within the application site, are four large buildings, used for the rearing of poultry and further to the west, a pond.

There are several Public Rights of Way (PRoW) bordering the site. Within the site boundary one footpath passes directly through the centre of the site east-west, another runs from the northern boundary of the site southwards along the Coventry and Ashby Canal and connects to a PRoW which runs east-west through the centre of the site.

To the north of the site, beyond the A5, is the Lime Kilns Business Park, Sketchley Lane Industrial Estate and the Logix Road RD Park (industrial and business park) and the residential area of Burbage. Approximately 200 metres to the north, is the Sketchley Brook.

To the south of the site is mainly agricultural land and a PRoW running east to west, with the River Anker located approximately 500 metres to the south-west.

To the east of the site is predominantly agricultural land and Stretton Fields Farm. To the west is also mainly agricultural land.

There are four Scheduled Monuments situated within 5 km of the Site; however, only one is located within 1 km of the site, the Deserted village of Stretton Baskerville, approximately 250 m south of the Site. There are two sites of Special Scientific Interest (SSSI) located within 5 km of the Site boundary. Burbage Wood and Aston Firs SSSI is located approximately 3.6 km north/east of the Site. Griff Hill Quarry SSSI is located approximately 4.8 km south/west of the Site.

**Planning History:**

R18/0390 - Erection of 4 No. poultry rearing buildings and associated infrastructure - Approved – 12/04/2019

Hinckley & Bosworth Borough Council: 18/00996/FUL - Improvement works to vehicular access onto A5 (cross border application - the substantive application has been submitted to Rugby Borough Council for the erection of 4 No. poultry rearing buildings and associated infrastructure) - Approved - 07/01/2019

Hinckley & Bosworth Borough Council: 21/00732/FUL - Construction of a solar farm (up to 49.9MW), battery storage system together with associated works and infrastructure including access, substation compound, inverters, 2m high stock-proof fencing, 2.3m high CCTV camera poles, and necessary infrastructure including internal access tracks and landscaping (cross boundary application with Rugby BC) – current application

**Summary of the Proposal:**

This application is for the construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure.

The Proposed Development consists of both ground-mounted solar PV panels and associated infrastructure. The proposal consists of the construction, operation, maintenance and decommissioning of the solar farm. The solar panels would generate up to 49.9MW, enough to power approximately 16,581 homes and an anticipated CO2 displacement of around 11,210 tonnes per annum.

The electricity produced by this solar farm would be exported to the distribution network operator (maintained by UK Power Networks) via underground cables.

The development will include the following equipment:

- Rows of solar PV panels.
- Approximately 18 inverters and transformers (within containerised units similar to shipping containers).
- Approximately 18 battery storage units.
- Approximately 300 m cable connection from the Site to the Substation at Hinckley (the Cable Connection Route)
- DNO (Development Network Operator) Substation.
- Customer Substation/Switchgear.
- Internal access tracks.
- Internal buried cabling.
- Perimeter fence and security gate; and
- CCTV cameras.

The development will utilize approximately 73.02 hectares of the total 84.49-hectare site area and will include planting and landscaping.

### ***Solar Panels***

The panels would be laid out in straight arrays set at an angle of between 10 to 35 degrees from east to west across the field enclosures. The distance between the arrays would typically be between 3-6 metres (m). The top northern edges of the panels would be a maximum of 3 m above ground level and the south lower edges of the panels would be no less than 0.9 m above ground level. The arrays would be static.

The metal framework that houses the modules will be supported at intervals by either single or double mounted posts approximately 5 m apart, depending on the orientation/configuration of the panels. The posts will be driven into the ground at an approximate depth of 1.5 m. The cabling would be concealed in trenches.

### ***Inverters***

The inverters would be contained within shipping containers or similar cabin type structures, each unit would measure 2.9 m high, 12.2 m long and 2.5 m wide. The inverters would convert the direct current generated by the solar panels into alternating current.

Transformers, as contained within the inverter cabins, convert the low voltage output from the inverters into high voltage suitable for feeding into the local electricity distribution network.

### ***Substation compound***

The connection into the local electricity distribution network would require a DNO (Development Network Operator) substation. The DNO substation would measure approximately 8 metres long, 6 metres wide and 4.1 metres high. A Customer Substation, which would measure up to approximately 3 metres high, 10 metres long and 4 metres wide is also required.

The structures would be placed on a hardcore base. They would receive electricity from the inverters before transferring it to the local electricity distribution network.

### ***Cabling and Grid Connection***

The intention for the Proposed Development is to connect to the substation at Hinckley comprising part of the local electricity distribution network (the 'grid'), located north from the Site. All cabling will be buried in trenches.

### ***Security***

It is proposed that stock-proof fencing (mesh with wooden posts or similar) to a height of approximately 2 m would be installed along the outer edges of the Site.

This would be sited a minimum of 4 m inside the outermost hedges/trees/vegetation, ensuring that the fence is visually obscured, and access is available for hedge trimming and maintenance. Gates would be installed at the site access point for maintenance access.

The perimeter of the Site would be protected by a system of CCTV cameras and/or infra-red cameras, which would provide full 24-hour surveillance around the entire perimeter. The cameras would be on poles of approximately 2.3 m high, spaced at approximately 50 m intervals along the security fence. There would be no lighting within the site at night.

### ***Construction***

Construction is expected to take place over approximately 16 weeks. During this period, initial site setup works would take place followed by construction of the internal access route(s), ground works, and the installation of the solar panels and other associated infrastructure.

### **Operation**

Once operational the solar panels and other infrastructure will require only occasional maintenance, to ensure the efficient running of the system.

It is expected that under normal circumstances no more than 4 two-way trips (either car or van) would visit the site each week (generally less than 1 a day).

The site will be retained for agricultural use for the life of the proposed development; the land between and underneath panels could be used for sheep grazing and/or planting a combination of grassland and meadows.

### **Decommissioning**

At the end of the temporary operational lifespan (approximately 40 years), the solar panels and other infrastructure would be removed, and the site restored back to full agricultural use (Condition 20).

The proposed development responds to the Government's support for solar energy by providing a renewable energy supply that would reduce carbon emissions and assist in establishing a greater diversity of energy sources in the UK.

### **Technical Consultations:**

#### Original plans & information

RBC Environmental Health Team – No objection, subject to conditions

RBC Tree and Landscape Officer – No response

RBC Development Strategy - No comment received

WCC Archaeology – Request for additional information

WCC Ecology – Objection, conflict with habitat management being undertaken as a condition of approval under a separate planning application.

WCC Flood Risk Management – Initial correspondence: insufficient information

Warwickshire County Council Highways – No objection, subject to conditions

Warwickshire County Landscape - Contravenes Local Plan Policies NE3 - Landscape Protection and Enhancement

Warwickshire Fire & Rescue Service – Initial correspondence: Development does not comply regarding fire safety.

Warwickshire County Rights of Way – No objection, subject to conditions

Warwickshire Police – Provides advise in terms of site security

Warwickshire Wildlife Trust - No comment received

Historic England – Concerns with the development, on heritage grounds.

Ramblers – Objection

Canal and River Trust – Concerns regarding visual impact, wildlife protection, glint and glare, and landscaping.

Inland Waterways Association – Objection - damage the heritage, amenity and visitor economy of the Ashby Canal, and be inappropriate development in the Green Belt.

Severn Trent – No comment received

Environment Agency - No comment, the constraints fall outside our statutory remit.

Cadent Gas - Referred your enquiry/consultation to our Asset Protection team – no objection subject to informatives

Cadent Gas (National Grid) - Objection

Health and Safety Executive – No objection

The Office for Nuclear Regulation (ONR) – Response of 'no comment'

LCC Highways – No objection, subject to conditions

Highways England – Planning permission to not be granted - request for additional information  
Leicester City County Council – No objection, subject to conditions  
Nuneaton and Bedworth Borough – No objection  
Hinckley and Bosworth Borough Council – Response, of no comment

Amended/Additional plans & information – submission 2

RBC Environmental Health Team – No further comment  
RBC Tree and Landscape Officer – No objection  
RBC Development Strategy – No objection  
WCC Archaeology - No further comment  
WCC Ecology – Objection remains  
WCC Flood Risk Management – No objection, subject to conditions  
Warwickshire County Council Highways - No further comment  
Warwickshire County Landscape - Concerns with the development remain  
Warwickshire Fire & Rescue Service – No objection, subject to an informative  
Warwickshire County Rights of Way – No further comments  
Warwickshire Police – No further comment  
Warwickshire Wildlife Trust – No comment  
Historic England – Concerns with the development remain  
Ramblers – No further comment  
Canal and River Trust – No objection – request for a suitable detailed planting scheme  
Inland Waterways Association – Maintains their objection.  
Severn Trent – No comment  
Environment Agency - No comment  
Cadent Gas – No objections  
Cadent Gas (National Grid) – No objection, subject to a condition  
Health and Safety Executive – No objection  
The Office for Nuclear Regulation (ONR) – No further comment  
LCC Highways – No further comment  
Highways England – No objection, subject to conditions  
Leicester City County Council – No further comment  
Nuneaton and Bedworth Borough – No objection  
Hinckley and Bosworth Borough Council – No further comments

Amended/Additional plans & information – submission 3

Ecology - Objection  
Archaeology – No comment  
Historic England – Maintain their objection  
Warwickshire County Landscape – Concerns with the development remain

Amended/Additional plans & information – submission 4

Archaeology – No objection, subject to a condition  
Historic England – No objection, remaining concerns, will be covered by Archaeology  
Warwickshire County Landscape – Overall, there would now be an adequate buffer zone between the proposed solar fields and the canal, PROW routes R284 and R2a, and river corridor.

### **Third Party Consultations**

#### ***Parish Council***

There is a majority preference for no such development as the development is an unnecessary intrusion onto Green Belt Land.

In the event the development is approved

- Support for sustainable energy
- Public Access to pathways and bridleways should not be affected
- All possible efforts should be employed to not disturb natural wildlife
- A survey of/for disturbance for protected species be conducted prior to consent/construction
- Assurance must be given that the panels which we presume will face southwards towards the village of Burton Hastings will not at any time of the day or year cast glare or reflection on the village of village sight line across the fields towards the site
- Assurance must be given that planting be made of quick growing trees, ie willow on the southern boundary to provide visual shield of the site across the fields towards Burton Hastings

**Neighbours (1) Objection**

- Supports sustainable and greener energy
- Loss of farmland
- Impact on wildlife
- Alternative Brownfield site is available (Stretton Point)
- Impact and loss of Green Belt
- Need to educate people on energy usage
- Business opportunity for the owner

**Relevant Planning Policies:**

Rugby Borough Council Local Plan 2011-2031

GP1 - Securing Sustainable Development

GP2 - Settlement Hierarchy

SDC1 - Sustainable Design

SDC2 – Landscaping

SDC3 - Historic environment

SDC5 - Flood Risk Management

SDC8 - Renewable energy.

HS4 - Open Space, Sports Facilities and Recreation

NE1 - Protecting Designated Biodiversity and Geodiversity Assets

NE3 - Landscape protection

D1 – Transport

D2 - Parking facilities

Guidance

National Planning Policy Framework

National Planning Policy Guidance

Climate Change Act 2008

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

Joint Green Belt Study - Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council

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

**Assessment of Proposals:**

The key issues regarding the proposed development, are the principle of the development, design and appearance, impact on the Green Belt, landscape, the natural and historic environment and landscape, the loss of agricultural land, flood risk and drainage, access, highways and the overall cumulative impact.

**1. Principle of Development:**

1.1 The Local Plan Policy GP1 states that the LPA, when considering development proposals, will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved where possible, and to secure development that improves the economic, social, and environmental conditions in the area.

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

1.3 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in the Green Belt being resisted and only where national policy on Green Belt allows will development be permitted.

1.4 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in a mutually supportive way:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

***Green Belt***

1.5 The application site is located within the Green Belt, the NPPF Paragraph 137 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'.

1.6 Paragraph 138 of the NPPF provides the purposes of the Green Belt. Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

1.7 Paragraph 147 States, 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

1.8 Paragraph 148 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

1.9 Paragraph 151 of the NPPF states, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

1.10 Paragraph 152 of the NPPF States that the planning system should support the transition to a low carbon future in a changing climate, by helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

1.11 Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change'.

1.12 Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable'.

1.13 Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology. The policy states development will be supported in principle providing (amongst other things), it is of an acceptable design, accounting for the natural and historic environment, landscape, ecology and visual impact.

1.14 Furthermore, the Policy States that for solar farms proposed on the best and most versatile agricultural land a sequential test has to be undertaken as outlined in the supporting text to this policy. Where it is proven that the use of the best and most versatile agricultural land is necessary, conditions may be applied to an approval to require the land to be restored to its previous greenfield use when the operation ceases (Conditions 19 and 20)

### ***Sustainable Development***

1.15 Regarding the three overarching objectives of sustainability; economic, social and environmental objectives. The Proposed Development would provide a clean, renewable and sustainable form of electricity and will also make a valuable contribution to the generation of electricity at a local level. The scheme would add to the region's progress in meeting its renewable

energy target and would also assist in meeting national targets for both energy supply and low carbon energy development. The principle of renewable energy, such as solar power, is strongly supported by both local and national planning policy.

### **Site Selection**

1.16 The applicant has conducted an iterative site selection process, with due consideration to the benefits and constraints associated with the proposed site, and other potential alternative sites. The applicant states that the site represents the most suitable and deliverable land to deliver the proposed development. The site provides a viable grid connection, to the substation at Hinckley, nearby with the capability of exporting the power generated and electricity grid availability.

