



16 April 2021

PLANNING COMMITTEE - 28 APRIL 2021

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 28 April 2021 via Microsoft Teams.

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 the meeting held on 31 March 2021.
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 – 11 March 2021 to 7 April 2021

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee:

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

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). 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).

Planning Committee – 28 April 2021

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

Item	Application Ref Number	Location site and description	Page number
1	R20/0635	Magpie Lodge Farmyard, Lilbourne Road, Clifton Upon Dunsmore, Rugby, CV23 0BB Demolition of existing barns and the erection of five dwellings (Outline Only - Principle, Access, and Layout Only).	3

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
2	R20/0415	Rugby Town Football Club, Kilsby Lane, Rugby, CV21 4PN Temporary consent for two years to use existing car park for car boot sales 14 times per year.	18
3	R20/0733	23 Lutterworth Road, Pailton, Rugby, CV23 0QE Demolition of existing dwelling, formation of a new site access and the erection of 4 (no) dwellings, two detached garages and associated parking.	27
4	R20/0914	Disused railway line between Leamington Spa, Rugby and Long Itchington The change of use of the disused Lias Line from an historic disused railway line to a cycle/pedestrian route to be laid in a sealed surface with associated ancillary development.	47
5	R20/0965	Sedgefield Barn (Barn 1), Priory Road, Wolston, CV8 3FX Single storey extension to south-east elevation and alterations to fenestration on north-west elevations.	59

Reference: R20/0635

Site Address: MAGPIE LODGE FARMYARD, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB

Description: Demolition of existing barns and the erection of 5 dwellings (Outline Only - Principle, Access, and Layout Only).

Recommendation

Refuse due to the unsustainable location of the proposed development.

Introduction

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

- Due to the inappropriate development within the Countryside; and
- The unsustainable location of the development.

Application Proposal

This application seeks outline planning permission for 5 new dwellings. An illustrative site plan has been submitted, which provides guidance on how the site could be developed to accommodate 5 dwelling houses. Along with the principle of development the main consideration in respect of this application is the layout and access with all other matters being considered at reserved matters stage.

It has been proposed that the existing access off of Lilbourne Road will be utilised and will not incorporate any pedestrian footway provision.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 under Part 1 and the Communities and Local Government Guidance on Information Requirements and Validation; March 2010 details information which needs to be submitted to allow for the determination of an outline planning application. This information has been received by the agent through the submission of the Proposed Site Layout and accompanying Design and Access Statement.

During the course of the application officers raised concerns over the layout considered for submission along with the omission of the three elements of sustainable development. This information has been submitted along with a revised Site Layout Plan. This application will therefore be considered using the amended information.

Site and Surrounding Area

The application site is located within the countryside on the outskirts of Clifton-on-Dunsmore and sited circa 3 miles from the centre of Rugby. The site itself comprises approximately 0.56

hectares of agricultural land fronting onto Lilbourne Road, the application site contains a number of structures currently storing, straw and hay. The wider context around the site includes Stobart Truck Warehouse, 0.2 miles to the south east, Rugby Town is located 3 miles to the west of the site. The village centre of Clifton-upon-Dunsmore is located 1 mile to the west of the site.

Relevant Planning History

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>	<u>Date</u>
R12/2223	Change of use of existing building for the purposes of rodent breeding (sui generis) (Retrospective).	Approved	30 th January 2013
R14/1708	Determination as to whether prior notification is required for the erection of a proposed new cow shed.	Not Required	31 st October 2014
R16/0427	Erection of an extension to an existing agricultural building.	Accepted	7 th April 2016
R16/1785	Erection of an agricultural storage shed.	Accepted	29 th September 2016

Technical Consultation Responses

Sanham Agricultural Planning Limited have objected to the application on the grounds that there is no agricultural justification or support for the relocation of the existing hay/straw storage building or any additional buildings away from the existing farmyard at Magpie Lodge.

No objections have been received from:

Warwickshire County Council (Archaeology)
 Warwickshire County Council (Highways)
 Warwickshire County Council (Ecology)
 Rugby Borough Council (Environmental Services)
 Rugby Borough Council (Arboriculture Officer)
 Rugby Borough Council (Work Services)
 Seven Trent Water
 Highways England

Third Party Consultation Responses

Councillor Hunt has objected to the application on the following grounds:

1. Inappropriate development in a rural area.
 - a. This is a prominent site on the top of the ridge. if this application were to be granted then it would significantly change what is currently a rural view from the bottom of the hill (Houlton);
 - b. If approved these homes would considerably change the rural approach into the village of Clifton upon Dunsmore; and

- c. If approved these homes would significantly impact on the setting of the Listed building, Dunsmore House, and the surrounding Conservation Area
- 2. This is not a sustainable location.
 - a. There is no public transport in the vicinity of or passing this location;
 - b. There are no pavements along the Lilbourne Road into Clifton, and poor street lighting; and
 - c. The grass verges on the Lilbourne Road into Clifton are such that there is no refuge for pedestrians. This is a road with poor visibility, and although there is a 40mph speed limit in place, this is not enforced as it is not considered safe for the police to stand at any point with speed guns.
- 3. Incorrect description of existing buildings on site
 - a. Whilst some of these buildings are brick built and have been in situ for some years, at least two of the buildings are new steel-framed structure with the most recent extension having received permission only 4 years ago.

Clifton Upon Dunsmore Parish Council have objected to the application on the following grounds:

- 1. The proposal is outside of the village envelope and will set a precedent for further development within the surrounding area;
- 2. Allowing the proposal would extend the village boundary to include these proposed dwellings;
- 3. Within the Clifton Upon Dunsmore Parish Plan residents of the village stated they wished to retain the historical centre of the village and the area it covers and they would like to ensure it does not form part of the urban area and retain a green buffer;
- 4. The view looking from the A5 to the village will be lost and the rural image will be overshadowed by the development.

Neighbours notified and a site notice has been displayed with no letters of representation being received.

Relevant Planning Policies and Guidance

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

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Local Plan 2011 - 2032. The relevant policies are outlined below.

Local Plan 2011-2032

Policy GP1: Securing Sustainable Development
 Policy GP2: Settlement Hierarchy
 Policy GP3: Previously Development Land and Conversions
 Policy GP5: Neighbourhood Level Documents

Policy HS5: Traffic Generation, Air Quality, Noise and Vibration
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
Policy SDC1: Sustainable Design
Policy SDC2: Landscaping
Policy D2: Parking Facilities
Policy D4: Planning Obligations

Supplementary Planning Documents – 2012

Sustainable Design and Construction
Planning Obligations

Clifton Upon Dunsmore Parish Plan - 2004

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development
Section 5: Delivering a Sufficient Supply of Homes
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving Well Designed Places
Section 15: Conserving and Enhancing the Natural Environment

Determining Considerations

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

1. Principle of Development;
2. Character and Design;
3. Impact on Residential Amenity;
4. Highway Safety;
5. Landscaping;
6. Planning Balance; and
7. Conclusion.

1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.
- 1.2 The application site is located within the countryside and along Lilbourne Road and within close proximity to the A5 as such; new development will be restricted and only where National Policy on countryside locations permits will development permitted.
- 1.3 Section 5 of the NPPF states that planning policies should avoid the development of isolated homes in the countryside unless certain exceptions are met. Paragraph 79 sets out these exceptions which in this instance the proposal does not comply with; however, Section 11 of the NPPF states that Local Planning Authorities should make as much use of previously-developed land as possible.

- 1.4 Local Plan Policy GP3 states that Local Planning Authorities will support the redevelopment of previously developed land where proposals are compliant with the policies within the Local Plan in particular where the stated criterion is met. Likewise, Section 2 of the NPPF and Local Plan Policy GP1 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.
- 1.5 As the proposal seeks full planning permission for the erection of 5 new dwellings on agricultural land, the application site can not constitute previously developed land as Annex 2 of the NPPF states that land that is or was last occupied by agricultural or forestry buildings is excluded from the previously developed land definition.
- 1.6 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. For decision taking this means approving development that accords with an up-to-date development plan without delay. As the Local Authority has a five-year supply of land and an adopted Local Plan the tilted balance in this instance is not engaged.
- 1.7 The Design and Access Statement submitted with the application states that the proposal will be able to achieve the three dimensions of sustainable development through the following mechanisms:
- 1.7.1 *Economic*
- The application allows the reuse of previously developed land with the case for residential development already being made.
- 1.7.2 *Social*
- The housing mix shown within the planning application reflects the current housing need within the area with the smaller dwellings allowing farm and other local key workers to remain within the community. The provision of a mix of houses on the site, albeit outside the existing village footprint, will nevertheless provide an important housing opportunity for local people, and will relate very strongly to the village of Clifton and the Borough of Rugby.
- 1.7.3 *Environmental*
- The existing farm buildings are largely dilapidated and beyond economical repair. The original function, as cattle sheds, is now contrary to DEFRA regulations, as such the buildings, if left, would constitute a growing negative visual impact. The proposal has been designed the scheme to be sympathetic to a farmyard setting and will enhance the area. In addition to this a Landscape and Environment Plan has been submitted which details how biodiversity on the site will be enhanced.
- 1.8 Within the recent Court of Appeal decision following the refusal to grant planning permission for the erection of 4 new dwellings in Braintree DC v Secretary of State for Communities and Local Government (2017) which found that isolated homes in settlements without facilities and services recognises that development in a small village may enhance and maintain services in a neighbouring village. Whilst the application site is located outside of the defined village boundary the proposal in this instance is not

considered isolated given the location of residential dwellings within the vicinity of the application site.

- 1.9 In another recent appeal decision (ref: APP/Q1153/W/18/3198937) at Sungates in Tavistock the Planning Inspector dismissed this appeal for the change of use from agriculture to residential along with the construction of 2 4-bedroomed dwelling houses. The appeal was dismissed on the grounds that it does not necessarily follow that a site that is not isolated in the terms of Paragraph 55 (now 79) will be reasonable accessible to services when considered in the context of other requirements of the Framework. In this instance a distance of 580 metres to the centre of one of the Main Settlements which had access to a wide variety of settlements was considered in this instance to be an unsustainable location.
- 1.10 In a recent appeal decision (APP/E3715/W/19/3226761) Land adjacent to West View, Stockton Road, Birdingbury the Planning Inspector accepts that the Local Planning Authority can demonstrate a five year supply of deliverable housing sites and as such the tilted balance in this instance is not engaged. The Inspector also states that lack of isolation does not necessary mean that a site will be reasonably accessed to services when considered with the other aspects of the NPPF. Birdingbury in this instance was considered to be an unsustainable location; accessibility to services; and limited public transport would make the reliance of the private car likely. The inspector concludes that the proposal would be in conflict with the NPPF and Local Plan which seek to direct development towards sustainable locations.
- 1.11 An Additional appeal decision (APP/E3715/W/19/3231710) Flecknoe Farm Stud & Livery, Flecknoe Village Road, Flecknoe, which was originally refused; on sustainability grounds; by Planning Committee on 6th February 2019, supports the Local Planning Authorities decision. The appeal decision acknowledges that there would be an overwhelming reliance of the private car and that this reliance on the private car would hinder social integration between new and existing residents in the village. It then goes onto say that the remoteness of the appeal site would mean that the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at the identified main settlements without reliance on the private car.
- 1.12 The inspector concludes that the dwellings would be within a location with poor access to services and facilities. Whilst it is accepted that the Framework recognises the opportunity to maximise sustainable transport, solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location. Thus resulting in a proposal which would be in conflict with the National Planning Policy Framework.
- 1.13 Likewise appeal decision (APP/E3715/W/19/3233944) 8 Swedish Houses, Birdingbury Road, Hill the Planning Inspector cites that the potential for future residents to make a meaningful contribution to the vitality of Hill is severely limited given the narrow range of local services. Furthermore, Leamington Hastings and Birdingbury have few facilities, thereby limiting the potential for residents to affect or maintain the vitality in the other nearest settlements. Whilst the proposal would not be isolated it was considered that the

proposal would not promote use of sustainable modes of transport and would fail to have any meaningful effect on the vitality of a rural community.

- 1.14 More recently appeal decision (APP/E3715/W/20/3250957) the Old Pastures, Moor Lane the planning Inspector concludes that whilst there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which was noted on the site visit a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists. There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service.
- 1.15 Whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities. These locational disadvantages are recognised by the Rugby Borough Council (Local Plan, 2019. Considerable weight was afforded to the conflict with the Local Plan and, whilst there are some economic and social benefits attributable to the proposal these do not weigh heavily in favour of the development. Any benefits would not be sufficient to outweigh the locational disadvantages and would not justify departing from the recently adopted Local Plan.
- 1.16 In addition appeal decision (APP/E3715/W/20/3251142) Masters Barn, Masters Yard it was concluded that future occupants would be reliant upon the services and facilities in other nearby settlements, the nearest being Leamington Hastings, Marton, Frankton and Bourton on Dunsmore. These settlements are however a significant walking distance from the site and, beyond the settlement there would be a reliance on grass verges for access. These are uneven and unsuitable for walking, cycling or using pushchairs and wheelchairs. Furthermore, considering the speed limits in place, attempting to walk alongside the road with fast moving traffic may put anyone attempting to do so at considerable risk. The Local Plan is recently adopted, and considerable weight was attached to the conflict with these policies.
- 1.17 The agent in support of the application submitted details of an appeal in Melton (APP/Y2430/W/18/3206130) where the proposal resulted in a small-scale residential development (2 dwellings) on the edge of a village that had no services or amenities and was classified as countryside as far as the development plan was concerned. Melton Borough Council applied a similar exercise to that of the Local Planning Authority and concluded that the countryside location of the site meant that any new homes that failed to accord with the provision of Paragraph 79 of the NPPF were therefore in conflict with the development plan policies and would not be appropriate.
- 1.18 The Inspector within this decision notes that just because a site is within the countryside, it does not necessarily mean it is 'isolated' in the context of Paragraph 79 of the NPPF. Secondly, the Inspector takes into consideration the unique geography of the site in proximity to other existing land uses and higher-order settlements, as well as bus routes to these locations. The applicants have therefore applied the inspectors approach to Magpie Lodge and raise the following all of which are addressed under the relevant points.

- 1.18.1 *The site forms part of a cluster of homes that sit within the short stretch of road between Clifton upon Dunsmore and the A5. The site cannot be described as isolated.*

The Local Planning Authority as per information contained within its preceding paragraphs does not consider the application site to be isolated. What it does consider having engaged the criterion for sustainable development, is that the application site, whilst not isolated, is not located within a sustainable location and therefore does not comply with the fundamental aim of the NPPF and is contrary to the Adopted Local Plan.

- 1.18.2 *There is a bus stop located west of the site just 0.1m (3 mins walk) away. This provides sustainable travel via the L1 bus route (Lilbourne to Rugby and Rugby to Lilbourne). This route also provides onward travel options from Clifton upon Dunsmore to Rugby and further afield via the more frequent No.9 service.*

The L1 bus which operates from Lilbourne is a community bus that is operated by Lilbourne Parish Council for the benefit of Lilbourne residents on Monday, Wednesday and Friday stopping at Dunsmore House. The bus only picks up at Dunsmore House at 9:30am dropping back at 12:12pm and pick up between 13:45pm and drop off at 16:44 on a Saturday.

Whilst the community bus is in operation from this location, this remains an approximate 270 metre walk from the entrance of the application site, which as identified within Section 1.20 of the report does not provide safe refuge for residents wishing to get the community bus into Clifton.

- 1.18.3 *The site is also extremely close by to a massive extension to the existing DIRFT Logistics Park on the A5. The new rail-served logistics/distribution extension would create circa 7m sqft of new distribution space and it is understood around 9,000 jobs. The application site will be accessible via a short car journey or by bike to the significant job opportunities that will arise off the back of the Prologis extension. I also attach a Prologis employee handbook that I note promotes and rewards car-share schemes and cycle to work schemes.*

Whilst DIRFT is in close proximity to the application site it can only be realistically accessed by a short car journey as there is no public footpath or cycleway from the application site to DIRFT. Whilst Rugby Train Station is noted within the handbook again this would be reliant on a car journey into Rugby Town.

