



5 July 2024

PLANNING COMMITTEE - 17 July 2024

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 17 July 2024 in the Council Chamber at the Town Hall, Rugby.

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

Mannie Ketley
Chief Executive

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

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

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.
To confirm the minutes of the meeting held on 19 June 2024.
2. Apologies.
To receive apologies for absence from the meeting.
3. Declarations of Interest
To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration.
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Delegated Decisions – 30 May 2024 to 26 June 2024.

Membership of the Committee:

Councillors Gillias (Chair), S Edwards, Freeman, Harrington, Howling, Karadiar, Lawrence, Maoudis, Russell, Sandison, Srivastava, Thomas.

If you have any general queries with regard to this agenda please contact Lucy Kirbyshire, Democratic Services Officer by emailing lucy.kirbyshire@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 – 17 July 2024

Report of the Chief Officer for Growth and Investment

Applications for Consideration

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

Recommendation

The applications be considered and determined.

APPLICATIONS FOR CONSIDERATION – INDEX

Item	Application Ref Number	Location site and description	Page number
1	R22/1120	Land To The West Of, High Street, Ryton-on-Dunsmore Erection of 37 residential dwellings with associated works and access from High Street.	3
2	R23/0790	Green Acre, Top Road, Barnacle, Coventry, CV7 9FS Change of use of land to a Gypsy and Traveller residential caravan site comprising a single pitch consisting of 1 mobile home and 1 touring caravan.	44
3	R23/0791	Land Adjacent to Green Acre, Top Road, Barnacle, Coventry, CV7 9FS Change of use of land to a Gypsy and Traveller residential caravan site consisting of 3 pitches, each containing 1 mobile home and 1 touring caravan, including the demolition of existing stables buildings.	69
4	R23/1210	Land west of Grandborough Road, Grandborough, CV23 8DB Change of use of agricultural land to secure dog walking field, access track, parking area and associated boundary fencing and gates.	94

Reference: R22/1120

Site Address: Land To The West Of, High Street, Ryton-On-Dunsmore

Description: Erection of 37 residential dwellings with associated works and access from High Street

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/36233>

Recommendation

1. Planning application R22/1120 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. The Chief Officer for Growth and Investment (in consultation with the Planning Committee Chair) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

1.0 Introduction

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

2.0 Description of site

2.1 The application site is located within the main rural settlement boundary of Ryton-on-Dunsmore. The site comprises 1.19 hectares (ha) / 2.94 acres (ac) of greenfield land, within the established residential area towards the southern end of the village. It lies to the west of the High Street and north of the A445 Leamington Road. The local network of Public Rights of Way includes one running diagonally across the site.

2.2 The site (known locally as Lamb's Field) is located adjacent to, but wholly outside of the Green Belt. There are no Listed Buildings in close proximity to the site and there is no conservation area. The site is wholly in Flood Zone 1 and is free from TPOs.

2.3 The site is located within the Ryton-on-Dunsmore Neighbourhood Plan Area. The site is included within the Neighbourhood Plan and the limits to development area as a Safeguarded Site under Policy H2.

3.0 Description of proposals

3.1 The original submission of the application was for the erection of 40 dwellings with associated works and access from High Street. This was reduced to 37 dwellings in response to consultee comments.

3.2 This application proposes the erection of 37 dwellings, with new access and associated works on site (known as Lamb's Field). The developable area measures 1.19ha which creates a density of circa 31 dwellings per hectare. The site access will be taken off High Street and the internal road for the proposed development will have a mixture of dwellings, accessed directly off the road and off private drives.

3.3 Hedges around the edge of the site will be retained, where possible, and enhanced. There are a series of trees along the eastern boundary which are being retained to provide screening. Some hedgerow removal will be required to obtain access to the site. There will be additional planting around the proposed open spaces and attenuation pond to enhance the development and create containment to south of the site along the Leamington Road. The attenuation pond ensures that there will be an appropriate drainage solution on site, whilst also creating a feature for the site and a new habitat for insects.

3.4 The development proposal of 37 dwellings includes 26 open market dwellings and 11 affordable dwellings. The open market properties include 2x 2 bed bungalows and two storey dwellings including 5x 2bed dwellings, 8x 3bed dwellings and 11x 4bed dwellings. The affordable properties are all two storey and includes 3x 2bed dwellings and 8x 3bed dwellings.

Planning History

R02/0102/16422/P	Erection of 38 dwellings	Refusal	23rd April 2003
------------------	--------------------------	---------	-----------------

Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

GP5: Neighbourhood Level Documents

DS1: Overall Development Needs

H1: Informing Housing Mix

H2: Affordable Housing Provision

HS1: Healthy, Safe and Inclusive Communities

HS4: Open Space, Sports Facilities and Recreation

HS5: Traffic Generation and Air Quality

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and Enhancement

SDC1: Sustainable Design

SDC2: Landscaping

SDC3: Protecting and Enhancing the Historic Environment

SDC4: Sustainable Buildings
SDC5: Flood Risk Management
SDC6: Sustainable Drainage
SDC8: Supporting the Provision of Renewable Energy and Low Carbon Technology
SDC9: Broadband and Mobile Internet
D1: Transport
D2: Parking Facilities
D4: Planning Obligations
D5: Airport Flightpath Safeguarding

Supplementary Planning Documents

SPD Climate Change and Sustainable Design and Construction January 2023

SPD Planning Obligations March 2012

Air Quality - Supplementary Planning Document July 2021

National Planning Policy Framework, 2023 (NPPF)

Ryton-on-Dunsmore Neighbourhood Development Plan 2018-2031, July 2021 (referenced as Ryton NDP)

Policy GD1: Limits To Development

Policy GD2: Building Design Principles

Policy GD3: Design And Access Statement

Policy H1: Residential Site Allocations

Policy H2: Safeguarded Site

Policy H5: Housing Mix

Policy H6: Off-Road Parking Spaces

Policy H7: External Storage

Policy H8: Biodiversity Protection In New Development

Policy ENV 1: Protection Of Local Green Space

Policy ENV 2: Protection Of Sites Of Environmental And Historic Significance

Policy T1: Traffic Management Highway Safety

Policy T2: Footpaths And Cycleways

Technical consultation responses

Original submission

RBC Housing Comments received 30% meets policy

WCC Archaeology Objection archaeological site assessment prior to determination

RBC Arboricultural Officer No objection subject to conditions

WCC Ecology Objection BNG assessment, Green Book survey of pLWS and further surveys for hazel dormouse and great crested newt prior to determination.

RBC Work Services No objection if all roads are constructed to highway standard allowing access for 26ton refuse and recycling vehicles to carry out kerbside collections

WCC Fire Authority No objection subject to informative

WCC PROW subject to approval of proposed public footpath diversion no objection subject to conditions and informatives

WCC Highways Objection

WCC Infrastructure Contributions relating to education and infrastructure requested

WCC LLFA Objection flood risk assessment insufficient, surface water drainage detail insufficient

WCC Water Officer No objection subject to condition

Ramblers Warwickshire Area No objection

Following submission of further details

WCC Archaeology No objection

WCC LLFA No objection subject to conditions and informatives

WCC Highways No objection subject to conditions and informatives

WCC Ecology No objection subject to conditions

RBC Environmental Health No objection subject to conditions and informatives

Third party comments

Neighbour objections to original proposal (circa 80):

Overpopulation of village

Detrimental to village environment

Negative impact village landscape and greenery

Highway impact of access point/junction

Housing quota met in Neighbourhood Plan

Size, density and intrusive nature of the development not in keeping with location

Lack of local transport options

Traffic/parking issues

Noise and light intrusion from junction on neighbouring properties

Overwhelmed services, impact on local infrastructure

Previous refusal on site should continue

Impact on biodiversity and hedge

Negative impact on both the character and visual impact on the village

Cramped development

Safeguarded site in Neighbourhood Plan

Need affordable homes

Loss of light

Loss of greenspace that soaks up excess rainwater

Destruction of habitat for wildlife

Parish objection to original submission:

Coventry City training ground site timescale yet to lapse

Does not adhere to all criteria in Policy H6, H5, GD2, GD3, H8

Design of dwellings not in-keeping with surrounding older style properties

Traffic mitigation needed on Leamington Road

No mention of improvements to traffic infrastructure and transport links

Request for Policy H1 of the NDP to apply to the site

Neighbour objections to amended scheme (10 received)

Reiteration of previous comments made to original submission

Noise pollution

Impact on character of village

Objection to main vehicular access point

Other sites in the village should be prioritised

Lack of services in Ryton

Significant increase in road traffic

Impact on road safety

Impact on water/sewage pipes

Lack of green space

Limited bus service

Reduction in dwelling numbers does not make a difference village cannot sustain additional families.

Parish objection to amended submission:

Resubmission of previous objection

Neighbour objections on 3rd consultation (8 received)

Amendments not addressing previous issues raised

Increase in traffic, noise and pollution in the area

Overdevelopment

Impact on environment

Impact of access point and its design

Request for new roundabout on High Street to alleviate traffic speeding in village

Pressure on services

Parish

Query on photographs in document bundle

Request for Section 106 funding towards the village hall upgrades and streetlighting upgrades in the village

Involvement in naming of any street.

4.0 Assessment of proposals

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

5.0 Principle of development

5.1 Paragraph 2 of the National Planning Policy Framework (NPPF) (December 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.

5.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy GP1 of the Local Plan (LP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Local Plan (2019) and the Ryton on Dunsmore Neighbourhood Development Plan (2021).

5.3 The Local Plan (2019) sets out the spatial vision for the borough and Policy DS1 sets out the overall development needs, including the need for housing. Policy GP2 of the Local Plan sets out the settlement hierarchy in order to deliver the spatial strategy. The Local Plan identifies and provides allocations for housing and other development within the context of the settlement hierarchy. The site is located within the boundary of the main rural settlement of Ryton on Dunsmore and Policy GP2 of the Local Plan states "*development will be permitted within existing boundaries of all main rural settlements and on allocated sites*". The application is therefore considered to comply with Policy GP2 of the Local Plan. Ryton NDP Policy GP1 identifies an area within the limits to development were "*development proposals will be viewed positively where they are in accordance with the other policies of the Neighbourhood Plan, in particular policy H2,*

Safeguarded Site, and relevant Borough and National planning policies and subject to accessibility, design and amenity considerations". The application site is within the limits to development area and is the safeguarded site in Policy H2 of the Ryton NDP.

5.4 Policy HS1 Informing Housing Mix of the Local Plan seeks to ensure that healthy, safe and inclusive communities will be taken into account when considering development proposals and supports proposals which provide good access to local shops, employment opportunities, services, schools and community facilities. Paragraph 3.11 in the Local Plan outlines that "*Main Rural Settlements play an important role locally and the settlement hierarchy is intended to support the sustainability and maintenance of existing services, such as schools, by enabling development which will support the local community. Main Rural Settlements have a sufficient level of services, or access to services to allow for development within the existing settlement boundaries. Main Rural Settlements will have no threshold on the size of sites that come forward within their settlement boundaries*". Due to the location of the site within the main rural settlement good access is provided and therefore Policy HS1 is complied with as main rural settlements are considered sustainably located for residential development.

The presumption in favour of sustainable development

5.5 The Local Plan is over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

5.6 Paragraph 225 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them according to their degree of consistency with the NPPF. Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

5.6 As set out in paragraph 77 of the NPPF and footnote 42 it has been determined that Policy DS1 of the Local Plan is in need of updating due to the age of the plan and the evidence in relation to housing which has been published (HEDNA 2023). Policy DS1 is therefore out of date.

5.7 The latest Five-Year Housing Land Supply Position Statement 2023-2028, published on 5th October 2023, confirms the council can currently demonstrate a 6.1 year supply of housing. This position is currently being updated due to the provisions within paragraph 77 and footnote 42 of the NPPF however the Standard Method Calculation for local housing need is 525 dwellings per annum as of 1st April 2024 and the Local Plan requirement is 663 dwellings per annum. The 'tilted' balance is therefore not engaged in relation to 5YHLS.

Ryton-on-Dunsmore Neighbourhood Development Plan Housing Allocations

5.8 Ryton NDP Policy H1 states "*The Neighbourhood Plan makes provision for a minimum of 75 new dwellings in Ryton on Dunsmore up to 2031. This is met by land being allocated at the following locations as shown in Figures 3 and 4.*". The allocated sites shown in figures 3 and 4 are Coventry City Training Ground, Leamington Road and the former British Legion. The former was allocated under Local Plan Policy DS6.

5.9 Policy H2 of Ryton NDP identifies the application site as a safeguarded site. The policy states that this will be considered for development if either:

"a) It is required to remediate a substantial shortfall in the supply of housing land due to the failure of the Leamington Road (Coventry City Training Ground) Site (allocated under Policy H1 in this Plan and Policy DS3 in the Rugby Local Plan) to deliver the anticipated scale of development required. Any assessment as to whether or not the site has failed can only be made after the first five years from the date of Local Plan adoption; or:

b) It becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the 2019 Rugby Local Plan or any updated version of this Neighbourhood Plan "

5.10 Paragraph b) of the Policy H2 does not apply. Paragraph a) is potentially applicable. RBC Local Plan was adopted on 4 June 2019 and so is now 5 years post adoption. This means it must be assessed whether the Leamington Road site has failed and whether this has led to a substantial shortfall in the supply of housing.

5.11 No planning application has been submitted on the Leamington Road site and it has been reported in the media that Coventry City now intend to remain at Leamington Road and redevelop it as a training facility. It therefore is clear that the Leamington Road allocation has failed to come forward and may not be available for housing. This has therefore led to a substantial shortfall in the supply of housing in the Ryton NDP designated area. As noted above, there is no shortfall in the supply of housing at borough level and the council can demonstrate a healthy five year housing land supply. However, as a policy of the neighbourhood plan, Policy H2 must be read in the context of that plan and in particular Policy H1 which seeks to deliver a minimum of 75 new dwellings in the parish by 2031. It is clear that, as neither Leamington Road nor the British Legion site have come forward there is a substantial shortfall in supply to deliver 75 homes by 2031 under Policy H1. Paragraph a) of Policy H2 is therefore engaged and residential development of the application site is supported by the neighbourhood plan.

5.12 Following the assessment of the application the planning balance will conclude if the 'tilted' balance is engaged in relation to the 'most important policies to determine the application being out-of-date' as set out in paragraph 11(d) of the NPPF.

6 Character and Design

6.1 Policy SDC1 of the Local Plan states that development should demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are situated. This policy is considered to be fully up to date. Policy HS1 states that the potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. In particular layouts should be designed to minimise the potential for crime and anti-social behaviour. Paragraph 96 of the NPPF links to Policy HS1 of the Local Plan and states that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

6.2 Section 12 of the NPPF states that planning policies and decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.3 The proposed development proposes a range of properties ranging from 2 to 4 bed 2 storey dwellings, including detached, semi-detached and terraced dwellings. There are also 2no. 2 bed detached bungalow properties proposed on the site, this equates to 5% of the development.

6.4 Policy H5 (b) of the Ryton NDP seeks the inclusion of single level 2 bed bungalows with modest rear gardens. Plots 27 and 28 of the proposed development are 2 bed bungalows with garden sizes compliant with the RBC SPD and provided with the same range of features as all dwellings on the site.

6.5 Policy GD2: Building Design Principles of the Ryton NDP states:

All commercial and residential development, including one or more houses, replacement dwellings and extensions, should ensure the following design principles are incorporated as appropriate and relevant to the development concerned:

a) High quality materials and architectural design incorporating variety, detail and craftsmanship that enhances the street-scene. Care should be taken to ensure that the development does not disrupt the visual amenities of the street-scene and impact negatively on any significant wider landscape views;

There is a limited palette of materials proposed across the site identified through the local character with a general use of brick with complementary render to mark key buildings at site entrances, corners and vista stop buildings. Alterations to the house types proposed have been agreed through the assessment process to add additional interest and ensure roof types related to the character of the area.

b) The development relates well to the topography of the area, with existing trees, hedges and streams preserved whenever possible;

Where possible existing trees and hedges are proposed to be retained.

c) The development should be of a similar density to properties in the immediate surrounding area;

The development is of a higher density than the immediate adjacent properties on High Street. The density is closer in similarity to development at the Coal Yard and Warren Field in Ryton on Dunsmore.

d) Development should respect the shape, massing, form and character of dwellings in the immediate vicinity in order to maintain a consistent character and enhance it where possible. Three-storey houses are unlikely to suit the scale and mass of existing development.

No three-storey houses are proposed, and the development maintains a consistent character with the proposed design of homes amended to reflect existing housing stock and design.

e) A reasonable size frontage is provided to each dwelling with an adequate balance of soft landscaping and high-quality hard landscaping;

Each dwelling has soft landscaping proposed to the frontage with access paths and hard landscaping to the side or rear prominently.

f) A reasonable rear garden or apartment amenity space is allocated for the size of each property which is at least equal to the ground floor footprint of the dwelling;

Each property is provided with a rear garden which is equal to or larger than the ground floor footprint of the dwelling.

g) There is provision for the planting of indigenous trees and large shrubs to dwelling frontages and open spaces;

Areas for planting are available across the site and the provision of specific planting types would be secured subject to the granting of any approval via **Condition 9**.

h) High quality boundary treatments such as close board timber fencing and/or brick walling should be specified. Particular attention should be paid to the detail and visual appeal of site perimeter boundary treatments;

Boundary treatments at each property are outlined in the submitted Boundary Strategy. Red or Brown walls are proposed at key locations, with 1.8 close boarded fence proposed between most dwellings.

i) Any existing boundary walls and other boundary structures (such as isolated gate piers) that are significant from either an architectural or heritage point of view, should be retained where practicable. Plans should indicate any improvement works and/or other alterations that would be necessary to bring any such structure up to both a physically sound and visually appealing standard;

Not applicable to the proposal.

j) Thoughtful approaches to the maximisation of useful storage space in all new dwellings are encouraged. These might include, amongst other things:

- boarding of loft spaces and incorporating roof lights and/or electrical lighting;*
- installation of loft ladders for safe access;*
- provision of full height utility storage cupboards in kitchens and utility rooms.*

Storage is provided across the house types proposed.

k) Provision is made for dedicated hard standing within the rear garden of each new dwelling which is accessible without entering the building. It should be capable of accommodating 3 x 240 litre double wheeled bins each measuring 1100x585x740mm (HxWxD) and, in the case of shared amenity areas, screened (with close board timber or equivalent) so as to minimise the visual impact of the bins from the dwellings and garden. Paved pathways at least 650mm wide should be incorporated into plot and site layout as necessary to provide a continuous flat connection between the dwelling, the hard standing and the nearest bin collection point;

Each plot has a rear patio area for bin storage with a gate providing access to the street.

l) Development incorporates sustainable design and construction techniques to meet high standards for energy and water efficiency. The inclusion of any of the following features in particular will be viewed positively: • Discreet solar energy/water heating panels; • Rainwater harvesting for toilet flush/washing machine/garden irrigation/vehicle cleaning; • Shower/bath grey water collection for toilet flush.

Policy SDC4 of the Local Plan requires all new buildings meet the Building Regulations requirement of 100 litres of water/person/day unless it can be demonstrated that it is financially unviable. A condition (6) would be applied to the granting of any permission to comply with this requirement.

m) 7kW cabling or relevant standard as advised by statutory bodies or endorsed by current or revised Building Regulation is provided to the most practical point in the home to facilitate subsequent installation of a home electric vehicle charging point;

All homes will be provided with electric charging points. The location of these are identified on the parking strategy.

n) In order to better promote the incorporation of accessible, flexible and adaptable living into house design to meet the changing requirements of occupiers throughout their lives, developers are specifically encouraged to adopt the optional requirement M4(2) of Building Regulations 2010 or relevant standard as advised by statutory bodies or endorsed by any revised Building Regulation in relation to all new- build homes in the Parish;

Building Regulation is outside the remit of the planning application.

o) All house extensions or conversions should follow or relate well to the style and vernacular of the original building, paying particular attention to details such as roof shapes and pitch angles, fenestration, brickwork and tile colour. The combined building (the original and extension) should not detrimentally change the form, bulk and general design of the original or harm its landscape character or setting;

Not applicable to this proposal.