1.17 The connection costs and possible output determined that the site could be up to 3 km from the Point of Connection.

1.18 The area of search is significantly constrained, due to the built-up area of Hinckley to the north and east, built up area of Nuneaton and extension of St Nicholas Park to the west and flood zones to the south. Land to the north-west of the search area is outside the Green Belt; however, the majority of this land is covered by a mixed-use allocation comprising 850 dwellings in the Hinckley and Bosworth Site Allocations and Development Management Policies DPD. It was considered that two other sites within Hinckley, allocated for employment uses, were unviable, due to the need for cabling routing along the A5.

1.19 The search area was limited to the south of the A5, with only 1 landowner willing to lease the land for the solar farm development. The site is located within the Green Belt.

1.20 Although the site is located within the Green Belt:

- It is the closest site to the Point of Connection
- It will protect the wider countryside from encroachment and will help reduce the risk of neighbouring towns merging.
- The Agricultural Land Classification Assessment highlights that the proposed Site is made up of predominantly grade 3b land yet does have some small areas of land characterised as Grade 2 and 3a. However, due to the existence of ridge and furrow on these smaller areas, which restrict land to permanent pasture, these areas could be classified as Grade 5. This indicates there is no appropriate land within the search area that is significantly worse in agricultural quality (i.e., Grade 4 or 5).
- There is no available previously developed land within the search area of sufficient size.
- The whole site is located within Flood Zone 1 and does not contain any environmental designations

1.21 The process demonstrates the benefits of the proposed site and lack of significantly more appropriate alternatives for the Proposed Development.

### **Agricultural Land**

1.22 Paragraph 155 of the NPPF states to help increase the use and supply of renewable and local carbon energy that, plans should provide a positive strategy for such developments whilst ensuring adverse impacts are addressed satisfactorily.

The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires for the proposal 'to be designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity'. Furthermore, 'Where green field sites are proposed it should be demonstrated that the use of any agricultural land is necessary and where applicable the proposal allows for continued agricultural use. The economic and other benefits of the best and most versatile agricultural land will be taken into account.

1.23 The accompanying Agricultural Land Classification Report, submitted with the planning application, advises that during the process of site selection, most of the land, within the 3 km search area, was identified as being Grade 2 (very good quality) or 3 (good to moderate quality) agricultural land. The report notes that the application site comprises mostly Grade 3b, moderate quality agricultural land, with a small section of Grade 2 and Grade 3a; however, due to the existence of ridge and furrow, which restrict use to permanent pasture, these areas could be classified as Grade 5 (very poor-quality agricultural land). In summary, the site does not constitute the Best and Most Versatile (BMV) agricultural land and is the lowest quality agricultural grade land available to deliver a proposal of the nature and scale proposed.

1.24 It is intended for the site to be retained for agricultural use for the life of the proposed development; either for sheep grazing and/or planting a combination of grassland and meadows. At the end of the temporary operational lifespan (approximately 40 years), the solar panels and other infrastructure would be removed, and the site restored back to full agricultural use. In relation to solar farms, policy SDC8 states that where it is proven that the use of the best and most versatile agricultural land is necessary, a condition will be applied to an approval to require the land to be restored to its previous greenfield use when the operation ceases (Condition 19 and 20).

1.25 It is therefore considered that the proposed development, regarding the current agricultural land use, would be acceptable, and the proposed development would accord with the relevant part of the Local Plan Policy SDC8

### **Openness**

1.26 Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. The NPPG advises when assessing the impact of a proposal on the openness of the Green Belt, it requires a judgment based on the circumstances of the case. Openness can have both spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume. It may also include the duration of the development, and its remediability, accounting for any provisions to return land to its original state or to an equivalent (or improved) state of openness.

1.27 It is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development, as Paragraph 151 of the NPPF states that although renewable energy projects comprise inappropriate development, it will be allowed, if developers can demonstrate very special circumstances.

1.28 The proposed development would be considered contrary to the principle of Green Belt policy, due to the harm resulting from reduced openness. As the undeveloped field would accommodate solar panels. However, as identified in a recent Supreme Court ruling (Case: Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council 2020), openness is a matter of planning judgement rather than a legal principle.

1.29 The matter of openness is the principle of preventing urban sprawl, arguably the most critical function of the Green Belt. In relation to this application, the solar arrays will have the same use as the current agricultural land in preventing urban sprawl.

1.30 The components of the scheme are relatively low in dimensions with the panels sitting close to the existing landform (max height of solar arrays is 3 m). Complementing this is the protection and enhancement of vegetation screening around the site, assimilating it into the wider landscape. In addition, the temporary and reversible nature of the proposed development minimises the impact of encroachment into the countryside, one of the five purposes of the Green Belt.

1.31 The developer has provided a Landscape and Visual Appraisal which demonstrates the potential impact of the Proposed Development on the wider landscape and any potential receptors in a 2 km study area. The existing landscape character across the study area in the Green Belt is characterised by a range of land uses. The Appraisal concludes that the Proposed Development would result in localised landscape and visual effects but would not cause 'substantial harm' to the 'openness' of the Green Belt in landscape and visual terms.

1.32 The Joint Green Belt Study Stage 1 for Coventry Council, Nuneaton and Bedworth Council, Rugby Borough Council and Warwick District Council assessed the parcel of land where the site is located as mid-performing against the Green Belt criteria. It notes that due to the presence of significant boundaries helping to protect the wider countryside from encroachment, it reduces the requirement for the Green Belt to perform this purpose. In addition, the parcel is part of a large gap between towns reducing the risk of neighbouring towns merging.

1.33 It is therefore considered that the Proposed Development would have minimal impact on the openness of the Green Belt, accounting for both the spatial and visual aspects.

### ***Very Special Circumstances***

1.34 The Proposed Development could bring harm to the Green Belt by reason of inappropriateness, and other potential harm resulting from the proposal. However, the NPPF Paragraph 151 states that "very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources". The importance of such energy resources has been growing in prevalence globally, and the UK has committed to becoming carbon neutral by 2050. The NPPF (Paragraph 152) supports this by stating that "the planning system should support transition to a low carbon future...It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience...and support renewable and low carbon energy and associated infrastructure".

1.35 The NPPF Paragraph 158 highlights that there is no requirement for applicants to demonstrate an overall need for renewable or low carbon energy. The proposed development will provide renewable energy for homes, displacing CO<sup>2</sup>, therefore, helping to reduce and offset CO<sup>2</sup> emissions, providing mitigation from climate change and increasing electricity generated from renewable resources.

1.36 Although a solar farm is not a traditional countryside use, consideration must be given to the declaration of the climate emergency by both Rugby Borough Council and the broader continual strengthening of environmental policy to reduce carbon emissions, which was not as prevalent upon designation of the Green Belt.

1.37 Previous applications for solar farms within the Green Belt, (outside of the Rugby Borough), have been granted permission, most notably, within Hertfordshire, where the Planning Inspectorate determined under appeal APP/C1950/W/19/3225810 regarding the proposed development that: *'the environmental benefits of the proposal and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist'*.

### **Greener energy solutions**

1.38 Nationally, there is a broader continual strengthening of environmental policy to reduce carbon emissions. The UK Government has sought to reduce greenhouse gas emissions, in 2008 by 80% of 1990 levels by 2050 and then in June 2019 to net zero (by 2050). In April 2021, the Government announced an accelerated target of 78% of 1990 levels by 2035.

1.39 The National Policy Statement for Energy (EN-1) was published in July 2011 set out the UK commitments by sourcing 15% of energy from renewable sources by 2020 and to largely decarbonise the power sector by 2030.

1.40 Both Rugby Borough Council and Hinckley and Bosworth Borough Council declared a climate emergency in July 2019, this declaration represents a commitment to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral by 2030.

1.41 It is considered that very substantial positive weight should be accorded to the scale of generation of renewable energy and associated significant reduction in carbon emissions and that this constitutes very special circumstances which significantly outweigh the aforementioned limited harm to the Green Belt.

1.42 In summary, although the proposal would cause harm to the Green Belt by reason of inappropriateness. It is considered that the level of harm is limited due to the following factors:

- The temporary and reversible nature of the proposed development;
- The continued agricultural use of the site during the lifespan of the development; and
- The limited landscape and visual impacts, primarily due to the design approach of containing the panels within existing and enhanced established boundaries
- It has been demonstrated that there is an absence of suitable and available sites outside the Green Belt

1.43 Therefore, in considering the above, the proposal would accord with relevant NPPF and NPPG policy, specifically relating to renewable energy development, the Green Belt, use of agricultural land and sustainable development, as well as with Rugby Core Strategy Policy GP2 and Policy SDC8.

1.44 The principle of development is considered acceptable, subject to all other planning matters being appropriately addressed.

## **2. Design**

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

2.2 The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires for the proposal states that specific consideration will be given to the effect of glint and glare on neighbouring uses and aircraft safety including additional impacts if the array follows the movement of the sun.

2.3 The NPPF within Section 12 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

2.4 The design of the Proposed Development has been informed by the context of the Site and its surroundings. The immediate context within which the Site sits is formed mostly by agricultural land, while the wider context of the area is predominantly built up.

2.5 The key elements of the design are to minimise the environmental impact by preserving trees and hedgerows, maintaining suitable stand-offs from sensitive ecological features and assimilating the Proposed Development into the local landscape as far as possible, including providing additional screening. Ensuring safe and efficient access to the public highway and retaining the Public Rights of Way.

2.6 The proposed development would be set within the existing field pattern, with all field margins and boundary vegetation retained. The security fencing around the Site would be situated inside the boundary vegetation ensuring the fencing is not outwardly visible and the hedge can still be accessed for maintenance.

2.7 The solar arrays would be laid out horizontally, south facing as to maximise the absorption of sunlight. The inverters would be located in the centre of the solar panels in each development zone to ensure that visual and noise impacts on surrounding receptors is minimised.

2.8 At this stage, development incorporates design flexibility, using the Rochdale Envelope approach. The Rochdale Envelope approach also involved defining development zones, rather than having a definite layout. The zones define where certain infrastructure should be located within the Site, whilst having flexibility in terms of layout of solar panels, inverters and batteries within each zone, it also includes the flexibility to position the DNO Substation and Customer Substation within an alternative zone to that shown in the Indicative Site Layout Plan. The final precise siting of the panels and associated equipment will be secured by condition (Condition 3).

2.9 The majority of the infrastructure is made up of solar PV panels up to 3 m high, and inverters and batteries at a similar height of 2.9 m. The highest structures on the Site would be in the DNO Substation which would be 4 m high.

2.10 The most visible components of the Proposed Development would be the solar panels. These would be mounted on a metal frame and constructed from non-reflective glass. The solar panels are static and are designed to absorb sunlight, therefore there would be no significant issues associated with glint and glare. Furthermore, the metal frame is treated to avoid any significant issues associated with glint and glare.

2.11 The containers/cabins and other small buildings would be appropriately coloured or clad to minimise any visual impact and comply as far as practicable with the local vernacular. The

structures would however be functional in appearance, reflecting their purposes, which is for the generation of electricity.

2.12 Any cabling between rows of panels, inverters and the grid connection point would be underground, meaning that there would be no requirement for over ground cabling and/or additional pylons, and therefore there would be no visual impact.

2.13 It is intended that the Site would retain its agricultural use whilst the Proposed Development is operational, this could be through sheep grazing. At the end of the lifetime of the Proposed Development, it is envisaged that all infrastructure associated with the Proposed Development would be removed and the land would be reinstated to its current condition (Condition 19 and 20).

2.14 The final precise siting of the panels and associated equipment can be secured by condition (Condition 3).

2.15 It is considered that once this information is received to the satisfaction of the Local Planning Authority, the development will comply with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031

### ***Environmental Health***

2.16 The Environmental Health Department have been consulted and have raised no objection to the proposal, subject to conditions, should approval be granted.

2.17 Environmental Health have requested a condition to restrict any further development of the site and for the development to remain within the use class as a solar farm. They have also requested a Construction Management Plan, to control noise levels, dust and measures to reduce mud deposition offsite from vehicles leaving the site. (Condition 4 and 5)

2.18 Environmental Health are not recommending a noise assessment, as in the event of noise disturbance, action may be taken in the future under separate legislation.

### **3. Landscape and Visual**

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

3.2 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.

3.3 Policy HS4 Open Space, Sports Facilities and Recreation states that, *'All open space of public value can be defined as primarily open land, whether green or hard surfaced and areas of water including canals, which offer important opportunities for sport and recreation and can act as a visual amenity'*.

3.4 The Local Plan Policy SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology requires applicants to demonstrate that opportunities to mitigate landscape and visual impacts have been maximised for example through screening with native hedges.

3.5 This planning application is accompanied by a Landscape and Visual Appraisal and Glint and Glare Assessment to demonstrate the potential impact of the proposed development on the wider landscape and any potential receptors.

3.6 The proposed development will be contained within existing established boundaries and requires minimal vegetation removal. In addition, native species hedgerow and hedgerow trees would be planted to re-establish lost or fragmented hedgerows, strengthening the landscape structure and helping to enhance the experience of public rights of way and the setting of the canal. The site nor the 2 km study area, are covered by any statutory landscape designations, (e.g. National Park or Area of Outstanding Natural Beauty).

3.7 The Assessment concludes that most of the identified receptors within the study area and the wider surroundings would experience relatively minimal or no change as a result of the proposed development.

3.8 The Glint and Glare Assessment concluded that there would be no impact on road users or dwellings in the area. In addition, based on a higher-level assessment there are no significant impacts on aviation activity associated with Stoke Golding Airfield and no further assessment is recommended.