- 1.18.4 *A significant amount of new housing is also allocated in the Local Plan at the Rugby Radio Station site (circa 6,200 homes). This is a significant scale of development and one that will see numerous new bus routes created and new school/local centre destination options that will be within close proximity to the application site.*

Whilst a significant amount of new housing development is underway at the Rugby Radio Station site associated applications are still be submitted to the Local Planning Authority in relation to this matter. As such the completed works at this site will not be done for number of years notwithstanding this the

application site is not easily accessible by foot or public transport to Houlton resulting in reliance in the private car.

An example of this is with the most direct access being down the A5 where public transport does not operate and would result in occupants travelling by private car 3.5 miles. An alternative route is available through Clifton and Hillmorton which would result in a 4-mile car journey.

1.18.5 *In addition to this, the increased use of the A5 from the circa 7m sqft of employment space and 6,200 new homes will breed new growth along the A5 corridor generally in this area, including roadside services opportunities. Again, these will be very close to the application site.*

The above paragraph is currently speculation as the Borough Council are not aware of other application within this area which may impact on the application site and therefore cannot be taken into consideration for the determination of this application. The area surrounding the application site is however a countryside location whereas per the Local Plan new development will be resisted and only where national policy on countryside locations allows will development be permitted.

1.19 In addition to this it has been brought to the Local Authorities attention that Lilbourne Community operate a Community Minibus Scheme. This service has been running since 1977 and provides transport to those who struggle with traditional public transport or have limited access to public transport. The services travel up and down the Lilbourne Road between Lilbourne and Clifton/Rugby and pick-up/drop-off can be arranged at an exact location and time to suit. As you will see from the link, the description of service is as follows:

'Community minibus schemes are specifically designed to help those who are unable to use public transport. This may be because of age, disability, or lack of public transport. The services are provided by voluntary, non-profit organisations. The Lilbourne Community Minibus carries children to and from Yelverton Primary School on a daily basis, and also carries villagers into Rugby two or three times a week.'

1.20 Officers contacted the Lilbourne Community for confirmation that this service is something which would be made available to residents of the development. It has been confirmed that an approach was made to the Lilbourne Community Minibus Scheme who confirmed that the village bus had been approached in relation to this matter however there were unfortunately unable to confirm that they could offer this service.

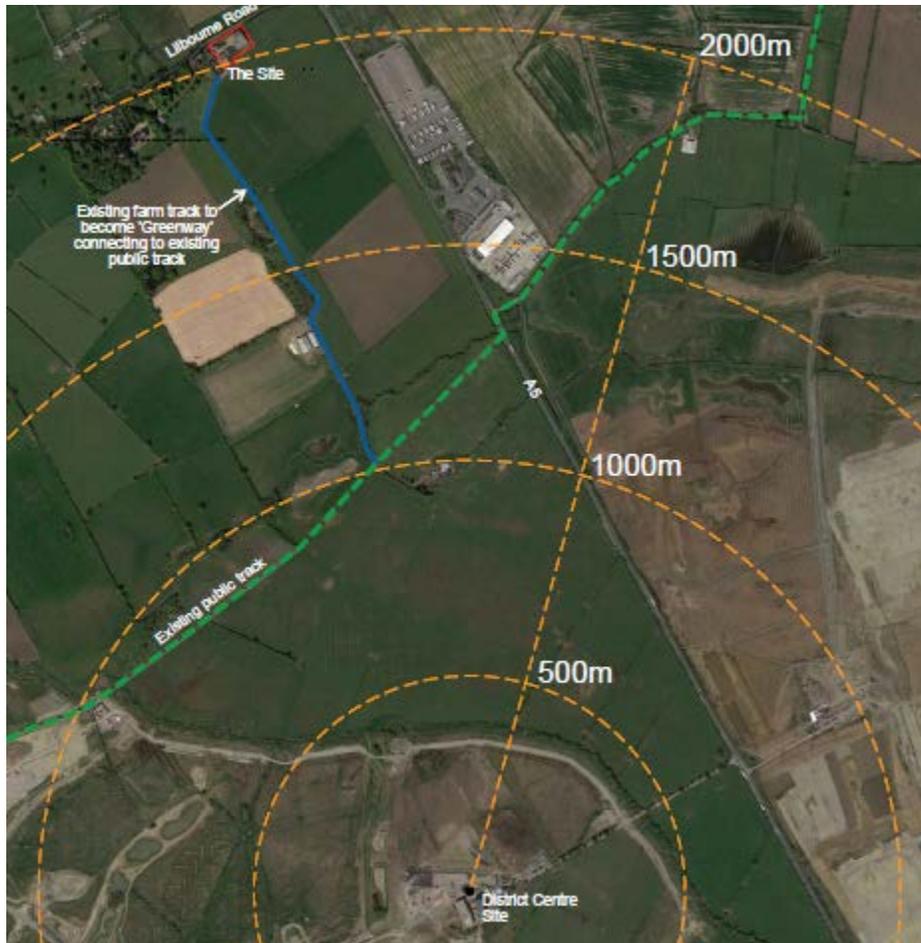
1.21 The table below details the relative distances from the application site, located within the countryside, to the services located within a main settlement with associated travel time and distance:

<u>Rural Settlement</u>	<u>Main Settlement</u>	<u>Travel Time/Distance</u>
Magpie Lodge – Driving	Clifton Upon Dunsmore	2 minutes/1.1 miles
Magpie Lodge – Walking	Clifton Upon Dunsmore	21 minutes/1.1 miles
Magpie Lodge – Driving	Rugby	10 minutes/3.6 miles
Magpie Lodge – Walking	Rugby	67 minutes/3.3 miles
Magpie Lodge – Driving	Dunchurch	15 minutes/6.1 miles
Magpie Lodge – Walking	Dunchurch	120 minutes/6miles

1.22 Section 9 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be taken up given the type and location of the development for its location ensuring that safe and suitable access to the site can be achieved for all users. Whilst the application site is located within close proximity main settlements in terms of access to facilities, due to the location of the site, there would be a heavy reliance on the private car in order for residents to access employment opportunities; services and facilities within the surrounding settlements. This is by virtue of the fact that:

- There is no public transport within the vicinity or passing the application site;
- There are no pavements along the Lilbourne Road heading into Clifton with limited or no street lighting;
- The grass verges on the Lilbourne Road into Clifton are such that there is no refuge for pedestrians; and
- The road into Clifton has poor visibility, and whilst there is a 40mph speed limit in place, this is not enforced.

1.23 In an attempt to overcome officer concerns in relation to the sustainability of the site and connectivity of the site to wider services; amenities; and employment, the applicant has obtained the agreement from the landowner, that they would be willing to make a pedestrian/cycle route from the site to the closest Local Centre. The insert below shows the proposed track (blue) which would then link to the existing public track (green) and then lead to eventually connect into Houlton.



- 1.24 The Manual for Streets (2007) states that “walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes’ (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot [...] this is not an upper limit and PPS134 states that walking offers the greatest potential to replace short car trips, particularly those under 2000m.
- 1.25 Whilst the proposed offer of a pedestrian footpath is welcomed and on the cusp of what would be considered acceptable in terms of the Manual for Streets. It is the considered opinion of the Local Authority that taking consideration of the lack of street lighting and varying levels in onsite topography it would not be the most desirable option available to residents.
- 1.26 Notwithstanding the above, the Local Authorities Consultant Agricultural Consultant has commented on the application and concluded that from the information submitted in support of the current application, there is no agricultural justification or support for the relocation of the existing hay and straw storage building, or any additional farm buildings away from the existing farmstead at Magpie Lodge farmyard unless the Local Planning Authority’s Local Plan Policies allow for development on the site of the existing farmyard.
- 1.27 Supporting information submitted with the application shows an initial intent to convert the existing farm buildings. However, upon visiting the site it became apparent that the existing farm buildings would not be suitable for conversion, due to several factors but

principally their poor condition, the materials used during construction and the site. It was therefore decided to proceed with the submitted scheme ensuring that it remain sympathetic in character to the rural area and farmyard style. Furthermore, in relation to Policy GP2 the applicants state that the scheme relates very closely to Clifton and the farm setting.

1.28 As such this indicates a heavy reliance on the private car in order for residents to access employment opportunities; services and facilities within the surrounding settlements therefore not meeting requirements of Section 2 of the NPPF and Policy GP1 of the Local Plan.

1.29 It is therefore considered that this application is contrary to Section 2; 5 and 9 of the NPPF; and Local Plan Policies GP1, GP2 and GP3.

2. Character and Design

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

2.2 Section 12 of the National Planning Policy Framework (NPPF) states that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development whilst being visually attractive as a result of good architecture.

2.3 In addition to the principle of development and the access, another key consideration for the determination of the application is the layout. The initial layout submitted with the proposal raised a number of concerns for officers, which were raised during the determination of the application, a revised late has been submitted for consideration which address the concerns raised. The application site is capable of accommodating 5 new dwellings and has been designed so that key areas within the street scene have feature properties when entering and leading through the application site. All properties benefit from generous amenity spaces with a mix of both soft and hard landscaping throughout the site resulting in a softer and visually appealing edge. The incorporation of a green is a welcomed addition to the layout creating an attractive feature from within the development.

2.4 Whilst the main consideration under this application is the access and layout out only, matters in relation to scale and appearance would be addressed appropriately at reserved matters stage should outline planning consent be granted.

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

3. Impact on Residential Amenity

3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded with Section 12 of the NPPF stating that developments will provide a high standard of amenity for existing and future users.

3.2 As previously identified the main considerations under this application is for the principle of development, layout and access only, as such design, scale and massing details would be reserved for full consideration at a later date. The indicative layout submitted has however identified that the site can accommodate up to 5 new dwellings. As referred to above, the impacts on the amenities of neighbouring properties would be appropriately addressed at the reserved matters stage should outline planning consent be granted.

4. Highway Safety

4.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. The Planning Obligations SPD and Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals. Local Plan Policy D2 goes on to say that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.

4.2 Whilst the number of bedrooms within this proposal is subject to change given the outline nature of the proposal. The application does incorporate parking for 27 vehicles to be parked to be parked within the development and garages which have been incorporated within the layout. The table provides a breakdown of the total requirements for parking provision for dwellings proposed within this application. For clarity 1- and 2-bedroom properties should have provision for 1.5 spaces per unit; 3 bedrooms seeks provision for 2 spaces; and 4-bedroom units or more would require 3 parking spaces to be provided.

<u>Parking Provision</u>						
House Type		No. Beds	No. of Units	SPD Requirements	Parking Provided	Complies Yes/No
Plot 1		4	1	4	4	Yes
Plot 2		4	1	4	4	Yes
Plot 3		4	1	4	6	Yes
Plot 4		4	1	4	4	Yes
Plot 5		4	1	4	6	Yes
<u>Total Requirements</u>				20	27	Yes

4.3 Warwickshire County Council (Highways) initially objected to the application on the grounds that insufficient information had been submitted to allow for the proposal to be fully assessed. This information was submitted, and a re-consultation carried out, this confirmed that the Highways Authority have no objection to the proposal, subject to appropriate conditions and informatives.

4.4 Warwickshire County Council (Work Services) have confirmed that they have no objections to the proposal.

4.5 It is therefore considered that the proposal is in accordance with Local Plan Policy D1; D2; Appendix 5 and the SPD on Planning Obligations.

5. Landscaping

5.1 Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

5.2 Rugby Borough Council (Arboriculture Officer) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; this information was received, and a re-consultation has been carried out accordingly.

5.3 As the proposed development is smaller than the existing buildings in situ, the Local Authorities Arboriculture Officer has confirmed that there are no objections to the proposal subject to mitigation planting to form a green buffer zone around the perimeter of the site to enhance and provide adequate screening.

5.4 This application is therefore considered to be in accordance with Policy SDC2 of the Local Plan.

6. Planning Balance

6.1 In terms of the planning balance the Local Planning Authority benefits from an up to date adopted Local Plan along with a five-year supply of land and therefore the tilted balance in this instance is not engaged. The NPPF is however a document which should be considered as a whole and does state that in achieving sustainable development the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

6.2 It is acknowledged the scheme would bring a number of benefits including the provision of additional dwellings to the local stock and associated benefits to the local economy, however, the positive effects of a small-scale development over long term would be limited. The harm however in respect of the location of the application site would be in conflict with one of the Framework's core planning objectives in that the proposal would not demonstrate sustainable development and as such significant weight should be given to this conflict.

7. Conclusion

7.1 In the opinion of the Local Planning Authority, having regard to the location of the development outside of the village boundary of Clifton Upon Dunsmore being sited within the countryside, the proposal would result in a development which would result in future residents being heavily reliant on the private car to access services and facilities as well as employment which in turn fails to mitigate and adapt to climate change and support moving to a low carbon economy. As such the proposal fails to comply with Sections 2 of the National Planning Policy Framework (2019); and Local Plan Policies GP1, GP2; and GP3.

DRAFT DECISION

REFERENCE NO:
R20/0635

DATE APPLICATION VALID:
20-Aug-2020

APPLICANT:

Allen Bloor, Rugby Properties Limited Rugby Properties Limited, Elms House, Ashlawn Road, Hillmorton, Rugby, CV22 5EU

AGENT:

David Blake, IDP Group IDP Group, 27 Spon Street, Coventry, CV1 3BA

ADDRESS OF DEVELOPMENT:

MAGPIE LODGE FARMYARD, LILBOURNE ROAD, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BB

APPLICATION DESCRIPTION:

Demolition of existing barns and the erection of 7 dwellings (Outline Only - Principle, Access, and Layout Only).

CONDITIONS, REASONS AND INFORMATIVES:

REASON FOR REFUSAL: 1

The proposed development is located within an area of the borough designated as countryside. Local Plan policy GP2 states that new development within the countryside would be resisted and only where national planning policy allows will development be permitted. It is considered that the development is located within an area with limited services and facilities, resulting in a overreliance of the private car. As such the proposal would therefore have an adverse impact upon the environmental conditions of the area, and as a result would not fulfil the environmental dimension of sustainable development identified by Section 2 of the NPPF 2019 and therefore does not constitute sustainable development. The proposal is therefore contrary to Local Plan Policies GP1, GP2, and GP3 along with guidance contained within the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Local Plan 2011-2032

Policy GP1: Securing Sustainable Development

Policy GP2: Settlement Hierarchy

Policy GP3: Previously Development Land and Conversions

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site www.rugby.gov.uk .

Reference: R20/0415

Site Address: RUGBY TOWN FOOTBALL CLUB, KILSBY LANE, RUGBY, CV21 4PN

Description: Temporary consent for two years to use existing car park for car boot sales 14 times per year

Recommendation: Approval subject to conditions

This application is being reported to Planning Committee as the application site is over a 1000sq/m and considered a major application.

Description of site

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Football Club.

The site consists of an area approximately 18 hectares and currently comprises-

- 13 outdoor football pitches
- Three all-weather pitches
- A clubhouse
- Groundsman Store
- A 373 space car parking area; this includes a 200 space over-spill car parking area to the north of the site

Description of proposals

This application seeks the use of land for purposes not associated with the use of football pitches by Rugby Town FC for the holding of car boots for 14 days per calendar year. Car boots are proposed to be held between end of May and beginning of September during out of football season.

The proposed car boot stalls would be located to the east of the existing pavilion. The number of proposed stalls/pitches will be 30. There will be 83 parking spaces proposed for car boot visitors to the north and east along the internal access road leading towards the pavilion.

The car boots will be held on a Sunday 9am to 1pm
Stall Holders will set up at 8.30am
Car boot will finish and clear away by 2.30pm
There will be Marshalls on site from 9am to 1pm

The Town & Country Planning (General Permitted Development) Order 1995, as amended does allow the temporary use of land for a variety of purposes, including markets (car boots sales), subject to restrictions. One such restriction is that the land in question should not be a building or within the curtilage of a building. It is considered that the area where the proposed car boots are to be held is within the curtilage of the pavilion building and planning permission is required to hold any markets on the site.