6.6 Throughout the application process the Design and Access Statement for the proposal was also updated by the developer to include the detail outlined in Policy GD3 of the Ryton NDP.

6.7 The Design and Construction SPD advises, development that provides a satisfactory amount of space in line with the National Space Standards will help secure sufficient amenity and quality design.

6.8 Each dwelling size complies with national design space standards. It is therefore considered that the dwellings will provide a satisfactory amount of internal space in line with the standards, to help secure sufficient amenity and quality design in accordance with Local Plan Policy SDC1.

6.9 Policy H7 of the Ryton NDP requires provision for secure external storage. Each dwelling is proposed with a shed in the rear garden in the positions outlined in the Planning Layout. Full details can be secured by condition 32 subject to the granting of any approval.

6.10 Overall, it is considered that the proposal's design relates adequately to the character of the area. The application is therefore considered to comply with all policies outlined within this section of the report.

7 Impact on Residential Amenity

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

7.2 The Sustainable Construction and Climate Change SPD (2023) outlines criteria which could be used to determine whether a development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. 21 metres is the separation distance stated between existing and proposed dwellings (window to window).

7.3 The nearest residential neighbouring properties are located on High Street. The separation distances between the proposed dwellings and the existing properties are such that it is considered that any potential impact, relating to loss of privacy/overlooking, loss of sunlight and daylight does not exceed a level which would be considered unreasonable to these properties. There is a separation distance of over 30metres between existing and proposed residential properties.

7.4 The development has been laid out to prevent overlooking within the site. Rear to rear distances either are over 21metres or are less than a metre short of this distance which is considered acceptable in this instance. There are a few instances where side to rear distances are less than the preferred distance (14metres) however due to only obscure glazed or blank walls and the location on the site this are considered on balance acceptable overall.

7.5 A condition would be included subject to the granting of any approval that no additional side facing windows will be permitted, with any windows to remain obscure glazed (**Condition 10**)

7.6 It is therefore considered that the amenity of neighbouring residents is maintained and compliant with Policy SDC1 of the Local Plan.

8 Historic Environment

8.1 Policy SDC3 - Protecting and Enhancing the Historic Environment of the Local Plan states that development will be supported that sustains and enhances the significance of the Borough's heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes, and townscapes.

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

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

8.4 WCC Archaeology advised the proposed development is located within an area of significant archaeological potential. Pit alignments probably dating from between the Late Bronze Age and Early Iron Age, have been recognised from cropmarks shown on aerial photographs (Warwickshire Historic Environment Record MWA4990) to the north west of the proposed

development. Previous archaeological fieldwork undertaken approximately 750m to the north of the application site had identified evidence of Iron Age activity including at least three sub-rectangular enclosures and a further oval enclosure or ring ditch (MWA19183). Further Iron Age or possibly Bronze Age activity, comprising a complex of pits and ditches was identified approximately 750m northeast of the application site. Evidence for Roman-British period activity including parts of successive enclosures and a small assemblage of 3rd to 4th century pottery (MWA12480, MWA19182) was also recovered about 900m to the northwest of the site.

8.5 The application site is also located immediately to the south of the probable extent of the medieval settlement at Ryton-on-Dunsmore (MWA9528).

8.6 The historic environment desk-based assessment submitted with this application outlined that there is a potential for archaeological features associated with the use of this area during the prehistoric and medieval periods survive across this site. WCC Archaeology requested an archaeological assessment be undertaken prior to determination.

8.7 Following this request a report was submitted which details within it the results of a programme of archaeological trial trenching undertaken across this site by Border Archaeology in accordance with an agreed Written Scheme of Investigation. WCC Archaeology confirm that the report is satisfactory.

8.8 The objectives of the fieldwork were to evaluate the site to gather sufficient information to be able to establish presence / absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development.

8.9 Other than fragments of modern glass and building material no significant archaeological features or deposits were identified within the excavated trenches.

8.10 In light of the results from the evaluation WCC Archaeology are of the opinion that the proposed development is unlikely to have a significant archaeological impact and confirm that no further archaeological fieldwork will be required with respect to this scheme. The proposal is therefore considered to comply with Policy SDC3 of the Local Plan.

9 Broadband and Mobile Internet

9.1 Policy SDC9 - Broadband and Mobile Internet: requires developers to facilitate and contribute towards the provision of broadband infrastructure suitable to enable the delivery of broadband services. A condition, (**Condition 34**), will be included within the decision notice of any approval to ensure each dwelling is provided with the facility to enable broadband internet connection. It is considered once the condition has been complied with satisfactorily, the proposed development will comply with Policy SDC 9.

10 Waste Management

10.1 The Rugby Work Service Team have been consulted and have provided a response of no objection to the development providing details of refuse and recycling bins and refuse/recycling waste bins stores are provided and confirmation all access roads are of highway standard to enable a collection vehicle of 26 tons and suitable turning areas on the site.

10.2 The layout indicates that all the properties will have their own refuse/recycling bin store area to the rear of the properties. Details have been provided on the amended site plan.

10.3 The applicant has confirmed that the internal roads and designated turning areas have been subject to a vehicle tracking exercise to ensure that the required refuse vehicle can enter and exit the public highway in a forward gear and the turning areas are large enough to cater for the refuse design vehicle. Where there are smaller private drives proposed there are bin storage areas proposed for bin collection.

11 Environmental Health

11.1 The application includes supporting information, including the transport response note and noise assessment. RBC Environmental Health have reviewed the detail and provided a response of no objection to the proposed development subject to conditions and informatives.

Air Quality

11.2 Policy HS5: Traffic Generation and Air Quality, Noise and Vibration of the Local Plan states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles (including electric/hybrid cars) to minimise the impact on air quality, noise and vibration caused by traffic generation.

11.3 Development of 10 or more dwellings or development within the Air Quality Management Area should achieve or exceed air quality neutral standards or address the impact of poor air quality due to traffic. The Local Plan defines Air Quality Neutral as “emissions from the development proposal being no worse, if not better, than those associated with the previous use.”

11.4 The location of the proposal is outside the Rugby Air Quality Management Area. The scale of development does not meet the criteria to proceed to a full air quality assessment but is sufficient for an air quality neutral/mitigation condition under Policy HS5 of the Local Plan. Subject to the granting of any approval this is proposed in the appended draft decision **condition 4**.

Contaminated Land

11.5 The Environmental Health team have also requested conditions for a Construction Management Plan to control noise and vibration emissions from construction activities, to control dust emissions, to reduce mud deposition offsite from vehicles leaving the site and for a piling risk assessment to be completed (if necessary). (**Condition 5**). Furthermore, a contamination condition will be included for a contaminated land assessment to be undertaken, comprising a minimum of desktop study and site reconnaissance, to determine whether a remediation strategy is required. (**Condition 13**)

Noise

11.6 The Environmental Health team have reviewed the noise assessment submitted with the application. This was submitted in relation to the original proposal of 40 dwellings and is noted for being a draft. Mitigation requirements for plot 23 garden area and for glazing/ventilation for facades on plots facing Leamington Road and High Street are identified as well other acoustic barriers. To ensure the residential amenity of future occupiers is maintained subject to the granting of any approval a **condition 14** is proposed for noise assessment and necessary acoustic mitigation works.

11.7 In addition to the conditions, the Environmental Health Team has also requested for informative notes to be included.

11.8 It is considered that provided the conditions are adhered to the development is acceptable regarding those material planning matters relating to Environmental Health.

12 Climate Change and Sustainable Design

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

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

12.3 The development proposes to incorporate electric charging points, secure cycle parking and water efficiency measures.

12.4 It is considered that the applicant has demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development complies with Policy SDC4 of the Local Plan.

13 Housing Mix

13.1 The proposed development will boost the supply of housing and will contribute to the Council's five year housing supply. Policy H1 of the Local Plan states that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock.

13.2 The Local Plan outlines that the Council will consider an alternative mix in the following circumstances where it is clearly demonstrated how the delivery of a mix which has regard to the SHMA, or relevant update, is compromised:

- Where the shape and size of the site justifies the delivery of a mix of housing; or
- The location of the site, for example sustainable and very accessible sites within or close to Rugby town centre or the train station; or
- Sites with severe development constraints where the housing mix may impact on viability, where demonstrated through submission of viability appraisal; or
- Where a mix of housing would compromise the ability of the development to meet a specifically identified affordable or specialist housing need; or
- Conversions, where the characteristics of the existing building prohibit a mix to be delivered; or
- Where market factors demonstrate an alternative mix would better meet local demand.

13.3 Policy H1 and H2 of the Local Plan both set out that the tenure and mix of the market and affordable housing should be in compliance with the latest SHMA guidance. In this case that relates to the Housing and Economic Development Needs Assessment (HEDNA) (2022). Policy H2 of the Local Plan requires 20% affordable housing provision on previously developed land and 30% for greenfield sites. The table below sets out the Local Plan requirement in relation to housing mix.

	1-bed	2-bed	3-bed	4-bed
Social/Affordable rented housing	35%	30%	20%	15%
Affordable home ownership	20%	40%	30%	10%
Market Housing	10%	30%	45%	15%

13.4 The development will provide 2, 3 and 4 bed market dwellings but will not provide any 1 bed dwellings.

13.5 The development does not adhere to the suggested housing mix in the Rugby Local Plan. Policy H5 of the Ryton NDP outlines a mixture of housing types and sizes should give priority to dwellings of 2 and 3 bedrooms with the inclusion of four-bedrooms houses only being supported where they are subservient in number to 1, 2 and 3 bedroom accommodation. This is achieved in the proposal and as sought in Policy H5 of Ryton NDP 2no. 2bed bungalows are proposed.

13.6 Due to Policy H5 of the Ryton NDP and the rural location of the site and its scale it is considered that a varied mix from the HEDNA mix (as set out above) for the market dwellings is acceptable to ensure that local demand is being met.

14 Affordable Housing

14.1 Policy H2 of the Local Plan states affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more (including conversions and subdivisions). On green field sites a target affordable housing provision of 30% will be sought.

14.2 The development will provide a total of 37 dwellings, 11 of which are affordable, which equates to 30% of the total number of dwellings.

14.3 In relation to affordable housing tenure mix the Local Plan requirement would be 82% Rented affordable and 18% affordable home ownership in accordance with the Housing and Economic Development Needs Assessment (2022).

14.4 It is proposed that all affordable dwellings would be provided onsite and would be First Homes.

14.4 The provision of 11 First Homes 3x 2bed dwellings and 8x 3bed dwellings does not adhere to the recommended mix of the Local Plan. All dwellings meet the required national design space standards. The absence of any affordable 1 or 4 bed provision, especially for affordable 1 bed dwellings is a shortfall. However, due to its more rural location it is considered that 2 bed roomed properties and above are more suitable for the site. RBC Housing also have no objections to the scheme. They also commented that they accept the provision of an affordable home ownership produce in this area, instead of affordable or social rented.

14.5 For the reasons outlined above it is considered that this divergence from policy is considered acceptable and therefore the S106 agreement will secure the provision of First Homes on this site. Overall, a conflict with Policy H2 of the Local Plan is present however in this instance the scheme is still considered acceptable for the reasons given.

15 Flood risk and drainage

15.1 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- o Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- o Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

15.2 Whilst the application site is located within Flood Zone 1 which has a low probability of flooding as the application constitutes major development the Warwickshire County Council (Flood Risk Management) team have been consulted on the application.

15.3 Policy SDC6 of the Local Plan requires Sustainable Drainage Systems to be used on major developments.

15.4 Warwickshire County Council as the Lead Local Flood Authority (LLFA) has been consulted and reviewed the application. The LLFA initially objected to the application, as the details relating to the surface water drainage were insufficient and the Flood Risk Assessment may be considered insufficient in assessing the flood risk to or from the proposed development.

15.5 In response, the applicant has provided an updated Flood Risk Assessment, Flood Exceedance Plan, drainage strategy and drainage layout plans.

15.6 The LLFA have reviewed the details and based on the information submitted, have reversed their objection, subject to the following conditions. To provide a detailed surface water drainage scheme (**condition 20**) verification report for the installed surface water drainage system (**condition 21**) and a site-specific maintenance plan (**condition 22**). Subject to the inclusion of these conditions the proposal is considered to comply with Policy SDC5 and SDC6 of the Local Plan.

15.7 Severn Trent were consulted on the proposal, no comments were received. A standard informative regarding the statutory protection of public sewers has been included in the draft decision.

16 Access traffic and transport

16.1 The Local Plan 2011-2031 Policy D1 Transport states that development should address, amongst other things, whether safe and suitable access to the site can be achieved. Additionally, development will only be permitted where sustainable transport methods are prioritised and measures to mitigate the transport impacts are provided.

16.2 The application is accompanied by a Transport Statement.

WCC Highways

16.3 Warwickshire County Council Highways have been consulted on the proposed development and initially objected outlining a list of matters to be addressed and requested a

Road Safety Audit of the proposed site layout and access arrangements including the requested crossing facility.

16.4 Further amended plans have been submitted and a road safety audit. It has been confirmed that the site would not be offered for adoption so the Highway Authority's focus is on the access and off-site works proposed. The access and proposed footway crossings have been audited and the audit reviewed by WCCs road safety team. Two problems were identified, no tactiles across the junction and no RRRAP (Road Restraint Risk Assessment Process) for the pond. The first issue has been overcome however the 2nd issue has not. It was still recommended that a RRRAP report is provided however this can be done as part of the S278 process. The Highway Authority would not consider adopting the site in the future. Based on the appraisal of the development proposals and the supporting information the Highway Authority has no objection subject to conditions. **(Condition 15-19)** Bus stops/infrastructure will be delivered as part of the S278 process and subject to the granting of any permission would be secured via **Condition 31**.

Public Rights of Way

16.5 A public footpath crosses the application site. Public footpath R150 would be obstructed by the proposed development and will therefore need to be legally diverted. This is covered by separate legislation. The Rights of Way team has no objection to the proposal subject to the inclusion of conditions if permission is granted. **(Conditions 26 and 27)**

Parking Provision

16.6 Policy D2 of the Local Plan states that planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities, based on the Borough Council's Standards. The application site is located within the Low Access Zone, where the parking standards in the table below will apply.

Residential Dwellings			
	Car Parking Standard	Cycle Standard (minimum)	Short Stay (Cycles) Visitors
	Low Access		
Dwelling Houses			
1-2 bed units	1.5 spaces/unit	1/unit secure & undercover	Considered on own merit
3 bed units	2 spaces/unit	1/unit secure & undercover	Considered on own merit
4 bed units	3 spaces/unit	1/unit secure & undercover	Considered on own merit

16.7 The 2 and 3 bed units will provide at least 2 parking spaces. All units with 4 bedrooms will provide at least 3 parking spaces. Electric and hybrid vehicle charging points are required to be provided as part of development. One passive charging point per dwelling with allocated parking spaces. A condition will be included to ensure compliance with the Policy D2 **(condition 7)** Secure cycle parking and storage is also to be provided at each proposed dwelling.

16.8 The proposed car parking, cycle storage and electric vehicle charging points provision adheres with the guidance provided for the development typology, within a low access zone. It is

therefore considered that suitable parking facilities can be provided in accordance with Policy D2 of the Local Plan.

16.9 Policy H6 of the Ryton NDP Off-road parking spaces states: *a) Development proposals of one or more dwellings should provide one residential off-road parking space per bedroom unless otherwise justified having regard to site specific constraints; b) In meeting that target, allocated spaces on driveways within a plot boundary should not be in tandem; c) Where a development includes garage provision, each single garage space will count as one off-road parking space provided that it is of a sufficient size to accommodate a modern family car. Garage sizes less than those scheduled below will not be classed as off-road parking as they are too small to allow drivers to exit their cars once parked in the garage: • Single garages (with internal spaces less than 6m x 3m, with a minimum door width of 2.3m); • double garages (with internal spaces less than 6m x 6m with a minimum door width of 4.2m).*

16.10 The proposed development does not fully comply with Policy H6 of the Ryton NDP. Dwellings comprising 4 bedrooms are only proposed with 3 spaces and some of the 3 bedroom dwellings on the site are proposed with only 2 car parking spaces. The majority of car parking spaces provided are in tandem.

16.11 In response to this conflict the applicant has outlined that it has not been possible to include spaces which are not in tandem without compromising the overall design of the proposal. It is commonly accepted across the country that tandem parking spaces create space efficiency and remove car parking from the street scene. Whilst it is accepted that this creates a policy conflict with Part B of Policy H6 in the Neighbourhood Plan, overall this creates a more acceptable design in line with the Council's adopted Climate Change & Sustainable Design and Construction Supplementary Planning Document (February 2023) and the wider design aspirations of the NPPF (2023). The movement of vehicles from tandem spaces is within the site and not on the main highway therefore not causing highway safety issues. The policy conflict will be considered in the planning balance of the proposal.

17 Fire and Rescue

17.1 Warwickshire Fire and Rescue have suggested an informative associated with compliance with Building Regulations. This is included in the draft decision notice.

18 Ecological considerations

18.1 Section 15 of the NPPF states that the planning system:

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

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

Arboriculture

18.3 The application proposal has been assessed by Rugby Arboricultural Officer. The application site does not contain any trees protected by Tree Preservation Order and is not located in a conservation area. Existing tree and hedge cover is located to the boundaries of the application site. There are no trees/hedges located internally. The principle Arboricultural feature

is to the north eastern boundary and located adjacently to High Street. There is a sporadic mix of young and early mature largely unkept/unmanaged trees which form a linear group adjacent to the highway. Collectively they serve as a useful screening feature but individually they are generally trees of low quality.

18.4 Overall they are highlighted for retention and have been incorporated into the design with proposed new housing/roads/paths set back from trees and "root protection areas". One tree (T11) is highlighted for removal along with a small section from "Group 4" containing hawthorn and maple to form the new access. T11 (Beech) is a poorly formed tree due to excessive historic pruning to provide clearance for power lines. The loss of trees at this location is minor and can be mitigated for. Indeed, there is potential for improvement of this linear tree group, removing defective/dead trees and replacing/infilling gaps with appropriate species (given presence of power lines) via a coherent landscaping and Arboricultural management plan.

18.5 To the south eastern boundary, there are low quality and irregularly spaced unmanaged trees they are highlighted for retention and are incorporated into the scheme but there is opportunity for environmental enhancement through additional soft landscaping and introduction of Arboricultural management.

18.6 In the event of planning permission being granted all retained trees and hedgerows must be protected during the construction phase to prevent from construction damage. RBC Arboricultural Officer has no objection to the application subject to provision of a working Arboricultural method statement and management plan for retained trees plus full detailed soft landscape plan and aftercare details. **Condition 12.**

WCC Ecology and Local Wildlife Site designation

18.7 WCC Ecology have been consulted and involved in the assessment and consideration of this proposal. At the time of submission of the application the site was designated as a potential Local Wildlife site consisting of poor semi-improved grassland and semi-improved neutral grassland. Initially WCC Ecology requested prior to determination a biodiversity net gain assessment, Green Book survey of the potential Local Wildlife Site and further surveys for hazel dormouse and great crested newt. **Conditions (28-30)** were also requested to include a Construction Environmental Management Plan (CEMP) to cover minimum methodology for badger, hazel dormouse, nesting birds, great crested newt (GCN) and reptiles, a Combined ecological and landscaping scheme condition (LEMP) to secure landscaping proposals and a Bats and lighting condition to protect the woodland to the west of the application site.

18.8 The site was graded as a Local Wild Site by the Local Wildlife Site panel in November 2023. This decision was made on the basis that the site meets 14 Scientific LWS Criteria and has areas that are clearly representative of acidic grassland, a rare habitat across Warwickshire. The rarity being due to the soilscape.