3.9 Warwickshire County Landscape Team have been consulted and initially objected to the scheme. It was considered, *'in its current form the proposed solar farm and its associated infrastructure would be visible from the canal and nearby public footpath network and limit views experienced from these routes'*

3.10 To address the concerns raised by the Landscape Team, the applicant has provided an amended site plan, which provides landscape buffers required to help reduce potential landscape and visual impacts resulting from the development. However, the Landscape Team retained their position of objecting to the scheme, as the proposal remained a very significant development adjacent to important linear landscape features for recreation and nature conservation which act as reminders of the local cultural heritage. They requested for additional measures to help further reduce the potential landscape and visual impacts within the northern part of the scheme and to understand what mitigation planting would now be proposed.

3.11 On receipt of a further amended plan, the Landscape Team considered that overall, there would be an adequate buffer zone between the proposed solar fields and the canal, public rights of way (PROW) routes R284 and R2a, and river corridor. Although, they still had some reservation regarding the south-eastern edge of Development Zone 5, which remains a pinch point and the potential views from Bridge 14 which takes PROW R2a over the canal. Additionally, they considered that the revised zoning and layout would create a rather uniform corridor to the PROW routes, although it was accepted that the buffers provided reflected the geometric field pattern. The Landscape Team consider it possible to create landscape and visual interest along these routes while maintaining a sense of openness through sensitive planting design. For example, visual interest could be achieved by varying the height and width of the proposed mitigation planting to create an indented edge which would offer greater visual interest.

3.12 The Rugby Borough Council Tree and Landscape Officer has been consulted, regarding Landscaping, they have referred to the comments provided by the Warwickshire County Landscape Team.

3.13 In terms of hedgerow and tree protection, as the overall network of trees is retained and the placing of infrastructure to facilitate the solar scheme is placed to have minimal impact on retained trees and hedgerows, the Tree and Landscape Officer has no objection, subject to a condition to be included for an arboricultural method statement and tree protection plan. (Condition 15).

3.14 To mitigate against the visual impact caused by the development, a condition will be included for a detailed landscaping scheme. Once satisfactorily in place, it is considered that the landscaping scheme would help mitigate against the visual harm created by the development and provide visual interest. (Condition 14).

3.15 It is therefore considered that the Proposed Development would not have an adverse impact on the wider views and landscape and accords with Rugby Borough Council Local Plan Policy NE3, Policy SDC2 and Policy SDC8.

#### **4. Historic Environment**

4.1 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.

4.2 The NPPF within Section 16 states that Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

4.3 Paragraph 189 of the NPPF states that, amongst other things, that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

4.4 The application is accompanied by a Historic Environment Desk Based Assessment, to help determine the cultural heritage of the site. The site and surrounding area include:

- The deserted village of Stretton Baskerville
- Port House (Grade II Listed)
- The Ashby Canal Conservation Area

##### *Non-designated assets*

- Elm's Farm and Ashby-de-la-Zouch Canal Bridge no. 14. (Within the site boundary, but not the development area).
- Other archaeological assets within the Warwickshire and Leicestershire Historic Environment Record (HER).
- In relation to underground Archaeology, there is potential for archaeology from the Bronze Age, Iron Age and Roman Periods.

4.5 Regarding concerns raised by Historic England and Archaeology, the proposed site layout plan and area to be developed has been amended.

##### ***Historic England***

4.6 Historic England have been consulted and have identified the scheduled monument of the 'Deserted village of Stretton Baskerville', which is 250metres away, from the application site boundary, and the Conservation Area to the north of the application site. The application site also includes well-preserved medieval ridge and furrow.

4.7 Whilst Historic England supports a truly sustainable approach to renewable energy generation that maximises the benefits of individual energy projects, while minimising adverse effects on the historic environment, they have concerns regarding the application on heritage grounds, to include the setting and harm to the significance of the heritage asset(s) and consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

4.8 In response to the concerns raised by Historic England the applicant has submitted a revised scheme, which removes some of the areas of ridge and furrow from the proposed development zone. Historic England were reconsulted, although they welcomed the removal of some areas of ridge and furrow, they retained their initial concerns and objection, on heritage grounds.

4.9 Another revised scheme was submitted. Historic England commented that they *'welcome the removal of all areas of well-preserved ridge and furrow from the proposed development zones as set out in our previous advice, which largely addresses our concerns regarding the proposed development'*.

4.10 Historic England continue to advise that as development zone 5 contains less well-preserved ridge and furrow, that the development proposal should be designed to minimise ground disturbance and harm to these heritage assets. However, they recognize that any remaining concerns, will be covered by Archaeology.

4.11 Therefore, Historic England are satisfied, that the development is acceptable regarding the potential impact on the historic environment.

4.12 Historic England advise when determining significance – the significance of a place embraces all the diverse and natural heritage values that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as understanding deepens, and people's perception of a place evolve.

4.13 Moreover, the values that give significance to heritage assets are wide-ranging and interrelated; buildings and places provide material evidence about the lives of past generations. Significance is the sum-total of heritage values. To include the evidential value, historic value, aesthetic value, and communal value.

4.14 Historic England initially considered that the proposed development will represent medium level of less than substantial harm to the significance of the scheduled monument.

4.15 The NPPF states within paragraph 202, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

4.16 On receipt of the amended scheme, Historic England have registered their support towards a sustainable approach to renewable energy generation, which protects the historic environment. The amended scheme has overcome any concerns raised and therefore, Historic England now have no objection to the proposed development in regard to the Historic Environment.

## **5. Archaeology**

5.1 Warwickshire County Council Archaeology have been consulted and have registered their concerns regarding the proposed scheme.

5.2 Archaeology support Historic England's comments in respect of the potential impacts on the setting of the Scheduled Monument to the south of the application site and their recommendations in respect of avoiding and minimising impacts on the ridge and furrow which survives across various parts of the application site.

5.3 Archaeology recognize that there may be potential for archaeological features to survive across the site, which could be impacted by the proposed development. At the pre-application stage, it was recommended that a programme of archaeological evaluation, comprising geophysical survey and trial trenching should be undertaken. Whilst the geophysical survey has been undertaken, the trial trenching has not.

5.4 Archaeology considered that there is currently insufficient information available at this time to establish and enable a proper and detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened by the proposed development and possibly worthy of conservation in whole or in part or of being fully investigated and recorded.

5.5 The applicant's agent has proposed that, rather than undertaking the recommended evaluation prior to the determination of this application, that it be secured by a condition. Their justification for this is that there is sufficient flexibility in the design to enable any archaeological features worthy of conservation identified following the granting of consent to be 'designed around', ensuring their preservation. Archaeology have requested the details be submitted as part of a document, and formally submitted.

5.6 Archaeology consider that it can be demonstrated that there is sufficient flexibility in the scheme to enable it to be designed to avoid impacts on any archaeological features worthy of conservation if these are identified following the granting of planning consent, even if this requires specific 'development zones' to be excluded, then it may be acceptable to secure the recommended trial trenching, and subsequent mitigation, by condition, rather than it being undertaken prior to the determination of the application.

5.7 The agent has provided an additional technical note, which includes information on the various components of this scheme and advises on ways in which each of these could be designed or relocated to avoid impacts on any buried archaeological features which survive across the site.

5.8 Archaeology have recommended that if the LPA consider that there is sufficient flexibility, within the scheme to exclude specific development zones to be excluded, then it may be acceptable to secure the recommended trial trenching, and subsequent mitigation, by condition, rather than it being undertaken prior to the determination of the application.

5.9 The conditions applied to any consent granted will secure the undertaking of a programme of archaeological evaluation by trial trenching across any areas which may be disturbed by the proposed development and the subsequent development of a strategy to appropriately mitigate any impacts that the development may have on any archaeological features which survive across the site. It is considered that once this condition (condition 21) has been satisfied, the proposed development will be acceptable in regards of matters relating to Archaeology.

5.10 It is therefore considered that the Proposed Development would not cause substantial harm to the significance of any designated or non-designated assets. Furthermore, there is also potential to mitigate against any impact through the planting of additional vegetation and

screening and assimilation in the wider landscape. The Proposed Development therefore accords with Rugby Borough Council Local Plan Policy SDC3

## **6. Natural Environment**

### ***Ecological Considerations***

6.1 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.

6.2 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.

6.3 This planning application is accompanied by a Preliminary Ecological Appraisal (PEA) and an Arboricultural Impact Assessment (AIA).

6.4 The PEA identified whether there are any known or potential ecological receptors (nature conservation designations, protected and notable habitats and species and scheduled invasive non-native species) that may constrain or influence the design and implementation of the Proposed Development.

6.5 The Site supports notable habitats (canals, hedgerow, ponds, and arable field margins) and species (breeding and non-breeding birds, bat species, badger, reptiles, and riparian mammals). However, the PV panels will be located within arable and improved grassland fields (which are of low ecological value), therefore the Proposed Development will avoid, protect, and retain notable habitats.

6.6 There are several environmental benefits which would be delivered through the Proposed Development, including enhancing the green infrastructure and the potential for biodiversity net gain through the provision of new hedgerows and trees, the retention of field margins, and wildflower meadow habitats beneath the solar arrays. In addition, ecological benefits such as the installation of barn owl boxes, bird nesting boxes, beehives, log piles, restoration of traditional field boundaries, and other hibernacula such as small-buried rubble piles suitable for reptile species, amphibians and insect life are planned where appropriate.

6.7 Warwickshire County Council Ecology have been consulted and have objected to the proposed development. Ecology have requested for the removal of a parcel of land included for development within the application site, which has previously been proposed to be managed for biodiversity, under application R18/0390 (for Poultry Sheds). Ecology have also requested, pre-determination, for a Biodiversity Impact Assessment, to be undertaken.

6.8 The applicant has attempted to address the missing grassland management area (approved under R18/0390), by including the lost biodiversity metric within the current scheme. However, Ecology have maintained their objection to the proposal as the existing biodiversity area has not been excluded from the scheme. The applicant has stated that the inclusion of the parcel is critical, for the viability of the development.

6.9 If the applicant is willing to remove the parcel of land, Ecology would have no objection, subject to conditions, to include, a Construction Environmental Management Plan, to ensure that

protected species are not harmed by the development and a Landscape and Ecological Management Plan, to ensure biodiversity protection and a biodiversity net gain.

6.10 Although Ecology have stated that they cannot support the application, as they are of the opinion that it will undermine outcomes of biodiversity net gain on a previously approved application, they have acknowledged that the proposed biodiversity gain, to include the previous site, is achievable. It is considered by the LPA that as the proposed development will provide an overall biodiversity net gain, which would include the metric, as agreed under R18/0390, and a condition will be included to ensure that protected species are not harmed by the development, that the proposal will not have an adverse impact on protected species in accordance with the Local Plan Policy NE1, and the proposed development would be acceptable in regards to the natural environment. (Condition 16 and 17)

## **7. Flood Risk and Drainage**

7.1 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.

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

7.3 The Proposed Development will increase the impermeable surface area of the site, which will affect surface water runoff and flooding. The surface water management strategy proposes swales at each parcel to provide temporary attenuation for surface water runoff arising from post development impermeable areas, which will then naturally drain towards existing watercourses, using the existing drainage system as an optional fallback. In cases where the topography does not accommodate drainage to an existing watercourse, the swales will temporarily retain water onsite, until it drains naturally through evapotranspiration and limited infiltration. Although the Ashby de la Zouch canal runs along the centre of the site, its banks are protected by embankments against flooding.

7.4 Warwickshire County Council Flood Risk Management (FRM) the Lead Local Flood Authority (LLFA) have been consulted regarding surface water drainage and associated flood risk grounds. FRM initially advised that there was insufficient information to provide a detailed response, resulting in the agent provided an additional Drainage Strategy Addendum.

7.5 After reviewing the initial and additional information provided, to include details of the SWALES, maintenance and overland flows, FRM have concluded that they have no objection to the proposed development, subject to conditions. (Condition 11 and 12) It is considered once these conditions have been complied with, that the proposed development will comply with Policy SDC5.

## **8. Access, Traffic and Transport**

### **Highway safety and car parking:**

8.1 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.

8.2 The application is accompanied by a Transport Statement, which assesses the existing access conditions, the impact of the proposed development in terms of trip generation, vehicle types, routing and safety. The Transport Statement sets out that the proposed development will

only generate a low level of vehicular activity, during both the construction and operational phases. The operation of the proposed development is expected to generate a maximum of four two-way vehicle trips per week and will not have a material impact on the surrounding highway network.

8.3 There are two existing vehicular accesses to the site which will be used to access the proposed development. The eastern land parcel will be accessed via the A5 at the existing farm access and the North-western land parcel will utilise the existing field gate off Hyde's Lane.

#### ***A5 Highway***

8.4 The A5 is owned and maintained by Highways England.

8.5 Highway England (HE) have been consulted. HE noted that during the operational phase of the proposed development, vehicle movements are anticipated to be low, with a maximum of four vehicle trips (eight two-way trips) per week over the 16-week construction period. Therefore, HE considered that the proposed development was unlikely to have a significant impact on the Strategic Road Network.

8.6 Although HE considered that the proposal was unlikely to have a significant impact, they initially requested for planning permission to not be granted until additional information has been submitted regarding the details within the Transport Statement and the geotechnical asset.

8.7 On receipt of the additional supporting information, Highways England's have raised no objection, subject to a condition requesting a Construction Management Plan. (Condition 5)

#### ***Hydes Lane***

8.8 Hydes land is a single carriage road, which is jointly owned/maintained by Leicester City Council and Warwickshire County Council.

8.9 Leicester City Council (LCC) have been consulted and have undertaken a full assessment of the proposed development. It is the view of LCC that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. LCC have no objection to the proposal, subject to conditions. (Condition 5)

8.10 Warwickshire County Council Highways (WCCH) have been consulted and have undertaken a full assessment of the proposed development. WCCH have provided a response of no objection, subject to conditions regarding improving the existing field gate access along Hydes Lane and the visibility splays, for safe ingress and egress of the site and a Construction Management Plan has been submitted. (Condition 5, 9 and 10)

8.11 WCCH have also requested that the applicant/developer enters into a Section 59 agreement to ensure any damage caused to the highway is repaired.