Relevant information

The initial proposal was amended during the planning application process as the original scheme to allow a car boot sale to run for 28 days between March and September was considered excessive to occupiers within the nearby neighbouring properties adjoining the application site. The Council considered on balance that a reduced number of days in which the car boots are to be held to 14 days between May and September, outside of football season, would alleviate the noise and disturbance stemmed from the car boot sale. The applicant has also agreed to change the pitches from 50 to 30 as a suitable medium between what was initially submitted under the previous application R14/0288 and the parking spaces that has substantially increased over the years. The applicant agreed to these changes and has amended the scheme to reflect this. The amended proposal is to be considered.

Hillmorton Vale Residents Association, an interested party, was consulted after the statutory consultation period. This group was brought to the case officer's attention by Councillors who were familiar with the ongoing history of the site later in the planning process. Their comments are considered in the assessment.

Planning History

There is an exhaustive list of planning history. Planning applications relevant to the proposal are as follows:

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R07/0997/PLN	Use of existing car park for car boot sales 28 times per year	Approved 12.09.07
R14/0288	Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.	Refused 2.04.14
R18/1992	Installation of a turnstile, an outdoors grandstand seating, retention of two storage containers together with alterations to the roof of the main building.	Granted 29.05.19
R21/0196	Proposed Building which consists of a Ground floor Fitness Room and First floor Education Centre	Pending

Relevant Planning Policies

National Planning Policy Framework – 2019

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Local Plan (2011-2031) – June 2019:

Policy GP2: Settlement hierarchy

Policy D2: Parking facilities

Policy HS5: Traffic Generation and Air Quality

Policy HS3 Protection and Provision of Local Shops, Community Facilities and Services

Policy NE1: Protecting designated biodiversity and geodiversity assets

Policy SDC1: Sustainable design

Supplementary Planning Documents: Sustainable Design and Construction – 2012

Third party comments

Neighbours-	one representative Concerns relating to noise pollution and increased traffic however, supports the club and benefits that it brings
RBC Corporate Property	comment, there is a restriction on the lease for the holding of market
Hillmorton Vale Residents Association	The interested party does not oppose to the application however, would like the following to be considered: <ul style="list-style-type: none">• A maximum of 14 car boots a year max (there is reference to 28 a year on two files).• MAXIMUM trial period 1 year, with a preferred trial/review period after 4 weeks. The football club have a history of noncompliance and stretch so limiting the trial period to 4 weeks with an annual review is a simple way to enforce this and will give residents some peace of mind.• Why do the events have to be on a Sunday (a traditional rest day)? We would prefer the club to consider Saturdays.• No other events on during the afternoon of the same day (or ideally weekend) to give neighbours some respite.• Max 50 Car boot pitches. Audited by the Council weekly.• Max 140 cars in the regular car parks – No use of the overflow car parking as this would impact on houses facing the field (though not particularly an issue to us).• No gates opening until 8:30 for anyone. No parking cones to be placed along Kilsby Lane, Crick Rd and entrances.• No Off -Site car parking whatsoever – Strath Close / Kilworth Rd / Barby Lane / Bucknill Crescent - to be policed – maybe cones.• No entry to site other than the main gate. No entry via Strath Close Field or the Bridle path. Notices to be provided.• All perimeter fencing along the Bridle path to be made secure so that people cannot park locally and climb over fences.

Technical consultee comments

WCC Highways:	no objection subject to conditions relating to days and hours of operation, the car park to be marshalled at all times during the events and provision of on-site parking capacity and allocation to be provided for the car boot sales events.
RBC Environmental Services	no objection subject to a temporary two-year permission, subject to conditions relating to number of pitches, and days and hours of operation
WCC Ecology Unit	no objection
RBC Public Right of Way	no objection subject to the PROW being unobstructed at all times

Assessment of proposals

The main considerations in respect of this application are the principle of development, character and design and impact on neighbouring properties.

1. Principle of Development

- 1.1. Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy. It states that the most sustainable locations are considered ahead of those further down the hierarchy. The proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations.
- 1.2. Whilst ordinarily market uses should be focused more towards a town centre location, it is considered that the use of the land for the holding of a car boot sales for 14 days would not impact upon the vitality and viability of the town centre in accordance with policy GP2.
- 1.3. It is considered that the proposed car boot area will provide a service within the immediate community providing a financial means for the football club as well as a means for community engagement which is much needed given the uncertain period arisen from COVID-19. It should also be noted that the car boot activity is concentrated within a small part of the overall site which does not extend or affect the existing pitches.
- 1.4. This application is therefore considered to comply with Policy GP2 and HS3 of the Local Plan.

2. Design and Appearance

- 2.1. Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated.
- 2.2. The proposed car boots are to be undertaken on car park land sited close to the existing pavilion on a large car park in association with the authorised use of the site. When considering the visual amenity, there would have an increased visual impact on the area due to the increased levels of activity within the area by the introduction of a wide range of stalls and vehicles. However, given that the car boot sales will be limited to 14 days per year it is not considered that its impact would be so adverse to have a harmful impact upon the visual amenity of the area. As such from a visual amenity perspective the proposal would not conflict with policy SDC1.
- 2.3. It is considered that the use of the grass pitches for outdoor sports not in connection with RTFC would not have an adverse impact upon the visual amenity of the area.

3. Protecting amenity

- 3.1. Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. Furthermore, within Section 12 of the NPPF, it states that developments will provide a high standard of amenity for existing and future users.
- 3.2. There are neighbouring properties that back onto this site. The nearest property is located at least 250m from the main car boot area, discounting the over-spill football car parking area that runs to the north of the site. Environmental Services have made comments on the application and have no objection to a temporary permission subject to the addition of a condition including an hour's restriction.

- 3.3. The case officer has considered the previous application that was refused under R14/0288 on residential amenity grounds. It is pertinent to compare both the previous and current application to consider the impact and ensure there is consistency when assessing the proposed development. The changes include the following: the current application has omitted the use of land for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year in tandem with the car boot sale, the times to be run will be from early morning 8.30am to 1pm, rather than from 1pm to 5pm and the car boot sale activity has been relocated further away from the neighbouring properties.
- 3.4. It is recognised that neighbouring dwellings within the immediate vicinity enjoy a period of time throughout the year from May to September when the level of activities such as traffic movement, noise and other disturbance associated with the use of the application site are less outside of the footballing season. Whilst there is nothing in the way of planning conditions to prevent the applicant from using the football pitches during this period, the very nature of the sport means that the football pitches are used less frequently than not during this period.
- 3.5. No comments were received from third parties, nevertheless, consideration has been pulled from the previous application and the merits of the proposed development.
- 3.6. It is considered that whilst the immediate neighbours have been accustomed to a period of respite outside of the football season, the car boot sale would respect the amenities currently utilised by the occupiers within the vicinity. The car boot sale will be restricted to only 30 pitches on these days and is to run within a short period between 9am to 1pm, timing which is typical of the running of a market holding and would end by mid-day. This is a short period of noise and disturbance during the day. When considering the times in conjunction with the number of pitches proposed on site, it is envisaged that the noise and disturbance is modest in scale due to the footfall of numbers that is to be generated.
- 3.7. When considering the traffic movement, noise and other disturbance emulating from the holding of car boot sales in comparison to the use of the pitches for training purposes or holding of a competitive football match, the noise and disturbance associated with the holding of a car boot sale would be different deriving from the arrival of traders and the setting up of their sales pitches, and the continued comings and goings of customer's vehicles and holding of the event itself.
- 3.8. The car boot is to sit on a lower part of the site at the edge of the car park away from the neighbouring properties within in a concentrated location immediately adjacent the existing pavilion. Given that there is substantial distance to adjacent neighbours (nearest neighbour located least 250m from the car boot area), it is considered that the proposed development is unlikely to create any overlooking, overbearing issues arisen by the proposed activity.
- 3.9. Furthermore, conditions can be imposed to limit the noise and distance to nearby occupiers of the neighbour residential properties in the means of restricted hours (Condition 4). The applicant has shown intent, as will be conditioned, to provide marshals to help control vehicles should alleviate the traffic flow that is expected of. Condition 5 will be attached to the decision notice to ensure the car park will be marshalled at all times during the events such that cars do not queue back onto Kilsby Lane, to the detriment of the safety of the users of the public highway.

3.10. The proposed development is under a temporary consent of two years. Whilst the introduction of an activity will extend the use of the land for a longer period within the year, the temporary consent will provide sufficient time for the Council to assess the impact of the car boot sale on noise and disturbance. Therefore, it is an opportunity to review the operational experience following the end of the two-year period and reconsider the stance on extending this period and pitches. **Condition 3** will be attached to the decision notice reflecting the temporary nature of the proposed development.

3.11. In view of the above, the proposed car boot sale is of modest scale that would run within a short period of the day and is located within an area to not cause adverse harm in terms of noise and disturbance to immediate neighbouring properties. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

4. Ecological Considerations

4.1. Policy NE1 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Section 15 of the NPPF states that the planning system should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.

4.2. Warwickshire County Council Ecological Services department has raised no objection

4.3. It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 of the Local Plan and Section 15 of the NPPF.

5. Air Quality:

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

5.2. The site is within the Rugby air Quality Management Area. Environmental Health have considered it unnecessary to recommend air quality assessment conditions. The proposal is considered to provide no additional impacts on the air quality management zone, over and above the existing use of the site and as a result is considered air quality neutral. Therefore, it is deemed unnecessary to impose any mitigation methods on the proposed development.

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

6. Parking facilities

6.1. Policy D2 states that planning permission will only be granted for development which incorporates satisfactory parking facilities.

6.2. Whilst are present it would be considered that the existing car parking is capable of supporting the activities of a car boot. Nevertheless, a condition will be added to the decision notice ensuring that the allocated parking for the car boot sale will be as shown on the amended plan, see **Condition 6**.

6.3. The scheme is accordance with the guidance set out within the D2 car parking standards and is to the satisfaction of WCC Highways.

7. Highway safety

- 7.1. Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Warwickshire County Council Highways Department is of a position of no objection.
- 7.2. Following consultation with Warwickshire County Council, no objection has been raised with regards to highway safety subject to conditions relating to the use being for a temporary period of 2 years and restricting the number of pitches permitted.
- 7.3. This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy D2 of the Local Plan.

8. Other matters

- 8.1. The applicant has recently submitted an application for the erection of a building within the grounds of the site as a means of providing a fitness area for individuals interested in the sports. At this time, the application is currently in the early stages of the planning process and cannot be considered in tandem with this application. However, the case officer will consider the planning merits of the proposed building against the use of the car boot sale and associated use of the land as a material consideration.
- 8.2. Consideration has been given to the restrictive covenant between the Council and the club to not use the premises for any auction sale or car boot sale. Whilst this application is considered by the Council, the application is to be considered against the planning merits by the Planning department rather than the legalities set out in the lease which is immaterial to the assessment and a separate legal matter.
- 8.3. An interested party (HVRA) was consulted. They were not opposed to the application, however, have made a number of requests. The requests include trialling the activity for a period of one year only with a maximum of 14 car boots a year on Saturdays together with restrictions to the number of pitches, time and allocated parking provisions.
- 8.4. It is considered that a temporary consent of one year would provide inadequate time to provide a true picture of how the car boot sale will impact residential amenity and traffic. By allowing the car boot sale to run for two years until the 9th September 2022, this will provide sufficient tangible evidence to reconsider the council's stance. The interested party has requested Saturdays; the Planning department cannot differentiate between days and must consider what has been requested. In terms of the restriction of number of pitches, times and allocated parking, there will be enforceable conditions to restrict the capacity and ensure the car boot is consistently marshalled. These conditions will provide an enforcement mechanism to control what goes on site and if there is a breach, the public can report this by calling the emergency out of office number to which safety wardens can attend. This will be recorded and added to the future case on whether to extend the use. The case officer also recognises that Kilsby Lane is a fast road, however, it should be noted that parking on Kilsby Lane will be a Police matter that can be reported. As such, the Council has considered the bullet points from 1 to 10 and ultimately will not impact on the decision and the conditions that have been recommended will assist in mitigating some of their concerns.
- 8.5. An informative will be added to the decision to ensure litter within the premises is controlled.

9. Recommendation:
Approve subject to condition

DRAFT DECISION

REFERENCE NO:
R20/0415

DATE APPLICATION VALID:
03-Feb-2021

APPLICANT:
Mr Steve Turner 5, GERARD ROW, RUGBY, CV22 7FZ

AGENT:
Mr Shane Quinn 41, QN Design, Dunton Road, Broughton Astley, LE9 6NA

ADDRESS OF DEVELOPMENT:
RUGBY TOWN FOOTBALL CLUB, KILSBY LANE, RUGBY, CV21 4PN

APPLICATION DESCRIPTION:
Temporary consent for two years to use existing car park for car boot sales 14 times per year

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:
This permission shall be deemed to have taken effect on 31st March 2021.

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.

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

CONDITION 2:
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Drawing no NSRTFC002 Location. Scale 1:2500. Received on 28/01/21
Drawing no P01B Proposed Carboot Site Plan. Scale 1:1000. Received on 17/03/20
Drawing no P02 Proposed Carboot Site Plan. Scale 1:1000. Received on 21/12/20
Supporting information. Received on 18/03/21

REASON:

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

CONDITION 3:

This permission shall be for a period expiring on 9th September 2022 on or before which date the use hereby permitted shall be discontinued and determined and all fixtures, fittings and equipment installed or used in connection therewith shall be removed and the land reinstated to enable its former use to be resumed unless the further permission of the Local Planning Authority has been obtained to continue the use.

REASON:

To ensure that the development is acceptable, in the interest of residential amenity and allow the Local Planning Authority to have the opportunity to reassess the proposal in the light of operational experience (in the interests of preserving the character of the countryside).

CONDITION 4:

The car boot sales shall only be held between 09:00-13:00 hours on Sundays 14 times of the year between May and September, with access for setting up from 08:30 hours. The site shall be cleared of car boot buyers and sellers by 14:30 hours. The organiser is required to log the dates of which the car boot sales are to be held for monitoring purposes.

REASON:

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

CONDITION 5:

The car park will be marshalled at all times during the events such that cars do not queue back onto Kilsby Lane, to the detriment of the safety of the users of the public highway.

REASON:

In the interest of highway safety

CONDITION 6:

No parking associated with the car boot sales shall occur outside of the allocated parking spaces as shown on plan P01B Proposed Carboot Site Plan. Scale 1:1000. Received on 17/03/20

REASON:

In the interest of residential amenity and highway safety

Reference: R20/0733

Site Address: 23, LUTTERWORTH ROAD, PAILTON, RUGBY, CV23 0QE

Description: Demolition of existing dwelling, formation of a new site access and the erection of 4 (no) dwellings, two detached garages and associated parking

Case Officer Name & Number: Paul Varnish 01788 533771

Recommendation

1. Planning application R20/0733 be granted subject to:
 - a. The conditions and informatives set out in the draft decision notice appended to this report.
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or other planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the head of terms within this report.

This application is being reported to Planning Committee at the request of Councillor Gillias and the Parish Council, due to their concern regarding the proposed development's impact on the existing area (the rural settlement), the creation of more traffic and parking issues and the dwellings not being appropriate for first-time buyers or the elderly.

The Site:

The application site currently consists of a detached dwelling in a large plot, which is located within the village boundary of Pailton and the Revel and Binley Woods Ward.

The site measures approximately 35 metres in width by 45 metres in depth and is adjacent to the Green Belt (to the rear).

The application site is located on land on different levels, which inclines from the highway (south to north) and declines from east to west.

To the front of the existing property is a lawn area, with mature hedges and shrubbery on the boundary.

The property is accessed via a single bounded lane off the main Lutterworth Road, located towards the middle of the plot.

The neighbouring property 21 Lutterworth Road is a bungalow which is located on a lower land level (approximately 0.50 metres)

The neighbouring property 27 Lutterworth Road is a two-storey detached property located approximately 10 metres from the application site boundary.

Towards the rear of the plot is a large Nissen Hut and a Green House. On the side and rear boundaries are mature trees, hedges and close boarded fencing. Beyond the boundary is the Green Belt.

Planning History:

548/7 – Pair of houses – Approved 11/06/51

1263/7 – Proposed House – Approved – 08/06/53

R19/1076 - Outline planning permission for the construction of 4 (no) dwellings, with all matters reserved except for access. To include the demolition of the existing property, 23 Lutterworth Road, Pailton – Approved – 03/10/2019

Summary of the proposal:

This application is for the demolition of an existing dwelling, formation of a new site access and the erection of 4 (no) dwellings and associated parking.