18.9 The site is a paddock. If permission is not granted it will likely either remain as paddock or could be utilised further for more intensive agricultural practices, which could compromise the ecological quality of the site without any need for ecological mitigation to be secured.

18.10 Policy NE1 of the Local Plan states:

The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity as set out below. Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation

hierarchy below. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be:

- Avoided, and where this is not possible;*
- Mitigated, and if it cannot be fully mitigated, as a last resort;*
- Compensated for.*

Sites of Local Importance

Development likely to result in the loss, deterioration, degradation or harm to habitats or species of local importance to biodiversity, geological or geomorphological conservation interests, either directly or indirectly, will not be permitted for Local Nature Reserves (LNRs); Local Wildlife Sites (LWS), Local Geological Sites (LGS), European and UK protected species, or Biodiversity Action Plan habitats unless:

- The need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest. All Development proposals impacting on local wildlife sites will be expected to assess the site against the ‘Green Book’1 criteria to determine the status of the site and to ascertain whether the development clearly outweighs the impacts on the site;*
- It can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interest; and*
- Measures can be provided (and secured through planning conditions or legal agreements), according to the mitigation hierarchy as set out above. The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network.*

18.11 Taking each bullet point in turn the need for the site has been demonstrated by the virtue of the safeguarded allocation within the Ryton Neighbourhood Plan and that the main housing allocation for the village cannot be considered deliverable. Additionally, at the time of the making of the Neighbourhood Plan the site had been identified as a “Potential Wildlife Site”, but it was still allocated for safeguarding demonstrating that the need for housing was considered greater than the need to protect the site.

18.12 The Site was assessed against the Green Book criteria, as part of the LWS designation process in 2023. In order for the proposed development to proceed, it will be necessary for the entire LWS to be lost, as options for retention of the grassland habitat are unlikely to be successful. At present, although the site fulfils a number of the LWS selection criteria detailed in the Green Book, that this is sub-optimal. The citation lists overgrazing as an area of concern and the small size of the site and lack of attractive access for the community due to the presence of grazing horses constrain the value of the site when assessing against the Green Book criteria. Although the citation mentions small areas of regeneration in the habitat, it should be noted that overgrazing is likely to continue at the site as the landowner has used it for grazing for many years. The condition is unlikely to recover without significant intervention, which is not the current intention for the landowner. Whilst accepting that this habitat will be lost at this location, it is important to note that it is not an optimum representation of dry acid grassland.

18.13 The alternative sites test was completed as part of the Neighbourhood Plan evidence base, which showed that this site is the most sustainable site within the village. The site also falls within the main rural settlement boundary so any alternative sites would likely be within Green Belt land which benefit from National Planning Protections. Therefore, the development cannot be reasonably located on an alternative site of less or no harm.

18.14 Policies ENV 1- Protection of Local Green Space and ENV 2- Protection of Sites of Environmental and Historic Significance of the Ryton NDP include specific areas for protection, and this site is omitted from these policies, despite having been identified as a “Potential LWS” by Warwickshire at the time the Ryton NDP was being produced. Instead, the site was identified as a safeguarded site for residential development. Policy ENV1 identifies The Dell which is directly to the west of this site for an area of protection but is silent on this site. Therefore, it is considered that the requirement for this site to be safeguarded for residential development outweighed the need to protect it from an ecological point of view.

18.15 Following a site visit by the WCC Ecology team, 10th May 2024, they withdrew their objection to this application. This decision is made on the grounds that rare and important botanical species, namely common cudweed, *Filago vulgaris* and bird's foot *Ornithopus perpusillus*, found onsite can be translocated with an appropriate mitigation strategy. A bespoke BNG offsetting strategy will need to be agreed for the site and secured through S106 obligation.

18.16 The most recent BNG Defra Statutory metric shows three habitat types present on site: Bramble scrub, Other neutral grassland and Lowland dry acid grassland. WCC Ecology confirmed that this was as agreed during the site visit in May.

18.17 The metric shows a habitat loss of -19.55 area units (-100.00%) before mitigation. WCC Ecology, is liaising with landowners in management of suitable habitats and is working towards a bespoke package to address the loss with the applicant.

19 Planning Obligations

19.1 Paragraphs 55, 57 and 58 of the Framework, policies D3 and D4 of the Local Plan and the Planning Obligations SPD set out the need to consider whether financial contributions and planning obligations could be sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.

19.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to take this into account when determining the application. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.

Open Space

19.3 Policy D4 of the Local Plan Policy along with the Planning Obligations SPD states that the type, amount and phasing of contributions sought from developers will be necessary to make the development acceptable, directly related, and fairly and reasonably related in scale to the development proposed. Policy HS4 states that residential development of 10 dwellings and above shall provide or contribute towards the attainment of the Council's open space standards.

The SPD on Planning Obligations states that an off-site contribution is required, subject to negotiation with the Council, in this instance a contribution is required towards the costs of the open space provision. It has been confirmed that the contribution would be used in relation to

Holly Drive for provision for young people and children, amenity green space and the amenity surrounding the LEAP. Allotments are covered by the parish in this area and no further requests were requested.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Libraries

19.4 Warwickshire County Council seeks a financial contribution to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities. This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improved family facilities and targeted promotions to inform new residents of services available to them. In this instance the contribution would support Wolston Library. The level of contribution is currently estimated on the housing make up as detailed in the planning application. The contribution request is £591.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Public Transport- Bus Stop Infrastructure

19.5 Warwickshire County Council seeks provision of provision of a footway and bus stops on High Street adjacent to the proposed new development. The bus stop provision works will be included in the Section 278 Agreement Highway Works associated with the new development. This provision would also be secured by **Condition 31**.

Sustainable Travel Promotion

19.6 Warwickshire County Council is keen to promote sustainable travel and requests that the Developer provide a pack of local sustainable travel information under a planning condition as part of their new dwelling welcome information. This has been included **Condition (8)** in the draft decision.

Road Safety

19.7 Warwickshire County Council have requested that the developer provides a contribution of £50.00 per dwelling to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area. Based on 37 dwellings the contribution requested will be £1,850.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Public Rights Of Way

19.8 Warwickshire County Council seeks a financial contribution to mitigate the increase in the Highway Authority's maintenance liability resulting from the increase in use of local public rights of way by new residents from this development and would be used towards improvements to public rights of way within a 1.5 mile radius of the development site. The contribution requested is £2,016.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Education

19.9 Warwickshire County Council expects to secure financial contributions towards education provision as a result of this development. This estimate is based on all the dwelling mix identified by the planning application. The County Council does not seek education contributions in respect of one-bedroom properties.

The contributions sought of £363,886 will be used to deliver additional or enhance existing facilities and provision. The funding would cover early years, secondary education, post 16 and SEN education.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Affordable Housing

19.10 Eleven dwellings out of the proposed thirty seven will be provided as Affordable Housing with a tenure of First Homes. This equates to 30% of the unit numbers in line with the requirements of Policy HS2 of the Local Plan.

It is considered that this request meets the necessary tests and is therefore CIL compliant.

Heads of Terms

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

Obligations	Requirement	Trigger
Open Space	Provision for children and young people- £7,414.80 Amenity Greenspace- £2,526.36	Upon first occupation of the development
Affordable Housing	11 dwellings- 30% of total units Tenure- First Homes	Upon first occupation of the development
WCC Education	To secure education provision £363,886	Upon first occupation of the development
WCC Libraries	£591	Upon first occupation of the development
WCC Ecology- Biodiversity Mitigation Strategy	TBC	TBC
Public Right Of Way	£2,016	Upon first occupation of the development
Road safety	£1,850	Upon first occupation of the development
WCC Monitoring Fee	To contribute towards the cost to the County of monitoring the implementation and compliance with the legal agreement £250 + (5 hours x £40 Officer time x Number of triggers)	Due upon signing of the agreement
Rugby Borough Council – Monitoring contribution	To contribute towards the cost to the Council of monitoring the implementation and compliance with the legal	Upon first occupation of the development

	agreement (£590 per relevant obligation)	
--	--	--

19.12 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.

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

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

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

20.0 Community Infrastructure Levy

20.1 The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010.

20.2 As the proposals include 37 residential dwellings this constitutes chargeable development.

20.3 Based on the internal floorspace and uses proposed the CIL payable is likely to be around £541,120. However, there are exemptions which can be applied for in relation to self-build dwellings, extensions and annexes, social housing and development by charities which may reduce the amount payable in this case to be around £400,000.

20.4 CIL is payable in addition to site specific s106 contributions which are required separately to mitigate specific impacts of the development and are detailed earlier in this report.

21.0 Planning Balance and Conclusion

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

21.2 Although Policy DS1 is out of date due to the age of the Local Plan and the policy being found in need of updating. Policy GP2 is considered to be up to date in relation to settlement boundaries due to the Council being able to demonstrate a 5YHLS, passing the Housing Delivery Test and the fact that the local housing need as set out by the standard method can be delivered within the current spatial strategy as set out within the Local Plan and neighbourhood plan policies H1 and H2 are considered to be up-to-date and consistent with the NPPF. In relation to the basket of policies most important for determining this application it is therefore concluded that in this instance the basket of policies is not out of date and therefore the 'tilted' balance in paragraph

11(d) of the Framework does not apply. Therefore, the decision should be made in accordance with the development plan.

21.3 As the application involves the provision of housing and the Ryton NDP was adopted in July 2021 paragraph 14 of the NPPF does apply however it does not need to be engaged in this instance due to the basket of policies being up to date and the Council being able to demonstrate a 5 year housing land supply being that the tilted balance is not engaged.

21.4 The proposal is in generally in accordance (some of subject to conditions/contributions) with the Local Plan and Ryton NDP policies. Where there are conflicts with policies these have been outlined above in the report. There is a conflict identified with Policy H2 of the Local Plan in relation to divergence from the policy. This is given limited weight. The tandem parking proposed in the design and layout of the scheme creates a policy conflict with Part B of Policy H6 in the Neighbourhood Plan. This is given limited weight.

21.5 Weighed against the conflicts identified with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF. The proposal would result in the delivery of 37 dwellings (including 11 affordable homes). These additional homes and affordable homes have significant weight in the planning balance as they would assist in addressing the shortfall identified against the housing delivery outlined in the Ryton on Dunsmore Neighbourhood Development Plan.

21.6 It is important to identify any further benefits. Using the three strands of sustainability as defined in the NPPF, the benefits are broken down into economic, social and environmental. There are a number of financial contributions associated with the s.106, these exist to mitigate impact the proposed development would have and therefore cannot be considered as benefits.

21.7 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally, the residents of the proposed development would provide ongoing support to local services and additional Council Tax revenue. New Homes Bonus generated by the development (approximately £46,768) would contribute significantly to the Borough. Such factors would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the proposal. As such the proposals would comply with the economic role of sustainable development and the economic benefits associated with the scheme hold significant weight.

21.8 From a social perspective the proposed development, would make a positive contribution towards housing needs within the Borough including the provision of 11 affordable dwellings. The application site within the main rural settlement boundary will contribute towards meeting identified local need for housing, within a sustainable, inclusive and mixed community. Providing future residents with the ability to access services, open space and recreational areas and facilities by means other than the private car.

21.9 From an environmental perspective the potential adverse impacts of the proposed development in relation to the creation of healthy, safe, and inclusive communities, provision of open space, dwelling type, tenure and design and appearance, residential amenity, sustainability, environmental health matters, air quality, ecological considerations, flood risk and drainage, highway safety and parking have all been considered. While off-site mitigation is required to address biodiversity matters, there will be benefit from coherent landscaping and Arboricultural management planning and the provision of SUDS which be designed to include benefits to biodiversity secured via condition.

21.10 Therefore, the development of the site would result in social and economic benefits as well as environmental benefits. Paragraph 8 of the NPPF is clear that the 3 roles should not be taken in isolation but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The identified benefits would mean, on balance, that the proposal would represent sustainable development in terms of the NPPF and is therefore considered to accord with the Development Plan and the NPPF.

22 Recommendation

1. Planning application R22/1120 be approved subject to:
 - a. the conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.
3. 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 heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R22/1120

DATE APPLICATION VALID:
27-Oct-2022

APPLICANT:

Tamsin Almeida, Living Space Housing Living Space Housing, Hayfield House, Arleston Way, Shirley, Solihull, B90 4LH

AGENT:

ADDRESS OF DEVELOPMENT:

Land To The West Of, High Street, Ryton-On-Dunsmore

APPLICATION DESCRIPTION:

Erection of 37 residential dwellings with associated works and access from High Street

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Location Plan Dwg No. 231212-21419-1001C

PROW Diversion Dwg No. 231212-21419-9001

Street Elevations Dwg No. 231212 21419 3600H

Received by the Local Planning Authority on 20th December 2023

Planning Layout Dwg No. 240229-21419-5002R

Building Heights Strategy Dwg No. 240229-21419-3001I

Wall Materials Strategy Dwg No. 240229-21419-3002I

Roof Materials Strategy Dwg No. 240229-21419-3003I

Boundary Strategy Dwg No. 240229-21419-3004K

Affordable Strategy Dwg No. 240229-21419-3005I

Adoptable Strategy Dwg No. 240229-21419-3006J

Parking Strategy Dwg No. 240229-21419-3007J

Refuse Strategy Dwg No. 240229-21419-3008I

Combined Materials Strategy Dwg No. 240229-21419-3009I

Fire Tender Strategy Dwg No. 240229-21419-3010E

Garden Sizes Dwg No. 240229-21419-3011F

Received by the Local Planning Authority on 8th March 2024

Flood Exceedance Plan Sheet 1 Dwg No. ROD-PPC-00-XX-DR-C-0202-P5

Flood Exceedance Plan Sheet 2 Dwg No. ROD-PPC-00-XX-DR-C-0203-P5

Strategic Drainage Layout Sheet 1 Dwg No. ROD-PPC-00-XX-DR-C-0200-P6

Strategic Drainage Layout Sheet 2 Dwg No. ROD-PPC-00-XX-DR-C-0201-P6

Drainage Strategy ROD-PPC-00-XX-RP-C-0002 6.0 by Patrick Parsons

Received by the Local Planning Authority on 12th December 2023
Access and Sightlines Dwg No. ROD-PPC-00-XX-DR-C-0300 P5
Swept Paths Dwg No. ROD-PPC-00-XX-DR-C-0301 P4
Received by the Local Planning Authority on 2nd November 2023
Planning Statement September 2023 update by Living Space Housing
Received by the Local Planning Authority on 12th September 2023
Design and Access Statement Ref 240229_21419 by PAD
Received by the Local Planning Authority on 8th March 2024
Flood Risk Assessment ROD-PPC-00-XX-RP-C-0001 by Patrick Parsons
Transport Statement V4.0 September 2023 by Patrick Parsons
Received by the Local Planning Authority on 12th September 2023
Phase 1 Desk Study ROD-PPC-00-XX-RP-G-0001 by Patrick Parsons
Phase II Ground Investigation ROD-PPC-00-XX-RP-G-0002 by Patrick Parsons
Tree Constraints Plan 11028-T-01 and Appendix A by FPCR
GCN eDNA Sampling 784-B038365 by Tetra Tech
High Street Ecological Appraisal 784-B038365 V1 by Tetra Tech
Received by the Local Planning Authority on 19th October 2022
Archaeology Fieldwork BA2327(2272)RDR/AFE by Border Archaeology
Received by the Local Planning Authority on 29th January 2024
Geophysical Survey Report sumogeop1-517557 Survey Report 12010: High Street, Ryton-on-Dunsmore, Rugby
Received by the Local Planning Authority on 27th September 2023
Road Safety Audit Stage 1 22/10/2023 by Shropshire Road Safety Services Report SRSS/2023/047
Received by the Local Planning Authority on 1st November 2023
BNG Metric 220898-BWB-ZZ-XX-L-EE-003_BNG-S2-P01-Neutral Grass
Received by the Local Planning Authority on 17th May 2024
Dormouse Survey Report 784-B038365 V1 December 2022 by Tetra Tech
Received by the Local Planning Authority on 23rd January 2023
House Types:
A887/3 (2B.3P.758) Dwg No. 21419/6001.1E
A887/3 (2B.3P.758) Dwg No. 21419/6001.2F
A887/5 (3B.4P.904) Dwg No. 21419/6002.1F
A887/5 (3B.4P.904) Dwg No. 21419/6002.2G
A887/24 (2B.3P.657.Bung) Dwg No. 21419/6004D
OAKLEY (4B.8P.1249) Dwg No. 21419/6005.1C
OAKLEY (4B.8P.1249) Dwg No. 21419/6005.2A
OAKLEY (4B.8P.1249) Dwg No. 21419/6005.3A
HENLEY (4B.8P.1539) Dwg No. 21419/6006.1B
RADLEY (4B.8P.1792) Dwg No. 21419/6007.1B
A887/19 (AH.2B.3P.754) Dwg No. 21419/6102.1E
A887/25 (AH.3B.4P.904) Dwg No. 21419/6103.1D
A887/25 (AH.3B.4P.904) Dwg No. 21419/6103.2E
A887/25 (AH.3B.4P.904) Dwg No. 21419/6103.3A
Garage (Single) Dwg No. 21419/6201D
Garage (Twin) Dwg No. 21419/6202D
Received by the Local Planning Authority on 8th March 2024

REASON:

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

CONDITION 3:

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

REASON:

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

CONDITION 4:

No above ground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet the air quality mitigation requirements of policy HS5 has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON:

In the interests of air quality.

CONDITION 5:

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

- (i) Measures to prevent deleterious material being carried onto the highway network including wheel washing facilities
- (ii) The control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction phase;
- (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- (iv) a piling risk assessment if such works are to take place
- (v) The routing and parking of vehicles of HGVs, site operatives and visitors;
- (vi) Hours of work;
- (vii) Loading and unloading of plant/materials.
- (viii) Storage of plant and materials used in constructing the development.
- (viii) The erection and maintenance of security hoarding.
- (x) A scheme for recycling/disposing of waste resulting from construction works.
- (xi) Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

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

REASON:

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

CONDITION 6:

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 7:

Prior to the first occupation of each dwelling a passive electric vehicle charging point shall be provided to that dwelling.

REASON:

To encourage the use of electric vehicles in the interest of sustainability.

CONDITION 8:

No dwelling within the development hereby permitted shall be occupied until the applicant has provided a sustainability pack for the occupiers of that dwelling.

REASON:

In the interest of sustainability.

CONDITION 9:

No above ground works shall commence unless and until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented no later than the first planting season following first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place.

REASON:

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

CONDITION 10:

The first floor windows to be formed in the side elevation of the proposed dwellings excluding plot 23 shall not be glazed or reglazed other than with obscure glass.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 11:

Prior to above ground development commencing a final specification of all proposed tree planting must be submitted and 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 5 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, visual amenity and environmental site enhancement.

CONDITION 12:

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

REASON:

To ensure all retained trees are protected during the construction phase and in the interests of environmental enhancement.

CONDITION 13:

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,

groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

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

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

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

REASON:

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

CONDITION 14:

Prior to above ground works commencing a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing noise levels that could adversely affect the proposed development. Regard shall be had to noise from road traffic particularly Leamington Road and the High Street, noise from existing farming activities noise and general residual noise from other existing operations in the area. The assessment shall consider any likely change in the aural environment from planning applications that have been determined but not yet implemented. Regard may be had to BS8233:2014, BS4142:2014+A1: 2019, the World Health Organisation (WHO) Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017. The report shall include recommendations for any necessary acoustic mitigation works, to protect the occupants both inside the dwelling and the external amenity spaces, having regard to current guidance for the residential development. Any recommended works shall be completed prior to occupation of the development and should be maintained thereafter.

REASON:

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

CONDITION 15:

The development shall not be occupied until a bellmouth access, footway extensions along High Street and pedestrian crossing points with tactile paving along High Street and Leamington Road have been laid out in general accordance with the approved plan 21419/50020 Rev R and have been constructed in accordance with the Highway Authority's specifications.

REASON:

In the interest of highway safety

CONDITION 16:

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

REASON:

In the interest of highway safety.