8.12 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.

8.13 There is no suggested parking standard for this type of development, the operation of a solar farm and therefore it will be assessed on its own merit. The vehicle movements to the site are relatively low and are only expected to generate a maximum of four two-way vehicle trips per week. The purpose of the vehicle movements to the site during the operational phase will be

associated with maintenance activities only and will involve a technician/ supervisor/ maintenance team attending the development using a car or small van (i.e. no HGVs).

8.14 Although there is no designated parking area, there is provision to park along the existing access lane. It is considered that as there are no onsite employees and relatively few employees visiting the site, with provision for parking within the access lane, there is sufficient parking provision for the development. It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

### ***Public Rights of Way (PRoW)***

8.15 The application site has two public footpaths, R2a and R284, which cross the site and link into other Public Rights of Ways (PRoW) within the vicinity of the site. The agent has confirmed that the footpaths will remain open and accessible throughout construction and operation of the proposed development.

8.16 The Rights of Way Team have been consulted, as the site plans indicate that the public footpaths would be accommodated along their existing alignment with what appear to be broad corridors, they have raised no objection. As the Highway Authority responsible for protecting and maintaining the public footpaths they have requested conditions (Condition 6) to be carried on any consent, if granted, to mitigate or minimise any potential impact on the public footpaths and their users.

8.17 The Ramblers recognize that there is provision for the two footpaths which run through the site. However, they have objected to the proposed development 'on protection of the countryside and preservation of Green Belt grounds'.

8.18 The Ramblers have concerns regarding the protection of the countryside and preservation of the Green Belt, particularly, the development, '*condemning this stretch of the Parish of Stretton Baskerville adjoining the A5 Watling Street to excessive industrial over-development*'. Although they accept that the developers have made satisfactory provision for the footpaths. Although it is recognised that the development will impact the area, it has been established that the overall benefits will outweigh the factors against the proposal.

8.19 It is therefore considered, the proposed development will not have a detrimental impact on users of the PRoWs, as they remain open and accessible.

## **9. Other Matters**

9.1 Warwickshire Police have provided information regarding site security, to include access to the site, perimeter security and access control and electronic security. The key areas for consideration will be included as an informative note, with the accompanying information being available to the agent and applicant.

9.2 Warwickshire Fire Safety had initial concerns regarding the development. On receipt of the amended site plan, Fire Safety offered no objection, subject to informative notes to be included regarding access and facilities for the Fire Service.

9.3 The Canal and River Trust initially objected to the proposed development, regarding visual impact, wildlife protection, glint and glare, and landscaping. On receipt of the amended scheme, they considered the proposed changes, to include the increased buffer zone from the canal and the additional tree/hedgerow planting to be an appropriate response to their concerns.

9.4 The Inland Waterways Association (IWA) objected to the proposed development regarding damage to the heritage, amenity and visitor economy of the Ashby Canal, and being inappropriate development in the Green Belt. On receipt of the amended plans, IWA maintained their objection. Although IWA have maintained their objection, it is considered that the agent/applicant have attempted to address their concerns, with other relevant consultees, to include the Canal and River Trust, Historic England, WCC Landscape and WCC Archaeology being in support of the development.

9.5 Cadent (National Grid) have advised there is apparatus in the vicinity of the application site, which may be affected by the proposed development. However, Cadent have raised no objection to the proposed development, subject to conditions and informatives. (Condition 13)

## **10. Planning Balance and Conclusion**

10.1 The principle of renewable energy, such as solar power is strongly supported by both local and national planning policy. The Proposed Development would provide a clean, renewable and sustainable form of electricity and will also make a valuable contribution to the generation of electricity at a local level. The Proposed Development would add to the region's progress in meeting its renewable energy target and would also assist in meeting national targets for both energy supply and low carbon energy development. Furthermore, it would help Rugby Borough Council respond positively to their declared climate emergency.

10.2 The development represents very special circumstances which outweigh the impacts of the proposed development on the Green Belt.

10.3 It has been demonstrated that the Proposed Development complies with planning policy and that impacts of the Proposed Development have been shown to be acceptable and, where necessary, mitigation measures have been set out to reduce potential impacts of the Proposed Development. To include the key planning material considerations, landscape and landscaping, the natural and historic environment, flood risk and drainage, highway safety and safe access and the overall cumulative impact.

10.4 Moreover, in addition to the significant benefits associated with the generation of renewable energy, the development will deliver further benefits in terms of economic investment, habitat creation and biodiversity gains.

10.5 It is therefore concluded that the proposed development would represent sustainable development, with the benefits outweighing the factors against the proposal. Accordingly, no material considerations have been identified which indicate that the development should not be approved and therefore it is considered that the development, would comply with the National Planning Policy Framework, and the Rugby Borough Council Local Plan 2011-2031

## **11. Recommendation**

11.1 It is recommended that planning application R21/0622 is granted subject to:

- a. the conditions and informatives set out in the draft decision notice appended to this report.
- b. referral to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2021, due to the application being located within the Green Belt.

## DRAFT DECISION

**REFERENCE NO:**  
R21/0622

**DATE APPLICATION VALID:**  
07-Jun-2021

**APPLICANT:**

Mr Ben Lewis, Low Carbon UK Solar Investment Company Ltd, Oxygen House, Grenadier Road, Exeter Business Park, Exeter

**AGENT:**

Mr Jonathan Hill, AECOM, Aldgate Tower, 2 Lemn Street, London, E1 8FA

**ADDRESS OF DEVELOPMENT:**

Elms Farm, Watling Street, Burbage, Hinckley, LE10 3EE

**APPLICATION DESCRIPTION:**

Construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary 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:**

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:

Hinckley Site Location Plan - LCS056 - SP-01 Rev 1  
DNO Substation Elevations and Dimensions Plan - LCS- SD-01 Rev 02  
Customer Substation Elevations and Dimensions Plan - LCS- SD-02 Rev 02  
Indicative CCTV Post - Standard Drawings - LCS- SD-03 Rev 01  
Security Fence and CCTV Standard Detail - LCS- SD-04 Rev 02  
Inverter Elevations and Dimensions Plan - LCS- SD-08 Rev 02  
DNO Substation Floor Plan - LCS- SD-01 Rev 01  
Customer Substation Floor Plan - LCS- SD-15 Rev 01  
Inverter Floor Plan - LCS- SD-16 Rev 01  
Panel Arrangement 4 Landscape 29.5 (degree) Tilt - LCS- SD-17 Rev 01  
40ft Battery Container (HVAC on ground) Standard Detail - LCS- SD-20 Rev 01

Batemans Rural Associates Limited Agricultural Land Classification  
Arboricultural Impact Assessment Report - Low Carbon - May 2021 (Part 1 and 2)  
Landscape and Visual Appraisal - Low Carbon - May 2021 (Part 1 to 3)  
Flood Risk Assessment and Drainage Strategy - Low Carbon - May 2021  
Preliminary Ecological Appraisal Report - Low Carbon - May 2021  
Planning Design and Access Statement - Low Carbon - June 2021

PagerPower Urban & Renewables - Solar Photovoltaic Glint and Glare Study - Low Carbon - Hinckley Solar Farm - May 2021

Statement of Community Involvement - Low Carbon - May 2021

Transport Statement - Low Carbon - May 2021

Received by the Local Planning Authority on the 7th June 2021

Biodiversity Net Gain Assessment - Low Carbon - December 2021

Biodiversity Net Gain - Metric (Excel Spreadsheet)

Received by the Local Planning Authority on the 17th December 2021

Sumo Survey - Geophysical Survey Report - Low Carbon - Oasis Ref sumogeop1-422939 - Survey Report 02803 - Date June 2021

Received by the Local Planning Authority on the 21st July 2021

Landscape and Visual Appraisal - Addendum - Low Carbon - November 2021

Received by the Local Planning Authority on the 19th November 2021

Drainage Strategy Addendum - Low Carbon - December 2021

Received by the Local Planning Authority on the 2nd December 2021

Historic Environment Desk-Based Assessment - Low Carbon - January 2022

Received by the Local Planning Authority on the 20th February 2022

Hinckley Development Zone Plan - LCS056 - DZ-02 Rev 02

Hinckley Layout Plan External - LCS056 - PLE-02 - Rev 03

- noting that the precise layout is not yet fixed and will be agreed post-development by condition, being governed by the agreed parameters within each development zone/parcel.

Received by the Local Planning Authority on the 5th April 2022

Stretton Baskerville Solar Farm - (R21/0622) - Archaeological Technical Note version 3

Received by the Local Planning Authority on the 29th April 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:**

Details of the precise site layout shall be submitted to and approved in writing by the Local Planning Authority for each development zone before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority.

**REASON:**

To ensure that the details of the development are acceptable to the Local Planning Authority, and to secure a properly planned development based on development parcels/zones which allow for flexibility in the precise layout within the agreed parameters for each development parcel/zone.

**CONDITION 4:**

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

**REASON:**

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

**CONDITION 5:**

Prior to the commencement of any works (to include any site clearance), a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. The approved plan shall include a timetable of construction activity and will provide for:

- Construction Phasing.
- The routing and parking of vehicles of HGVs, site operatives and visitors.
- Access arrangement and permitted construction traffic arrival and departure times.
- Hours of work.
- Loading and unloading of plant/materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Wheel washing facilities to prevent mud and debris being passed onto the highway.
- A scheme for recycling/disposing of waste resulting from construction works.
- Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.
- Details of a scheme of Temporary traffic management (TTM) to ensure the safe operation of Hydes Lane.
- The control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase.
- The control of dust including arrangements to monitor dust emissions from the development site during the construction phase.

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

**REASON:**

In the interest of Highway Safety, and to ensure the Highway network continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980; and to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area, and in the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

**CONDITION 6:**

No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

To mitigate or minimise any potential impact on the public footpaths and their users:

- No site security fencing may be erected on or within 1m of any public footpath unless closed by legal order.
- Prior to commencement of any works involving disturbance of the surface of any public footpath the developer must also contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.
- The applicant must make good any damage to the surface of any public footpath caused during works.

REASON:

In the interest of protecting public footpaths and its users and to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

CONDITION 7:

Unless otherwise agreed in writing by the Local Planning Authority, no trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

REASON:

To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

CONDITION 8:

No development shall commence until the existing vehicular access to the site off Hydes Lane has been widened/remodelled so as to accommodate the swept path drawings in the approved plan SBSF\_SPPSA2, in appendix E (of the Transport Statement - Low Carbon - May 2021) and shall not be used until a public highway verge crossing has been laid out and constructed in accordance with the specifications of the Highway Authority.

REASON:

In the interest of Highway Safety

CONDITION 9:

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

REASON:

In the interest of Highway Safety

CONDITION 10:

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70 metres measured to the near edge of the public highway carriageway in accordance with the approved plan SBSF\_VSPSA2 (Transport Statement - Low Carbon - May 2021) - No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON:**

In the interest of Highway Safety

**CONDITION 11:**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA if acceptable to the applicant. 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.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- If discharging to a private network, demonstrate the condition and capacity of the proposed private system to be suitable for the proposed discharge rate.
- 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 and to improve habitat and amenity.

**CONDITION 12:**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA and should include details on how the surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

**REASON:**

To ensure the future maintenance of the sustainable drainage structures.

**CONDITION 13:**

Prior to the commencement of any development within 15m of Cadent's pipelines and in line with UKOPA's Good Practice Guide Requirements for the Siting and Installation of Solar Photovoltaic (PV) Installations in the Vicinity of Buried Pipelines UKOPA/GP/014, detailed proposals (including detailed layout plans, method statements and risk assessments) should be submitted to and approved by Cadent Gas Limited (which may include ongoing monitoring requirements). Further guidance is available in Cadent's 'Specification for safe working in the vicinity of Cadent assets - requirements for third parties'

<https://cadentgas.com/nggdwsdev/media/Downloads/Digging%20Safely/Dial-before-you-dig-brochure.pdf>

**REASON:**

To ensure the safety and integrity of Cadent's pipeline

**CONDITION 14:**

Notwithstanding the approved drawings, a detailed scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

- a) further details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- b) further details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard landscaping including access tracks within the development

Such details shall be provided prior to the development commencing. The approved scheme shall be implemented by the end of the first planting season following commencement of the development.

**REASON:**

To ensure the proper development of the site and in the interest of visual amenity.

**CONDITION 15:**

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

**REASON:**

In the interest of arboriculture and tree protection

**CONDITION 16:**

**Construction Environmental Management Plan (CEMP):**

The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning

Authority. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for badgers, otters, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

**REASON:**

To ensure that protected species are not harmed by the development

**CONDITION 17:**

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

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 implementation 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:**

In the interest of Biodiversity

**CONDITION 18:**

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

**REASON:**

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

**CONDITION 19:**

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

shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

**REASON:**

To remove the non-operational development from the landscape.

**CONDITION 20:**

At the end of the operational lifespan (40 years), the solar panels and other infrastructure will be removed, and the site restored back to full agricultural use.

**REASON:**

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

**CONDITION 21:**

No development shall take place 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 fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological work proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development, including the preservation in situ of any archaeological features worthy of conservation, and should be informed by the results of the archaeological evaluation. It should include:

- full details, including plans as necessary, of the site layout including confirmation of all groundworks associated with the development.
- a detailed plan(s) identifying any area which contain significant archaeological features which are to be preserved in situ.
- confirmation of the final layout and construction methodology across Development Zone 5, demonstrating that the ridge and furrow will remain undisturbed.
- a Written Scheme of Investigation for any archaeological work proposed, including proposed fieldwork, post-excavation analysis, publication of results and archive deposition arrangements.
- a management plan for any areas containing, or which has the potential to contain, archaeological features which are to be preserved 'in situ'. This should set out the methodology to secure the ongoing protection of these areas during construction, operation and decommissioning of the solar farm.