The initial submission was for the erection of 8 (no) dwellings and demolition of ancillary buildings, however due to concerns raised by the Local Planning Authority, regarding the development being of an unsympathetic design and out of keeping with the general pattern of development within the locality, an amended scheme has been submitted.

The amended scheme is for 4 (no), two and a half storey dwellings, and 2 (no) detached garages

The properties will be accessed via the existing access. To the front of the dwellings, will be the inclusion of a landscape area and parking provision for 4 vehicles.

Each property will incorporate a front garden and rear garden and a garage to the rear.

The properties will each measure (approximately) 9.2 metres in depth, 6.4 metres in width, 5.1 metres to the eaves, 8.2 metres in height, will incorporate a dual pitch roof and will be constructed of a combination of either brick, render or brick and render.

Once completed the dwellings will incorporate; at ground floor, a lounge, kitchen/dining room, utility, hall and WC. At first floor, 3 bedrooms and an ensuite; and a second floor, a bedroom and ensuite.

The development will include 2 (no) double garages (each household retains 1 half of one of the double garages)

The garages will measure 6 metres in width, by 6 metres in depth, 5.8 metres to the ridge height and 2.8 metres to the eaves. With each individual garage providing a parking space of 5.8 metres by 2.8 metres. The garages are dual pitched, similar to the main property.

An area to the rear of the site will be retained.

Overview

The previously approved planning application - R19/1076 - Outline planning permission for the construction of 4 (no) dwellings, with all matters reserved except for access - established the principle of the development. With the proposed layout being similar to the current proposal.

Technical Consultations:

Rugby Borough Council Environmental Health – No response. Revised Scheme: No objection, subject to conditions and informatives.

Rugby Borough Council Work Service Unit – No objection

Warwickshire Fire and Rescue – Concerns regarding the access and turning within the site. Revised Scheme: No objection, subject to objection.

Severn Trent – No objection, subject to a condition and informative

WCC Highways – Objection Revised Scheme: No objection.

WCC Ecology – Request for a Preliminary Ecological Appraisal (PEA) and a Biodiversity Impact Assessment (BIA). Revised Scheme: Consultation response remains the same. Further Correspondence: No Objection, subject to a Section 106 Agreement and condition.

Archaeology – No objection, subject to a condition. Revised Scheme: Consultation response remains the same as the initial response.

Third Party Consultations:

Councillor Gillias – Initial scheme: Concerns regarding Parking and highway safety.

Amended Scheme (to include concerns raised by the Parish Council):

- Increase in traffic and parking issues.
- The property will not provide appropriate dwellings for first-time buyers or the elderly.

Parish – (initial scheme)

- Parking issues
- Highway safety issues
- The size of the development is not in keeping with the neighbouring properties.

Neighbours –

First submission (3)

- Overdevelopment

- Pattern of development
- Design and appearance unsympathetic to the rural setting
- Highways safety issues
- Parking Issues – no visitor parking, refuge or emergency vehicle parking
- The development does not provide a healthy or safe community.
- Limited amenity space
- No security lighting
- No access for a refuge/delivery vehicle
- Does not enhance the landscape
- Increase in noise levels
- Drainage and foul sewage issues
- The housing needs survey - no need for additional housing within the village/parish

Amended Scheme (3)

- Concerns regarding the piece of land to the rear being used for commercial storage, builder's yard or other hazardous use.
- Highway safety and parking issues
- Concerns of the potential use of the land to the rear.

Planning Policy Guidance:

Relevant Planning Policies:

Rugby Borough Council Local Plan 2011-2031

GP1 - Securing Sustainable Development

GP2 - Settlement Hierarchy

SDC1 - Sustainable Design

SDC2 – Landscaping

SDC4 – Sustainable Buildings

SDC 9 – Broadband and mobile internet

H1 – Informing Housing Mix

NE1 - Protecting Designated Biodiversity and Geodiversity Assets

NE3 – Landscape Protection and Enhancement

D1 - Transport

D2 - Parking Facilities

HS5 – Traffic Generation and Air Quality

Guidance

National Planning Policy Framework

SPD Sustainable Design and Construction, including Residential Design Guide

SPD Planning Obligations

Pailton Village Design Statement

Determining Considerations:

The main issues concerning this application are the principle of the proposal, the design and appearance of the proposal; the impact of the proposal upon the amenities of the neighbouring properties; the impact on the visual and residential amenities of the area; the impact on air quality, archaeology, ecology and highway safety.

Following the adoption of the Local Plan on 4th June 2019 the Borough Council has a five-year housing land supply.

1. Principle of Development:

1.1 The Rugby Borough Council Local Plan 2011-2031 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 The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in Rural Villages being permitted within existing boundaries.

1.3 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.

1.4 The application site is located within the boundary of a Rural Village as defined in the Local Plan Policy GP1. Therefore, as such development will be permitted, providing all planning matters are appropriately addressed.

1.5 This application is therefore considered to be in accordance with Section 2 of the NPPF and Policy GP1 and GP2 of the Local Plan.

1.6 Policy H1 – Informing Housing Mix – states *‘new residential development should contribute to the overall mix of housing available in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock’*.

1.7 The application site is within a rural village location and is for a small-scale development. The focus of the policy is for mid-sized housing, which will be for open market housing, with no restriction on future ownership of the property. It is therefore considered that the proposed development complies with the Policy H1.

2. Protecting Amenity and Design and Appearance:

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 Policy SDC1 will be supported by the Council's 'Sustainable Design and Construction SPD'.

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.

Protecting Amenity

2.4 The proposed dwellings will include windows to the rear elevation, however, any views to the neighbouring property's rear gardens would be indirect, and not significantly beyond that normally associated with those in a village setting.

2.5 The neighbouring property 27 Lutterworth Road is set further forward, however, the relationship of the nearest proposed dwelling to the west, would mean any views from the front windows (of the proposed dwellings), to the rear elevation of 27 Lutterworth Road, would be angled and indirect. Taking the above into account it is considered the proposal will only have minimal impact on the neighbouring property in terms of overlooking or loss of privacy.

2.6 Any side facing windows within the dwellings serve non-habitable rooms and will be conditioned to remain obscure glazed and top-hung opening only (Condition 9). An additional condition will be included to prevent any additional windows being incorporated within any side elevation of the dwellings (Condition10).

2.7 The neighbouring property, 21 Lutterworth Road is located to the west. As the properties are directly in line, it is considered there will be minimal impact in terms of loss of sunlight and daylight.

2.8 The neighbouring property 27 Lutterworth Road is located to the east. As the neighbouring property is positioned further forward, the 45-degree line has been applied. As the proposed dwelling is two-storey the 45-degree line is taken from a point, one metre in from the nearest side elevation. The 45-degree line was found to be slightly in breach. However, as there is a separation distance of approximately 10 metres (side elevation-to-side elevation), it is considered that there will be minimal impact on the neighbouring property in terms of loss of sunlight and daylight.

2.9 There are no neighbouring properties to the rear.

Character and Design

2.10 The proposed development is of an appropriate layout. The properties are set-back from the highway and include a lawn area to the front. The dwellings all

incorporate a small front garden area and a rear garden. Most of the parking provision is to the rear, to include the garages. There is a good separation distance between the dwellings and the existing neighbouring properties, with the development being of a similar linear format. Although on a differing land levels, the dwellings are of an appropriate height and relate well to the immediate neighbouring properties.

2.11 The dwellings will incorporate details to include a gable roof feature, window detail and porch. The materials in construction will include a mix of brick and render, which are similar to other properties within close proximity and the village.

2.12 The dwellings are set-back from the highway and are positioned on a similar linear format to the existing neighbouring properties (although 27 Lutterworth Road, is slightly further forward). They will also incorporate landscaping to the front. The proposed dwellings will be visible from the highway; however, once completed they will provide an active frontage and will enhance the visual amenity of the streetscene.

2.13 The development will provide adequate off-street storage space for wheeled bins.

2.14 Consideration has been given to the Pailton Village Design Statement – the properties will be constructed of brick (albeit with some render), will include a roof type similar to other properties within the village and a well-proportioned porch and rear dormer. Most of the parking is to the rear of the property, to include the garages and the landscaped frontage will be retained.

2.15 Due to the village locality, it was considered necessary to remove some Permitted Development Rights (Condition 6).

2.16 The proposal therefore accords with policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 and the SDP - Sustainable Design and Construction Supplementary Planning Document.

Environmental Health:

2.17 The Environmental Health Department have commented on the proposal. Due to a Black Smiths Shop being present on site (Post 1880 and Pre 1950 (when it was demolished)) they have requested a contamination condition (Condition 12). E/H have also requested further informatives in relation to air quality, farming activities, asbestos, construction hours and drainage.

2.18 It is therefore considered, once the condition has been satisfactorily complied with, that the proposal would not have a detrimental impact on Environmental Health matters.

3. Sustainable Buildings:

3.1 The Local Plan 2011-2031 Policy SDC4 states that all new dwellings shall meet the Building Regulations requirement of 110 litres of water/person/day unless it can be demonstrated that it is financially unviable.

3.2 A condition (Condition 4) will be included. It is considered, once this condition has been complied with, the proposal will be in accordance with Policy SDC4 of the Local Plan.

4. SDC9 - Broadband and mobile internet

4.1 Development will be expected to have provision of broadband and mobile internet.

4.2 A condition (Condition 5) will be included, once complied with, it is considered that the development will accord with Policy SDC9

5. Highway safety and car parking:

5.1 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.

5.2 Warwickshire County Council Highways have been consulted and initially objected to the proposed development. The total number of dwellings has been reduced and the site layout reconfigured. Highways were reconsulted and have reversed their objection – the proposed development is now considered acceptable, subject to conditions (Conditions 13-20) and informatives. Once the conditions have been complied with it is considered that the development will comply with Policy D1 Transport.

5.3 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.

5.4 The proposed dwelling will incorporate 4 bedrooms. The D2 Policy advises, as a guide, that a 4-bedroom property, within a low access area, should provide 3 parking spaces. The site plan indicates that there is provision for parking 1 vehicle to the front of the property and 2 to the rear (to include the garage). A condition (Condition 7) will be included for the retention of the garage for purposes of parking and a condition (Condition 8) to ensure there is sufficient parking provision on site.

5.5 It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

6. Ecology and Landscaping.

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, among 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.

6.3 WCC Ecology have been consulted and requested for a Preliminary Ecological Appraisal (PEA) of the building for bats and nesting birds to be undertaken. In addition, it was recommended that the whole site is surveyed for ecological value and that a Biodiversity Impact Assessment (BIA) calculation is completed in line with national and local requirements.

6.4 On receipt of the PEA, Ecology believe there may be evidence of roosting bats. Subsequently, they have recommended that an appointed ecologist is present for the removal of the roof tiles during demolition to check that no bats or droppings are present in these features. They also recommend a condition be included for the supervised hand-stripping of tiles, to ensure that protected species are not harmed by the development (Condition 23).

6.5 On receipt of the BIA, Ecology have confirmed that the site represents a unit loss of approximately 0.09 ha. A BIA calculation is necessary prior to the resolution of the reserved matters to determine the impact on biodiversity and how this could relate to landscaping or layout.

6.6 The NPPF seeks that developments achieve a biodiversity net gain (BNG). This would need to be addressed through onsite habitat creation outlined in a combined ecological and landscaping scheme, which can be secured by condition. If the ecological loss cannot be accounted for within the site, an offsetting agreement may be required for another site.

6.7 This can be secured via a Section 106 mechanism to include the BIA calculation, to specify the required works if it is more than zero and a mechanism to pay for that calculation. The trigger for the Section 106 agreement would be that the BIA would need to be undertaken prior to the commencement of development and any contribution paid in line with an appropriate trigger, but only if the mitigation cannot be provided on site. This is detailed further in section 10 of this report where it sets out the Heads of Terms of the Section 106 agreement.

6.8 As a result of the proposed scheme being subject to a Section 106 agreement and a condition requiring the presence of a bat worker being appointed to supervise all destructive works to the roof of the building(s) and associated structures to be demolished/affected, the proposal is in accordance with the NPPF and Local Plan Policy NE1.

7. Traffic Generation and Air Quality:

7.1 Policy HS5 states that proposals where the application site is located within the Air Quality Management Area should take full account of the cumulative impact of all development including that proposed in the Local Plan on traffic generation, air quality, noise and vibration.

7.2 The application site is not located within the Air Quality Management Area and is below the threshold for the developer to be required to demonstrate air quality neutral standards.

7.3 An informative will be included to encourage the developer to incorporate measures to assist in reducing their impact upon Air Quality.

8. Landscaping:

8.1 Local Plan Policy SDC2 states that development proposals will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

8.2 Local Plan Policy NE3 Landscape Protection and Enhancement states that new development will positively contribute to landscape character.

8.3 The Tree Officer has been consulted and has raised no objection to the proposed development, subject to a condition (Condition 21) regarding tree planting and landscaping.

8.4 Once the condition has been complied with, it is considered that the proposed development will accord with the Local Plan Policy SDC2 and NE3.

9. Other Matters:

9.1 Severn Trent have been consulted and have raised no objection to the proposed development, subject to a condition (Condition 22) and informative regarding the disposal of surface water and foul sewage

10. Section 106 Heads of Terms

10.1 As a result of the requirement for a BIA calculation to be made, the contribution required for this proposal is highlighted as per the table below:

<u>Contribution Requirement Trigger</u>	<u>Requirement</u>	<u>Trigger</u>
BIA Calculation and resultant contribution	To mitigate biodiversity loss on the site	Prior to commencement of Development

10.2 In relation to the detail quoted above, these are subject to further negotiation and finalization prior to the completion of the S106 Agreement.

11. Planning Balance and Conclusion:

11.1 The proposed development is in principle acceptable; is of an appropriate size and scale and character and design; and would not adversely affect the amenities of the occupiers of neighbouring properties or impact on air quality, archaeology, ecology and highways safety. Accordingly, it is considered that the proposal is in accordance with

the National Planning Policy Framework, and the Rugby Borough Council Local Plan 2011-2031.

12. Recommendation

12.1 (1) Planning application R20/0733 to be granted subject to:

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

b. The completion of a legal agreement to secure the necessary financial contributions and/or planning obligation associated with a BIA calculation, detailed mitigation and associated BIA payment if required.

(2) The Chief Officer for Growth and Investment be given the delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

(3) The Chief Officer for Legal and Governance in consultation with the Chief Officer for Growth and Investment and the Planning Committee Chairman be given delegated authority to complete the legal agreement.

DRAFT DECISION

REFERENCE NO:
R20/0733

DATE APPLICATION VALID:
03-Sep-2020

APPLICANT:

Mr M Edwards, MPJ Homes LTD, Willowbrook, Heath Lane, Brinklow, CV23 0NX

AGENT:

Mr Robert O'Callaghan, Robert O'Callaghan Architects, Ivy house, Church Street, Churchover, Rugby, CV23 0EW

ADDRESS OF DEVELOPMENT:

23, LUTTERWORTH ROAD, PAILTON, RUGBY, CV23 0QE

APPLICATION DESCRIPTION:

Demolition of existing dwelling, formation of a new site access and the erection of 4 (no) dwellings, two detached garages and associated parking

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Street Scene - ROC\752\PD\004A

Received by the Local Planning Authority on the 15th January 2021

Proposed Site - ROC\752\PD\002F

Received by the Local Planning Authority on the 26th February 2021

Site Location Plan - Scale 1:1250

Proposed Dwellings - ROC\752\PD\003B

Block Plan - ROC\752\PD\005A

Received by the Local Planning Authority on the 01st April 2021

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

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

REASON:

In the interests of sustainability and water efficiency.

CONDITION 5:

Prior to the first occupation of the dwellings hereby approved, each separate dwelling shall be provided with the facility to enable broadband internet connection.

REASON:

To ensure there is appropriate facility for broadband internet connection

CONDITION 6:

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

REASON:

In the interest of residential amenity.

CONDITION 7:

Unless non-material variations are agreed in writing with the Local Planning Authority the garages hereby permitted shall be permanently retained for the accommodation of vehicles and cycles belonging to the occupiers of the dwelling and shall not be used for any other purpose.