CONDITION 17:

No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON:

In the interest of highway safety.

CONDITION 18:

No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON:

In the interest of highway safety.

CONDITION 19:

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 25 metres measured 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 20:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation. The scheme to be submitted shall:

1. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
2. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
3. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
4. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

REASON:

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

CONDITION 21:

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (10765, Rev 6.0) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

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

REASON:

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

CONDITION 22:

No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The approved maintenance plan shall be followed in perpetuity.

REASON:

To ensure the future maintenance of the sustainable drainage structures.

CONDITION 23:

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON:

In the interest of fire safety.

CONDITION 24:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings.

REASON:

In the interest of visual amenity.

CONDITION 25:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the garages shall not be converted to living accommodation and shall remain for the purposes of parking vehicles and storing bicycles.

REASON:

In the interest of highway safety.

CONDITION 26:

The following will be adhered to in relation to public footpath R150:

- No site security fencing may be erected on or within 1m of public footpath R150 (unless closed by legal order).
- The applicant must carry out remedial works to make good any damage or address any flooding on the surface of public footpath caused by the development and any remedial works must be completed to the satisfaction of the Highway Authority prior to the first occupation of any property at this site.

REASON:

To ensure sustainable routes are maintained in the interest of the public.

CONDITION 27:

Prior to commencement of any works involving disturbance of the surface of public footpath R150 the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users. Prior to the commencement of any works to resurface public footpath R150 the specifications for the new surface must be submitted to Warwickshire County Council for approval. All resurfacing works on public rights of way must be completed to the satisfaction of the Highway Authority prior to the first occupation of any property at this site.

REASON:

To ensure sustainable routes are maintained in the interest of the public.

CONDITION 28:

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

REASON:

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

CONDITION 29:

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of any habitat creation. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON:

In accordance with NPPF, ODPM Circular2005/06.

CONDITION 30:

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the west side of the site and to be kept to a minimum at night across the whole

site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- the brightness of lights should be as low as legally possible;
- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches.

REASON:

In accordance with NPPF, ODPM Circular 2005

CONDITION 31:

No development shall commence until detailed drawings have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, showing the location and layout of Bus stop infrastructure along High Street. Such details should include all relevant drawings showing shelters, markings, crossing points and a Stage 1 Road Safety Audit, with the brief to be agreed beforehand by the Highway Authority. The agreed bus stop infrastructure shall thereafter be implemented in full.

REASON:

In the interest of highway safety and to ensure the details are acceptable.

CONDITION 32:

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

REASON:

In the interest of visual and residential amenity.

CONDITION 33:

No new windows/rooflights shall be formed in the side elevation of the proposed dwellings.

REASON:

In the interest of residential amenity.

CONDITION 34:

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

REASON:

To provide broadband connectivity for future occupiers.

INFORMATIVE 1:

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

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

form can be accessed at:

https://www.rugby.gov.uk/info/20084/planning_control/76/street_naming_and_numbering .

INFORMATIVE 2:

The applicant/developer is advised that the development will need to comply with Approved Document B, Volume 2, Section B5 - Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning Where compliance cannot be met, the applicant/developer will need to provide details of alternative measures intended to be put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18, Access for Emergency Vehicles. In addition, Warwickshire Fire and Rescue Authority fully endorse and support the fitting of sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

INFORMATIVE 3:

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -
Monday - Friday - 7.30 a.m. - 18.00 p.m.,
Saturday - 8.30 a.m. - 13.00 p.m.
No work on Sundays & Bank Holidays.

INFORMATIVE 4:

This planning permission is subject to pre-commencement conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these pre-commencement conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

INFORMATIVE 5:

This development is subject to a s106 legal agreement.

INFORMATIVE 6:

For further information regarding Sustainability Packs. Contact the Sustainable Project Officer on 01926 412105. These packs currently cost approximately £75/per pack.

INFORMATIVE 7:

The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

It is considered that this development may be liable for CIL. Rugby Borough Council's CIL charging Schedule came into effect on 1st April 2024. The schedule along with further details can be found here: [Community Infrastructure Levy \(CIL\) - Rugby Borough Council](#)

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon the site payable should on commencement of development.

A 'Liability Notice' will be sent that provides full details of the charge and to whom it has been apportioned for payment. If parties other than the applicant for this permission are to be named as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. A 'Notice of Commencement' must be submitted to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if other statutory requirements relating to CIL are not met, such requirements will all be set out in the Liability Notice. Professional planning advice could be sought to ensure that the requirements of CIL Regulations are fully complied with.

To discuss this matter or if a 'Liability Notice' is not received from the Council within 1 month of this grant of planning permission, please contact: CILadmin@rugby.gov.uk

INFORMATIVE 8:

Public footpath R150 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works. If it is proposed to temporarily close public footpath R150 during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance. Any disturbance or alteration to the surface of public footpath R150 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

INFORMATIVE 9:

Condition number 15 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see below link: <https://api.warwickshire.gov.uk/documents/WCCC-770-261>

The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to: s38admin@warwickshire.gov.uk

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

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to:

streetworks@warwickshire.gov.uk

For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

C. Prior to commencement of the development, the applicant is required to enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

INFORMATIVE 10:

As outlined within the condition, the surface water strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS such as green roofs, rain-gardens and tree pits as part of a 'SuDS management train' approach to provide water quality, amenity and bio-diversity benefits and increase the resilience within the design. Reference is also made to our Flood Risk Guidance for Development (updated June 2023) with more details and examples of SuDS which can be incorporated at later stages of design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

INFORMATIVE 11:

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

INFORMATIVE 12:

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

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

Further information can be obtained from Environmental Health on 01788 533857 or email ehcs@rugby.gov.uk

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

DRAFT

Reference: R23/0790

Site Address: GREEN ACRE, TOP ROAD, BARNACLE, COVENTRY, CV7 9FS

Description: Change of use of land to a Gypsy and Traveller residential caravan site comprising a single pitch consisting of 1 mobile home and 1 touring caravan.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38517>

Recommendation

1. Planning application R23/0790 be **refused** due to conflict with local and national planning policy.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

1.0 Introduction

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

2.0 Description of site

- 2.1 This application relates to a parcel of land on Top Road, which lies wholly within the Green Belt and is located near the village of Barnacle. The site lies between two Gypsy and Traveller sites; to the left of the site is the rest of the property known as Green Acre (which comprises a single Gypsy and Traveller pitch and a private driveway providing access to Top Road), and to the right is Top Park (which accommodates a total of 19no. pitches of varying sizes). Flanking the northern boundary of the site are a highway hedge and verge, beyond which is the adopted highway (Top Road). On the opposite side of Top Road is open pastureland bounded by low field hedges. The land to the south of the application site is agricultural fields.
- 2.2 The plot is currently enclosed on the sides by timber fencing of varying styles and heights. Access is via an existing private access directly off Top Road that serves the adjacent established pitch. This access is flanked by splayed red brick walls that slope down to a low close boarded fence adjacent to the highway. The entrance drive is secured by timber and metalwork entrance gates.
- 2.3 The access drive is tarmacked along the whole of its length, terminating in a loose stone chipped area that currently accommodates a single static mobile home (home to the applicant and his wife) surrounded by a large parking and manoeuvring area. There are some small kennels adjacent to what would become (if approved) the entrance to the new pitch on what is currently a pony paddock. This existing pitch is enclosed by low closed timber fencing to separate it from the application site and the land between

the pitch and the highway, with access to the proposal site being secured by a timber 5 bar gate.

2.4 In the submitted supporting statement the development is described as being intended to “*replace the permitted stables and equestrian barn buildings*”. There is a stable building located at the opposite end of the paddock (adjacent to the highway hedge), but no structures occupied the part of the site where the pitch is proposed at the time of the planning site visit.

3.0 Description of proposals

The applicant seeks planning permission to change the use of the existing pony paddock adjacent to their home to an additional Gypsy and Traveller pitch, with access to be via their own existing vehicular access. The pitch would comprise a single mobile home, a tourer caravan, 2no. parking spaces and a vehicular turning area, hard surfaced areas, and soft landscaping. There would also be gated access from the pitch to the remainder of the existing pony paddock. This is not a retrospective application, and no work has been undertaken on the site to date.

Planning History

The following all relate to the site now known as Green Acre, which lies adjacent to the paddock land subject of this application but directly relates to it.

R15/0309	Proposed replacement of stable block and tack room building with a twin unit mobile home.	Refused 21/12/16
R18/0247	Proposed replacement of stable block and tack room building with a twin unit mobile home. (Resubmission of R15/0309)	Approved 27/04/18
Permanent personal permission		
R19/0448	Retention of entrance gates, walls and piers, and retrospective consent for widening of the access road.	Approved 12/12/19
R20/0148	1 mobile home.	Withdrawn 05/10/22

The following relates to the pony paddock within which the proposal would be sited.

R20/1041	Erection of stable building and hay barn, together with the laying of hardstanding (retrospective).	Approved 30/07/21
----------	---	-------------------

Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019
GP1: Securing Sustainable Development
GP2: Settlement Hierarchy
DS2: Sites for Gypsy, Travellers and Travelling Showpeople
HS5: Traffic Generation and Air Quality, Noise and Vibration
NE1: Protecting Designated Biodiversity and Geodiversity Assets
SDC1: Sustainable Design
SDC4: Sustainable Buildings
D2: Parking Facilities

National Planning Policy Framework, 2023 (NPPF)

The Planning Policy for Traveller Sites 2023 (PPTS)
Policy B: Planning for traveller sites
Policy C: Sites in rural areas and the countryside
Policy E: Traveller sites in Green Belt
Policy H: Determining planning applications for traveller sites

Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA) September 2022

Climate Change and Sustainable Design and Construction SPD

Technical consultation responses

WCC Highways - No objections and no conditions or informative notes requested.

WCC Ecology - No objections but requested a Landscape and Ecological Management Plan pre-commencement condition be applied in the event of an approval. The condition would include a 30 rear maintenance requirement. No other conditions requested and no informative notes other than advising that their advice was provided under a Service Level Agreement with the LPA.

RBC Environmental Health - No objections subject to inclusion of a pre-commencement condition in the event of an approval relating to contamination assessment. Also requested informatives re air quality, drainage, impacts from existing activities, private sector housing team comments, and waste collection. No concerns over implications from road noise and no need for noise assessments.

Third party comments

Parish Council - Objections relating to:-

- Overdevelopment of Top Road, which is within the Green Belt and should act as a buffer between Barnacle, Coventry and Bulkington.

- No very special circumstances identified.
- Unsustainability.
- Light pollution.
- Already an overconcentration of Gypsy and Traveller sites within Shilton & Barnacle Parish.
- Application should not be determined until local planning policy for Gypsy and Traveller sites has been determined through a Development Plan Document.

Ward Councillor - Called for the application to be considered by the Planning Committee on the basis of the objections raised by the Parish Council.

Neighbours - Objections received from 24 households relating to:-

- Incongruous development in type and scale,
- Inappropriate development in the Green Belt,
- Unsustainability and lack of support facilities including medical and educational services,
- Light pollution and glare,
- Increased local flood risk,
- Poorly managed sewage and waste disposal,
- Anti-social and criminal behaviour,
- Impact of traffic increase on surrounding roads; congestion, noise nuisance, and highway safety,
- Gypsy and Traveller development in Barnacle already exceeds RBC and national guidelines,
- No need for further pitches in the district,
- Impact on biodiversity and the environment,
- Loss of trees and tree replacement notice compliance,
- Lack of safe footpaths along Top Road and safety implications,
- Lack of parking,
- Visual impact,
- Departure from the Local Plan,
- Countryside encroachment,
- Disruption when sites change ownership and/or move units,
- Lack of evidence of need or very special circumstances,
- Contrary to injunction,
- No evidence that more appropriate sites considered,
- Risks to health and safety,
- Detrimental impact on the Coventry Way walking route,
- Loss of wildlife and habitat,
- Lack of social cohesion and integration between gypsy and Traveller and settled communities,
- Existing Gypsy and Traveller sites on Top Road have recently expanded considerably, and
- Loss of agricultural land.

Comments also received relating to:-

- Positive change to see applicant seeking permission before undertaking works instead of retrospectively,
- Failure of the Council to provide appropriate accommodation for the Gypsy and Traveller community,
- Impact on property values
- Implications of the Planning Inspectorate allowing such developments at appeal following LPA refusals,
- A recent decision by Solihull Council to refuse a similar scheme,
- Fly tipping, which local residents attribute to the Gypsy and Traveller sites in the area,
- Rights of Council Tax payers,
- Gypsy and Traveller developments being treated more favourably than ones for houses and extensions, and such applications being easier to get approval for, and
- Warwickshire Structure Plan asserting that developments in rural areas should have the expressed support of the local community.

4.0 Assessment of proposals

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

- Principle of development (including Green Belt considerations)
- Visual impact
- Residential amenity
- Highways and parking
- Climate change and sustainability
- Biodiversity

5.0 Principle of development

5.1 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.

5.2 Paragraph 11 of the NPPF and Policy GP1 of the Local Plan set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. The Development Plan in this instance consists of the adopted Rugby Borough Local Plan 2011-2031, June 2019. For this assessment, the Local Plan is read in conjunction with the Climate Change and Sustainable Design and Construction SPD.

5.3 The Local Plan (2019) sets out the spatial vision for the borough and Policy DS2 sets out the required provision for Gypsy, Travellers and Travelling Showpeople. The evidence underpinning this policy was based on the Planning Policy for Traveller Sites (PPTS) 2015. In 2023 the Government

amended the PPTS to revert to the PPTS 2012 definition. This includes those of a nomadic habit of life whatever their race or origin *“including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently”*. The PPTS 2015 definition only referred to those who had cease travelling temporarily. In September 2022, the Council published an updated GTAA prepared by RRR Consultancy Limited. This gave two projections for future need, one based on an “ethnic definition” (i.e. those who identify as ethnically Gypsies and Travellers) and the other based on the PPTS 2015 definition.

- 5.4 The new PPTS 2023 definition is narrower than the GTAA 2022 ethnic definition. The ethnic definition would not be limited to persons of nomadic habit of life. A person who identifies as ethnically a Gypsy or Traveller may have never led a nomadic habit of life. Policy DS2 is therefore deemed to be out of date as it does not include an up to date ethnic definition.
- 5.5 Paragraph 225 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 5.6 The Local Plan is over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes and NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 5.7 Section 11 of the NPPF focuses on the effective use of land, with Paragraph 123 stating that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”* and Paragraph 128a directing that consideration needs to be made in planning policies and decisions for *“the identified need for different types of housing and other forms of development”*. This is not limited to the use of previously developed land, although such sites are often considered for this purpose. The need for homes includes the need to provide accommodation for the Gypsy and Traveller community as well as providing for the settled community.
- 5.8 Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well over the lifetime of the development.

- 5.9 Paragraph 76 of the NPPF removed the requirement for Local Planning Authorities that had put in place an up-to-date Local Plan to annually update their five year supply of land. This change protected Local Planning Authorities from the presumption in favour of sustainable development. This affects planning applications submitted after the adoption of the NPPF on 19 December 2023, however this application was submitted **before** 19 December 2023. The Local Plan for Rugby was adopted on 04 June 2019. On adoption, the authority had a five-year supply of housing. The latest Five Year Housing Land Supply Position Statement 2023-2028, published on 05 October 2023, confirms the council can currently demonstrate a 6.1 year supply of housing.
- 5.10 Policy GP2 of the Local Plan sets out the development hierarchy for the borough and states that in Green Belt locations, such as this, development will only be permitted if allowed by national policy. This is supported by Section 13 of the NPPF. Paragraph 152 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 153 of the NPPF states that LPAs should ensure that sufficient weight is given to any harm to the Green Belt. It also states that *“Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*. Policy GP2 is considered to be consistent with the NPPF in relation to identifying the key assessment criteria for Gypsy and Traveller site applications. In relation to the assessment this policy therefore carries significant weight in the planning balance.
- 5.11 Policy DS2 of the Local Plan specifically focuses on the provision and enabling of sufficient sites for use by the Gypsy and Traveller and Travelling Showpeople communities. It is still considered to carry significant weight in the planning balance as it identifies key criteria for consideration when assessing Gypsy and Traveller site applications:-
- Does the site afford good access to local services such as schools and health facilities?
 - Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?
 - Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?
 - Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?
 - Does the development have appropriate vehicular access?
 - Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?
 - Is the development well laid out to provide adequate space and privacy for residents?
 - Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and

residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?

- Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?

5.12 According to the published Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study September 2022 (GTAA), there is a projected need for the provision of 79no. permanent pitches for Gypsies and Travellers by 2037. To meet this need, the GTAA recommends that 48no. such pitches should be found in the borough by 2027. Paragraph 6.5 of the GTAA recognises that smaller sites are preferred by the Gypsy and Traveller community, and Paragraph 6.6 recognises that some families in the Gypsy and Traveller community are also interested in increasing provision on existing sites. The GTAA report recognises the potential value of developing land that is either already owned by applicants or land that they intend to purchase in potentially meeting some of this identified demand.

5.13 The matter of determining a lawful definition of Gypsy and Traveller status was considered in the Court of Appeal in 2022 (*Smith v Secretary of State for Levelling Up, Housing & Communities & Anor [2022] EWCA Civ 1391*). The Court found that the Planning Policy for Traveller Sites 2015 definition of Gypsies and Travellers was unlawfully discriminatory in relation to aged and disabled Gypsies and Travellers who have permanently ceased to travel (who would for that reason not meet the PPTS 2015 definition of a Gypsy and Traveller). The effect of the court's decision wasn't to quash the PPTS, but it identified that that it was "*difficult to see how the PPTS 2015 definition can be safely applied in other cases where elderly and disabled Gypsies and Travellers seek planning permission for a caravan site on which to live in accordance with their traditional way of life*". When the current 2023 PPTS was adopted, it included within Annex 1 an updated definition which reads "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*". The effect of this case was the recognition that it may not always be possible for members of the Gypsy and Traveller community to continue to travel for life, and that there is likely to come a time when members of the community find they need to settle in a set location as opposed to remaining transitory. This is therefore a material consideration when looking at Gypsy and Traveller related cases such as the one subject of this application.

5.14 As noted in Section 2 of this report, the site is in the Green Belt. There is a general presumption against inappropriate development of such land unless either the development meets identified criteria or very special circumstances exist that sufficiently outweigh the presumption against inappropriate development. Gypsy and Traveller site provision is *not* one of

the existing exceptions to the presumption and thus would represent inappropriate development.

- 5.15 The applicant was given an opportunity to submit any evidence that they felt could support a case of very special circumstances. In response, the Local Planning Authority (LPA) received a Planning Statement in May 2024. The statement confirmed that the intended occupant of the proposed pitch was to be the applicant's daughter, who has now come of age. Paragraph 3 of the Planning Statement states, "*the proposed use of the site complies with the Development Plan policies so far as they are relevant and up-to-date as very special circumstances exist which outweighs the harm to the Green Belt and the other harm identified*".
- 5.16 Paragraph 16 of the Planning Statement recognises that substantial weight should be attributed to harm to the Green Belt arising from inappropriate development, loss of openness and encroachment into the countryside. Paragraph 17 of the Planning Statement identifies unmet need, a lack of 5-year supply of sites and no suitable alternative sites as matters to weigh against the harm, citing assessments made in relation to a "*recent*" application for a site identified as Treetops. It is unclear which site this refers to, as there are two sites bearing this name in the borough and both have a history of Gypsy and Traveller related planning applications.
- 5.17 The Statement concludes by referring to "*an application for a 10-pitch extension to an existing Traveller site in the Rugby Green Belt (resulting in a total of 23 pitches) which was approved by the LPA in February 2019*". Whilst the case is not identified, the timescale for determination indicates that it is likely to refer to planning application reference R18/1555, which related to a site immediately adjacent to Bryants in Brandon (an established Gypsy and Traveller site).
- 5.18 Although the Planning Statement refers to the presence of very special circumstances it does not demonstrate what these are, other than that the applicant (and presumably his daughter as well, as the intended occupant of the new pitch) has a protected characteristic as a member of the Gypsy and Traveller community. As the Statement notes that the applicant's daughter has come of age it is presumed that she is an adult. No mention is made of any need to accommodate children, so the rights of the child are not a material consideration in this case. The Statement does not indicate that the daughter has any medical, educational, or other care needs, nor that she is reliant upon any degree of daily dependency on anyone living nearby (to justify needing accommodation in this location). The LPA do not therefore consider that very special circumstances have been demonstrated for consideration as a means of outweighing the harm to the Green Belt arising from this development.
- 5.19 Paragraph 10 of the Statement states "*The pitch is within an existing Traveller site who have themselves proposed this scheme.*" This is factually incorrect; when the pitch currently occupied by the applicant was approved (under planning permission reference R18/0247) the paddock land on which

the *proposed* pitch is to be located was excluded from the red lined site boundary as identified on the approved site location plan. Whilst the proposal indicates that the new pitch would function as part of the existing site, it would nevertheless be located on land that is not currently authorised for use for Gypsy and Traveller accommodation provision. The proposal site does not therefore lie within an existing Traveller site as alleged in the Planning Statement.