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

**REASON:**

In the interest of Archaeology and the Historic Environment

#### INFORMATIVE 1:

##### Construction hours

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

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

Saturday                                8.30 a.m. - 1.00 p.m.

**NO WORK ON SUNDAYS & BANK HOLIDAYS.**

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

#### INFORMATIVE 2:

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

- Access to the Site
- Perimeter Security and Access Control
- Electronic Security

#### INFORMATIVE 3:

Cadent (Gas Network) request BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by Cadent and/or National Grid prior to undertaking any works within 10m of this site.
- Carefully read the requirements included within the advisory guidance documents (which accompanied the consultation response) and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

#### INFORMATIVE 4:

Cadent (Gas Network) have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

**INFORMATIVE 5:**

Any works to highway trees within Leicestershire will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.

**INFORMATIVE 6:**

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information on works within Leicestershire, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

**INFORMATIVE 7:**

Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

**INFORMATIVE 8:**

Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

**INFORMATIVE 9:**

If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

**INFORMATIVE 10:**

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

**INFORMATIVE 11:**

Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

**INFORMATIVE 12:**

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

#### INFORMATIVE 13:

No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

#### INFORMATIVE 14:

a. Condition number 9 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

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

b. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

c. 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 15:

- Public footpaths R2a and R284 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
- If it is proposed to temporarily close any public footpath during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
- Any disturbance or alteration to the surface of any public footpath requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

**INFORMATIVE 16:**

Warwickshire Fire and Rescue Authority require the development to comply with Approved Document B, Volume 2, Requirement 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 17:**

National Highways have requested a CCTV survey of the onsite drainage to be uploaded to National Highways' Drainage Data Management System (DDMS), to enable National Highways to identify the location of any historical connections from the development site to the National Highways' drainage system on the A5. Please contact: National Highways (Area 7), Stirling House, Lakeside Court, Osier Drive, Sherwood Business Park Nottingham NG15 0DS



**AGENDA MANAGEMENT SHEET**

**Report Title:** Planning Appeals Update

**Name of Committee:** Planning Committee

**Date of Meeting:** 25 May 2022

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

**Portfolio:** Growth and Investment

**Ward Relevance:**

**Prior Consultation:**

**Contact Officer:** Richard Holt  
Development and Enforcement Manager  
01788 533687, richard.holt@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

**(C) Climate**  
**(E) Economy**  
**(HC) Health and Communities**  
**(O) Organisation**

**Summary:** This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 January 2022 to 31 March 2022.

**Financial Implications:** Increases the scope for related costs claims within the Planning Appeals process.

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

**Planning Committee - 25 May 2022**

**Planning Appeals Update**

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

**Recommendation**

The report be noted.

**1. Introduction**

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

**2. Appeals determined**

During the last quarter from 1<sup>st</sup> of January 2022 to 31<sup>st</sup> of March 2022 a total of 4 planning appeal was determined, of which 0 was allowed, 4 was dismissed and 0 was withdrawn.

A total of 0 enforcement appeals were determined.

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

**3. Appeals outstanding/in progress**

As at 31 March 2022 there were 7 planning appeals and 6 enforcement appeal still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

**Name of Meeting:** Planning Committee  
**Date of Meeting:** 25 May 2022  
**Subject Matter:** Planning Appeals Update  
**Originating Department:** Growth and Investment

**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.

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Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

## Appendix A

Location	Full development description	Application number	Case Officer	PINS Reference	Decision date	Decision description	Appeal Decision	Appeal Decision Date
1, GRANGE FARM, BRANDON LANE, BRANDON, COVENTRY, CV3 3GU	Outline planning application for a self-build plot, with matters reserved except access and layout.	R21/0312	Lucy Davison	APP/E3715/W/21/3283199	26th August 2021	Refusal	Dismissed	10th March 2022
NETHERCOTE BARN, NETHERCOTE ROAD, FLECKNOE, RUGBY, CV23 8AS	Prior Approval change of use - Alterations, including removal of structures on the east and west elevations, and re-use of agricultural building to form dwelling.	R21/0876	Paul Varnish	APP/E3715/W/21/3286929	30th September 2021	Required and Refused	Dismissed	24th March 2022
23, LAWRENCE ROAD, RUGBY, CV21 3SA	Erection of 4.5m single storey extension to the rear of existing dwelling house	R21/1124	Euan Hardy	APP/E3715/D/22/3290084	24th December 2021	Required and Refused	Dismissed	4th March 2022
COTTAGE FARM, HEATH LANE, BRINKLOW, RUGBY, CV23 0NX	Demolition of existing equestrian buildings and erection of 4no. dwellings.	R20/1073	Sam Burbidge	APP/E3715/W/21/3274080	24 <sup>th</sup> March 2021	Refusal	Dismissed	28 <sup>th</sup> January 2022

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
LAND AT FOSSE CORNER (JUNCTION OF MILLERS LANE AND FOSSE WAY), MONKS KIRBY	Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of 3 years.	R20/1062	Lucy Davison		Appeal Lodged	Hearing	30th June 2021	Refusal	Committee
8, DONE CERCE CLOSE, DUNCHURCH, RUGBY, CV22 6NZ	Re-submission of previous application R21/0223. This new application seeks the erection of a	R21/0881	Sam Burbidge	APP/E3715/W/21/3289361	Appeal Lodged	Written Representations	12th November 2021	Refusal	Delegated

	new 3 bedroom, two storey dwelling to the end of the terrace.								
1, CYPRESS ROAD, RUGBY, CV21 1SA	Previously there was a brick wall at the back of the property. This has been replaced with a fence which has been moved out to the edge of the property boundary. Fence is in keeping with the style of the rest of the estate. A gate has also been added to provide access at the side of the garden.	R21/0969	Euan Hardy	APP/E3715/D/22/3293613	Appeal Lodged	Householder Appeal Service	3rd December 2021	Refusal	Delegated
The Shrubs, 21, Wood Lane, SHILTON, COVENTRY, CV7 9JZ	Variation of Condition 2 of R20/0323 for the alterations to provide additional roofspace and the erection of	R21/1098	Frances Keenan	APP/E3715/D/22/3292124	Appeal Lodged	Householder Appeal Service	14th January 2022	Refusal	Delegated

	side and rear extensions								
Home Farm, Main Street, Brandon, CV8 3HW	Proposed new dwelling and garage, detached garage, and formation of a new highway access	R21/0794	Paul Varnish	APP/E3715/W/22/3290513	Appeal Lodged	Householder Appeal Service	24 <sup>th</sup> November 2021	Refusal	Delegated
Four Oaks, Wolston Grange, Rugby, CV23 9HJ	Removal of Condition 4 under planning application R18/1250 to allow for the reinstatement of permitted development rights	R21/0222	Thomas Leech	APP/E3715/W/21/3285260	Appeal Lodged	Written Representations	1 <sup>st</sup> February 2022		
53 Alwyn Road, Rugby, CV22 7QU	Erection of double storey side extension to existing dwelling house.	R21/1025	Sam Burbidge	APP/E3715/D/22/3292760	Appeal Lodged	Householder Appeal Service	8th February 2022	Refusal	Delegated

<b>Nature of problem</b>	<b>Location</b>	<b>Case No.</b>	<b>PINS reference</b>	<b>Appeal Hearing type ENF</b>	<b>Case Officer</b>
Unauthorised Gypsy and Traveller encampment and associated works	LAND AT TOP ROAD, TOP ROAD, BARNACLE	ENF/2020/0058	APP/E3715/C/20/3251933 (325194, 325195, 325196, 325197, 3255440, 3255441, 3255442, 3255443, 3255444)	Hearing	Chris Davies
Unauthorised Gypsy and Traveller encampment site	LAND ADJACENT TO MILLERS LANE, FOSSE WAY, MONKS KIRBY	ENF/2020/0360	APP/E3715/C/21/3267184	Written Representations	Chris Davies and Hitesh Tosar
Alleged rebuilding of stable	BARN MEADOW FARM, CALCUTT LANE, STOCKTON, RUGBY, CV23 8HY	ENF/2020/0101	APP/E3715/C/21/3273997	Written Representations	Chris Davies
Alleged - Unauthorised raised platform/decking	69, GILBERT AVENUE, RUGBY, CV22 7BZ	ENF/2021/0051	APP/E3715/C/21/3285704	Written Representations	Nathan Lowde
Alleged - Unauthorised fencing to front and rear of property	27, WESLEY ROAD, RUGBY, CV21 4PG	ENF/2020/0372	APP/E3715/C/21/3286562	Written Representations	Chris Davies and Hitesh Tosar
Alleged evidence found to revoke Lawful Development Certificate granted R17/1699	Barn Meadow Farm, Calcutt Lane, Stockton, Rugby, CV23 8HY	ENF/2020/0118	APP/E3715/C/21/3273997	Written Representations	Chris Davies and Hitesh Tosar

**AGENDA MANAGEMENT SHEET**

<b>Report Title:</b>	Delegated Decisions - 17 March 2022 to 4 May 2022
<b>Name of Committee:</b>	Planning Committee
<b>Date of Meeting:</b>	25 May 2022
<b>Report Director:</b>	Chief Officer - Growth and Investment
<b>Portfolio:</b>	Growth and Investment
<b>Ward Relevance:</b>	All
<b>Prior Consultation:</b>	None
<b>Contact Officer:</b>	Dan McGahey Search and Systems Officer 01788 533774, daniel.mcgahey@rugby.gov.uk
<b>Public or Private:</b>	Public
<b>Report Subject to Call-In:</b>	No
<b>Report En-Bloc:</b>	No
<b>Forward Plan:</b>	No
<b>Corporate Priorities:</b>	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) <a href="#">Corporate Strategy 2021-2024</a> <input type="checkbox"/> This report does not specifically relate to any Council priorities but
<b>(C) Climate</b> <b>(E) Economy</b> <b>(HC) Health and Communities</b> <b>(O) Organisation</b>	
<b>Summary:</b>	The report lists the decisions taken by the Head of Growth and Investment under delegated powers.
<b>Financial Implications:</b>	There are no financial implications for this report.

<b>Risk Management Implications:</b>	There are no risk management implications for this report.
<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 - 25 May 2022**

**Delegated Decisions - 17 March 2022 to 4 May 2022**

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

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 25 May 2022

**Subject Matter:** Delegated Decisions - 17 March 2022 to 4 May 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 17/03/2022 To 06/04/2022

APPENDIX 1

## Delegated

### 8 Weeks PA Applications

#### Applications Refused

R22/0077 8 Weeks PA Refusal 23/03/2022	23, LANCUT HILL, RUGBY, CV23 0JR	Removal of front hedge and existing landscaping, installation of block paving and creation of additional car parking spaces.
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R21/1175 8 Weeks PA Refusal 01/04/2022	53, CHAUCER ROAD, RUGBY, CV22 5RP	Part first floor rear extension
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#### Applications Approved

R21/0462 8 Weeks PA Approval 17/03/2022	HOME FARM, MAIN STREET, WILLOUGHBY, RUGBY, CV23 8BH	Erection of a single and two storey side extension with link detached garage
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R21/0968 8 Weeks PA Approval 17/03/2022	11, FERNDALE ROAD, BINLEY WOODS, COVENTRY, CV3 2BG	Demolition of Existing Garage and Erection of Gym/Playroom and Garden Store
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R22/0076 8 Weeks PA	69, HIGH STREET, RUGBY, CV21 4EG	
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# Delegated

## 8 Weeks PA Applications

### Applications Approved

Approval  
17/03/2022

Variation of condition 5 of  
R05/1365/5180/PLN - Change of  
use of the existing premises from  
Class A1 (retail) to Class A5  
(takeaway) of the Town and  
Country Planning (Use Classes)  
Order 1987, and alterations to the  
shop front

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R22/0079  
8 Weeks PA  
Approval  
17/03/2022

SCOUT HALL, BOUGHTON  
LEIGH JUNIOR SCHOOL,  
WETHERELL WAY, RUGBY,  
CV21 1LT

Rear extension, canopy and  
shipping container

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R21/0956  
8 Weeks PA  
Approval  
18/03/2022

THE OLD BARN, LEICESTER  
ROAD, CHURCHOVER,  
LUTTERWORTH, LE17 6RB

Demolition of existing storage  
building and erection of  
replacement storage/workshop  
building (Re-submission of  
R20/0859)

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R21/1155  
8 Weeks PA  
Approval  
21/03/2022

67, MCKINNELL CRESCENT,  
RUGBY, CV21 4AY

Creation of a single storey wrap  
around extension, and garage  
conversion

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R21/1254  
8 Weeks PA

6, Gorse Farm Close, Rugby,  
CV22 5SG

Construction of a detached  
snooker/pool room and gym.

# Delegated

## 8 Weeks PA Applications Applications Approved

Approval  
21/03/2022

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R22/0084  
8 Weeks PA  
Approval  
21/03/2022

31, BETONY ROAD, RUGBY,  
CV23 0FB

PROPOSED LOFT  
CONVERSION

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R22/0102  
8 Weeks PA  
Approval  
21/03/2022

CRONULLA, MAIN STREET,  
BRANDON, COVENTRY, CV8  
3HW

Exterior alterations

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R22/0111  
8 Weeks PA  
Approval  
21/03/2022

THE CROFT, OVERSTONE  
ROAD, WITHYBROOK,  
COVENTRY, CV7 9LU

Loft dormers to front roof plane

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R22/0143  
8 Weeks PA  
Approval  
21/03/2022

RYEFIELD COTTAGE,  
HALFWAY LANE,  
DUNCHURCH, RUGBY, CV22  
6RD

Extension for single storey  
garden room.