REASON:

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

CONDITION 8:

Unless non-material variations are agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings, each dwelling will provide accommodation for three off road parking spaces (to include the garage space) for vehicles of persons residing or calling at the properties. The parking spaces shall be permanently retained thereafter

REASON:

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

CONDITION 9:

Unless non-material variations are agreed in writing with the Local Planning Authority, the window(s) to be created in any side elevation shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level.

The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

REASON:

In the interest of residential amenity

CONDITION 10:

Unless non-material variations are agreed in writing with the Local Planning Authority. Other than those shown on the approved plans. No new windows shall be formed in any side elevation of the proposed dwellings.

REASON:

In the interest of residential amenity.

CONDITION 11:

No development shall commence unless and until:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interest of archaeology.

CONDITION 12:

Previously unidentified Contamination

In the event that contamination is found at any time when carrying out the development hereby permitted it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared.

REASON:

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

CONDITION 13:

The development shall not be occupied until the existing vehicular access to the site has been remodelled in general accordance with drawing number ROC\752\PD\002F.

REASON:

In the interest of Highway Safety

CONDITION 14:

The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interest of Highway Safety

CONDITION 15:

The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of Highway Safety

CONDITION 16:

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 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of Highway Safety

CONDITION 17:

The development shall not be occupied until pedestrian visibility splays have been provided to the vehicular access to the site in accordance with drawing number ROC\752\PD\002F. 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 footway.

REASON:

In the interest of Highway Safety

CONDITION 18:

The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON:

In the interest of Highway Safety

CONDITION 19:

The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of cars in accordance with drawing number ROC\752\PD\002F.

REASON:

In the interest of Highway Safety

CONDITION 20:

No construction shall be undertaken until a Construction Management Plan, which should contain details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by both the Planning and Highway Authorities.

REASON:

In the interest of Highway Safety

CONDITION 21:

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

REASON:

In the interests of biodiversity and visual amenity.

CONDITION 22:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

REASON:

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

CONDITION 23:

The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and associated structures to be demolished/affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASON:

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

CONDITION 24:

Unless non-material variations are agreed in writing with the Local Planning Authority the development, no part of the development hereby permitted shall be commenced until a scheme for the provision of 4 integrated Schwegler 1FR bat tubes bat boxes to be built into buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be maintained in perpetuity.

REASON:

In accordance with NPPF, ODPM Circular 2005/06

INFORMATIVE 1:

Air Quality

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

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

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

INFORMATIVE 2:

Impact from farming activities

The development is adjacent to farmland and close to several farms. It will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest. As there are livestock farms nearby odour is likely to be more significant than other factors.

INFORMATIVE 3:

Asbestos

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

INFORMATIVE 4:

Construction hours

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

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

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

NO WORK ON SUNDAYS & BANK HOLIDAYS.

INFORMATIVE 5:

Drainage

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

INFORMATIVE 6:

A. Condition numbers 13-17 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

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

INFORMATIVE 7:

The land to the north of the application site is identified within the application form as being residential use, and shall remain as such. The land does not fall within the curtilage of a dwellinghouse and therefore Permitted Development Rights to include - Class E - buildings etc incidental to the enjoyment of a dwellinghouse - are not permitted.

INFORMATIVE 8:

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of

our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

INFORMATIVE 9:

It is recommended that an active electric vehicle charging point is installed at each dwelling, to encourage the use of electric vehicles in the interest of sustainability

INFORMATIVE 10:

Warwickshire Fire and Rescue Authority advise the need for the development to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at; www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

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

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

INFORMATIVE 11:

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

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

Reference: R20/0914

Site Address: Disused railway line between Leamington Spa, Rugby and Long Itchington

Description: The change of use of the disused Lias Line from an historic disused railway line to a cycle/ pedestrian route to be laid in a sealed surface with associated ancillary development

Recommendation

Approve

The application has been brought to be determined by the Planning Committee as it is a major application.

Description of site

The application site forms a linear route along the former railway line known as the Lias Line linking Rugby to Leamington. It is currently used as a pedestrian/cycleway but made up of a rough surface. The application starts where the present Route NCN41 ends at an access ramp onto Bourton Lane. The application straddles three authorities being Rugby, Warwick and Stratford. The proposal includes a spur from the Marton Junction (within Stratford District) and the link to Offchurch Greenway (within Warwick) which would be bridged as part of the HS2 works.

The stretch of the route that is within Rugby District is partially hard surfaced but mainly an unmade track making the use of the linear route fragmented, incomplete and difficult to use.

The stretch of route that lies within Rugby is in open countryside and the former railway land borders but not within the Green Belt. There are some residential properties and businesses that back onto the site.

There are several public footpaths that cross the route.

Description of proposals

The proposal is to provide a hard surface area for the former railway line to allow for its use as a footpath, cycle route and bridle way.

The majority of the route is within Stratford and as such they are the lead authority and their part of the proposed route was approved on the 31st March 2021.

The proposal is for the provision of a 3m wide sealed surface which has not previously been provided along the route and, together with replacement bridges which are the subject of separate but related planning applications, would facilitate a completed and more accessible facility for longer and easier use by pedestrians, cyclists, horse-riders and for persons with mobility difficulties.

Planning History

R/98/0221/21939/P

Use of disused Railway as linear park/cycleway
Approved 16 December 1998

Relevant Applications

R20/0566

Demolition of existing bridge 24 and regrading of ground level to create a crossroad in conjunction with disused railway tracks/PROW

R20/0991

Demolition of existing brick arch bridge, removal of deck, arches and piers, and erection of steel truss bridge installed on existing abutment to be used for cycling and walking (Bridge 22)

Relevant Planning Policies

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

HS4: Open Space: Sports Facilities and Recreation

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE2: Strategic Green and Blue Infrastructure

SDC1: Sustainable Design

SDC5 Flood Risk Management

SDC6: Sustainable Drainage

National Planning Policy Framework, 2019 (NPPF)

Technical consultation responses

Ramblers Association

Support the application

Ecology

No Objection – responded for the whole of the route.

Lead Local Flood Authority

No Objection

Environment Agency

No Comments received

WCC Highways

No Objection

WCC Public Rights of Way

No Objection – Part of route needs to be upgraded to Bridle way

Trees and Landscape

No objection subject to conditions

Environmental Health

No comments received

Warwickshire Police

No Comments

Cycling UK

No Comments received

Rugby Cycle Forum

Welcomes the proposal

The British Horse Society	Welcomes the use of the Greenway to include Equestrian use.
HS2	No comments received
Stratford District Council	No Objections
Warwickshire District Council	No comments received

Third party comments

Birdingbury Parish Council	Supports application however further consideration should be given – there are no proposed dedicated parking areas and raises concerns on highway safety grounds.
4 Letters of Support received	Provides Continued walking, cycling and horse riding along the route. In accordance with Paragraph 98 of NPPF provides numerous benefits for cyclists, walkers and local communities Asset for both towns and the parts already accessible are well used
3 Letters of objection	Concerns of anti-social behaviour Barriers should be provided to stop being used by motorised vehicles Noise and Disturbance Loss of Privacy Increased traffic from users with no parking facilities Concerns with drainage and surface water run-off

Assessment of proposals

- 1 Determining considerations
The determining considerations of the application are the principle of the proposal, the design and appearance of the proposal; the impact of the proposal upon the amenities of the neighbouring properties; and the impact on Ecology, Highways and Flood Risk.
- 2 Principle of Development
Policy GP1 of the Local Plan states that when considering development proposals, a positive approach will be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.
 - 2.1 This is reflected in Section 2 of the NPPF which states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development.
 - 2.3 Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location.

- 2.4 The proposal involves the change of use of the Lias Line from an historic disused railway line to a cycle/ pedestrian/horse-riders route to be laid in a sealed surface with associated ancillary development. The route has been the subject of planning permissions in 1998 covering Stratford/Warwick/Rugby areas to be used as a linear park/cycleway and has in parts been used as such for many years. The route is however fragmented, incomplete and difficult to use – for example the National Cycle Route no.41 (NCN 41) only uses a small section of the Lias Line branch. The current proposals involve the provision of a 3m wide sealed surface which has not previously been provided along the route.
- 2.5 There are also currently two separate applications relating to two bridges long the route. Whilst these applications have yet to be determined they do not affect the provision of this Greenway and the proposal would facilitate a completed and more accessible facility for longer and easier use by pedestrians, cyclists, horse-riders and for persons with mobility difficulties.
- 2.6 The overall route will allow access between Leamington Spa (Offchurch Greenway) and Long Itchington/Stockton via the former branch line, which is wholly within Stratford District and/or Leamington Spa to Rugby Draycote Water via the main line. At roughly 11km in length it is understood that the route would be the longest traffic free cycle route in Warwickshire and is part of the Pathways For All strategy..
- 2.7 As the proposal provides a traffic free route for the provision of sustainable modes of transport it is therefore considered to be in accordance with Section 2 of the NPPF and Policy GP1 and GP2 of the Local Plan.
- 3 Appearance and Character
Policy SDC1 states that 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, whilst aiming to add to the overall quality of the areas in which they are situated.
- 3.1 The proposal is to provide a 3m wide footpath along the former main line of the railway. The proposal would provide high quality traffic free walking and cycling route with access points for pedestrians and cyclists from and to all the adjoining villages in the vicinity of the Greenway.
- 3.2 The section of the proposed Greenway in Rugby passes Marton, and Birdingbury to link with a section of the route at Birdingbury Lane leading to Draycote Village and Draycote Water.
- 4 Neighbour Amenities
There are some residential properties that back directly onto the route and in terms of impact other than an increase of use as a result of the route being made available generally as it is aimed at cyclists and pedestrians and equestrian use on the main it is anticipated that noise would be minimal.
- 4.1 However concerns have been raised by local residents of the use by motor cycles and the applicants have confirmed that due to the increased use of the Greenway that it provides self-surveillance in addition that the sealed surface would reduce the use by off road motorbikes.

5 Biodiversity

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

- 5.1 The Lias Line has been a significant feature of the rural landscape for many years (the main line was opened in 1851 and the route ceased operation in 1991) and is part of the historic collage of the area. The proposals require the provision of a widened sealed surface path and alterations to various parts of the line to improve accessibility, such as ramps and steps, and aid navigation, such as raised boardwalks through wet areas. This will involve some removal and cutting back of trees and shrubs that have naturally regenerated since the line was in rail operation. There are no proposals to add external lighting to the route.
- 5.2 There are likely to be parts of the route whereby the removal of trees and shrubs and the addition of wider paths, steps, ramps, boardwalks and other infrastructure has a localised impact on the character and visual appearance of the rural landscape. Such impacts will however be localised and be seen in the context of the use of the line as a leisure and active travel route. The wider character and visual appearance of the rural landscape will otherwise be little changed. It is not considered that the localised impacts of the development are materially harmful to the landscape character and appearance within which the Lias Line is set.
- 5.3 The planning application is accompanied by an Ecological Impact Assessment (EIA) and a Landscape & Ecology Management Plan (LEMP) both produced by WCC Ecological Services. For the avoidance of doubt it should be noted that whilst Officers from the WCC Ecological Team were involved in the preparation of information to assist the planning application it has been confirmed by the Delivery Leader of Ecology, Historic Environment & Landscape at WCC that different Officers of the Ecology Team have been independently involved in the assessment of the proposals from an ecological perspective and have not been prejudiced by any involvement in the matter prior to their consideration of the case. It should also be noted that the consultation response is for the whole of the site spanning the three authorities.
- 5.4 The entire Lias Line is identified as a Local Wildlife Site and crosses potential Local Wildlife Sites. The Lias Line is not a Site of Special Scientific Interest or a Local Nature Reserve but several lie within 5km of the route. The Ecological Impact Assessment identifies that there are protected and notable species present along the route and as such condition 5 has been recommended by WCC Ecology and will be conditioned by the three authorities.
- 5.5 The EIA and LEMP set out measures demonstrating how impacts on the natural environment can be avoided and mitigated such that the residual risks and impacts are temporary and/or minor/negligible. The EIA expects the project to generate a permanent moderate positive effect on County level Local Wildlife Sites.

- 5.6 There are parts of the route, such as the stretch that the National Cycle Route 41 uses, which already have a wide path and verge that will not require further vegetation removal. Other sections are however more overgrown almost to the point of being impassable. Such sections will require tree removal and vegetation cut back to allow safe passage for cyclists, walkers, persons with mobility difficulties and horse-riders (where applicable) in order that the route can properly function. The upgrade to the overall route across the three authorities is expected to result in initial damage to around 10ha of habitat during the construction phase but then following on from this around 7ha will be reinstated.
- 5.7 The submitted EIA and LEMP set out key aims and objectives of the scheme, the first of which is to 'provide biodiversity net gain' through, amongst other things, the retention and protection of woodland, mature trees and hedgerows, scrub and grassland unless unavoidable. Where vegetation has to be removed the impacts of this will be mitigated by improved management of areas and new habitat creation. The LEMP calculates that such measures over the whole of the route will result in overall habitat biodiversity improvements with, for example, the area of deciduous woodland increasing from around 5ha to 12ha.
- 5.8 During the construction phase there will be some significant intrusions to the natural vegetation that has succeeded along the route. The great majority of this vegetation loss will however be reinstated with just the path and verge route being kept free from trees and shrubs in the long term. The management of the route will in time reap benefits to biodiversity and habitats that are greater than currently exist.
- 5.9 Policy NE1 seeks to safeguard priority habitats/species of conservation concern and requires developers to take mitigating measures for their protection and subject to the proposed recommended condition it is therefore considered that the proposal would not harm their habitats in accordance with Policy NE1.
- 6 Highways and Public Rights of Way
The Lias Line route through Rugby is linked to a number of Public Rights of Way (PROW) as follows:-
- Footpath SM1 and R213 Marton; R213 Footpath SM1 Bridleway
 - Footpath R214 Marton
 - Bridleway R216 Marton
 - Footpath R218 Frankton
- 6.1 Improvements are proposed, such as new steps and ramps, which will improve accessibility for users of the route and provide an improved network of active travel leisure routes. The provision of the 3m wide sealed surface path and boardwalks will also ensure that two way travel is safer and that seasonal and climatic conditions currently affecting the route will no longer be a barrier to usage.
- 6.2 WCC Rights of Way Team have assessed the overall route proposals and subject to: a section of Footpath R213 being upgraded from Footpath to Bridleway; the section of R213 running roughly 100 metres south from the disused railway is currently recorded as a public footpath but the connecting section of public right of way SM1 running south from the District/Borough boundary is recorded as a public bridleway. The public have the right to use a public footpath on foot only so do not have the right to use a public footpath by cycle or on horseback. Upgrading this section of public footpath to a public

bridleway would therefore grant such a legal right to cyclists and equestrians wishing to use this section of public right of way to access public bridleway SM1 from the route proposed in this application. Given that the proposed scheme will increase the number of users wishing to access public bridleway SM1 via public footpath R213 The Rights of Way team at WCC consider it appropriate for the applicant to fund and arrange the legal upgrade to a public bridleway as mitigation, and that the applicant would be well placed to negotiate this with the adjacent landowners given their existing communications with these landowners in relation to the proposed scheme. and following clarification about construction traffic affecting PROW are content with matters subject to the inclusion of recommended conditions and notes. With regard to construction traffic this can be dealt with by way of Condition and this is set out in Condition 4 requiring a Construction Management Plan to be approved. This condition is also part of Stratford's Approval.

- 6.3 In terms of Parking the applicants have stated that they will encourage users to use the car parking facilities at Draycote Water rather than provide parking facilities in the restricted country lanes. It should also be noted that WCC Highways has no objection to the proposal.

7 Flooding

The NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter entitled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

- 7.1 The application site primarily lies within flood zone 1 having a low probability of flooding from rivers. However, the proposed development may present risks of flooding on-site and/or off-site if the surface water runoff is not effectively managed. Footnote 50 of paragraph 164 of the NPPF requires applicants for planning permission to submit a site-specific flood risk assessment for all proposals of new development or change of use on an area of 1 hectare or greater.
- 7.2 A Flood Risk Assessment was submitted and following an initial objection from the Lead Local Flood Authority this was updated and there is now no objection. The Flood Risk Assessment covers the whole of the route in all three authorities.