5.20 Focussing now on the key tests set out in Policy DS2 of the Local Plan, the development will now be assessed against each of these in turn:-

5.21 *Does the site afford good access to local services such as schools and health facilities?*

The site is located near to, but not within, a number of villages and suburbs that collectively have a range of local facilities including primary schools (approximately 1-2 km away); pubs (approximately 2-5 km away); places of worship (approximately 2-2.5 km away); a dental practice (approximately 1.4 km away); medical practices (approximately 0.4-4.3 km away); grocery stores (approximately 1.5-3.5 km away), and supermarkets (approximately 4-4.5 km away). The area is also covered by emergency and hospital care (approximately 5-16 km away). However it is likely that due to their distance from the site, the lack of reliable public transport access within close proximity to the site, and the lack of safe walking routes (the site is located in an area that lacks both pavements and adequate street lighting to make walking safe for pedestrians) that journeys to most or all of these services and facilities would be by either private vehicle or taxi.

5.22 *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*

The site is not within Flood Zones 2 or 3 and WCC Flood Risk Management have confirmed they have no flooding related concerns. The site is not adjacent to any known hazardous land uses that could be likely to endanger the health of the occupants of the site.

5.23 *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*

This site is small in comparison to the nearby settlement of Barnacle. However, it does lie within an area that features several other Gypsy and Traveller sites, including three on Top Road itself; The Paddocks and the applicant's own site of Green Acre (which have permanent personal planning permissions), and the larger site of Top Park (part of which is unauthorised, with the remainder having temporary planning permission that expires in 2028). It is also close to similar sites on Shilton Lane, Bulkington Road and Mile Tree Lane. The Planning Inspector found in the case of Plots 14-19 Top Park (which lie close to this application site) that "*none of these schemes [along Top Road and Shilton Lane] would result in the Gypsy and Traveller community dominating Barnacle, either visually or in terms of population*". However, the Inspector was not aware of the potential for two additional sites in close proximity to Top Park at the time of writing. The

addition of a further Gypsy and Traveller site on Top Road, and in such close proximity to Top Park, would increase the imbalance between Gypsy and Traveller sites and the settlement of Barnacle itself. In addition, the development of this site would effectively create a developmental link across the top of the paddock to the part of Top Park that currently benefits from the temporary planning permission, eroding the physical separation currently maintained by the lack of development within the paddock (aside from the stable building referred to in Paragraph 2.4 of this report).

5.24 *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*

At present there is a mature field hedge running along the southern boundary of the proposal site. There is fencing of varying heights and styles running along the western boundary of the paddock to separate it from Top Park. An existing roadside hedge runs along the northern boundary of the paddock itself until it abuts the sweeping brick walls and solid timber gates of the Green Acre site entrance. The eastern boundary of the paddock is currently marked by low-level post and rail fencing, which also separates both the site of the proposed pitch and the existing Green Acre pitch from the remainder of the paddock. The significant distance from the front boundary of the proposed pitch to the adjacent highway (the pitch would be almost 200 metres from the highway hedge) should ensure that views from the highway would not affect the privacy of the pitch's occupants. The proposed pitch is abutted on both sides by other Gypsy and Traveller pitches (pitches on the part of Top Park that has temporary permission to the right, and the existing pitch at Green Acre to the left. It was noted on the planning site visit that sections of the fence that separates the paddock from Top Park had either been removed or had fallen down, resulting in clear views from some of the Top Park pitches across the paddock towards the proposal site and Green Acre itself. However, these could be replaced with fencing of a comparable type and height by either the applicant or the Top Park residents as desired to restore the visual screen. The post and rail fencing separating the site from Green Acre itself would obviously afford no visual or acoustic privacy, but as it is the applicant's intention to use the proposed pitch as an extension of his existing site this would not be detrimental and both pitches would function as one extended site to accommodate members of the same immediate family.

5.25 The landscaping design statement submitted with the application indicates the applicant's intention to plant a "*woodland buffer*" along the western boundary and part of the southern boundary of the proposed pitch to provide additional screening, as well as the planting of trees (although their proposed locations may mean that do not a very effective screen). The woodland buffer, once matured, could create an effective visual and acoustic screen to protect the privacy of the pitch from the adjacent Top Park pitches (and vice versa), although its effectiveness in the first few years after planting is likely to be limited until it becomes established. The application also proposes additional native hedgerows to be planted adjacent to the hard standing areas, as well as two short sections of hedging flanking the access point

from the existing Green Acre plot. These may provide a limited degree of privacy and screening once matured if allowed to grow to a sufficient height, but their effectiveness is likely to be limited by their locations and the gaps between them. In the event of an approval, WCC Ecology have requested a pre-commencement condition regarding landscaping which could provide an opportunity to consider additional structural planting to increase screening. The proposed 1.2 metre high post and rail fencing would not be an effective means of providing privacy or noise reduction for occupiers of either the proposed pitches or adjacent land. Without substantial improvement in existing screening however and an established programme of maintenance of the woodland buffer, it is unlikely that sufficient visual or acoustic privacy could be achieved.

- 5.26 Environmental Health have no concerns in relation to noise from the adjacent highway and have advised that noise assessments are not required.
- 5.27 Notwithstanding the above, due to the relationship with adjacent pitches on Top Park and the applicant's existing pitch on Green Acre it would be prudent to apply restrictive conditions in the event of an approval to a) tie the use of the pitches solely to Gypsy and Traveller accommodation, b) prevent commercial activities, and c) prevent vehicles over 3.5 tonnes being brought onto site, to prevent conflicting uses occurring on the application site that could detrimentally impact on neighbouring sites. A further condition to make the permission personal to the applicant and his family would also be advisable in the event of an approval, as it is the family dynamic in this instance that may make reduced privacy between the proposed pitch and the applicant's own existing pitch acceptable to the intended occupiers but not acceptable to future occupiers if they do not have a similar relationship to other pitch users.
- 5.28 *Does the development have appropriate vehicular access?*
The proposed pitch would be accessed via the existing formalised access road serving Green Acre; to reach the site, occupiers and visitors would use the Green Acre access road leading directly off Top Road, and drive through the applicant's existing parking and turning area to reach the site. WCC Highways have raised no objections or concerns with regards to this arrangement, and have not requested any conditions or informative notes be applied in the event of an approval. *d*
- 5.29 *Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?*
The site is currently a pony paddock, which stables located close to the highway boundary. It has a rural appearance that is in keeping with its surroundings. Equine uses are commonplace within the countryside, and the presence of stable buildings is wholly in keeping with this.
- 5.30 The creation of the proposed Gypsy and Traveller pitch would significantly alter the appearance of the top part of the paddock due to the presence of the mobile home and significant areas of hardstanding. The proposal would

have the effect of merging the existing Gypsy and Traveller development on Green Acre with the top of the adjacent Top Park Gypsy and Traveller site, whereas at present the open expanse of the paddock provides both a visual and a physical separation between the two sites by creating a green “pocket” between the adjacent Gypsy and Traveller sites. Green Acre has permanent planning permission but with a caveat that it is personal to the applicant and their dependants (meaning that the planning permissions do not inure for the benefit of the land), and the other has temporary consent until 2028 for all the pitches that abut the paddock). Whilst the nature of the types of permission granted for the adjacent sites means that theoretically both could one day be removed, for the duration of their presence this additional pitch would appear to be a “bridge” connecting the two and as such would intensify the already significant number of such developments in the immediate locality, further eroding the area’s rural character. Whilst landscaping may help to counteract some of the visual impact, the visual changes would still be evident as the combination of proposed and established planting would not be sufficient to screen the development from view.

5.31 As noted above, the applicant’s own pitch is immediately adjacent to the site and both adjacent sites are used for the purposes of Gypsy and Traveller accommodation. It is therefore unlikely that the use of for the purposes proposed would adversely affect the amenities of the occupiers of the adjacent sites. However, the residents of nearby Barnacle have raised concerns over the implications of the development on *their* residential amenities and access to services. These concerns are cited by residents as being current experiences, so whilst the development may not cause *new* issues, it may exacerbate existing ones.

5.32 *Is the development well laid out to provide adequate space and privacy for residents?*

Whilst the lack of sufficient screening would limit privacy between the proposed pitch and the existing pitch on Green Acre, as they are all to be occupied by the same extended family a degree of social interaction between them may be advantageous. However, this bespoke scenario would need to be protected by suitably worded occupational conditions in the event of an approval, as occupation of the pitches by unrelated third parties may result in privacy issues.

5.33 The proposed pitch is large enough to accommodate a mobile home, a tourer caravan, 2no. parking spaces, a private patio, and an open amenity area for vehicle manoeuvring and recreational activities. Whilst amenity buildings are not included in the proposals, there would be sufficient space within the pitch to accommodate a small one if required (separate planning permission would need to be sought for this). This is comparable to other such pitch sizes within the borough and should be sufficient to meet the needs of the occupiers.

- 5.34 *Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?*
The application provides for the planting of additional native hedges and trees around the pitch perimeters in addition to small “bulb drifts”. The remainder of the paddock lies outside the scope of the development site and would remain as grazing land. WCC Ecology have requested that a pre-commencement condition be applied requiring the submission of a Landscaping and Ecological Management Plan (LEMP), which should include details of planting and maintenance of landscaping as well as provision of planting that enhances habitat opportunities through the use of various native species.
- 5.35 The proposed low-level fencing is of a style that reflects the rural character of the locality (post and rail). The visual impact of the predominance of hardstanding (patio, pea gravel, and the entrance area) could be offset to a degree by surrounding planting and enhanced landscaping required through the LEMP in the event of an approval.
- 5.36 For privacy matters, please see Paragraph 5.32 of this report.
- 5.37 *Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?*
The application is for residential purposes only. Conflicting uses could be controlled or prevented through suitably worded conditions in the event of an approval, such as those detailed in Paragraph 5.27 of this report.
- 5.38 *Is there adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities?*
The existing pitch at Green Acre is already supplied by utility services of a standard required for residential occupation, and the Planning Statement confirms that the new pitch would be supplied by these as an extension to the existing site.
- 5.39 Section 5 of the NPPF looks at the provision of homes including those in rural locations. As Gypsy and Traveller accommodation is considered to come under the umbrella of rural housing provision, this section is relevant to this development.
- 5.40 The applicant and their family have rights under the Human Rights Act 1998, which afford rights to respect for private and family life, including the traditions and culture associated with the Gypsy and Traveller way of life. The Public Sector Equality Duty (PSED) contained within the Equalities Act 2010 is also an important consideration as it sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The applicant and

his family identify as Romany Gypsies, and they are therefore persons who share a protected characteristic for the purposes of the PSED. Section 11 of this report considers these factors in more detail.

5.41 In light of the above, this development does not meet the requirements of Policy SDC1 and the principles of Policy DS2 of the Local Plan and does not accord with the NPPF. The principle of development is therefore considered to be unacceptable in Planning terms.

5.42 In terms of the Planning Policy for Traveller Sites (PPTS) 2023, as the LPA does not currently have sufficient allocated sites to meet the requirements for Gypsy and Traveller provision within the Borough, some of the requirements of Policy B of the PPTS cannot currently be met. However, this application has been assessed following the principles set out in Paragraphs 10 and 13 of the PPTS which direct LPAs on the key criteria to be used for assessing the suitability of sites for Gypsy and Traveller accommodation provision. The present lack of sufficient provision for Gypsy and Traveller sites within the borough carries significant weight in favour of this development.

5.43 Policies C and E of the PPTS cover sites in rural countryside and Green Belt locations. Policy E makes it clear that Gypsy and Traveller provision in the Green Belt is unacceptable *unless very special circumstances exist that would outweigh the harm*. As set out in this report, the LPA consider that no very special circumstances have been provided in relation to Policies C and E of the PPTS.

5.44 Levels of existing provision (and the lack thereof) are a key consideration within Policy H of the PPTS, being identified as a specific consideration in Paragraph 24 alongside the availability or lack of alternative sites and the personal circumstances of the applicants. However, this paragraph also includes an important clarification that *“subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”*.

5.45 For the reasons set out above, the principle of this development is considered to conflict with the Planning Policy for Traveller Sites 2023.

6.0 Visual impact

6.1 Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well and add to the overall quality of the area over the lifetime of the development, are visually attractive, and are sympathetic to the local character and history.

6.2 Policy SDC1 of the Local Plan states that developments will only be supported where they are of a scale, density and design that responds to the character of the areas in which they are located. It also highlights key

considerations for determination of such applications, including massing, landscape, layout and materials.

- 6.3 In objections received from both residents and the Parish Council, the anticipated visual impact of the development has been highlighted as a key concern, especially in light of the visual impact already created by the temporarily permitted development at nearby Top Park (which expires in 2028). Objections share common themes relating to the juxtaposition between the various Gypsy and Traveller sites along Top Road and Shilton Lane and the rural landscape around them, as well as the effect of external lighting and how it increases their visual impact. Objectors fear that these existing issues will only increase if more Gypsy and Traveller developments are permitted along Top Road, and that they will bring such issues even closer to Barnacle than they are at present.
- 6.4 In addition to considering the impact of the development on the character and appearance of the Green Belt (see Section 5 of this report), a key factor of any development is the impact it will have on the appearance and character of an area. In this case, the site is located away from the nearest villages of Shilton, Barnacle and Bulkington. There are however several Gypsy and Traveller sites already operating in the locality, including nearby Top Park. The surrounding undeveloped areas are mostly agricultural land, with boundaries generally marked with field hedges.
- 6.5 When approaching the site from the adjacent highway (Top Road) in either direction, the Green Acre site entrance (which would also be the entrance for the development site) is clearly indicated by the sweeping red brick walls that flank the large solid timber and metalwork entrance gates. The entrance, like the access road beyond the gates, is surfaced with black tarmac there is no visual indicator of where the highway stops and the access road begins (such as a line of contrasting flush kerbstones, or painted lines). No alterations are proposed to the access or access drive (apart from at the top end to permit access to the proposal site).
- 6.6 Within the pitch itself, most of the ground will be hard surfaced with pea gravel (for the parking and turning areas), paving slabs (for the patio), and stone chippings/gravel (for the access from the existing Green Acre pitch, which is similarly surfaced at the point where it joins the proposal site). There will also be small ornamental lawn areas and two small “*bulb drifts*” that would essentially appear as small flowerbeds flanking the access to the pitch. The proposals indicate that the paddock to the front of the application site will remain grazed grassland as it is at present. Whilst some additional hedge and tree planting is proposed, it would not be sufficient to screen views of the proposed pitch from the paddock, the Green Acre access road, some of the adjacent pitches on Top Park, and from Top Road itself.
- 6.7 The LPA recognises residents’ concerns about the effect that external lighting can have by making developments appear more prominent in hours of darkness when there are no adjacent light sources (such as streetlights). This impact is already clearly demonstrated around the existing Gypsy and

Traveller sites in the immediate locality, the locations of which can be identified at night from some considerably distance away due to the light emitting from them. This is also true of Barnacle and adjacent villages, but light pollution is amplified in the Top Road area due to the absence of natural and manmade features to screen the sites from the surrounding open plateau landscape of the fields. Some form of external lighting for safety and security purposes is clearly necessary for the proposed pitch, given the lack of surrounding light sources in the public domain, so a limited degree of lighting is considered reasonable for this purpose. However, in the event of an approval lighting would need to be carefully controlled through a suitably worded condition to manage the implications and effects it can have on both the character of the locality and the preservation of suitable habitat for protected species.

6.8 The applicant has indicated a degree of structured soft landscaping within their proposals, as well as an intention to seek guidance on how strategic planting could be used to enhance the appearance of the site. WCC Ecology have also recommended a pre-commencement condition requiring submission of a Landscaping and Ecological Management Plan (LEMP) to secure the provision and ongoing maintenance of appropriate planting within the site, which the applicant has agreed to in addition to showing willingness to enhance soft landscaping as appropriate. However, landscaping enhancement would not overcome the fact that the principle of this development is unacceptable.

6.9 The proposed development would significantly alter the character and appearance not only of the proposal site itself but also the context in which it lies. The significant increase in hard surfacing and the presence of the various features required for the pitch (mobile home, parking provision, the regular presence of a tourer caravan etc), together with the increased activity the proposed use would entail, contrast with the current purely equine use of the paddock and stables. Artificial lighting and vehicle movements would further intensify the impact that the site would have on the character and appearance of the rural area.

6.10 For the reasons set out above, the development conflicts with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 in relate to character and appearance and is contrary to Section 2 of the NPPF.

7.0 Residential Amenity

7.1 Several representations received by the LPA raised concerns over the present cumulative impact of Gypsy and Traveller sites on their access to services and facilities, and their concerns that this will be worsened if the proposed development were to go ahead. Paragraphs 5.21, 5.24-5.25 (inclusive), 5.27, and 5.29-5.31 (inclusive) of this report all set out the LPA's assessment of amenities for both future occupiers of the proposed pitch and those living around them including settled communities such as Barnacle.

7.2 The occupants of the proposed pitch would have little to no acoustic or visual privacy between themselves and the occupiers of the adjacent established

pitch on Green Acre due to the low heights of proposed fencing and hedging, which is why occupation of the proposed pitch would need to be conditioned to link to the occupation of the existing Green Acre pitch if approved to prevent conflicts between unrelated occupiers of the two pitches. Whilst privacy would still be an issue for occupiers of some of the adjacent Top Park pitches, this would eventually reduce once the proposed “*woodland buffer*” became established (although this feature would have limited effect in the first few years). Residents of Barnacle are sufficiently far away from the site so as not to be materially impacted upon in terms of loss of privacy.

- 7.3 Concerns over noise nuisance were common to many of the objections received from neighbouring residents, although some of the concerns related to behaviour and activities occurring outside of the application site and/or were attributed to existing Gypsy and Traveller sites in the area. The LPA considers that it would be difficult to discern noise emanating solely from the application site from that arising from adjacent similar developments, as the activities taking place would be comparable. Environmental Health have advised that it would not be necessary to require the undertaking of a noise assessment in this instance and raised no concerns over road noise implications for occupants of the pitch or noise related concerns for neighbouring residents.
- 7.4 Several objections received from neighbouring residents cited harm to their amenities and loss of their sense of safety arising from antisocial behaviour and activities attributed to occupiers of Gypsy and Traveller sites in the area. Whilst crime and the fear of crime *are* matters for consideration when assessing the suitability or otherwise of development, antisocial behaviour and crime fall within the jurisdiction of the police to control.
- 7.5 Sewage related concerns were also raised by several residents, particularly with regards to the capacity of existing sewage systems and odour. However, no evidence has been provided to the LPA to confirm that such smells are the result of failing or ineffectual sewage treatment in any specific location. The proposed method of sewage treatment for this proposal is to take the form of connection to the existing sewage treatment plant serving the applicant’s own plot on Green Acre, which is of sufficient capacity to accommodate the likely demand of this additional pitch. Environmental Health have raised no concerns regarding this but recommended inclusion of an informative note in the event of an approval to inform the applicant of non-planning legislation requirements in relation to sewage treatment provision.
- 7.6 In the event of an approval, conditions could be applied to protect both neighbouring residents and residents of the pitch itself by restricting further development, the replacing or addition of structures, or the undertaking of inappropriate commercial activities.
- 7.7 Whilst the existing proposals would not achieve adequate acoustic or visual privacy (at least not in the first few years), improvements and enhancements could potentially resolve these issues. However, as the principle of the

development is considered to be inappropriate it would be unreasonable to ask the applicant to incur additional expense at this stage when doing so would not resolve the issues identified in Section 5. As the development has not yet commenced, should Members be minded to approve the application then conditions could be included to ensure that necessary enhancements to ensure privacy is achievable are provided prior to the pitch first being occupied.