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R21/1245  
8 Weeks PA  
Approval  
22/03/2022

1, CHAPEL STREET, LONG  
LAWFORD, RUGBY, CV23 9BH

2 storey rear extension.

# Delegated

## 8 Weeks PA Applications Applications Approved

R22/0003 8 Weeks PA Approval 22/03/2022	65, DUNNERDALE, RUGBY, CV21 1QZ	Double storey side and rear extension
R22/0047 8 Weeks PA Approval 22/03/2022	150, DUNCHURCH ROAD, RUGBY, CV22 6DR	Retrospective consent for completed access boundary walls and gates. Small alteration to NE completed access boundary wall and proposed boundary wall to front garden.
R22/0089 8 Weeks PA Approval 22/03/2022	CARFAX, TEMPLE HILL, WOLVEY, HINCKLEY, LE10 3HY	Conversion and extension of existing garage/store to create an annexe, erection of a new detached garage and demolition of an existing outbuilding.
R22/0118 8 Weeks PA Approval 22/03/2022	9, FOSTERD ROAD, RUGBY, CV21 1DE	Front extension and house thermorenovation
R21/0922 8 Weeks PA Approval 23/03/2022	199201, ABBEY STREET, RUGBY, CV21 3LW	Extension to an existing car garage to allow for additional working space.

# Delegated

## 8 Weeks PA Applications Applications Approved

R22/0144  
8 Weeks PA  
Approval  
24/03/2022

46, WORDSWORTH ROAD,  
RUGBY, CV22 6HZ

Erection of single-storey wrap  
around extension

R21/0887  
8 Weeks PA  
Approval  
25/03/2022

MALVERN HALL FARM,  
SOUTHAM ROAD,  
LEAMINGTON HASTINGS,  
RUGBY, CV23 8EY

Demolition of existing  
dwellinghouse and construction  
of a replacement dwellinghouse,  
conversion and extension of  
barns to a dwellinghouse  
including demolition of  
agricultural buildings,  
construction of a building for  
ancillary use, construction of  
stable block and associated  
diversion of Public Bridleway  
R222

R21/0940  
8 Weeks PA  
Approval  
25/03/2022

THE GRANARY, COVENTRY  
ROAD, RUGBY, CV23 9JP

Conversion and extension of  
redundant farm buildings to form  
dwelling, partial demolition of  
existing buildings, associated  
landscaping and upgrading of  
existing access (amendment to  
plans approved by R18/0666).

10 bedroom care home with  
associated parking shared

# Delegated

## 8 Weeks PA Applications Applications Approved

R21/1188 8 Weeks PA Approval 25/03/2022	1A, A ONE SOCIAL CLUB, MARKET STREET, RUGBY, CV21 3HG	access
R21/1123 8 Weeks PA Approval 28/03/2022	20, BIRSTALL DRIVE, RUGBY, CV21 1RR	Front extension Porch, and Garage conversion.
R21/1182 8 Weeks PA Approval 28/03/2022	UNIT 10, JUNCTION ONE, LEICESTER ROAD, RUGBY, CV21 1RW	2 No New doors new cladding to exterior to building
R21/1200 8 Weeks PA Approval 28/03/2022	5, BARTON ROAD, RUGBY, CV22 7PT	PROPOSED 2 STOREY FRONT AND SIDE EXTENSION, PART 2 STOREY PART SINGLE STOREY REAR EXTENSION AND REAR DORMERS
R21/1203 8 Weeks PA Approval 28/03/2022	ANSTY GOLF CLUB, BRINKLOW ROAD, ANSTY, COVENTRY, CV7 9JL	Construction of new front flat roof single storey entrance porch extension; construction of new metal fire escape staircase leading to first floor terrace to East elevation; new plate glass balustrade to surround first floor

# Delegated

## 8 Weeks PA Applications Applications Approved

terrace; installation of new bifold doors to West and East elevations; installation of new serving hatch to East elevation; installation of 3 no. double doors out to first floor terrace.

---

R21/1226  
8 Weeks PA  
Approval  
28/03/2022

18, WESTGATE ROAD, RUGBY,  
CV21 3UD

Erection of a two storey rear extension.

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R21/1256  
8 Weeks PA  
Approval  
29/03/2022

49, MONTAGUE ROAD,  
RUGBY, CV22 6LU

First floor side extension and single storey rear extension. Extend mono-pitch roof across front elevation

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R22/0018  
8 Weeks PA  
Approval  
29/03/2022

4, The Gardens, Thurlaston,  
Rugby, CV23 9LS

The disabled adaption of existing dwelling for family member, together with alterations and extension works.

---

R22/0092  
8 Weeks PA  
Approval  
29/03/2022

258, LONDON ROAD,  
STRETTON-ON-DUNSMORE,  
RUGBY, CV23 9HX

Change of use of domestic double garage to create a small hair salon

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45, LIME TREE AVENUE,

# Delegated

## 8 Weeks PA Applications Applications Approved

R21/0979  
8 Weeks PA  
Approval  
30/03/2022

RUGBY, CV22 7QT

Proposed Single Storey  
Extension To Rear Of Existing  
Outbuilding - Single Storey Front  
Porch Extension

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R21/1148  
8 Weeks PA  
Approval  
30/03/2022

CRICK ROAD  
TELECOMMUNICATIONS  
MAST, CRICK ROAD, RUGBY,  
CV21 4DX

Removal of 12.5m high  
telecommunications mast,  
installation of 20m high street  
furniture style  
telecommunications mast  
(BS00A05 Grey) incorporating  
6No. antennas with 1No. meter  
cabinet and all ancillary  
development

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R22/0044  
8 Weeks PA  
Approval  
31/03/2022

27, MATINA, BADBY LEYS,  
RUGBY, CV22 5RB

Garage conversion with single  
storey extension to northeast side.  
3 no. Skylights to existing flat  
roof.

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R22/0180  
8 Weeks PA  
Approval  
31/03/2022

1, CALDECOTT PLACE,  
RUGBY, CV21 3TT

Rear single and double storey  
extension

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R22/0181  
8 Weeks PA  
Approval

2, SKELHORN AVENUE,  
RUGBY, CV23 0XP

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# Delegated

## 8 Weeks PA Applications Applications Approved

31/03/2022

ERECTION OF A TWO STOREY  
SIDE AND SINGLE STOREY  
REAR EXTENSION WITH  
INTERNAL ALTERATIONS.

---

R22/0121  
8 Weeks PA  
Approval  
01/04/2022

34, WARREN ROAD, RUGBY,  
CV22 5LQ

Demolition of existing storey rear  
extension, and erection of side  
and rear part single, part two  
storey extensions. Erection of a  
detached garden room.

---

R21/1260  
8 Weeks PA  
Approval  
05/04/2022

23, DURRELL DRIVE, RUGBY,  
CV22 7GW

PROPOSED SECOND STOREY  
SIDE EXTENSION

---

R22/0060  
8 Weeks PA  
Approval  
05/04/2022

56, Oxford Street, Rugby, CV21  
3NE

Erection of a small Infill  
residential property (address 56  
Oxford Street) at land adjacent to  
No 58 Oxford St, Rugby, ( 2  
number 1 bedroom flats) as per  
part expired application reference  
R13/0246

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R22/0090  
8 Weeks PA  
Approval  
05/04/2022

16, Almond Grove, Rugby, CV21  
1HP

Rear single storey ,side 2 storey  
extension

# Delegated

## 8 Weeks PA Applications Applications Approved

4, HARRISON CLOSE, RUGBY,  
CV21 4BS

R22/0105  
8 Weeks PA  
Approval  
05/04/2022

Proposal for an extension to the rear of the property at first floor level to provide an additional bedroom.

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R22/0175  
8 Weeks PA  
Approval  
05/04/2022

64, CONSTABLE ROAD,  
RUGBY, CV21 4DA

Proposed 2 Storey Extension

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R22/0037  
8 Weeks PA  
Approval  
06/04/2022

TELECOMMUNICATION MAST,  
WMD0302, COVENTRY  
EASTERN BYPASS, BINLEY  
WOODS, COVENTRY, CV3 2ZZ

Removal of the existing 30m lattice tower and replacement with 32.5m tower supporting 6no. antennas, 2no. relocated antennas, 1no. relocated transmission dish on a headframe with the addition of 24 no. RRU's, 2 no. GPS nodes and associated ancillary together with the addition of 1 no. new meter cabinet at ground level

---

R22/0115  
8 Weeks PA  
Approval  
06/04/2022

120, Grosvenor Road, Rugby,  
CV21 3LB

Single residential dwelling to be divided into two separate apartments along with the installation of a staircase and access to the rear.

---

# Delegated

## Certificate of Lawfulness Applications

### Applications Approved

R22/0088 Certificate of Lawfulness Approval 24/03/2022	HOLYWELL HOUSE, WATLING STREET, NEWTON, LUTTERWORTH, LE17 6AR	Lawful development certificate for the operation of a scaffolding business including storage of scaffolding apparatus, plant and various structures including a porta cabin and container.
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R22/0150 Certificate of Lawfulness Approval 05/04/2022	CONIFER HOUSE, CHURCH HILL, STRETTON-ON- DUNSMORE, RUGBY, CV23 9NA	Demolition of existing outbuilding and erection of replacement outbuilding for incidental use to main dwelling
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R22/0081 Certificate of Lawfulness Approval 06/04/2022	18, LEAMINGTON ROAD, RYTON-ON-DUNSMORE, COVENTRY, CV8 3FN	Loft conversion with rear dormer addition
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R22/0091 Certificate of Lawfulness Approval 06/04/2022	12, MAIN STREET, STRETTON UNDER FOSSE, RUGBY, CV23 0PF	The existing dwelling is classed as residential use and the proposed loft conversion is within the permitted development rights for the property.
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R22/0168 Certificate of Lawfulness Approval	21, PARK ROAD, RUGBY, CV21 2QU	Erection of a rear roof dormer with the addition of three velux roof lights to the front roof slope
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# Delegated

## Certificate of Lawfulness Applications

### Applications Approved

06/04/2022

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## Discharge of Conditions

### Applications Approved

R19/1282

LONGHAM MEADOW FARM,  
HILL ROAD, GRANDBOROUGH,  
RUGBY, CV23 8DL

Conversion of existing  
agricultural barn to no.1 dwelling  
house (prior approval granted  
under application R18/1733)

---

18/03/2022

R20/0585

NEWNHAM LODGE FARM,  
NEWNHAM PADDOX, MONKS  
KIRBY, RUGBY, CV23 0RX

Demolition of outbuildings,  
erection of two storey rear  
extension, single storey side  
extension (permitted  
development), covered walkways  
and partial conversion of existing  
barn

---

18/03/2022

R21/1016

6A, DRURY LANE, RUGBY,  
CV21 3DA

Change of use of existing  
building to provide part retail  
(Class E(a)), and handmade,  
artisan pizza for delivery and  
collection. (Class Sui Generis -  
Hot food takeaways).

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22/03/2022

MILLBOARD, OXFORD ROAD,  
RYTON-ON-DUNSMORE,

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## Delegated

### Discharge of Conditions Applications Approved

R21/1077	RUGBY, CV8 3EJ	Change of use of 0.215 hectares of agricultural land to form a staff parking area; laying of porous surface
30/03/2022		
R21/0744	SPRING SIDE, MAIN STREET, BIRDINGBURY, RUGBY, CV23 8EL	Demolition of existing garage and conservatory, proposed loft conversion, single storey side and rear and extensions and associated alterations (re-submission of R20/1077)
01/04/2022		

### Listed Building Consent Applications Applications Approved

R22/0046	ST MARGARETS CHURCH, MAIN STREET, WOLSTON, COVENTRY, CV8 3HH	Need to make a path to the Garden of Remembrance - this is an active garden for cremations, with currently over 240 cremation plots. Request to extend current path running along church rooms to boundary wall and then following the boundary wall to the garden of remembrance. Currently there is just uneven grass to access the garden. Note this requirement is for disability access and health and safety as current access is via rough
Listed Building Consent Approval		
31/03/2022		

## Delegated

### Listed Building Consent Applications Applications Approved

ground. Note path route does not disturb any headstones. Path has been approved by the Diocesan Advisory Council

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### Major Applications Applications Approved

R21/0689 LAND NORTH OF ASHLAWN  
Major Application ROAD, ASHLAWN ROAD,  
Approval of Reserved RUGBY, CV22 5SL  
Matters  
23/03/2022

Erection of 216 dwellings, associated access, infrastructure and landscaping. Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to R13/2102.

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## Committee

### Non Material Amendment Applications Applications Refused

R19/1411 WOLSTON ALLOTMENTS,  
STRETTON ROAD, WOLSTON  
Non-Material  
Amendment agreed  
04/04/2022

Erection of up to 48 dwellings with associated open space, landscaping and infrastructure (Outline - Principle and Access Only).

---

## Delegated

### Non Material Amendment Applications

#### Applications Approved

R21/0711 15, SAXON CLOSE, BINLEY  
WOODS, COVENTRY, CV3 2BH

Single Storey Front Extension &  
Garage Conversion to property.

Non-Material  
Amendment agreed  
23/03/2022

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R21/0499 55A, CRICK ROAD, RUGBY,  
CV21 4DU

Erection of 1 no. dwellinghouse  
with detached garage and part  
demolition with alterations to  
existing dwellinghouse along with  
subdivision of plot to provide  
separate access, parking, and  
amenity space.