8 Planning Balance and Conclusion

The proposal provides a comprehensive Greenway following the former mainline of the Rugby to Leamington Railway Line and provides Sustainable form leisure facilities for walkers, cyclists and horse riders,

- 8.1 The improvements to the Green Infrastructure along route would enhance the facilities.
- 8.2 It is therefore considered that the proposal is in accordance with the policies in the Local Plan and the NPPF.

DRAFT DECISION

REFERENCE NO:
R20/0914

DATE APPLICATION VALID:
15-Dec-2020

APPLICANT:

Sustrans, Sustrans Ltd. Sustrans Ltd., 2 Cathedral Square, Bristol, BS15DD

AGENT:

Szeto 58 Oxford St, Birmingham, B5 5NR

ADDRESS OF DEVELOPMENT:

Disused railway line between Leamington Spa, Rugby and Long Itchington

APPLICATION DESCRIPTION:

The change of use of the disused Lias Line from an historic disused railway line to a cycle/ pedestrian route to be laid in a sealed surface with associated ancillary development

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

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

REASON:

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

CONDITION:2

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall not be carried out other than in accordance with the plans received by the Council on 22 October 2020

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REASON:

For the avoidance of doubt.

CONDITION:3

The section of the route (near to Bondon Farm) as detailed on drawing 12064_PLANNING_M08_v1 including surrounding land shown on the drawing within the application site boundary, shall be inspected at least every 4 months in order to ensure that it is in good order and in particular:

- (a) Checking for faults, damage, wear and tear with the boardwalk that could generate excessive noise and alleviating such problems in a timely manner;
- (b) Checking for signs of rat infestation and litter accumulation of waste that might attract vermin and alleviating such problems in a timely manner;
- (c) Checking that there is no excessive algal growth in any lateral ponds and standing waters and alleviating such problems in a timely manner.

A record shall be kept of all such inspections and actions taken where necessary and shall be available for inspection upon request by an officer of the District Council.

Reason: In the interests of amenity

CONDITION:4

Notwithstanding the details of the Construction Management Plan submitted as part of this planning application prior to any commencement of groundworks or construction of the development hereby permitted a Construction management Plan (CEM) shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

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

- (vii) Heavy Goods Vehicle construction/demolition routing plan;
- (viii) Measures to ensure that impacts on Public Rights of Way are managed in an appropriate manner and that appropriately accord with the requirements of Warwickshire County Council as Highway Rights of Way Authority
- (ix) Full details of and measures relating to pre-commencement checks for protected and notable species and subsequent mitigation and monitoring as necessary
- (x) Measures relating to appropriate working practices and safeguards for habitats, including the Local Wildlife Sites, woodlands, ponds, hedgerows and trees during groundworks and construction.

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

REASON:

In the interests of the amenities of the area.

CONDITION:5

5. Notwithstanding the details of the Landscape and Ecology Management Plan dated November 2020 (LEMP) submitted as part of this planning application, prior to the commencement of any groundworks or construction of the development hereby permitted the LEMP shall have first been updated, resubmitted and approved in writing by the Local Planning Authority. The resubmitted updated LEMP (the “updated LEMP”) shall include the following:-

- (a) The number, type, location, height and orientation of bird boxes to be installed;
- (b) The number, type, location, height and orientation of bat boxes to be installed;
- (c) The location, size and orientation of all new waterbodies with the number and type of micro-features (e.g. hibernacula, log piles etc.) created for great crested newts;
- (d) The finalised detail on the provision of a Biodiversity Scheme for the project confirming that on-site gain is deliverable and including contingency measures in the event of the trading of biodiversity units not being possible.

Thereafter such approved and updated LEMP shall be adhered to in relation to the construction, operation and management of the development hereby permitted.

Following approval of the updated LEMP, in the event that any differing requirements of relevant statutory wildlife bodies arise, (such as through the Natural England Licensing process) that require revisions to the approved ‘updated LEMP’, a revised LEMP (the “revised LEMP”) shall be submitted for written approval by the Local Planning Authority within 3 months of ground works or development commencing, and shall include a timetable for implementation of any revised measures/management within the revised LEMP. For the avoidance of doubt, during the period that the Local Planning Authority considers any such revised LEMP submission the requirements of the approved ‘updated LEMP’ shall still be adhered to until such time that a ‘revised LEMP’ is approved. Thereafter such approved ‘revised LEMP’ shall be adhered to in relation to the construction, operation and management of the development hereby permitted.

REASON: In the interests of biodiversity protection.

CONDITION: 6

No works, demolition or development shall take place until the provision of tree protection measures (in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations) has been agreed in writing with the LPA and subsequently implemented. This scheme will include details of tree protection measures and a suitable scheme of monitoring/onsite arboricultural support. Protective measures will be utilised

throughout the duration of 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. A pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures and provide ongoing support (where necessary).

Reason: to ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase

INFORMATIVE:1

In relation to Condition 2 it should be noted that some of the listed plans cover parts of Warwick District and Stratford-on-Avon District rather than Rugby Borough Council but are included within the list for the sake of completeness.

INFORMATIVE:2

The Environment Agency advise to check their guidance on Flood Risk Activity Permits which can take up to 2 months to complete Flood risk activities: environmental permits - GOV.UK (www.gov.uk)

INFORMATIVE:3

The applicant is advised that a protected species licence from Natural England is required to undertake the works. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Natural England Licensing Service on 02080261089.

INFORMATIVE:4

In relation to Condition 4 (e) Warwickshire County Council Rights of Way Team advise the following:-

- No site security fencing may be erected on or within 1m of any public right of way.
- Prior to the commencement of any works involving disturbance of the surface of any public right of way (PROW) the developer must contact WCC Rights of Way team Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of PROW and their users.
- The applicant must make good any damage to the surface of any PROW caused during works.
- PROW 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 materials during works.
- If it is proposed to temporarily close any PROW during works then an application for a Traffic Regulation Order must be made to WCC Rights of Way team well in advance.
- Any disturbance or alteration to the surface of any PROW requires prior authorisation of WCC Rights of Way team, as does the installation of any new gate or other structure on the PROW.

INFORMATIVE:5

In relation to Condition 4 (f) and (g) WCC Ecology Team advise that the CEMP should be in accordance with the British Standard on Biodiversity BS 42020:2013 and expect that the CEMP should include within an Appendix a Protected Species Contingency Plan (PSCP). Where the CEMP needs to make reference to badgers it is expected that two versions of the CEMP will be

submitted, one marked CONFIDENTIAL which includes the badger details (which would be held by the LPA, checked by WCC Ecology and the developers Ecological Consultants but not be placed on the public record or used by site personnel), and the other which omits the badger details.

INFORMATIVE:6

In relation to Condition 5 (LEMP) WCC Ecology Team advise that the LEMP should include details in line with the British Standard on Biodiversity BS 42020:2013

DRAFT

Reference number: R20/0965

Site address: Sedgefield Barn (Barn 1), Priory Road, Wolston CV8 3FX

Description: Single-Storey extension to Barn and external alterations.

Case Officer Name & Number: Nigel Reeves – 01788 533489

Introduction

This application is to be considered at Planning Committee as it has been 'Called-In' by Councillor Poole as he considers that the proposed development is contrary to the following policies:-

- The Local Plan Policy GP3
- Contrary to NPPF paragraphs 143,144,145c.

The Site and Surrounding Area

The application site is located on the northern edge of the village of Wolston. The Priory (Grade II*) is located immediately to the north east of the site and lies within extensive grounds. The site of a Scheduled Ancient Monument - Wolston Priory – lies to the west of the barns, with the boundary running close to the western boundary of Priory Barns.

There are some brick outbuildings within the grounds of The Priory, running alongside the entrance drive, which also abuts the eastern boundary of the application property. Residential development on Priory Road and Arderne de Grey Road lie immediately to the south-west and south-east. The site lies just outside of the settlement limits of Wolston and is washed over by the Green Belt. It also lies within Flood Zone 1.

Priory Barns comprise a group of 3 no. brick built barns grouped around a central farmyard. A series of Prior Approvals and Planning Permissions have been granted on this group of barns over a number of years and the approved development has commenced with almost two thirds of the development now completed. Barn 3 is complete and Barn 2 is nearly complete.

Sedgefield Barn (the application property) comprises the northernmost barn (Barn 1), and this is the subject of the current application.

Application Proposal

This application seeks full planning permission for the following:

- the construction of a single storey extension to the existing barn building projecting into the central courtyard.
- the extension will project 5.0 m into the yard and will be 5.0 m wide. It is proposed to be clad in horizontal wooden boarding with a tiles roof, to match those already approved on Barn 2.
- substitution of bi-fold doors in the northern elevation to half timbered doors

Previously the application also proposed minor changes to the window designs in the north elevation. However these have now been deleted following discussions with your planning officers. Indeed the applicant has also now offered to change the large bi-fold patio window in

the small side extension (where Barn 1 meets the corner of Barn 2) to a more traditional half timbered patio door, which is considered to be a net improvement on the previously approved scheme.

Relevant Planning History

The initial applications for development took the form of Prior Approval notifications, firstly under Class MB and then Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

R15/0862 - Prior notification of intention to convert 3 existing agricultural buildings to form 3 no. Residential units. - Prior Approval Granted

R17/1831 Prior Notification – Conversion of existing agricultural buildings into 2 No. dwelling houses – Prior Approval Granted

R18/0546 Conversion of Barn (Barn 3) to 1 no. dwelling house to include a first floor including conversion of section of adjoining barn to provide garaging for Barn 2 and Barn 3 - Planning Permission Approved

R19/0216 Conversion of agricultural building to 5 No. dwelling houses. (Prior Approval). Revised Scheme to R17/1831 and R18/0546 - Prior Approval Granted

R19/1262 Conversion of barns to 5 no. dwelling houses including construction of courtyard extensions to Units 2 & 3 of Barn No. 2, attached garage to Barn No.3 and single storey extension to Barn No. 1 (Barns at Priory Farm). Planning Permission Approved

R20/0965 Single storey extension to south-east elevation and alterations to fenestration on north-west elevations of Barn 1 - Decision Pending (Current application)

Consultation Responses

Historic England – No Objections Raised to the Proposal.

Third Party Responses

Neighbours – No objections received.

Wolston Parish Council – a detailed objection submitted raising concerns that the development has not been built in accordance with the approved plans. They raise the following concerns:

- concerned that the development has moved from simply a conversion of existing barns to a partially new build scheme (Barn 2)
- if this is the case then the development needs to be assessed against Local Plan policies relevant to conversions/new builds in the countryside
- the barns were considered to be in a very poor condition and unsuitable realistically for conversion – if this was the case they would fail to comply with NPPF para 145 and Local Plan Policy GP3 and would be contrary to the previously granted Prior Approval to grant permission to convert them.

- what has occurred on site is not a conversion as approved but a demolition and rebuild and, as such, either additional planning permission should have been sought prior to the demolition or a retrospective planning application should have been made
- This matter was raised with the Planning Officer and we understood that the applicant would be required to submit a retrospective planning application to cover the demolition but to date nothing appears to have been done to rectify the situation, neither by a retrospective planning application nor enforcement action
- We challenge this very strongly as the original structures were not of substantial construction, nor suitable for reuse or adaptation, as required by Class Q of the GPDO and Policy GP3 and as confirmed by Building Control.
- Does not appear to be a response from Historic England - the application site is bounded by a Grade II* Listed Building and a Scheduled Monument we would have anticipated that Historic England would be a Statutory Consultee, especially as part of the area proposed for a residential garden to Barn 1 encloses part of the Scheduled Monument. It appears that excavation and drainage works have also taken place in this part of the heritage asset again apparently contrary to the Order
- The 'conversion' works have resulted in a building which looks like a new, modern dwelling rather than a converted agricultural building set in the rural Green Belt and bounded by significant heritage assets.
- We consider that because of the extensive demolition considered necessary the Prior Approvals should not have been granted. This would then have required the applicant to submit a full planning application which would have required a much more robust assessment and specific conditions to be followed if approval were to be granted.
- Concerns about the amount of parking provided on the site – there is an acute parking problem in the village.
- Councillors were also surprised that although there have been six applications for the site none of these is accompanied by a Flood Risk Assessment
- We are also aware of concerns by residents that spoil from the site, including waste building materials, is being used to construct what appears to be a large bund wall to the north of the site.
- Councillors wished me to make clear that they broadly support the principle of the conversion of redundant agricultural barns to dwellings in order to bring the buildings back into use, provided that this work is undertaken in accord with the requirements for such conversions as set out in the Local Plan. However in the case of the Priory Barns 'conversion' Councillors do object strongly to the manner in which the development has evolved from what was originally granted Prior Approval. Attention is drawn to the total demolition of barn 2 and the erection of a new dwelling on the site, granting of Planning Permissions that do not appear to be in accordance with the Local Plan and the apparent ineffectiveness or total absence of any enforcement action.

Relevant Planning Policies and Documents

Borough Local Plan Draft Publication 2011-2031:

- GP1 – Securing Sustainable Development
- GP2 – Settlement Hierarchy
- GP3 – Previously Developed Land and Conversions
- NE3 – Landscape Protection and Enhancement
- SDC1 – Sustainable Design
- SDC2 – Landscaping

SDC3 – Protecting and Enhancing the Historic Environment
D1 – Transport
D2 – Parking Facilities

National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development (including Paras 11-14: Presumption in favour of Sustainable Development)

Section 12: Achieving Well-Designed Places

Section 13: Protecting Green Belt Land

Section 16: Conserving and Enhancing the Natural Environment

Determining Considerations

The main considerations in respect of this application are:

- the principle of development,
- design/ impact on the character of the locality (including adjacent heritage assets),
- impact on residential amenity
- other matters.

The impacts of each of these matters are then balanced in the conclusion.

Principle of Development

Policy GP2 states that the location and scale of development must comply with the settlement hierarchy and must be demonstrated that the most sustainable locations have been considered.

Policy GP3 supports the re-development of ‘previously-developed’ land in the Borough, including the re-use and adaption of existing buildings in rural areas subject to certain criteria (e.g. the building is of permanent and substantial construction, suitability for re-use, its adaption can be accommodated without any extensive re-building and respects the rural character of the locality etc)

The site lies outside of settlement boundary and is therefore located within the open countryside and the Green Belt. Therefore in terms of site location criteria, it does not fully comply with Policy GP2. However, since 2015 there have been a series of Prior Approvals granted on the site, under Class MB and Class Q (which subsequently replaced Class MB) set out in the Town & Country Planning (General Permitted Development) (England) Order 2015. These are considered to be important ‘fall-backs’ as a material planning consideration, which provide significant support for the conversion of these barns into residential dwellings. The presence of a valid ‘fall-back’ (where there was a clear intention to implement the Prior Approvals) is the reasoning why the subsequent planning permissions *R18/0546*, *R19/1262* and *R19/1262* were granted on the site.

Also at the time of the granting of the earlier planning permission, it was also considered that the location of the barns directly abutting the settlement of Wolston (with access to a good range of community facilities and services) was in a highly sustainable location and within walking distance of the village centre.

The most current planning permission that the development is being built, is for the whole site (Planning permission Ref: R19/1262). This is for the conversion of the barns to 5 no. dwellinghouses including:

- the construction of courtyard extensions to Units 2 & 3 of Barn No. 2
- an attached garage to Barn No.3 and single storey extension to Barn No. 1

This replaced an earlier planning permission R19/0216, although Barn 3 had been built under this earlier planning permission (R18/0546) apart from the attached garage.

The development commenced with the conversion of Barn 3, then the conversion/re-building of Barn 2 and then finally Barn 1.

In terms of Green Belt impact, the proposal involves the conversion of existing barns in the Green Belt. The only additions to the overall scheme involve small projections into the central courtyard (replacing some larger open barns and other structures), which are not considered to be disproportionate and thus in line with guidance set out in Para 145(c) of the NPPF.

The extension proposed under the current application is also considered to comply with this guidance.

Given the long planning history, including the presence of important 'fall-backs', this application is therefore considered to be in accordance with policy guidance set out in both the adopted Rugby Local Plan (2019) and the NPPF.