7.8 With the application of suitably worded conditions and the implementation of necessary additional measures to ensure residential amenity is acceptable, the proposals could comply with the amenity requirements of Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031. In doing so, the development could also accord with the requirements of the NPPF.

8.0 Highway Safety and Parking

8.1 Several concerns have been raised by third parties regarding the implications of increasing Gypsy and Traveller development in the area on the surrounding road network, particular roads leading through Barnacle. These concerns include heightened risks to pedestrians due to the lack of footpaths and the speed of vehicles, and the narrow width of the roads leading to incursion of larger vehicles onto private property frontages when driving through Barnacle village.

8.2 WCC Highways were consulted on the application. They raised no concerns or objections to the proposals and were satisfied with the use of the existing Green Acre access to service the proposal site. They did not request any conditions or informative notes be applied in the event of an approval.

8.3 Appendix 5 of the Local Plan doesn't include parking standards for Gypsy and Traveller sites. Whilst no details have been provided for the internal layouts of proposed mobile homes, it is anticipated that they would each have 2-3 bedrooms (based on mobile homes of comparable sizes located on adjacent Gypsy and Traveller sites). For dwellings with up to 3no. bedrooms, Appendix 5 of the Local Plan recommends provision of a total of 2no. parking spaces. The proposed site layout plan indicates that the pitch will have 2no. designated parking spaces in addition to manoeuvring space sufficient to allow vehicles to enter and leave in a forward gear. The proposed pitch layout is therefore considered to accommodate sufficient parking provision.

8.4 With the abovementioned highway conditions applied and parking provision set out in accordance with the submitted site layout plan, this scheme could comply with Policy D2 and Appendix 5 of the Rugby Borough Council Local Plan 2011-2031.

9.0 Climate change and sustainability

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

- 9.2 Local Plan Policy SDC4, read in conjunction with the Climate Change and Sustainable Design and Construction SPD, sets out further guidance on how development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 9.3 This application was not accompanied by sustainability checklist, as it was submitted prior to this being a validation requirement. The application does not contain any information demonstrating how the applicant intends to limit or offset their carbon footprint, nor does it include details of any renewable energy solutions they intend to incorporate. Whilst the principle of the development is inappropriate, should the application be approved then conditions could be included to ensure that adequate measures were incorporated into the scheme to achieve carbon reduction or offsetting, including the provision of suitable forms of green energy production (such as solar panels) to counteract the environmental implications of the use of the pitches in the longer term.
- 9.4 Notwithstanding the above, it is considered that the applicant has not demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development does not comply with Policy SDC4.
- 9.5 Environmental Health were consulted on this application. Due to the equine use of the site, they have recommended the application of a condition relating to previously unidentified contamination in the event of an approval. The condition sets out a phased approach to be undertaken if previously unidentified contamination is found within the site. However, it should be noted that the LPA are not currently aware of any identified contamination issues within this site, and this condition would be intended as a safeguarding measure rather than confirmation that there is already a contamination issue.
- 9.6 This site does not lie within the Air Quality Management Area, and the type of development applied for does not meet the triggers for requiring conditioned mitigation under Policy HS5. Environmental Health have raised no concerns regarding air quality mitigation, nor have they identified the need for any controls or conditions with regards to this. They have however recommended inclusion of an informative note in the event of an approval to guide the applicant on possible options to reduce their impact on air quality through mitigation and/or aiming to achieve air quality neutrality.
- 9.7 Environmental Health have also recommended environmental based informatives regarding drainage, implications of adjacent activities, and waste collection.
- 9.8 For the reasons set out above, the development conflicts with Policy SDC4 of the Rugby Borough Council Local Plan 2011-2031 but complies with policies HS5 and SDC1 with regards to air quality and some aspects of environmental impact. With the submission of additional information

(required through suitably worded conditions), the development could potentially accord with guidance set out in the NPPF with regards to air quality and contamination but does **not** accord with the NPPF's climate change and sustainability expectations.

10.0 Biodiversity

10.1 Policy NE1 of the Local Plan focusses on protection of designated biodiversity and geodiversity assets, supporting the aims and objectives of Section 15 of the NPPF. As part of this, both local and national planning policy details the need to consider biodiversity as part of the planning process, with the aim to seek opportunities to protect and enhance biodiversity and protected species through all types of development whenever possible.

10.2 Biodiversity was raised as a concern in several objections from neighbouring residents but was not raised by the Parish Council or the Ward Councillor. WCC Ecology were consulted on this application and have confirmed that they have no ecological concerns about the development. They requested the application of a pre-commencement condition requiring the submission of a Landscaping and Ecological Management Plan (LEMP) in the event of an approval (to which the applicant has agreed). The LEMP would need to include a commitment to a 30-year maintenance programme, ensuring that biodiversity has time to establish and thrive whilst being supported to achieve the best possible outcomes for protected species. Beyond the LEMP condition (which will also ensure that suitable native species are planted), WCC Ecology have not requested any additional provision for biodiversity or protected species and their habitats.

10.3 As identified in Paragraph 6.7 of this report, external lighting would also need to be controlled through a condition in the event of an approval. Whilst the main trigger for this has been visual impact, control of lighting is also important for maintaining and protected habitats. Such a condition would therefore also be beneficial for biodiversity purposes.

10.4 With the application of the LEMP condition, the proposed scheme would comply with Policy NE1 of the Rugby Borough Council Local Plan 2011-2031, and to accord with the NPPF.

11.0 Human Rights and Public Sector Equality Duty (PSED)

11.1 The LPA have considered the rights of the applicant under the Human Rights Act 1998. This affords the right to respect for private and family life, including the traditions and culture associated with the gypsy way of life. This is a qualified right, and interference may be justified where in the public interest. The concept of proportionality is crucial. Refusing planning permission will interfere with the rights of the applicant and his family applied for at this site to live on land they own in accordance with the practices of their culture. However, the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the Green Belt.

- 11.2 The LPA has also considered the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The applicant and his family are persons who share a protected characteristic for the purposes of the PSED.
- 11.3 The location of site outside of established settlement prevents the opportunity to further the aims of the PSED.

12.0 Planning balance and conclusions

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 12.2 Paragraph 11(d) states that planning permission should be granted unless the requirements of para 11(d)(i) or (ii) is met. If either is met, the presumption in favour of sustainable development ceases to apply.
- 12.3 Paragraph 11 (d) contains footnotes that need to be read in accordance with the policy itself. Footnote 7 refers to sites within the Green Belt in these locations part (i) of para 11(d) needs to be considered as to whether the policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.
- 12.4 Policy DS2 of the Local Plan is more than five years post adoption in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites. In relation to the 'basket of policies' most important for determining the application it is therefore concluded that in this instance the 'basket of policies' is out of date and therefore the 'tilted' balance in paragraph 11(d) of the Framework should apply.
- 12.5 This scheme represents an inappropriate development in the Green Belt, and there are no very special circumstances that sufficiently outweigh the harm to the character and openness of the Green Belt. The development therefore conflicts with Policy GP2 of the Local Plan. It would also conflict with the Framework which seeks to protect inappropriate development in the Green Belt. Paragraph 11(d)(i) is satisfied and therefore the tilted balance is disengaged. The application of Footnote 7 policy in relation to Green Belt requires all relevant planning considerations to be weighed in the balance. In those cases, because the outcome of that assessment determines whether planning should be granted or refused.
- 12.6 The inappropriate nature of the development and the unmitigated harm to the Green Belt carry significant weight against the application.

- 12.7 Significant weight is attached to the need for Gypsy and Traveller provision in the borough and the lack of sufficient supply of sites for use for this purpose. This weighs in favour of the application.
- 12.8 The visual impact of the development as proposed would be detrimental to the character and appearance of the locality. Whilst the impact could be reduced to a limited extent by improvements in visual screening and controls on external lighting and hard surfacing materials, this would not be sufficient to wholly address the harm caused to the character and appearance of the locality. This therefore carries moderate weight against the application.
- 12.9 The lack of sufficient visual and acoustic screening between and around the proposed pitch would detrimentally impact the amenities of those living on and immediately adjacent to the site. However, provision of additional planting including the proposed “*woodland buffer*”, restriction of contradictory non-domestic activities, and controls over external lighting could all help to improve and protect residential amenity. As such, this is considered to carry neutral weight in the planning balance, as the impacts on amenity could be adequately mitigated for through the mechanism of planning conditions and controls.
- 12.10 The site access provisions meet the requirements of the Highway Authority, and the proposed layout of the pitch itself provides sufficient space for the parking of vehicles. This carries moderate weight in favour of the application.
- 12.11 The development site is in an unsustainable location. Access to services and facilities is likely to be reliant upon the private car due to their distances from the site and the lack of safe walking routes and means of sustainable transport. This carries significant weight against the application.
- 12.12 The application includes provisions to enhance and protect biodiversity within the site, and the applicant has agreed to a pre-commencement condition requiring submission of a Landscape and Ecological Management Plan that would provide a mechanism through which to achieve additional habitat and biodiversity provisions (including the longer term maintenance and protection of planting). This carries moderate weight in favour of the application.
- 12.13 On balance, the significant weight **against** the application on the grounds of Green Belt harm, inappropriate development, and lack of sustainability are not sufficiently outweighed by other factors.
- 12.14 In assessing this proposal, the Local Planning Authority has recognised the rights of the applicant and his family under the Human Rights Act 1998 and its responsibilities under Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. The refusal of the application on the basis of pursuance of a well-established and legitimate aim to protect Green Belt is considered to be a reasonable interference with the applicant’s human rights and those of his family. The rural location of the proposal site,

outside of any settlement boundary, prevents the opportunity to further the aims of the PSED.

13.0 Recommendation

- 13.1 Planning application R23/0790 be refused due to conflict with local and national planning policy.
- 13.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:

R23/0790

DATE APPLICATION VALID:

29-Nov-2023

APPLICANT:

B Gaskin Green Acre, Top Road, Barnacle,

AGENT:

Dr Angus Murdoch Murdoch Planning Limited Murdoch Planning Limited, PO Box 71, Ilminster, Somerset, TA19 0WE

ADDRESS OF DEVELOPMENT:

GREEN ACRE, TOP ROAD, BARNACLE, COVENTRY, CV7 9FS

APPLICATION DESCRIPTION:

Change of use of land to a Gypsy and Traveller residential caravan site comprising a single pitch consisting of 1 mobile home and 1 touring caravan.

CONDITIONS, REASONS AND INFORMATIVES:

REASON FOR REFUSAL 1:

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

Therefore, the proposed change of use of the land to a Gypsy and Traveller site accommodating 1 no. pitch and associated works constitutes inappropriate development which is, by definition, harmful to the Green Belt and would fail to preserve the openness of it.

In the opinion of the Local Planning Authority, there are no very special circumstances which would justify the granting of planning permission for this development in the face of a strong presumption against inappropriate development

derived from the prevailing policies. The proposed development is therefore contrary to policy GP2 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF.

REASON FOR REFUSAL 2:

It is considered that the development is located within an area with limited services and facilities, resulting in an overreliance on the private car. As such the proposal would 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 2023. It therefore does not constitute sustainable development and is contrary to Policy SDC4 of the Rugby Borough Council Local Plan and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP2, DS2, SDC1, and SDC4 of the Rugby Borough Local Plan 2011-2031

Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study
September 2022

Climate Change and Sustainable Design and Construction SPD

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference: R23/0791

Site Address: LAND ADJACENT TO GREEN ACRE, TOP ROAD, BARNACLE, COVENTRY, CV7 9FS

Description: Change of use of land to a Gypsy and Traveller residential caravan site consisting of 3 pitches, each containing 1 mobile home and 1 touring caravan, including the demolition of existing stables buildings.

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38518>

Recommendation

1. Planning application R23/0791 be **refused** due to conflict with local and national planning policy.
2. The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

1.0 Introduction

- 1.1 This application is being reported to Planning Committee for determination because 15 or more letters of objection have been received.
- 1.2 Councillor Maoudis also requested that the application be reported to the Planning Committee for the reasons set out in the Parish Council's objections (detailed below).

2.0 Description of site

- 2.1 This application relates to a parcel of land on Top Road, located near the village of Barnacle. The site is wholly within the Green Belt and lies between two Gypsy and Traveller sites; to the right of the site is Green Acre (which currently comprises a single Gypsy and Traveller pitch), and to the left is The Paddocks (which comprises three Gypsy and Traveller pitches). Flanking the northern boundary of the site is a highway verge, beyond which is the adopted highway (Top Road). On the opposite side of Top Road is open pastureland bounded by low field hedges. The land to the south of the application site is agricultural fields, which are traversed by the Coventry Way, a long-distance recreational footpath.
- 2.2 The current use of the site is for equine purposes, with various areas fenced off for individual paddocks with an access track running between them. Access to the site is directly off Top Road, via a gated entrance opening onto the access track leading to the stable building. The main stable building is still being used to house horses and is of timber construction and comprises 4no. stalls. Beyond it is another structure comprising a further stall, as well as room for storage. An open fronted lean-to adjoining this building houses a racing trap. Beyond the equine buildings is a mobile home in a poor and currently uninhabitable state of repair. Behind the main stable building is a

small storage container. All existing structures would be demolished as part of these proposals, and the shipping container and mobile home would be removed from site.

3.0 Description of proposals

- 3.1 The applicant seeks consent to change the use of the land to a Gypsy and Traveller site accommodating 3no. pitches. Each pitch would comprise a single static mobile home, a patio area around the mobile home, and an area of pea gravel that would accommodate a tourer caravan and 2no. parking spaces.
- 3.2 As part of the proposals, the existing access track would be altered and upgraded to provide vehicular access to all three pitches, although the access point onto the highway would remain in its current position. It would be resurfaced with compacted quarry dust except for where it meets the highway (where it would be resurfaced with brushed concrete).
- 3.3 1.2m high post and rail fencing will be installed around each pitch and around the retained paddock areas to separate them from the access track (each paddock will have a small gate to permit entry from the access track).
- 3.4 The proposed scheme includes the planting of new hedges and trees using native species, in addition to the retention of sections of the existing hedges and retention most of the existing trees.
- 3.5 A shared sewage treatment plant would also be installed to serve all three pitches. This would be located in the paddock immediately to the north of the proposed pitches.

Planning History

None relevant to this application.

Relevant Planning Policies

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

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

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

DS2: Sites for Gypsy, Travellers and Travelling Showpeople

HS5: Traffic Generation and Air Quality, Noise and Vibration

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC4: Sustainable Buildings

D2: Parking Facilities

National Planning Policy Framework, 2023 (NPPF)

The Planning Policy for Traveller Sites 2023 (PPTS)

Policy B: Planning for traveller sites

Policy C: Sites in rural areas and the countryside

Policy E: Traveller sites in Green Belt

Policy H: Determining planning applications for traveller sites

Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study (GTAA) September 2022

Climate Change and Sustainable Design and Construction SPD

Technical consultation responses

WCC Highways - No objections subject to conditions being applied in the event of an approval relating to vehicular access gates, access resurfacing, and visibility splays (the latter two including a pre-occupation clause). Informative notes also requested re works in the highway extents, surface water run-off onto adopted highways, and deleterious materials.

WCC Ecology - No objections but requested a Landscape and Ecological Management Plan pre-commencement condition be applied in the event of an approval. The condition would include a 30 rear maintenance requirement. No other conditions requested and no informative notes other than advising that their advice was provided under a Service Level Agreement with the LPA.

RBC Environmental Health - No objections subject to inclusion of a pre-commencement condition in the event of an approval relating to contamination assessment. Also requested informatives re air quality, drainage, impacts from existing activities, private sector housing team comments, and waste collection. No concerns over implications from road noise and no need for noise assessments.

Third party comments

Parish Council - Objections relating to:-

- Overdevelopment of Top Road, which is within the Green Belt and should act as a buffer between Barnacle, Coventry and Bulkington.
- No very special circumstances identified.
- Unsustainability.
- Light pollution.
- Already an overconcentration of Gypsy and Traveller sites within Shilton & Barnacle Parish.

- Application should not be determined until local planning policy for Gypsy and Traveller sites has been determined through a Development Plan Document.

Ward Councillor - Called for the application to be considered by the Planning Committee on the basis of the objections raised by the Parish Council.

Neighbours - Objections received from 24 households relating to:-

- Incongruous development in type and scale,
- Inappropriate development in the Green Belt,
- Unsustainability and lack of support facilities including medical and educational services,
- Light pollution and glare,
- Increased local flood risk,
- Poorly managed sewage and waste disposal,
- Anti-social and criminal behaviour,
- Impact of traffic increase on surrounding roads; congestion, noise nuisance, and highway safety,
- Gypsy and Traveller development in Barnacle already exceeds RBC and national guidelines,
- No need for further pitches in the district,
- Impact on biodiversity and the environment,
- Loss of trees and tree replacement notice compliance,
- Lack of safe footpaths along Top Road and safety implications,
- Lack of parking,
- Visual impact,
- Departure from the Local Plan,
- Countryside encroachment,
- Disruption when sites change ownership and/or move units,
- Lack of evidence of need or very special circumstances,
- Contrary to injunction,
- No evidence that more appropriate sites considered,
- Risks to health and safety,
- Detrimental impact on the Coventry Way walking route,
- Loss of wildlife and habitat,
- Lack of social cohesion and integration between gypsy and Traveller and settled communities,
- Existing Gypsy and Traveller sites on Top Road have recently expanded considerably, and
- Loss of agricultural land.

Comments also received relating to:-

- Positive change to see applicant seeking permission before undertaking works instead of retrospectively,
- Failure of the Council to provide appropriate accommodation for the Gypsy and Traveller community,
- Impact on property values

- Implications of the Planning Inspectorate allowing such developments at appeal following LPA refusals,
- A recent decision by Solihull Council to refuse a similar scheme,
- Fly tipping, which local residents attribute to the Gypsy and Traveller sites in the area,
- Rights of Council Tax payers,
- Gypsy and Traveller developments being treated more favourably than ones for houses and extensions, and such applications being easier to get approval for, and
- Warwickshire Structure Plan asserting that developments in rural areas should have the expressed support of the local community.

4.0 Assessment of proposals

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

- Principle of development (including Green Belt considerations)
- Visual impact
- Residential amenity
- Highways and parking
- Climate change and sustainability
- Biodiversity

5.0 Principle of development

5.1 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.

5.2 Paragraph 11 of the NPPF and Policy GP1 of the Local Plan set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. The Development Plan in this instance consists of the adopted Rugby Borough Local Plan 2011-2031, June 2019. For this assessment, the Local Plan is read in conjunction with the Climate Change and Sustainable Design and Construction SPD.

5.3 The Local Plan (2019) sets out the spatial vision for the borough and Policy DS2 sets out the required provision for Gypsy, Travellers and Travelling Showpeople. The evidence underpinning this policy was based on the Planning Policy for Traveller Sites (PPTS) 2015. In 2023 the Government amended the PPTS to revert to the PPTS 2012 definition. This includes those of a nomadic habit of life whatever their race or origin *“including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently”*. The PPTS 2015 definition only referred to those who had

cease travelling temporarily. In September 2022, the Council published an updated GTAA prepared by RRR Consultancy Limited. This gave two projections for future need, one based on an “ethnic definition” (i.e. those who identify as ethnically Gypsies and Travellers) and the other based on the PPTS 2015 definition.