Non-Material  
Amendment agreed  
24/03/2022

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### Prior Approval Applications

#### Prior Approval Applications

R21/1135 Two Hoots Farm, Lutterworth  
Road, Bramcote, Nuneaton,  
CV11 6QJ

Prior approval change of use of  
agricultural building to 1  
no.dwellinghouse (Class Q)

Withdrawn by  
Applicant/Agent  
21/03/2022

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R22/0101 27, Kingsley Avenue, Rugby,  
CV21 4JX

Application for prior approval of a  
larger home extension PAX. This  
extension will be a single storey  
flat roofed design measuring out  
by 6m with a total height of 3m

Prior Approval  
Extension  
Not Required  
21/03/2022

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# Delegated

## Prior Approval Applications

## Prior Approval Applications

and an eaves height of 2.47m.

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R22/0056  
Prior Approval change  
of use  
Required and Approved  
22/03/2022

WILLOUGHBY HOUSE, MOOR  
LANE, WILLOUGHBY, RUGBY,  
CV23 8BU

Application for Prior Approval for  
Change of use of agricultural  
building to dwellinghouses

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R22/0152  
Prior Approval  
Extension  
Not Required  
24/03/2022

24, Vicarage Hill, Clifton Upon  
Dunsmore, Rugby, CV23 0DG

PROPOSED SINGLE STOREY  
REAR EXTENSION

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R22/0066  
Prior Approval  
Extension  
Not Required  
25/03/2022

34, Steeping Road, Long  
Lawford, Rugby, CV23 9SG

Proposed single storey rear  
extension (Larger Home  
Extension Prior Approval)

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R22/0116  
Prior Approval  
Extension  
Not Required  
01/04/2022

71, Main Street, Long Lawford,  
Rugby, CV23 9BB

Proposed single storey rear  
extension (Larger Home  
Extension Prior Approval)

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9, MONKS ROAD, BINLEY  
WOODS, COVENTRY, CV3 2BQ

Proposed single storey rear  
extension (Larger Home

# Delegated

## Prior Approval Applications Prior Approval Applications

R22/0117  
Prior Approval  
Extension  
Not Required  
01/04/2022

Extension Prior Approval)

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R22/0148  
Prior Approval  
Extension  
Not Required  
01/04/2022

15, Bromwich Road, Rugby,  
CV21 4HX

Proposed single storey rear  
extension (Larger Home  
Extension Prior Approval)

# DECISIONS TAKEN BY THE CHIEF OFFICER FOR GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 07/04/2022 To 04/05/2022

APPENDIX 2

## Delegated

### 8 Weeks Advert

#### Applications Approved

R22/0154	ROLLS ROYCE, COMBE	Advertisement consent for the
8 Weeks Advert	FIELDS ROAD, COVENTRY,	erection of four totem signs
Approval	CV7 9JR	associated with Cadent Gas.
11/04/2022		

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### 8 Weeks PA Applications

#### Applications Refused

R21/0798	2, TOWER COTTAGES, MAIN	Erection of an oak framed
8 Weeks PA	STREET, STRETTON UNDER	outbuilding/car port to store 4
Refusal	FOSSE, RUGBY, CV23 0PF	antique vehicles.
08/04/2022		

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R22/0124	THE WHITE HOUSE,	Proposed outbuilding with gym,
8 Weeks PA	GRANDBOROUGH ROAD,	sauna and large open room
Refusal	WOOLSCOTT,	
13/04/2022	GRANDBOROUGH, RUGBY,	
	CV23 8DB	

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R22/0138	LAND SOUTH OF BAILEYS	Erection of one and half height
8 Weeks PA	LANE, BAILEYS LANE, LONG	dwelling
Refusal	LAWFORD CV23 9FS	
25/04/2022		

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# Delegated

## 8 Weeks PA Applications Applications Refused

R22/0104  
8 Weeks PA  
Refusal  
26/04/2022

MARSTON HOUSE, HEATH  
LANE, BRINKLOW, RUGBY,  
CV23 0NX

Demolition of existing garage and  
construction of a new garage

R22/0159  
8 Weeks PA  
Refusal  
03/05/2022

TRICKLE BROOK, SMEATON  
LANE, COOMBE FIELDS,  
RUGBY, CV23 0PS

Erection of a single storey  
extension to create a bedroom,  
ensuite and store.

## Applications Approved

R21/0958  
8 Weeks PA  
Approval  
07/04/2022

HIGHWOOD FARM, COVENTRY  
ROAD, BRINKLOW, RUGBY,  
CV23 0NJ

Creation of upgraded vehicular  
access point.

R22/0096  
8 Weeks PA  
Approval  
07/04/2022

Ashcott, Halfway Lane,  
Dunchurch, Rugby, CV22 6RD

Demolition of existing garage and  
conservatory and erection of 2  
no. 2 storey side extensions and  
a single storey rear extension  
plus external alterations

R22/0122  
8 Weeks PA  
Approval  
07/04/2022

9, OAKDALE ROAD, BINLEY  
WOODS, COVENTRY, CV3 2BL

Proposed extensions, alterations  
and a new first floor with dormers  
and a new tiled roof.

# Delegated

## 8 Weeks PA Applications Applications Approved

R22/0147 8 Weeks PA Approval 07/04/2022	70, KINGSLEY AVENUE, RUGBY, CV21 4JZ	Single Storey Rear Extension
R22/0151 8 Weeks PA Approval 07/04/2022	UNIT 1, WAVER WAY, RUGBY, CV23 0XF	Removal of woodchipped area to be replaced with 11No car parking spaces all as existing construction.
R22/0112 8 Weeks PA Approval 08/04/2022	156, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2AZ	Single storey side extension with first floor dormer
R22/0097 8 Weeks PA Approval 11/04/2022	2, ABBOTTS WAY, RUGBY, CV21 4AP	Single storey rear extension.
R22/0098 8 Weeks PA Approval 11/04/2022	2, ABBOTTS WAY, RUGBY, CV21 4AP	First floor extension to front, two and single storey rear extensions. New window to north side elevation.
	Holly Tree House, Flecknoe Village Road, FLECKNOE,	

# Delegated

## 8 Weeks PA Applications Applications Approved

R22/0137 8 Weeks PA Approval 11/04/2022	RUGBY, CV23 8AT	Erection of side and rear extensions with the addition of a new detached bike/garden store and hardstanding for parking
R21/1159 8 Weeks PA Approval 12/04/2022	THE OLD FARMHOUSE, FIELDS FARM LANE, MARTON, RUGBY, CV23 9RS	Erection of single storey garage
R22/0149 8 Weeks PA Approval 12/04/2022	123, MURRAY ROAD, RUGBY, CV21 3JR	Change of use from one residential dwelling to four residential flats
R21/1117 8 Weeks PA Approval 13/04/2022	28, ROPER CLOSE, RUGBY, CV21 4PF	Retrospective application for formation of a pitched roof on an existing flat roofed outbuilding.
R22/0174 8 Weeks PA Approval 13/04/2022	169, ADDISON ROAD, RUGBY, CV22 7HB	Proposed single storey rear extension, replace existing pitched roof with a flat roof, and insertion of French doors and Juliette Balcony to first floor.

18, GENTIAN WAY, RUGBY,

# Delegated

## 8 Weeks PA Applications Applications Approved

CV23 0XJ

R22/0043  
8 Weeks PA  
Approval  
14/04/2022

Erection of a single storey rear extension and a part two storey part single storey side extension. Formation of a raised rear patio enclosed by a glass balustrade.

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R22/0126  
8 Weeks PA  
Approval  
14/04/2022

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

Variation of condition 2 of R18/0976 (Proposed new dwelling) - replace 2no. roof lights with dormer window to front, relocate east side elevation window. 3 no. additional roof lights - 1 each to east, west and north roof slopes. 1 no. new escape window in the west gable and widen proposed dwelling by 2.25 cm. Erection of garden shed in rear garden.

---

R22/0103  
8 Weeks PA  
Approval  
19/04/2022

34, Naseby Road, Rugby, CV22  
5NH

Erection of a single storey rear extension.

---

R22/0178  
8 Weeks PA  
Approval  
19/04/2022

55-57, HIGH STREET, RUGBY,  
CV21 4EG

Interior refurbishment of the existing Cooperative Food Store, including minor infill and improvement works to the building envelope, relocation of

---

# Delegated

## 8 Weeks PA Applications Applications Approved

the external access stair serving the existing first floor office and residential flat and associated external works.

---

R22/0196  
8 Weeks PA  
Approval  
19/04/2022

87, DRUMOYNE, RUGBY  
ROAD, DUNCHURCH, RUGBY,  
CV22 6PQ

Erection of a single storey front,  
rear and side extension.

---

R22/0200  
8 Weeks PA  
Approval  
19/04/2022

3, ENNESS HOUSE,  
BROOKLIME DRIVE, RUGBY,  
CV23 0SF

Erection of a front porch  
extension.

---

R22/0129  
8 Weeks PA  
Approval  
20/04/2022

327, DUNCHURCH ROAD,  
RUGBY, CV22 6HT

Proposed extension to a single-  
storey rear extension and re-  
roofing of the adjacent  
extensions.

---

R22/0170  
8 Weeks PA  
Approval  
20/04/2022

12, Mill Farm Close, Dunchurch,  
Rugby, CV22 6QL

Single storey rear extension and  
double storey side extension

---

R22/0225  
8 Weeks PA  
Approval

78, PETTIVER CRESCENT,  
RUGBY, CV21 4JF

New single storey porch to front  
elevation.

---

# Delegated

## 8 Weeks PA Applications

### Applications Approved

20/04/2022

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R22/0227 8 Weeks PA Approval 20/04/2022	32, SKIPWITH CLOSE, BRINKLOW, RUGBY, CV23 0NW	Removal of existing conservatory and the erection of a new single storey rear extension.
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R20/0971 8 Weeks PA Approval 21/04/2022	GABLE END, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NR	Two storey side extension
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R22/0038 8 Weeks PA Approval 21/04/2022	Barnacle House Farm, Top Road, Coventry, CV7 9LE.	Change of use of an existing barn to a residential annexe with single storey extension.
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R22/0051 8 Weeks PA Approval 21/04/2022	APPLEBY, PUDDING BAG LANE, THURLASTON, RUGBY, CV23 9JZ	Creation of new window opening and installation of clear glazed opening window in the first floor south side elevation
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R22/0197 8 Weeks PA Approval 21/04/2022	3, Hart Close, Rugby, CV21 3TP	Proposed single storey side/rear addition.
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# Delegated

## 8 Weeks PA Applications Applications Approved

319, LOWER HILLMORTON  
ROAD, RUGBY, CV21 4AD

R22/0057  
8 Weeks PA  
Approval  
23/04/2022

Construction of new single storey  
rear extension following a  
demolition of existing  
conservatory

---

R22/0070  
8 Weeks PA  
Approval  
24/04/2022

1, BRANDON WOOD  
COTTAGES, BRANDON LANE,  
BRANDON, COVENTRY, CV8  
3GQ

Erection of single storey rear  
extension

---

R21/1240  
8 Weeks PA  
Approval  
25/04/2022

SEWAGE DISPOSAL WORKS,  
NEWBOLD ROAD, RUGBY,  
CV21 1HF

Replacement of 'big 6' asbestos  
roof sheets, with new insulated  
metal roof sheets to stores  
building. The stores building has  
a total roof area of approximately  
480m<sup>2</sup>. There are two distinct  
areas currently with asbestos  
cement roof sheets, one area is  
pitched approximately 245m<sup>2</sup>  
and a leant to approximately  
235m<sup>2</sup>. The new roof covering  
will be Cladco Goosewing  
insulated sheets colour RAL7016.

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R22/0109  
8 Weeks PA  
Approval  
25/04/2022

27, RUGBY ROAD, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0DE

Alterations to approved garage  
on R20/0044 to increase the  
height and provide a games room  
to the first floor.

---

# Delegated

## 8 Weeks PA Applications Applications Approved

R22/0156 8 Weeks PA Approval 25/04/2022	83, WAVERLEY ROAD, RUGBY, CV21 4NN	Single storey rear extension and single storey Front extension
R22/0213 8 Weeks PA Approval 25/04/2022	LITTLE LAWFORD HALL, LITTLE LAWFORD LANE, LITTLE LAWFORD, RUGBY, CV23 0JJ	Removal of existing conservatory and erection of orangery including additional external matching paved terrace area.
R22/0223 8 Weeks PA Approval 25/04/2022	9, TUTHILL FURLONG, RUGBY, CV23 0GH	Loft Conversation with Dormers
R20/0892 8 Weeks PA Approval 26/04/2022	40-41, HIGH STREET, RUGBY, CV21 3BW	Change of use of the first and second floors to a house of multiple occupation (Resubmission of previously approved R18/0581, partially retrospective).
R22/0157 8 Weeks PA Approval 26/04/2022	114, Percival Road, Rugby, CV22 5JU	Demolish existing kitchen and conservatory extensions. Construct new single-storey rear extension.

# Delegated

## 8 Weeks PA Applications Applications Approved

112, Lower Hillmorton Road,  
Rugby, CV21 3TJ

R22/0182  
8 Weeks PA  
Approval  
26/04/2022

Single storey rear extension, first  
floor rear extension and internal  
alterations

---

R22/0220  
8 Weeks PA  
Approval  
26/04/2022

6, WARREN ROAD, RUGBY,  
CV22 5LQ

PROPOSED 2 STOREY SIDE  
EXTENSION AND PART  
SINGLE STOREY, PART 2  
STOREY REAR EXTENSION TO  
DWELLING

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R22/0240  
8 Weeks PA  
Approval  
26/04/2022

12, HAMLET CLOSE, RUGBY,  
CV22 6LS

Single storey side extension

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R22/0072  
8 Weeks PA  
Approval  
27/04/2022

59, RUGBY ROAD, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0DE

Erection of single storey front  
extension, two storey side and  
rear extension and replacement  
single storey rear extension  
following demolition of garage,  
front and rear dormers

---

R22/0241  
8 Weeks PA  
Approval  
27/04/2022

1, LENNON CLOSE, RUGBY,  
CV21 4DS

Proposed single storey front  
extension and alterations.