Design/Impact on the Character of the Locality (including adjacent heritage assets)

Section 7 of the NPPF states that high quality and inclusive design is a key factor in making places better for people in terms of quality and character of the environment and private amenity. Paragraph 58 also mentions that proposals should add to the overall quality of the area, not just for the short term but over the lifetime of the development and respond to local character.

Section 16 of the NPPF seeks to ensure that great weight is given to the conservation of heritage assets and to the significance of the asset via development within its setting (NPPF Paras 193 and 194).

Policy SDC1 seeks to ensure that new development demonstrates a high quality of design and is of a scale, density and design that responds to the character of the area in which it is situated.

Policy SDC3 supports development that sustains and enhances the significance of the Borough's heritage assets and their setting, and new development will be expected to preserve or enhance its significance.

The two main heritage assets in the vicinity of the application property are:

- The Priory (Listed Grade II*) – located 25m to the north-east of the corner of Barn 1
- Site of Wolston Priory (Scheduled Ancient Monument) – located 140m to the west of the corner of Barn 1 (However the designated site of the Scheduled Ancient Monument is much wider and extends up close to the western boundary of Priory Barns)

Priory Barns may have been connected to The Priory (Grade II*) in the past, possibly forming a working farm in the grounds of The Priory. This connection has long since vanished with the change in ownership of the barns and their separation from The Priory many years ago. This factor was assessed at the time of the 2015 Prior Approval application (R15/0862).

No changes to the northern elevation of Barn 1 (compared to the previous approvals for this building) are proposed, apart from the replacement of the glass patio doors with half timbered doors. This change is considered to be a net improvement. At the time of the earlier approvals, the impact on the setting of The Priory, by the insertion of a limited number of new window and door openings in the northern elevation was considered. However this impact was considered to result in less than substantial harm, and that the public benefits of returning the barns to an optimum use within the existing setting of The Priory, was given strong weight in the decisions.

The only changes to this proposed in the current scheme, is the new single-storey extension into the courtyard. This will in the main be screened from direct views from The Priory by an existing outbuilding in grounds of The Priory as well as Barn 1 itself. Only a small proportion of the roof will be visible from The Priory (mainly from upper floors) and this will be constructed in tiles to match those on the rest of the development. The additional impact on the setting of the proposal on The Priory is therefore considered to be neutral.

The setting of the Site of Wolston Priory is considered to be unaffected by this proposal.

Historic England has been consulted about this proposal and raises no objections.

In terms of design, the single-storey projection clad in timber boarding with a tiled roof, matches the two other projections which have now been constructed.

The proposal, which forms part of a wider scheme to renovate a prominent group of agricultural barns, representing an earlier agricultural usage of the site and surrounding land, is thus considered to have a beneficial impact on the design and appearance of the locality and will contribute to preserving the historic setting of neighbouring heritage assets

The proposal therefore complies with Policies SDC1 and SDC3 and guidance in the NPPF.

Impact on Residential Amenity

Policy SDC1 of the Rugby Local Plan (2019), states that new development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

The conversion of Barn 1 has already been established by the granting of earlier planning permissions. The only change is the single-storey extension that projects into the central courtyard, and is screened from the nearest residential property –The Priory – by existing barns both on and off-site. The spacing between the extension and the other barns within the development is also considered to be acceptable.

It is therefore considered that there will be no materially adverse impacts on the occupiers of the neighbouring properties in terms of loss of privacy or by the introduction of an overbearing and over dominant forms of development. This application is therefore considered to be in accordance with Policy SDC.

Other Matters

Wolston Parish Council has raised a strong objection to the development and question whether the development is being built in accordance with the approved plans. Whilst this relates more to the wider development under construction, it does relate partly to Barn 1.

This is also the subject of a complaint that is currently being considered separately under the Council's complaints system.

Your planning officer visited the site on Tuesday 15th September 2020 and photos were taken of the current situation on site. This was in response to concerns raised by the Parish Council and a local ward councillor was informed of the outcome.

At the site meeting, progress on the site was discussed with the developers and the variations that had occurred between the approved planning permission (R19/0216) and what has been built on site. The situation was as follows:

- Barn 1 (the northernmost barn still remains to be converted). Further information, in the form of a structural engineer's opinion and an assessment by an historic building expert has subsequently been provided by the applicants. This confirms that the building can be converted and this allays any fears that this building will go the same way as Barn 2 (i.e. fall-down)
- During the course of the re-construction works, Barn 2 (the western barn) was found to be unstable, with the walls found to be built directly onto the clay subsoil below, which resulted in parts of the walls collapsing. Instead it has been re-built exactly as per the approved plans, using the existing bricks.
- Barn 3 has been completed and converted according to the approved plans.

Therefore the only barn that has not been built exactly as per the above planning permission is Barn 2 as an element of re-building rather than conversion has occurred.

Sometimes breaches of planning control are genuine mistakes or misunderstandings, which may have been the case here. A breach of planning control does not automatically mean that enforcement action has to result, and the Government advises that efforts to remedy the breach are the first course of action that should be followed.

Whilst a retrospective planning application was requested, most of the main re-building works to Barn 2 had been completed. Therefore although enforcement action could have been instigated, the result would have been to require the developers to re-build the barns as per the approved plans, which is what has in effect happened.

A very small part of Barn 1 at the very corner adjoining Barn 2 has recently been re-built. The same approach has been taken here.

As the above is considered to be only a technical breach of control and the building has been re-built exactly as per the approved plans, it will not in your officer's opinion result in material harm to the amenity of the site or its surroundings. In addition the development is considered to be acceptable, in that it retains an important historic grouping of farm buildings, close to The Priory (Grade II*), which is considered to be very important. This would be lost if the Council insists that as Barn 2 collapsed, it cannot be re-built leaving a large gap in this group of barns.

Conclusion – The Planning Balance

The proposal to convert this group of barns was previously considered to be beneficial to the character of the locality in that it retains an important historic grouping of farm buildings, close to The Priory (Grade II*), which is considered to be very important to the setting of this heritage asset.

Based on the above assessment, the additional impact on the setting of the proposal on The Priory, caused by the proposed single-storey courtyard extension is therefore considered to be neutral and is thus acceptable.

RECOMMENDATION:

The application is considered to be in accordance with the National Planning Policy Framework and the adopted Rugby Local Plan (2019) and is therefore recommended for approval subject to the conditions set out below.

DRAFT DECISION

APPLICATION NUMBER

R20/0965

DATE VALID

23/12/2020

ADDRESS OF DEVELOPMENT

Sedgefield Barn (Barn 1)
Priory Road
Wolston CV8 3FX

APPLICANT/AGENT

Mr J Clarke
Howkins and Harrison
7-11 Albert Street
Rugby

APPLICATION DESCRIPTION

Single- storey extension to south-east elevation and alterations to fenestration on north-west elevations.

CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES

CONDITION 1:

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

REASON:

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 otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Dwg No. V8519-PL-01 Rev A - Location Plan
- Dwg No. V8519-PL-02 - Block Plan
- Dwg No. V8519-PL-03 - Existing Plans
- Dwg No. V8519-PL-04 - Existing Elevations
- Dwg No. V8519-PL-05 - Proposed Plans
- Dwg No. V8519-PL-06 Rev A - Proposed Elevations
- Dwg No. V8519-detail - 02 - Proposed Lounge Door Details

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 walls and roof of the proposed extension hereby approved shall match the extension walls and roof already constructed at Barn 2.

REASON:

In the interests of visual amenity.

STATEMENT OF POSITIVE ENGAGEMENT:

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

AGENDA MANAGEMENT SHEET

Report Title: Planning Appeals Update

Name of Committee: Planning Committee

Date of Meeting: 28 April 2021

Report Director: Head of 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):

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

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

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

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

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

Ensure that the council works efficiently and effectively (CR)

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

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

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

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

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

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

Statutory/Policy Background:	The Planning Appeals procedure which came into effect on 6 April 2009
Summary:	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 January 2021 to 31 March 2021.
Financial Implications:	Increases the scope for related costs claims within the Planning Appeals process.
Risk Management Implications:	There are no risk management implications arising from this report.
Environmental Implications:	There are no environmental implications arising from this report.
Legal Implications:	Advice/support with regard to cost claims and any subsequent costs awards.
Equality and Diversity:	No new or existing policy or procedure has been recommended.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

Planning Committee - 28 April 2021

Planning Appeals Update

Public Report of the Head of 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 January 2021 to 31 March 2021 a total of six planning appeal was determined, of which three were allowed, three were dismissed and zero was withdrawn. 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 2021 there were four planning appeals and three enforcement appeals still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

Name of Meeting: Planning Committee
Date of Meeting: 28 April 2021
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.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Location	Full development description	Application number	Case Officer	PINS Reference	Decision date	Decision description	Appeal Decision	Appeal Decision Date
YARDLEYS MEADOW, STRETTON ROAD, WOLSTON	Proposed siting of stud manager's temporary dwelling (resubmission of R18/1041).	R19/0952	Chris Davies	APP/E3715/W/20/3257180	6th February 2020	Refusal	Dismissed	21st January 2021
1, CALDECOTT STREET, RUGBY, RUGBY, CV21 3TH	Erection of a new dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019).	R19/0972	Nathan Lowde	APP/E3715/W/20/3258404	19 th August 2020	Refusal	Dismissed	29th January 2021
231, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BB	2 Storey Front, Side and Rear Extension and raising the roof ridge.	R20/0081	Paul Varnish	APP/E3715/D/20/3261733	16th September 2020	Refusal	Allowed	21st January 2021
LAND ADJACENT STRETTON WHARF, STRETTON UNDER FOSSE, CV23 0PR	Erection of industrial building, construction of fisherman's car park and associated works.	R20/0498	Lisa Li	APP/E3715/W/20/3259322	14th September 2020	Withdrawn by Applicant/Agent	Dismissed	16th February 2021
8 MOSEDALE, BROWNSOVER, RUGBY, CV21 1SE	Erection of a single storey side extension.	R20/0756	Chris Davies	APP/E3715/D/20/3264199	9th November 2020	Refusal	Allowed	16th February 2021
THE COTTAGE, NORTH STREET, MARTON, RUGBY, CV23 9RJ	Conversion of office and store to a residential annex. Replacement of roof, addition of solar panels and external alterations.	R20/0833	Sam Green	APP/E3715/D/20/3264693	16th November 2020	Refusal	Allowed	18th February 2021

Location	Full development description	Application number	Case Officer	PINS Reference	Stage Description	Appeal Type	Decision date	Decision description	Decision level
LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, LONG LAWFORD	Development of 149 dwellings with associated landscaping, public open space and infrastructure, including an amended junction between the A428 Coventry Road and Back Lane.	R17/1089	Karen McCulloch	APP/E3715/W/21/3268629	Appeal Lodged	Inquiry	10th December 2020	Refusal	Committee
TREETOPS, SHILTON LANE, COVENTRY, CV7 9LH	Provision of 4 no. traveller pitches and amenity block.	R18/1941	Chris Bates	APP/E3715/W/19/3243785	Appeal Lodged	Written Representations	19th July 2019	Refusal	Committee
WOLSTON ALLOTMENTS, STRETTON ROAD, WOLSTON	Erection of up to 48 dwellings with associated open space, landscaping and infrastructure (Outline - Principle and Access Only).	R19/1411	Joanne Orton	APP/E3715/W/20/3265601	Appeal Lodged	Hearing	4th November 2020	Refusal	Committee
LAND TO THE REAR OF DUNSMORE GARAGE, COVENTRY ROAD, THURLASTON, CV23 9JR	Erection of 4 detached dwellings with associated car parking and landscaping.	R20/0281	Frances Keenan	APP/E3715/W/20/3265719	Appeal Lodged	Written Representations	30th October 2020	Refusal	Delegated

Nature of problem	Location	Case No.	PINS reference	Appeal Hearing type ENF	Case Officer
Unauthorised Gypsy and Traveller encampment and associated works	LAND AT TOP ROAD, TOP ROAD, BARNACLE	ENF/2020/0058	APP/E3715/C/20/3251933 Linked cases: APP/E3715/C/20/3251934 APP/E3715/C/20/3251935 APP/E3715/C/20/3251936 APP/E3715/C/20/3251937 APP/E3715/C/20/3255440 APP/E3715/C/20/3255441 APP/E3715/C/20/3255442 APP/E3715/C/20/3255443 APP/E3715/C/20/3255444	Hearing	Nigel Reeves
Permission Refused for two outbuildings (gymnasium/games room and gate house/annexe)	STAVE HALL FARM, FOSSE WAY, MONKS KIRBY, RUGBY, CV23 0RL	ENF/2020/0272	APP/E3715/C/20/3263094	Written Representations	Chris Davies
Alleged agricultural building erected without planning permission	LAND AT BROADWELL TURN, BROADWELL, RUGBY	ENF/2020/0150	APP/E3715/C/21/3266487	Written Representations	Hitesh Tosar

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 11 March 2021 to 7 April 2021

Name of Committee: Planning Committee

Date of Meeting: 28 April 2021

Report Director: Head of Growth and Investment

Portfolio: Growth and Investment

Ward Relevance: All

Prior Consultation: None

Contact Officer: Dan McGahey
Search and Systems Officer
01788 533774, daniel.mcgahey@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):

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

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

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

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

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

Ensure that the council works efficiently and effectively (CR)

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

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

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

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

- Continue to improve the efficiency of our waste and recycling services (EPR)
- Protect the public (EPR)
- Promote sustainable growth and economic prosperity (GI)
- Promote and grow Rugby's visitor economy with our partners (GI)
- Encourage healthy and active lifestyles to improve wellbeing within the borough (GI)

Statutory/Policy Background:	Planning and Local Government Legislation
Summary:	The report lists the decisions taken by the Chief Officer for Growth and Investment under delegated powers.
Financial Implications:	There are no financial implications for this report.
Risk Management Implications:	There are no risk management implications for this report.
Environmental Implications:	There are no environmental implications for this report.
Legal Implications:	There are no legal implications for this report.
Equality and Diversity:	There are no equality and diversity implications for this report.
Options:	
Recommendation:	The report be noted.
Reasons for Recommendation:	To ensure that members are informed of decisions on planning applications that have been made by officers under delegated powers.

Planning Committee - 28 April 2021

Delegated Decisions - 11 March 2021 to 7 April 2021

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 28 April 2021

Subject Matter: Delegated Decisions - 11 March 2021 to 7 April 2021

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.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

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

Report Run From 11/03/2021 To 07/04/2021

APPENDIX

Delegated

8 Weeks PA Applications

Applications Refused

R19/0839
8 Weeks PA
Refusal
11/03/2021

28, BROCKHURST LANE,
MONKS KIRBY, RUGBY, CV23
0RA

Erection of a single storey rear extension and erection of a detached structure garage and garden store.

R20/1073
8 Weeks PA
Refusal
24/03/2021

COTTAGE FARM, HEATH
LANE, BRINKLOW, RUGBY,
CV23 0NX

Demolition of existing equestrian buildings and erection of 4no. dwellings.

Applications Approved

R20/0916
8 Weeks PA
Approval
12/03/2021

41, KING EDWARD ROAD,
RUGBY, CV21 2TA

Demolition of commercial building and construction of 2 bedroom duplex apartment.

R20/1054
8 Weeks PA
Approval
12/03/2021

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

Proposed agricultural barn with associated external works. New gate and boundary wall to existing field.