- 5.4 The new PPTS 2023 definition is narrower than the GTAA 2022 ethnic definition. The ethnic definition would not be limited to persons of nomadic habit of life. A person who identifies as ethnically a Gypsy or Traveller may have never led a nomadic habit of life. Policy DS2 is therefore deemed to be out of date as it does not include an up to date ethnic definition.
- 5.5 Paragraph 225 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 5.6 The Local Plan is over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes and NPPF inconsistencies between them or any other material consideration which could render a policy out of date.
- 5.7 Section 11 of the NPPF focuses on the effective use of land, with Paragraph 123 stating that “*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses*” and Paragraph 128a directing that consideration needs to be made in planning policies and decisions for “*the identified need for different types of housing and other forms of development*”. This is not limited to the use of previously developed land, although such sites are often considered for this purpose. The need for homes includes the need to provide accommodation for the Gypsy and Traveller community as well as providing for the settled community.
- 5.8 Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well over the lifetime of the development.
- 5.9 Paragraph 76 of the NPPF removed the requirement for Local Planning Authorities that had put in place an up-to-date Local Plan to annually update their five year supply of land. This change protected Local Planning Authorities from the presumption in favour of sustainable development. This affects planning applications submitted after the adoption of the NPPF on 19 December 2023, however this application was submitted **before** 19

December 2023. The Local Plan for Rugby was adopted on 04 June 2019. On adoption, the authority had a five-year supply of housing. The latest Five Year Housing Land Supply Position Statement 2023-2028, published on 05 October 2023, confirms the council can currently demonstrate a 6.1 year supply of housing.

- 5.10 Policy GP2 of the Local Plan sets out the development hierarchy for the borough and states that in Green Belt locations, such as this, development will only be permitted if allowed by national policy. This is supported by Section 13 of the NPPF. Paragraph 152 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 153 of the NPPF states that LPAs should ensure that sufficient weight is given to any harm to the Green Belt. It also states that *“Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*. Policy GP2 is considered to be consistent with the NPPF in relation to identifying the key assessment criteria for Gypsy and Traveller site applications. In relation to the assessment this policy therefore carries significant weight in the planning balance.
- 5.11 Policy DS2 of the Local Plan specifically focuses on the provision and enabling of sufficient sites for use by the Gypsy and Traveller and Travelling Showpeople communities. It is still considered to carry significant weight in the planning balance as it identifies key criteria for consideration when assessing Gypsy and Traveller site applications:-
- Does the site afford good access to local services such as schools and health facilities?
 - Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?
 - Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?
 - Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?
 - Does the development have appropriate vehicular access?
 - Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?
 - Is the development well laid out to provide adequate space and privacy for residents?
 - Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?

- Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?
- 5.12 According to the published Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study September 2022 (GTAA), there is a projected need for the provision of 79no. permanent pitches for Gypsies and Travellers by 2037. To meet this need, the GTAA recommends that 48no. such pitches should be found in the borough by 2027. Paragraph 6.5 of the GTAA recognises that smaller sites are preferred by the Gypsy and Traveller community, and Paragraph 6.6 recognises that some families in the Gypsy and Traveller community are also interested in increasing provision on existing sites. The GTAA report recognises the potential value of developing land that is either already owned by applicants or land that they intend to purchase in potentially meeting some of this identified demand.
- 5.13 The matter of determining a lawful definition of Gypsy and Traveller status was considered in the Court of Appeal in 2022 (*Smith v Secretary of State for Levelling Up, Housing & Communities & Anor [2022] EWCA Civ 1391*). The Court found that the Planning Policy for Traveller Sites 2015 definition of Gypsies and Travellers was unlawfully discriminatory in relation to aged and disabled Gypsies and Travellers who have permanently ceased to travel (who would for that reason not meet the PPTS 2015 definition of a Gypsy and Traveller). The effect of the court's decision wasn't to quash the PPTS, but it identified that that it was *"difficult to see how the PPTS 2015 definition can be safely applied in other cases where elderly and disabled Gypsies and Travellers seek planning permission for a caravan site on which to live in accordance with their traditional way of life"*. When the current 2023 PPTS was adopted, it included within Annex 1 an updated definition which reads *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*. The effect of this case was the recognition that it may not always be possible for members of the Gypsy and Traveller community to continue to travel for life, and that there is likely to come a time when members of the community find they need to settle in a set location as opposed to remaining transitory. This is therefore a material consideration when looking at Gypsy and Traveller related cases such as the one subject of this application.
- 5.14 As noted in Section 2 of this report, the site is in the Green Belt. There is a general presumption against inappropriate development of such land unless either the development meets identified criteria or very special circumstances exist that sufficiently outweigh the presumption against inappropriate development. Gypsy and Traveller site provision is *not* one of the existing exceptions to the presumption and thus would represent inappropriate development.

- 5.15 The applicant was given an opportunity to submit any evidence that they felt could support a case of very special circumstances. In response, the Local Planning Authority (LPA) received a Planning Statement in May 2024. The statement confirmed that the intended occupants of the proposed pitches were to be members of the applicant's family. Paragraph 3 of the Planning Statement states, "*As the proposal seeks to offset the loss of openness of the Green Belt by removing existing authorised buildings on Previously Developed Land, it is submitted that the proposal does not constitute inappropriate development and that accordingly it is not necessary to demonstrate that very special circumstances exist*". However, Paragraph 4 then states, "*In the alternative and without prejudice to that primary case, it is argued that the proposed use of the site complies with the Development Plan policies so far as they are relevant and up-to-date as very special circumstances exist which outweighs the harm to the Green Belt and the other harm identified.*"
- 5.16 Paragraph 17 of the Planning Statement recognises that substantial weight should be attributed to harm to the Green Belt arising from inappropriate development, loss of openness and encroachment into the countryside. Paragraph 18 of the Planning Statement identifies unmet need, a lack of 5-year supply of sites and no suitable alternative sites as matters to weigh against the harm, citing assessments made in relation to a "*recent*" application for a site identified as Treetops. It is unclear which site this refers to, as there are two sites bearing this name in the borough and both have a history of Gypsy and Traveller related planning applications.
- 5.17 The Statement concludes by referring to "*an application for a 10-pitch extension to an existing Traveller site in the Rugby Green Belt (resulting in a total of 23 pitches) which was approved by the LPA in February 2019*". Whilst the case is not identified, the timescale for determination indicates that it is likely to refer to planning application reference R18/1555, which related to a site immediately adjacent to Bryants in Brandon (an established Gypsy and Traveller site).
- 5.18 The Statement describes the site as being "*previously developed land*" (Paragraph 3), and as such the agent argues that the proposals are not inappropriate. Whilst the site does currently accommodate stable buildings, this is a form of development that is appropriate for rural and Green Belt locations, whereas the proposed use for Gypsy and Traveller pitches deemed inappropriate unless very special circumstances exist. In addition, whilst the footprint of the stables themselves may be deemed to be previously developed land, this would not extend to the surrounding paddocks as they remain simply grazing land. The area of the site that would be directly affected by the development is larger than the area currently taken up by the stables, and as such the proposed development is not wholly on previously developed land.
- 5.19 Although the Planning Statement refers to the presence of very special circumstances it does not demonstrate what these are, other than that the applicant has a protected characteristic as a member of the Gypsy and

Traveller community. Mention is made of the applicant accommodating the son of his late brother, but as there is no confirmation of the nephew's age it is unclear whether the rights of the child are a material consideration in this case. The LPA do not therefore consider that very special circumstances have been demonstrated for consideration as a means of outweighing the harm to the Green Belt arising from this development.

5.20 Paragraph 11 of the Statement states *"The pitch is within an existing Traveller site who have themselves proposed this scheme."* Notwithstanding the fact that the applicant is seeking permission for multiple pitches, this is factually incorrect; Paragraph 4 of the same statement describes the site as being *between* two Gypsy and Traveller sites rather than within one, a fact confirmed by the LPA on the Planning site visit. This development therefore represents the creation of a new additional Gypsy and Traveller site on Top Road, rather than the expansion of an existing one.

5.21 Focussing now on the key tests set out in Policy DS2 of the Local Plan, the development will now be assessed against each of these in turn:-

5.22 *Does the site afford good access to local services such as schools and health facilities?*

The site is located near to, but not within, a number of villages and suburbs that collectively have a range of local facilities including primary schools (approximately 1-2 km away); pubs (approximately 2-5 km away); places of worship (approximately 2-2.5 km away); a dental practice (approximately 1.4 km away); medical practices (approximately 0.4-4.3 km away); grocery stores (approximately 1.5-3.5 km away), and supermarkets (approximately 4-4.5 km away). The area is also covered by emergency and hospital care (approximately 5-16 km away). However it is likely that due to their distance from the site, the lack of reliable public transport access within close proximity to the site, and the lack of safe walking routes (the site is located in an area that lacks both pavements and adequate street lighting to make walking safe for pedestrians) that journeys to most or all of these services and facilities would be by either private vehicle or taxi.

5.23 *Does the site satisfy the sequential and exception tests for flood risk and is it adjacent to uses likely to endanger the health of occupants such as a refuse tip, sewage treatment works or contaminated land?*

The site is not within Flood Zones 2 or 3 and WCC Flood Risk Management have confirmed they have no flooding related concerns. The site is not adjacent to any known hazardous land uses that could be likely to endanger the health of the occupants of the site.

5.24 *Is the development appropriate in scale compared with the size of the existing settlement or nearby settlements?*

This site is small in comparison to the nearby settlement of Barnacle. However, it does lie within an area that features several other Gypsy and Traveller sites, including three on Top Road itself; The Paddocks and Green Acre (which have permanent personal planning permissions), and the larger site of Top Park (part of which is unauthorised, with the remainder having

temporary planning permission that expires in 2028). It is also close to similar sites on Shilton Lane, Bulkington Road and Mile Tree Lane. The Planning Inspector found in the case of Plots 14-19 Top Park (which lie close to this application site) that “*none of these schemes [along Top Road and Shilton Lane] would result in the Gypsy and Traveller community dominating Barnacle, either visually or in terms of population*”. However, the Inspector was not aware of the potential for two additional sites in close proximity to Top Park at the time of writing. The addition of a further Gypsy and Traveller site on Top Road, and in such close proximity to Top Park, would increase the imbalance between Gypsy and Traveller sites and the settlement of Barnacle itself. In addition, the development of this site would effectively result in the joining together of three Gypsy and Traveller sites.

- 5.25 *Will the development be able to achieve a reasonable level of visual and acoustic privacy both for people living on the site and for those living nearby?*

The presence of established hedging will provide some screening when they are in leaf, but their effectiveness will diminish in winter months when branches are bare. The application proposes additional native hedgerows and trees around the pitches themselves as well as additional hedging flanking the access drive to provide a degree of natural screening but does not propose enhancing existing hedging to increase its effectiveness. In the event of an approval, WCC Ecology have requested a pre-commencement condition regarding landscaping which could provide an opportunity to consider additional structural planting to increase screening by reinforcing the existing hedgerows with additional planting. The proposed 1.2 metre high post and rail fencing would not be an effective means of providing privacy or noise reduction for occupiers of either the proposed pitches or adjacent land. However, the Planning Statement notes that the pitches are to be occupied by members of the same family, so the lack of screening between the pitches themselves may be something that the family prefer as a means of enabling social interaction. Without substantial improvement in screening however, it is unlikely that sufficient visual or acoustic privacy could be achieved.

- 5.26 The proposed pitches would not lie immediately adjacent to those on neighbouring Gypsy and Traveller sites, which would afford a limited degree of privacy between sites. As the adjacent sites are owned by siblings of the applicant it may again be preferable for the family to be in sight of each other. As noted in the Planning Statement, the pitches are set back from the highway. Environmental Health have no concerns in relation to noise from the adjacent highway and have advised that noise assessments are not required.

- 5.27 Notwithstanding the above, due to the relationship with adjacent sites it would be prudent to apply restrictive conditions in the event of an approval to a) tie the use of the pitches solely to Gypsy and Traveller accommodation, b) prevent commercial activities, and c) prevent vehicles over 3.5 tonnes being brought onto site, to prevent conflicting uses occurring on the application site that could detrimentally impact on neighbouring sites. A further

condition to make the permission personal to the applicant and his family would also be advisable in the event of an approval, as it is the family dynamic in this instance that may make reduced privacy acceptable to the intended occupiers but not acceptable to future occupiers if they do not have a similar relationship to other pitch users.

- 5.28 Without substantial improvement in screening and restrictions being applied to the operational use and occupation of the proposed pitches, it is unlikely that sufficient visual or acoustic privacy could be achieved.
- 5.29 *Does the development have appropriate vehicular access?*
The applicant proposes to upgrade the existing site entrance and track leading directly into the site from Top Road. At present, the track leads diagonally across the paddocks to the existing stable block. The applicant proposes to redirect it to the northernmost pitch then along the front of the pitches. Each pitch will be accessed via the new track. WCC Highways have raised no objections or concerns with regards to this arrangement. They are satisfied that a simple verge crossing would be sufficient to serve the site and note that access details will be agreed via the Section 184 process (a legal agreement under the Highways Act 1980).
- 5.30 *Does the development will comply with Policy SDC1 in respect of design and impact on the surrounding area and amenity of existing residents?*
This site currently has a very rural appearance that is in keeping with its surroundings. Equine uses are commonplace within the countryside, and the presence of stable buildings is wholly in keeping with this.
- 5.31 The creation of 3no. Gypsy and Traveller pitches would be a stark contrast to this due to the presence of mobile homes and significant areas of hardstanding. The proposal would have the effect of merging the adjacent Gypsy and Traveller sites (both of the adjacent Gypsy and Traveller sites benefit from permanent planning permission but with a caveat that they are personal to the applicants and their dependants, which means that the planning permissions do not inure for the benefit of the land) together to create the appearance of a seemingly larger site. Another Gypsy and Traveller site on Top Road would also add to the already significant number of such developments in the immediate locality, further eroding its rural character. Whilst landscaping may help to counteract some of this starkness, the visual changes would still be evident as the combination of proposed and established planting would not be sufficient to screen the development from view.
- 5.32 As noted in Paragraph 5.25 of this report, the land immediately adjacent to the site is owned by the applicant's siblings. Both adjacent sites are also used for the purposes of Gypsy and Traveller accommodation. It is therefore unlikely that the use of the site for the purposes proposed would adversely affect the amenities of the occupiers of the adjacent sites. However, the residents of nearby Barnacle have raised concerns over the implications of the development on *their* residential amenities and access to services. These concerns are cited by residents as being current experiences, so

whilst the development may not cause *new* issues, it may exacerbate existing ones.

- 5.33 *Is the development well laid out to provide adequate space and privacy for residents?*
As stated in Paragraph 5.25 of this report, whilst the lack of sufficient screening would limit privacy between the proposed pitches, as they are all to be occupied by the same extended family a degree of social interaction between them may be advantageous. However, this bespoke scenario would need to be protected by suitably worded occupational conditions in the event of an approval, as occupation of the pitches by unrelated third parties may result in privacy issues.
- 5.34 Each proposed pitch is large enough to accommodate a mobile home, a tourer caravan, 2no. parking spaces, a private patio, and an open amenity area for vehicle manoeuvring and recreational activities. Whilst amenity buildings are not included in the proposals, there would be sufficient space within each pitch to accommodate a small one if required (separate planning permission would need to be sought for this). This is comparable to other such pitch sizes within the borough and should be sufficient to meet the needs of the families occupying them.
- 5.35 *Does the development include appropriate landscape measures to mitigate visual impacts and to ensure adequate levels of privacy and residential amenity for occupiers and adjacent occupiers, but which avoids enclosing a site with an inappropriate amount of hard landscaping, high walls or fences?*
Whilst the pitches themselves have limited soft landscaping, the application provides for the planting of additional native hedges around pitch perimeters and flanking the access track. Whilst not within the red edge indicated on the site location plan, the application also includes details of proposed bulb drifts in the surrounding paddocks, although more varied native planting would be preferable. WCC Ecology have requested that a pre-commencement condition be applied requiring the submission of a Landscaping and Ecological Management Plan (LEMP), which should include details of planting and maintenance of landscaping as well as provision of planting that enhances habitat opportunities through the use of various native species.
- 5.36 The proposed low-level fencing is of a style that reflects the rural character of the locality (post and rail). The visual impact of the predominance of hardstanding (patios and pea gravel within the plots, and the surfaced access track) could be offset to a degree by surrounding planting and enhanced landscaping required through the LEMP in the event of an approval.
- 5.37 For privacy matters, please see Paragraphs 5.25 and 5.32 of this report.

- 5.38 *Does the development accommodate non-residential uses that may cause, by virtue of smell, noise or vibration, significant adverse impact on neighbouring business or residents?*
The application is for residential purposes only. Conflicting uses could be controlled or prevented through suitably worded conditions in the event of an approval, such as those detailed in Paragraph 5.26 of this report.
- 5.39 *Is there adequate provision for on-site services for water supply, power, drainage, sewage and waste disposal facilities?*
It is expected that utility services of a standard required for residential occupation will be provided. The Planning Statement states that “*all facilities are available*”. Notwithstanding the LPA’s position with regards to this not being part of an established Gypsy and Traveller site (see Paragraph 5.14 of this report), the submitted plans include details for installation of a septic tank to the north of the proposed pitches which would serve all three of them. Details of access to water and electricity have not been included within the proposals. However, it was noted on the planning site visit that the site already had an active water supply serving the existing stables. The presence of lighting fixtures on the exterior of the stable buildings similarly indicated the presence of an established electricity supply.
- 5.40 Section 5 of the NPPF looks at the provision of homes including those in rural locations. As Gypsy and Traveller accommodation is considered to come under the umbrella of rural housing provision, this section is relevant to this development.
- 5.41 The applicant and their family have rights under the Human Rights Act 1998, which afford rights to respect for private and family life, including the traditions and culture associated with the Gypsy and Traveller way of life. The Public Sector Equality Duty (PSED) contained within the Equalities Act 2010 is also an important consideration as it sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The applicant and his family identify as Romany Gypsies, and they are therefore persons who share a protected characteristic for the purposes of the PSED. Section 11 of this report considers these factors in more detail.
- 5.42 In light of the above, this development does not meet the requirements of Policy SDC1 and the principles of Policy DS2 of the Local Plan and does not accord with the NPPF. The principle of development is therefore considered to be unacceptable in Planning terms.
- 5.43 In terms of the Planning Policy for Traveller Sites (PPTS) 2023, as the LPA does not currently have sufficient allocated sites to meet the requirements for Gypsy and Traveller provision within the Borough, some of the requirements of Policy B of the PPTS cannot currently be met. However, this application has been assessed following the principles set out in Paragraphs 10 and 13 of the PPTS which direct LPAs on the key criteria to be used for assessing the suitability of sites for Gypsy and Traveller

accommodation provision. The present lack of sufficient provision for Gypsy and Traveller sites within the borough carries significant weight in favour of this development.