---

# Delegated

## 8 Weeks PA Applications Applications Approved

37, THE KENT, RUGBY, CV21  
4NJ

R22/0031  
8 Weeks PA  
Approval  
28/04/2022

Two storey side extension and  
single storey rear extension with  
alterations to existing driveway  
and widening of existing dropped  
kerb

---

R22/0218  
8 Weeks PA  
Approval  
28/04/2022

29, COOMBE DRIVE, BINLEY  
WOODS, COVENTRY, CV3 2QU

Erection of single storey rear  
extension.

---

R22/0080  
8 Weeks PA  
Approval  
29/04/2022

75, HEATHER ROAD, BINLEY  
WOODS, COVENTRY, CV3 2DD

FIRST FLOOR EXTENSION TO  
SIDE AND REAR WITH  
GROUND FLOOR EXTENSION  
TO FRONT AND REAR

---

R22/0127  
8 Weeks PA  
Approval  
29/04/2022

LYNTON HOUSE,  
WITHYBROOK LANE, SHILTON,  
COVENTRY, CV7 9HY

Extensions and reconfiguration of  
existing outbuilding.

---

R22/0279  
8 Weeks PA  
Approval  
29/04/2022

241, SEDLESCOMBE PARK,  
DUNCHURCH ROAD, RUGBY,  
CV22 6HP

Variation of Condition 2 of  
Planning Permission R21/0164 to  
allow for the increase in window  
size for Flat 4, additional side  
window to Flat 9 and relocation of  
rooflight to Flat 10, additional

---

## Delegated

### 8 Weeks PA Applications Applications Approved

rooflight above the stairs and  
internal layout alterations.

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R21/1192  
8 Weeks PA  
Approval  
01/05/2022

UNIT 4, EUROPARK, WATLING  
STREET, NEWTON, RUGBY,  
CV23 0AL

Moving the air conditioning  
condenser units from the internal  
warehouse cladding and resiting  
them on the ground adjacent to  
the external cladding.

---

R22/0215  
8 Weeks PA  
Approval  
03/05/2022

Telecommunications Mast, Land  
adjacent to Sainsbury's,  
Dunchurch Road, Rugby,

Removal of the existing 15m  
monopole and the installation of a  
replacement 20m monopole,  
supporting 3 no. replacement  
antennas, 1 no. side pod  
equipment cabinet and ancillary  
thereto including 6 no. Remote  
Radio Units (RRUs) and 1 no.  
GPS module.

---

R22/0062  
8 Weeks PA  
Approval  
04/05/2022

SUNNYSIDE, SMEATON LANE,  
STRETTON UNDER FOSSE,  
RUGBY, CV23 0PS

Erection of a dormer style  
bungalow with detached single  
storey garage

---

### Certificate of Lawfulness Applications Applications Approved

# Delegated

## Certificate of Lawfulness Applications Applications Approved

70 , Railway Terrace, Rugby,  
CV21 3EZ

R20/0836  
Certificate of  
Lawfulness  
Approval  
12/04/2022

Certificate of Lawful Development  
(Proposed) - To convert existing  
4-bed terraced property into a 4  
bed HMO

---

R21/0889  
Certificate of  
Lawfulness  
Approval  
12/04/2022

ELMS BARN, CALDECOTE  
FARM, CALCUTT LANE,  
STOCKTON, RUGBY, CV23 8HY

Certificate of Lawful Development  
- Confirmation that development  
has been commenced - Condition  
1 of Planning Permission  
R18/1222

---

R22/0221  
Certificate of  
Lawfulness  
Approval  
21/04/2022

24, EDYVEAN CLOSE, RUGBY,  
CV22 6LD

Lawful Development Certificate  
(Proposed) Erection of Single  
Storey Rear Extension

---

R22/0252  
Certificate of  
Lawfulness  
Approval  
27/04/2022

1, MEADOW CLOSE,  
STRETTON-ON-DUNSMORE,  
RUGBY, CV23 9NL

Certificate of Lawfulness for the  
siting of a mobile home within the  
domestic curtilage, to be used as  
a granny annexe

---

R22/0195  
Certificate of  
Lawfulness

27, BRUDENELL CLOSE,  
RUGBY, CV22 7GN

Erection of a rear single storey  
extension

---

# Delegated

## Certificate of Lawfulness Applications

### Applications Approved

Approval  
28/04/2022

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R22/0228  
Certificate of  
Lawfulness  
Approval  
28/04/2022

2, HUMPHREY CLOSE, RUGBY,  
CV21 1FQ

Proposed to build a single storey  
porch to front elevation and a  
ground floor single storey  
extension on the rear side of the  
house.

---

## Conditions

### Applications Approved

R22/0368  
Conditions  
Approval  
29/04/2022

1, MEADOW CLOSE,  
STRETTON-ON-DUNSMORE,  
RUGBY, CV23 9NL

Approval of details in relation to  
condition 3 attached to R22/0022

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R22/0376  
Conditions  
Approval  
29/04/2022

SPICERS WOOD, COVENTRY  
ROAD, PAILTON, RUGBY, CV23  
0QA

Discharge of Condition 3  
(materials) of planning  
permission reference R21/1002

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## Discharge of Conditions

### Applications Approved

FIRST AND SECOND FLOOR,

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## Delegated

### Discharge of Conditions Applications Approved

17-19 CLIFTON ROAD, RUGBY,  
CV21 3PY

R19/0114

08/04/2022

Change of Use from an office (B1) to HMO (Sui Generis) to the first and second floor. Providing 8no bedrooms with ensuites and wardrobes, plus shared Kitchen, Dining Area and Common Room Area.

---

## Committee

### Discharge of Conditions Applications Approved

R19/1429

BOURTON HALL, MAIN  
STREET, BOURTON-ON-  
DUNSMORE, RUGBY, CV23  
9QZ

08/04/2022

Change of use from former offices (Class B1) to use for holding civil wedding ceremonies and associated receptions / functions, and the provision of 21 ensuite bedrooms for occupation by guests attending the wedding.

---

## Delegated

### Discharge of Conditions

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## Discharge of Conditions

### Applications Approved

R20/0128	THE OLD BARN, CAWSTON OLD FARM BARN, WHITEFRIARS DRIVE, RUGBY, CV22 7QR	Change of use of existing garage to a study together with proposed front extension for a double garage
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13/04/2022

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R19/1419	WEBB ELLIS INDUSTRIAL ESTATE, WOODSIDE PARK, RUGBY, CV21 2NP	Erection of 12 no. new build apartments comprising 4 no. 1-bed and 8 no. 2-bed flats.
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26/04/2022

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R21/0744	SPRING SIDE, MAIN STREET, BIRDINGBURY, RUGBY, CV23 8EL	Demolition of existing garage and conservatory, proposed loft conversion, single storey side and rear and extensions and associated alterations (re- submission of R20/1077)
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26/04/2022

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R09/0512/LBC	DUNSMORE HOUSE, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB	Internal & External alterations including restoration of rainwater goods, plasterwork and doorways; provision of structural work to gable and installation of satellite dish, solar panels and soil pipe; alterations to skylights and partition to first floor landing. Repairs to stonework.
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27/04/2022

## Listed Building Consent Applications

### Applications Approved

## Listed Building Consent Applications Applications Approved

R22/0139  
Listed Building Consent  
Approval  
12/04/2022

PRINCETHORPE COLLEGE,  
LEAMINGTON ROAD,  
PRINCETHORPE, RUGBY,  
CV23 9PX

Listed Building Consent for  
repairs and refurbishment of ha-  
ha walls

R22/0093  
Listed Building Consent  
Approval  
14/04/2022

HEATH FARM, SCHOOL  
STREET, CHURCHOVER,  
RUGBY, CV23 0EG

LBC - Formation of a new WC  
and creation of a Pantry  
accessed from a new opening  
formed from the Kitchen

R22/0145  
Listed Building Consent  
Approval  
22/04/2022

CHURCH HOUSE, POST  
OFFICE ROAD, LEAMINGTON  
HASTINGS, RUGBY, CV23 8DZ

Listed Building Consent for the  
installation of a new gas boiler  
flue

R22/0214  
Listed Building Consent  
Approval  
25/04/2022

LITTLE LAWFORD HALL,  
LITTLE LAWFORD LANE,  
LITTLE LAWFORD, RUGBY,  
CV23 0JJ

Listed Building Consent for  
removal of existing conservatory  
and erection of orangery  
including additional external  
matching paved terrace area.

R20/0890  
Listed Building Consent  
Approval  
26/04/2022

4041, HIGH STREET, RUGBY,  
CV21 3BW

Listed building consent for  
change of use of the first and  
second floors to a house of  
multiple occupation including  
internal and external alterations  
to fenestration, walls, floors,  
ceilings and stairs  
(Retrospective).

## Major Applications

### Applications Approved

R21/0873  
Major Application  
Approval  
11/04/2022

RUGBY RADIO STATION,  
WATLING STREET, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0AS

Key Phase 3 Parcel D -  
Submission of reserved matters  
comprising access, appearance,  
landscaping, layout and scale for  
the erection of 147 dwellings,  
access roads, garages and  
parking, landscaping, open space  
and associated works pursuant to  
outline planning permission  
R17/0022 dated 28th June 2017.

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R21/1150  
Major Application  
Approval of Reserved  
Matters  
25/04/2022

RUGBY RADIO STATION,  
WATLING STREET, CLIFTON  
UPON DUNSMORE, CV23 0AS

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 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.

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## Committee

### Non Material Amendment Applications

#### Applications Approved

R20/0336 LAND OFF LONG HASSOCKS,  
LONG HASSOCKS, RUGBY,

Non-Material  
Amendment agreed  
07/04/2022

Erection of up to 225 dwellings,  
extension of the existing  
attenuation pond, including  
associated access, open space,  
landscaping and infrastructure.

---

## Delegated

### Non Material Amendment Applications

#### Applications Approved

R16/0266 CAWSTON EXTENSION SITE,  
COVENTRY ROAD, CAWSTON,  
RUGBY,

Non-Material  
Amendment agreed  
08/04/2022

Spine road and strategic  
landscaping (Phases 1a and 2a)  
only, Approval of Reserved  
Matters in relation to outline  
planning permission R11/0114.

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R17/2110 PUNCH TAVERNS, Land  
Adjacent to BLACKSMITHS  
ARMS, 19 HIGH STREET,  
COVENTRY, CV8 3EY

Non-Material  
Amendment agreed  
08/04/2022

Erection of 2 dwelling houses and  
associated works

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## Committee

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## Non Material Amendment Applications

### Applications Approved

R20/0438 HARBOROUGH FIELDS FARM,  
CHURCHOVER LANE,  
Non-Material HARBOROUGH MAGNA,  
Amendment agreed RUGBY, CV23 0ER  
13/04/2022

Development of a solar photovoltaic farm comprising solar arrays, substations, communications container, battery storage and spare parts containers, interconnection facility, CCTV, internal tracks, access and associated development

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## Delegated

## Non Material Amendment Applications

### Applications Approved

R21/0784 ROLLS-ROYCE, COMBE  
FIELDS ROAD, COVENTRY,  
Non-Material CV7 9JR  
Amendment agreed  
21/04/2022

Erection of three commercial units (Use Class B2) and associated works, including supporting infrastructure, landscaping and re-profiling works for the remainder of Plot 1 (application for approval of reserved matters relating to access, appearance, landscaping, layout and scale against outline planning permission R19/1540 dated 15th June 2021)

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RUGBY RADIO STATION,  
WATLING STREET, CLIFTON  
UPON DUNSMORE, RUGBY,

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# Delegated

## Non Material Amendment Applications Applications Approved

CV23 0AS

R20/0681

Non-Material  
Amendment agreed  
27/04/2022

Key Phase 3 Parcel C and F -  
Submission of reserved matters  
comprising access, appearance,  
landscaping, layout and scale for  
the erection of 146 dwellings,  
together with garages, access  
roads, parking, and associated  
works pursuant to outline  
planning permission r17/0022  
dated 28th June 2017.

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R21/0033

LAND ADJACENT 99,  
PYTCHLEY ROAD, RUGBY,  
CV22 5NG

Non-Material  
Amendment agreed  
27/04/2022

PROPOSED NEW BUILD  
DWELLING

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## Prior Approval Applications Prior Approval Applications

R22/0141  
Prior Approval  
Extension  
Required and Refused  
08/04/2022

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

PAX - Prior approval for erection  
of a single storey side and rear  
extension.

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Prior approval change of use of  
agricultural building to 1

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# Delegated

## Prior Approval Applications

### Prior Approval Applications

R22/0155 Prior Approval change of use Withdrawn by Applicant/Agent 11/04/2022	FIELD HOUSE FARM, BROADWELL LANE, BROADWELL, RUGBY, CV23 8HP	no.dwellinghouse (Class Q)
R22/0186 Prior Approval Extension Not Required 21/04/2022	25, Rugby Road, Dunchurch, Rugby, CV22 6PG	Proposed single storey rear extension (Larger Home Extension Prior Approval)
R22/0016 Prior Approval Extension Not Required 27/04/2022	25, Oberon Close, Rugby, CV22 6LZ	PAX - Erection of single storey rear extension
R22/0019 Prior Approval Extension Not Required 27/04/2022	31, The Leys, Newton, Rugby, CV23 0EA	PAX - Erection of a single storey rear extension
R22/0246 Prior Approval Extension	23, LAWRENCE ROAD, RUGBY, CV21 3SA	Single storey extension to the rear of existing property

# Delegated

**Prior Approval Applications**  
**Prior Approval Applications**

Not Required  
04/05/2022

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