37, ORCHARD WAY,
STRETTON-ON-DUNSMORE,

Delegated

8 Weeks PA Applications Applications Approved

R21/0034 8 Weeks PA Approval 12/03/2021	RUGBY, CV23 9HP	Erection of a 2 storey rear extension to provide an enlarged Kitchen/Diner at ground floor level and add a Bedroom at first floor level.
R21/0114 8 Weeks PA Approval 15/03/2021	4, MOOR FARM CLOSE, STRETTON-ON-DUNSMORE, RUGBY, CV23 9NE	Erection of a rear extension, internal alterations and re-modelling of existing patio area.
R21/0022 8 Weeks PA Approval 16/03/2021	60, FISHER AVENUE, RUGBY, CV22 5HW	Loft Conversion with a rear facing dormer and a change in roof from existing hip to an gable.
R21/0061 8 Weeks PA Approval 17/03/2021	10, ELTER CLOSE, RUGBY, CV21 1JD	Variation of condition 2 in relation to remodelling of ground floor front and side extension (previously approved under R20/0075)
R21/0136 8 Weeks PA Approval 17/03/2021	23, SIDNEY ROAD, RUGBY, CV22 5LB	Erection of a single storey side and rear extension, infill of existing car port and new bay window to front elevation (resubmission of R20/0843)

Delegated

8 Weeks PA Applications Applications Approved

37, WORDSWORTH ROAD,
RUGBY, CV22 6HY

R21/0044
8 Weeks PA
Approval
18/03/2021

Construct Garden room at rear of garden - Made from timber, fully insulated, on a base of metal rods embedded in concrete.
Overall size internal - 8.5m x 3.5m Height of 3m - 2.9m sloped roof

R21/0055
8 Weeks PA
Approval
18/03/2021

UNIT 1-2, MUNRO BUSINESS
PARK, MARTON ROAD,
BIRDINGBURY, RUGBY, CV23
8EH

VARIATION OF CONDITION 2 OF PLANNING PERMISSION R19/1539 (CONVERSION OF EXISTING BARN TO FORM TWO NEW DWELLINGS AND ASSOCIATED PARKING) DATED 26TH MARCH 2020 FOR FENESTRATION CHANGES AND ELEVATION ALTERATIONS.

R21/0103
8 Weeks PA
Approval
18/03/2021

34, MAIN STREET, RUGBY,
CV22 7NE

Single story side and rear extension to property.

R20/0910
8 Weeks PA
Approval
19/03/2021

3, GRANGE ROAD, RUGBY,
CV21 1EJ

Demolition of the existing garage and proposed erection of 1 (no) dwelling

Delegated

8 Weeks PA Applications Applications Approved

R20/1088 8 Weeks PA Approval 19/03/2021	INWOODS FARM, 4, ASHLAWN ROAD, RUGBY, CV22 5QF	Single storey front, side and rear extension with new oak framed porch
R21/0102 8 Weeks PA Approval 19/03/2021	16, PINE GROVE, RUGBY, CV21 4BL	A Widening of the existing dormer to front elevation, integral garage converted to new habitable room and new garage constructed to replace existing car port.
R21/0104 8 Weeks PA Approval 19/03/2021	11, ROWLAND STREET, RUGBY, CV21 2BN	Change of use from one residential dwelling to two residential flats
R20/0105 8 Weeks PA Approval 22/03/2021	Newbold Farm, MAIN STREET, NEWBOLD, RUGBY, CV21 1HW	Substitution of house types of plots 8-13 inclusive of approved planning permission ref: R14/2369 dated 10/12/2015.
R20/1006 8 Weeks PA Approval 22/03/2021	84, HEATHER ROAD, BINLEY WOODS, COVENTRY, CV3 2DB	Two storey side and rear extension with loft conversion.

Delegated

8 Weeks PA Applications Applications Approved

R20/1095 8 Weeks PA Approval 22/03/2021	3, WOODLANDS ROAD, BINLEY WOODS, COVENTRY, CV3 2DA	Erection of an outbuilding.
R21/0176 8 Weeks PA Approval 22/03/2021	5, PERCY CLOSE, BRINKLOW, RUGBY, CV23 0ZB	Erection of porch to front elevation of property. Dwarf walls, oak framed with slate tile roof. Roof to be integrated to existing property. Bricks and Tiles to be matched to main house materials.
R20/0802 8 Weeks PA Approval 23/03/2021	48, COVENTRY ROAD, BRINKLOW, RUGBY, CV23 0NF	Erection of 2 storey side extension and erection of ground floor front porch extension
R20/1098 8 Weeks PA Approval 23/03/2021	Extra Fish Bar, 64-66, CRAVEN ROAD, RUGBY, CV21 3HZ	Retention of automated teller machine (ATM) through glazing with associated signage.
R20/1009 8 Weeks PA Approval 24/03/2021	58, CLIFTON ROAD, RUGBY, CV21 3QF	Addition of a playframe to the end of the garden.

Delegated

8 Weeks PA Applications Applications Approved

R21/0068 8 Weeks PA Approval 24/03/2021	3, SOUTHBROOK ROAD, RUGBY, CV22 5NS	Erection of a single storey side extension including demolition of an existing outbuilding.
R21/0105 8 Weeks PA Approval 24/03/2021	BARNCLIFFE, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NW	Construction of new first floor over existing bungalow
R20/1003 8 Weeks PA Approval 25/03/2021	9, FOSSE WAY, STRETTON-ON- DUNSMORE, RUGBY, CV23 9NP	Extension to existing dropped kerb outside of 9 Fosse Way, Stretton-On-Dunsmore. Proposed works will be to cut back and excavate existing grass area to crossing and remove old kerb. Excavate area to new levels and install crossing kerbs (x 4) and 1 x right-hand dropper to 8.219m in total .
R20/0723 8 Weeks PA Approval 26/03/2021	THE CANAL LOUNGE AT BRIDGE 66, CLIFTON CRUISERS, CLIFTON WHARF, CLIFTON UPON DUNSMORE, RUGBY, CV23 0EY	Retention of cafe, office and awning over the external decking.

Delegated

8 Weeks PA Applications Applications Approved

R21/0095 8 Weeks PA Approval 26/03/2021	15, WESTGATE ROAD, RUGBY, CV21 3UD	Erection of garage attached to property.
R20/0806 8 Weeks PA Approval 29/03/2021	BROOKE SCHOOL, OVERSLADE LANE, RUGBY, CV22 6DY	Installation of a replacement roof, including a slight increase in roof height and associated works.
R21/0017 8 Weeks PA Approval 29/03/2021	MOORBARN HOUSE, SCHOOL LANE, STRETTON-ON- DUNSMORE, RUGBY, CV23 9NB	Demolition of summer house and erection of a replacement oak framed outbuilding
R20/0999 8 Weeks PA Approval 30/03/2021	MILLFIELD, MILL ROW, WOLVEY, HINCKLEY, LE10 3HS	Demolition of existing garage and erection of new garage and workshop
R21/0023 8 Weeks PA Approval 30/03/2021	46, WORDSWORTH ROAD, RUGBY, CV22 6HZ	Wrap around ground floor rear extension and double storey side extension
	92, PYTCHLEY ROAD, RUGBY,	

Delegated

8 Weeks PA Applications Applications Approved

CV22 5NF

R21/0059 8 Weeks PA Approval 30/03/2021		Rear single storey extension and two storey rear and side extension amendment to previously approved R20/1007 dated 7th January 2021.
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R20/0742 8 Weeks PA Approval 31/03/2021	51 , Coton Road, Hillmorton, Rugby, CV21 4LW	Proposed front dormer window
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R20/1027 8 Weeks PA Approval 31/03/2021	Lineside Nursery, Rugby Road, Church Lawford, CV23 9EL	Replacement of existing timber barn, with a Platisol box profile clad building to include a despatch area, storage area, potting room and toilet.
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R21/0094 8 Weeks PA Approval 31/03/2021	18, EDYVEAN CLOSE, RUGBY, CV22 6LD	Conversion of existing garage to form a bedroom, en-suite and games room.
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R21/0116 8 Weeks PA Approval 31/03/2021	SHORT HOLLOW, HALL ROAD, WOLVEY, HINCKLEY, LE10 3LG	Demolition of existing garage, erection of a two storey side extension and external ground alterations
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Delegated

8 Weeks PA Applications Applications Approved

R20/0562 8 Weeks PA Approval 01/04/2021	COOMBE ABBEY HOTEL, BRINKLOW ROAD, COOMBE FIELDS, COVENTRY, CV3 2AB	To install 5 x twin socket electric vehicle charging points in the existing car park.
R21/0129 8 Weeks PA Approval 01/04/2021	43, TOWNSEND LANE, LONG LAWFORD, RUGBY, CV23 9DG	Erection of a first floor rear extension
R21/0134 8 Weeks PA Approval 01/04/2021	GRASSFIELD, COVENTRY ROAD, WOLVEY, HINCKLEY, LE10 3LD	Extensions and alterations to existing dwelling including demolition of existing rear single storey conservatory and extension, demolition of existing roof, new rear extension, side extension, new entrance, new roof and creation of rooms in new loft space.
R21/0077 8 Weeks PA Approval 06/04/2021	Swan Centre, Unit 6, Chapel Street, Rugby, CV21 3EB	A3 unit change of use to Sui Generis (Amusement arcade)
	6 , Avonmere, Newbold, Rugby,	

Delegated

8 Weeks PA Applications Applications Approved

R20/0313 8 Weeks PA Approval 07/04/2021	CV21 1EB	Proposed demolition of garage, erection of a single storey front and side extension of dwellinghouse including the installation of timber cladding
R21/0008 8 Weeks PA Approval 07/04/2021	21, SHENSTONE AVENUE, RUGBY, CV22 5BJ	Demolish existing Flat roof detached garage and replace with new pitched roof detached garage.
R21/0012 8 Weeks PA Approval 07/04/2021	CEDAR LODGE, LUTTERWORTH ROAD, BURTON HASTINGS, NUNEATON, CV11 6RB	Variation of a condition 2 of R19/1527. Erection of single storey front, side and rear extensions together with a front porch
R21/0161 8 Weeks PA Approval 07/04/2021	1, BROOKLIME DRIVE, RUGBY, CV23 0SF	Single storey rear extension.
R21/0194 8 Weeks PA Approval 07/04/2021	FIELD HOUSE FARM, BROADWELL LANE, BROADWELL, RUGBY, CV23 8HP	Erection of a two storey side extension to create a two bedroom annexe (re-submission of R20/0605)

Delegated

Certificate of Lawfulness Applications

Applications Approved

R21/0096 Certificate of Lawfulness Approval 24/03/2021	4, THE GREEN, HARBOROUGH MAGNA, RUGBY, CV23 0HJ	Certificate of Lawfulness for existing use of land for the storage of building materials
R21/0117 Certificate of Lawfulness Approval 24/03/2021	FAIRHAVEN, COVENTRY ROAD, WOLVEY, HINCKLEY, LE10 3LD	Certificate of Lawfulness for a proposed single storey rear extension
R21/0121 Certificate of Lawfulness Approval 24/03/2021	40, STEEPING ROAD, LONG LAWFORD, RUGBY, CV23 9SG	Certificate of Lawfulness for a proposed loft conversion with flat roof side dormer
R17/0899 23/03/2021	THE OLD STABLES, WATLING STREET, RUGBY, CV23 0AQ	Change of use and operational works to convert part of the existing stable/ storage building to a dwelling

Discharge of Conditions

Applications Approved

NEWNHAM LODGE FARM,

Delegated

Discharge of Conditions

Applications Approved

NEWNHAM PADDOX, MONKS
KIRBY, RUGBY, CV23 0RX

R20/0585

23/03/2021

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

Major Applications

Applications Approved

R20/0681 RUGBY RADIO STATION,
Major Application WATLING STREET, CLIFTON
Approval UPON DUNSMORE, RUGBY,
01/04/2021 CV23 0AS

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.

Non Material Amendment Applications

Applications Approved

DOLLMAN FARM, DOLLMAN

Delegated

Non Material Amendment Applications Applications Approved

ROAD, RUGBY, CV23 1AL

R19/1105

Non-Material
Amendment agreed
11/03/2021

Urban extension to Rugby under ref.no R17/0022 approved on 28th June 2017 - submission of reserved matters application comprising access, appearance, landscaping, layout and scale for the construction of a convenience retail unit with associated utility, plant and bin areas (Use Class A1) and nursery (Use Class D1) and office space (Use Class B1) at the area known as Dollman Farm at the Radio Station Rugby Sustainable Urban Extension, together with works related to access (including construction of highways and footways), temporary turning head, hard and soft landscaping, vehicular and cycle parking, planting, surface and foul water drainage, utilities, lighting, groundworks (including remodelling), temporary stockpiling of materials, any necessary demolition, temporary haul routes, construction compound, and areas for construction use.

R16/1655

RUGBY RADIO STATION (Key
Phase 2), CRICK ROAD,
HILLMORTON, RUGBY,

Non-Material

Delegated

Non Material Amendment Applications

Applications Approved

Amendment agreed

16/03/2021

Urban extension to Rugby under ref.no R11/0699 approved on 21 May 2014 - Application for reserved matters approval of access, appearance, landscape, layout and scale in respect of primary infrastructure, ground remodelling and associated works at Key Phase 2 of the Radio Station Rugby development including internal primary and secondary street network, junctions and turning heads, land reprofiling, utilities infrastructure including alignment of service runs, foul and surface water drainage infrastructure including pumping station, any necessary demolition, archaeological investigations, temporary stockpiling of construction materials and areas for construction use (Grey Infrastructure - Part discharge of condition 15 of outline planning permission R11/0699).

R20/0071

IVY COTTAGE, RUGBY ROAD,
BRETford, RUGBY, CV23 0LB

Conversion of existing outbuilding
into residential annex

Non-Material

Amendment agreed

Delegated

Non Material Amendment Applications

Applications Approved

24/03/2021

Prior Approval Applications

Prior Approval Applications

<p>R21/0109 Prior Approval Extension Not Required 12/03/2021</p>	<p>12, ST GEORGES AVENUE, RUGBY, CV22 5PN</p>	<p>Erection of a rear single storey flat roof extension (Prior Approval: Larger Home Extension)</p>
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<p>R21/0076 Prior Approval Extension Not Required 16/03/2021</p>	<p>24, CHERWELL WAY, LONG LAWFORD, RUGBY, CV23 9SU</p>	<p>Prior approval for erection of single storey rear extension projecting 6metres from the original rear elevation of the dwelling, 2.7metres to the eaves height, with a maximum height of 4metres.</p>
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<p>R21/0206 Agriculture Prior Approval Not Required 17/03/2021</p>	<p>Ox House, Hill Farm, Southam Road, Rugby, Kites Hardwick, CV23 8AD</p>	<p>Prior Approval for the erection of an agricultural building for the purpose of storing hay/fodder/straw/other crops and farm machinery and equipment.</p>
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<p>FLORIN FARM, FLORIN PLACE, RUGBY, CV21 4ED</p>	<p>Agricultural Prior Approval for the erection of a building for use as</p>
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Delegated

Prior Approval Applications

Prior Approval Applications

R21/0229
Agriculture Prior
Approval
Not Required
22/03/2021

machinery & feed store.

R21/0296
Agriculture Prior
Approval
Not Required
23/03/2021

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

Agricultural Prior Approval for the
erection of an agricultural storage
building

R21/0246
Agriculture Prior
Approval
Not Required
26/03/2021

LAND TO REAR OF ANSTY
HALL HOTEL, MAIN ROAD,
COVENTRY

Prior notification for the erection
of an agricultural building to
provide storage for straw and
fodder.

R21/0201
Prior Approval
Extension
Not Required
31/03/2021

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

Prior Approval application for a
single storey rear extension
projecting 4.0 metres from the
original rear elevation of the
dwelling, 2.60 metres to the
eaves with a maximum height to
the peak of the roof of 2.80
metres.

9, FISHER AVENUE, RUGBY,

Delegated

Prior Approval Applications

Prior Approval Applications

CV22 5HN

R21/0255
Prior Approval
Extension
Not Required
31/03/2021

To add a small extentsion to an pre-existing extension at the rear. This will include a pitched roof with 2 velux windows, and bi-fold doors.

R21/0074
Prior Approval change
of use
Required and Approved
01/04/2021

VALLEY FIELDS FARM, HILL
ROAD, GRANDBOROUGH,
RUGBY, CV23 8DL

Prior approval for change of use
of Agricultural building to 2
no.dwellinghouses (Class Q)

R21/0167
Prior Approval
Extension
Not Required
06/04/2021

82, VERNON AVENUE, RUGBY,
CV22 5HP

Single storey rear extension to
current kitchen for dining room
and living area. This extension
will measure out from the rear
elevation by 5m and will contain a
height of 2.6m in eaves and a
total height of 3.6m.

R21/0354
Agriculture Prior
Approval
Not Required
06/04/2021

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

Agricultural Prior Approval for the
erection of an agricultural storage
building.