- 5.44 Policies C and E of the PPTS cover sites in rural countryside and Green Belt locations. Policy E makes it clear that Gypsy and Traveller provision in the Green Belt is unacceptable *unless very special circumstances exist that would outweigh the harm*. As set out in this report, the LPA consider that no very special circumstances have been provided in relation to Policies C and E of the PPTS.
- 5.45 Levels of existing provision (and the lack thereof) are a key consideration within Policy H of the PPTS, being identified as a specific consideration in Paragraph 24 alongside the availability or lack of alternative sites and the personal circumstances of the applicants. However, this paragraph also includes an important clarification that *“subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”*.
- 5.46 For the reasons set out above, the principle of this development is considered to conflict with the Planning Policy for Traveller Sites 2023.
- 6.0 Visual impact
- 6.1 Paragraph 135 of Section 12 of the NPPF states that planning policies and decisions should ensure, amongst other things, that developments will function well and add to the overall quality of the area over the lifetime of the development, are visually attractive, and are sympathetic to the local character and history.
- 6.2 Policy SDC1 of the Local Plan states that developments will only be supported where they are of a scale, density and design that responds to the character of the areas in which they are located. It also highlights key considerations for determination of such applications, including massing, landscape, layout and materials.
- 6.3 In objections received from both residents and the Parish Council, the anticipated visual impact of the development has been highlighted as a key concern, especially in light of the visual impact already created by the temporarily permitted development at nearby Top Park (which expires in 2028). Objections share common themes relating to the juxtaposition between the various Gypsy and Traveller sites along Top Road and Shilton Lane and the rural landscape around them, as well as the effect of external lighting and how it increases their visual impact. Objectors fear that these existing issues will only increase if more Gypsy and Traveller developments are permitted along Top Road, and that they will bring such issues even closer to Barnacle than they are at present.
- 6.4 In addition to considering the impact of the development on the character and appearance of the Green Belt (see section 5 of this report), a key factor

of any development is the impact it will have on the appearance and character of an area. In this case, the site is located away from the nearest villages of Shilton, Barnacle and Bulkington. There are however several Gypsy and Traveller sites already operating in the locality, including nearby Top Park. The surrounding undeveloped areas are mostly agricultural land, with boundaries generally marked with field hedges.

- 6.5 When approaching the site from the adjacent highway (Top Road) in either direction, the site entrance is presently relatively unobtrusive owing to existing hedging around the site perimeter and the slight set back of the entrance gate. Both the site entrance and the existing access track have the appearance of compressed dirt reinforced by gravel. What predominates the site is the areas of grassed paddock land with the only established hardsurfacing appears to be the concrete stable yard.
- 6.6 The proposed scheme would see the site entrance upgraded and resurfaced with concrete. The access drive would be redirected and surfaced with compacted quarry dust to create a more hardwearing surface for vehicles accessing the proposed pitches. Within the pitches themselves most of the ground will be surfaced with pea gravel in addition to paved patios. The proposals indicate that the paddock areas surrounding the pitches will be planted as bulb drifts. The only grassed areas appear to be around the perimeters of the pitches themselves. Whilst some additional hedge and tree planting is proposed, it would not be sufficient to screen views of the proposed pitches from various vantage points around the application site, and most notably from Top Road itself.
- 6.7 The LPA recognises residents' concerns about the effect that external lighting can have by making developments more prominent in hours of darkness when there are no adjacent light sources (such as streetlights). This impact is already clearly demonstrated around the existing Gypsy and Traveller sites in the immediate locality, the locations of which can be identified from some considerably distance way due to the light emitting from them. This is also true of Barnacle and adjacent villages, but light pollution is amplified in the Top Road area due to the absence of natural and manmade features to screen the sites from the surrounding open plateau landscape of the fields. Some form of external lighting for safety and security purposes is clearly necessary for the proposed pitches, given the lack of surrounding light sources in the public domain, so a limited degree of lighting is considered reasonable for this purpose. However, in the event of an approval lighting would need to be carefully controlled through a suitably worded condition to manage the implications and effects it can have on both the character of the locality and the preservation of suitable habitat for protected species.
- 6.8 The applicant has indicated a degree of structured soft landscaping within their proposals, as well as an intention to seek guidance on how strategic planting could be used to enhance the appearance of the site. WCC Ecology have also recommended a pre-commencement condition requiring submission of a Landscaping and Ecological Management Plan (LEMP) to

secure the provision and ongoing maintenance of appropriate planting within the site, which the applicant has agreed to in addition to showing willingness to enhance soft landscaping as appropriate. However, landscaping enhancement would not overcome the fact that the principle of this development is unacceptable.

6.9 The proposed development would significantly alter the character and appearance not only of the proposal site itself but also the context in which it lies. The significant increase in hard surfacing and the presence of the various features required for the pitches (mobile homes, parking provision, the regular presence of tourer caravans etc), together with the increased activity the proposed use would entail, contrast sharply with the current equine use and related buildings. Artificial lighting and vehicle movements would further intensify the impact that the site would have on the character and appearance of the rural area.

6.10 For the reasons set out above, the development conflicts with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 in relation to character and appearance and is contrary to Section 2 of the NPPF.

7.0 Residential Amenity

7.1 Several representations received by the LPA raised concerns over the present cumulative impact of Gypsy and Traveller sites on their access to services and facilities, and their concerns that this will be worsened if the proposed development were to go ahead. Paragraphs 5.21, 5.24-5.27 (inclusive), and 5.30-5.34 (inclusive) of this report all set out the LPA's assessment of amenities for both future occupiers of the proposed pitches and those living around them including settled communities such as Barnacle.

7.2 The occupants of the proposed pitches would have little to no acoustic or visual privacy between themselves due to the low heights of proposed fencing and hedging. Whilst privacy would still be an issue, occupiers of pitches on adjacent sites would be afforded greater privacy from the development than the occupants of the proposed pitches would have from each other. Residents of Barnacle are sufficiently far away from the site so as not to be materially impacted upon in terms of loss of privacy.

7.3 Concerns over noise nuisance were common to many of the objections received from neighbouring residents, although some of the concerns related to behaviour and activities occurring outside of the application site and/or were attributed to existing Gypsy and Traveller sites in the area. The LPA considers that it would be difficult to discern noise emanating solely from the application site from that arising from adjacent similar developments, as the activities taking place would be comparable. Environmental Health have advised that it would not be necessary to require the undertaking of a noise assessment in this instance and raised no concerns over road noise implications for occupants of the pitches or noise related concerns for neighbouring residents.

- 7.4 Several objections received from neighbouring residents cited harm to their amenities and loss of their sense of safety arising from antisocial behaviour and activities attributed to occupiers of Gypsy and Traveller sites in the area. Whilst crime and the fear of crime *are* matters for consideration when assessing the suitability or otherwise of development, antisocial behaviour and crime fall within the jurisdiction of the police to control.
- 7.5 Sewage related concerns were also raised by several residents, particularly with regards to the capacity of existing sewage systems and odour. However, no evidence has been provided to the LPA to confirm that such smells are the result of failing or ineffectual sewage treatment in any specific location. The proposed method of sewage treatment for this proposal is anticipated to take the form of a sewage treatment plant of sufficient capacity to accommodate the likely demand of these three pitches. This would be located to the north of the pitches. Environmental Health have raised no concerns regarding this but recommended inclusion of an informative note in the event of an approval to inform the applicant of non-planning legislation requirements in relation to sewage treatment provision.
- 7.6 In the event of an approval, conditions could be applied to protect both neighbouring residents and residents of the pitches themselves by restricting further development, the replacing or addition of structures, or the undertaking of inappropriate commercial activities.
- 7.7 Whilst the existing proposals would not achieve adequate acoustic or visual privacy, improvements and enhancements could potentially resolve these issues. However, as the principle of the development is considered to be inappropriate it would be unreasonable to ask the applicant to incur additional expense at this stage when doing so would not resolve the issues identified in Section 5. As the development has not yet commenced, should Members be minded to approve the application then conditions could be included to ensure that necessary enhancements to ensure privacy is achievable are provided prior to the pitches being occupied.
- 7.8 With the application of suitably worded conditions and the implementation of necessary additional measures to ensure residential amenity is acceptable, the proposals could comply with the amenity requirements of Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031. In doing so, the development could also accord with the requirements of the NPPF.
- 8.0 Highway Safety and Parking
- 8.1 Several concerns have been raised by third parties regarding the implications of increasing Gypsy and Traveller development in the area on the surrounding road network, particular roads leading through Barnacle. These concerns include heightened risks to pedestrians due to the lack of footpaths and the speed of vehicles, and the narrow width of the roads leading to incursion of larger vehicles onto private property frontages when driving through Barnacle village.

- 8.2 WCC Highways were consulted on the application. They observed that, whilst a bellmouth was proposed for the site entrance, a simple verge crossing would be sufficient and would be secured through a formal agreement under Section 184 of the Highways Act 1980. They advised that for a road with average speeds of 30-50 mph visibility splays of 160 metres were acceptable. They raised no concerns or objections to the proposals. They did however request that conditions be applied in the event of an approval to a) prohibit gates, barriers or means of enclosure within 6 metres of the highway boundary, b) require resurfacing of the vehicular access with a bound material for a minimum distance of 12 metres from the highway prior to first occupation, and c) provision of the necessary visibility splays prior to first occupation and their maintenance thereafter. Informative notes were also recommended in relation to works in the highway extents, surface water run off controls, and prevention of deleterious materials being transferred from the site onto the highway.
- 8.3 Appendix 5 of the Local Plan doesn't include parking standards for Gypsy and Traveller sites. Whilst no details have been provided for the internal layouts of proposed mobile homes, it is anticipated that they would each have 2-3 bedrooms (based on mobile homes of comparable sizes located on adjacent Gypsy and Traveller sites). For dwellings with up to 3no. bedrooms, Appendix 5 of the Local Plan recommends provision of a total of 2no. parking spaces. The proposed site layout plan indicates that each pitch will each have 2no. designated parking spaces in addition to manoeuvring space sufficient to allow vehicles to enter and leave each pitch in a forward gear. Each pitch is therefore considered to accommodate sufficient parking provision.
- 8.4 With the abovementioned highway conditions applied and parking provision set out in accordance with the submitted site layout plan, this scheme could comply with Policy D2 and Appendix 5 of the Rugby Borough Council Local Plan 2011-2031.
- 9.0 Climate change and sustainability
- 9.1 The Council has declared a 'Climate Emergency', pledging to take local action to contribute to national carbon neutrality targets including recognising steps to reduce its causes and make plans to respond to its effects at a local level.
- 9.2 Local Plan Policy SDC4, read in conjunction with the Climate Change and Sustainable Design and Construction SPD, sets out further guidance on how development is required to demonstrate compliance with matters relating to climate change and a reduction in carbon emissions.
- 9.3 This application was not accompanied by sustainability checklist, as it was submitted prior to this being a validation requirement. The application does not contain any information demonstrating how the applicant intends to limit or offset their carbon footprint, nor does it include details of any renewable energy solutions they intend to incorporate. Whilst the principle of the development is inappropriate, should the application be approved then

conditions could be included to ensure that adequate measures were incorporated into the scheme to achieve carbon reduction or offsetting, including the provision of suitable forms of green energy production (such as solar panels) to counteract the environmental implications of the use of the pitches in the longer term.

- 9.4 Notwithstanding the above, it is considered that the applicant has not demonstrated how energy efficiency and sustainability has been incorporated within the development and therefore the development does not comply with Policy SDC4.
- 9.5 Environmental Health were consulted on this application. Due to the equine use of the site, they have recommended the application of a condition relating to previously unidentified contamination in the event of an approval. The condition sets out a phased approach to be undertaken if previously unidentified contamination is found within the site. However, it should be noted that the LPA are not currently aware of any identified contamination issues within this site, and this condition would be intended as a safeguarding measure rather than confirmation that there is already a contamination issue.
- 9.6 This site does not lie within the Air Quality Management Area, and the type of development applied for does not meet the triggers for requiring conditioned mitigation under Policy HS5. Environmental Health have raised no concerns regarding air quality mitigation, nor have they identified the need for any controls or conditions with regards to this. They have however recommended inclusion of an informative note in the event of an approval to guide the applicant on possible options to reduce their impact on air quality through mitigation and/or aiming to achieve air quality neutrality.
- 9.7 Environmental Health have also recommended environmental based informatives regarding drainage, implications of adjacent activities, and waste collection.
- 9.8 For the reasons set out above, the development conflicts with Policy SDC4 of the Rugby Borough Council Local Plan 2011-2031 but complies with policies HS5 and SDC1 with regards to air quality and some aspects of environmental impact. With the submission of additional information (required through suitably worded conditions), the development could potentially accord with guidance set out in the NPPF with regards to air quality and contamination but does **not** accord with the NPPF's climate change and sustainability expectations.
- 10.0 Biodiversity
- 10.1 Policy NE1 of the Local Plan focusses on protection of designated biodiversity and geodiversity assets, supporting the aims and objectives of Section 15 of the NPPF. As part of this, both local and national planning policy details the need to consider biodiversity as part of the planning process, with the aim to seek opportunities to protect and enhance

biodiversity and protected species through all types of development whenever possible.

- 10.2 Biodiversity was raised as a concern in several objections from neighbouring residents but was not raised by the Parish Council or the Ward Councillor. WCC Ecology were consulted on this application and have confirmed that they have no ecological concerns about the development. They requested the application of a pre-commencement condition requiring the submission of a Landscaping and Ecological Management Plan (LEMP) in the event of an approval (to which the applicant has agreed). The LEMP would need to include a commitment to a 30-year maintenance programme, ensuring that biodiversity have time to establish and thrive whilst being supported to achieve the best possible outcomes for protected species. Beyond the LEMP condition (which will also ensure that suitable native species are planted), WCC Ecology have not requested any additional provision for biodiversity or protected species and their habitats.
- 10.3 As identified in Paragraph 6.7 of this report, external lighting would also need to be controlled through a condition in the event of an approval. Whilst the main trigger for this has been visual impact, control of lighting is also important for maintaining and protected habitats. Such a condition would therefore also be beneficial for biodiversity purposes.
- 10.4 With the application of the LEMP condition, the proposed scheme would comply with Policy NE1 of the Rugby Borough Council Local Plan 2011-2031, and to accord with the NPPF.

11.0 Human Rights and Public Sector Equality Duty (PSED)

- 11.1 The LPA have considered the rights of the applicant under the Human Rights Act 1998. This affords the right to respect for private and family life, including the traditions and culture associated with the gypsy way of life. This is a qualified right, and interference may be justified where in the public interest. The concept of proportionality is crucial. Refusing planning permission will interfere with the rights of the applicant and his family applied for at this site to live on land they own in accordance with the practices of their culture. However, the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the Green Belt.
- 11.2 The LPA has also considered the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The applicant and his family are persons who share a protected characteristic for the purposes of the PSED.
- 11.3 The location of site outside of established settlement prevents the opportunity to further the aims of the PSED.

12.0 Planning balance and conclusions

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 12.2 Paragraph 11(d) states that planning permission should be granted unless the requirements of para 11(d)(i) or (ii) is met. If either is met, the presumption in favour of sustainable development ceases to apply.
- 12.3 Paragraph 11 (d) contains footnotes that need to be read in accordance with the policy itself. Footnote 7 refers to sites within the Green Belt in these locations part (i) of para 11(d) needs to be considered as to whether the policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.
- 12.4 Policy DS2 of the Local Plan is more than five years post adoption in relation to the evidence base which underpins the requirement for Gypsy and Traveller sites. In relation to the 'basket of policies' most important for determining the application it is therefore concluded that in this instance the 'basket of policies' is out of date and therefore the 'tilted' balance in paragraph 11(d) of the Framework should apply.
- 12.5 This scheme represents an inappropriate development in the Green Belt, and there are no very special circumstances that sufficiently outweigh the harm to the character and openness of the Green Belt. The development therefore conflicts with Policy GP2 of the Local Plan. It would also conflict with the Framework which seeks to protect inappropriate development in the Green Belt. Paragraph 11(d)(i) is satisfied and therefore the tilted balance is disengaged. The application of Footnote 7 policy in relation to Green Belt requires all relevant planning considerations to be weighed in the balance. In those cases, because the outcome of that assessment determines whether planning should be granted or refused.
- 12.6 The inappropriate nature of the development and the unmitigated harm to the Green Belt carry significant weight against the application.
- 12.7 Significant weight is attached to the need for Gypsy and Traveller provision in the borough and the lack of sufficient supply of sites for use for this purpose. This weighs in favour of the application.
- 12.8 The visual impact of the development as proposed would be detrimental to the character and appearance of the locality. Whilst the impact could be reduced to a limited extent by improvements in visual screening and controls on external lighting and hard surfacing materials, this would not be sufficient to wholly address the harm caused to the character and appearance of the locality. This therefore carries moderate weight against the application.
- 12.9 The lack of sufficient visual and acoustic screening between and around the proposed pitches would detrimentally impact the amenities of those living on

and immediately adjacent to the site. However, provision of additional planting along existing and proposed hedgerows, restriction of contradictory non-domestic activities, and controls over external lighting could all help to improve and protect residential amenity. As such, this is considered to carry neutral weight in the planning balance, as the impacts on amenity could be adequately mitigated for through the mechanism of planning conditions and controls.

- 12.10 The proposed site access provisions meet or exceed the requirements of the Highway Authority, and the proposed layout of the pitches provides sufficient space for the parking of vehicles. This carries moderate weight in favour of the application.
- 12.11 The development site is in an unsustainable location. Access to services and facilities is likely to be reliant upon the private car due to their distances from the site and the lack of safe walking routes and means of sustainable transport. This carried significant weight against the application.
- 12.12 The application includes provisions to enhance and protect biodiversity within the site, and the applicant has agreed to a pre-commencement condition requiring submission of a Landscape and Ecological Management Plan that would provide a mechanism through which to achieve additional habitat and biodiversity provisions (including the longer term maintenance and protection of planting). This carries moderate weight in favour of the application.
- 12.13 On balance, the significant weight **against** the application on the grounds of Green Belt harm, inappropriate development, and lack of sustainability are not sufficiently outweighed by other factors.
- 12.14 In assessing this proposal, the Local Planning Authority has recognised the rights of the applicant and his family under the Human Rights Act 1998 and its responsibilities under Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. The refusal of the application on the basis of pursuance of a well-established and legitimate aim to protect Green Belt is considered to be a reasonable interference with the applicant's human rights and those of his family. The rural location of the proposal site, outside of any settlement boundary, prevents the opportunity to further the aims of the PSED.

13.0 Recommendation

- 13.1 Planning application R23/0791 be refused due to conflict with local and national planning policy.
- 13.2 The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.

DRAFT DECISION

REFERENCE NO:

R23/0791

DATE APPLICATION VALID:

29-Nov-2023

APPLICANT:

Mr & Mr T and B Gaskin Green Acre and The Paddocks, Top Road, Barnacle

AGENT:

Dr Angus Murdoch Murdoch Planning Limited PO Box: 71, Ilminster, Somerset,
TA19 0WF

ADDRESS OF DEVELOPMENT:

LAND ADJACENT TO GREEN ACRE, TOP ROAD, BARNACLE, COVENTRY, CV7
9FS

APPLICATION DESCRIPTION:

Change of use of land to a Gypsy and Traveller residential caravan site consisting of 3 pitches, each containing 1 mobile home and 1 touring caravan, including the demolition of existing stables buildings.

REASONS:**REASON FOR REFUSAL 1:**

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

Therefore, the proposed change of use of the land to a Gypsy and Traveller site accommodating 3no. pitches and associated works constitutes inappropriate development which is, by definition, harmful to the Green Belt and would fail to preserve the openness of it.

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

REASON FOR REFUSAL 2:

It is considered that the development is located within an area with limited services and facilities, resulting in an overreliance on the private car. As such the proposal would 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 2023. It therefore does not constitute

sustainable development and is contrary to Policy SDC4 of the Rugby Borough Council Local Plan and the NPPF.

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

GP2, DS2, SDC1, and SDC4 of the Rugby Borough Local Plan 2011-2031

Rugby Borough Council Gypsy and Traveller Accommodation Assessment Study
September 2022

Climate Change and Sustainable Design and Construction SPD

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

STATEMENT OF POSITIVE ENGAGEMENT:

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

Reference: R23/1210

Site Address: Land west of Grandborough Road, Grandborough, CV23 8DB

Description: Change of use of agricultural land to secure dog walking field, access track, parking area and associated boundary fencing and gates

Web link: <https://planning.agileapplications.co.uk/rugby/application-details/38985>

Recommendation

1. Planning application R23/1210 be approved subject to:
 - a) The conditions and informatives set out in the draft decision notice appended to this report
2. The Chief Officer for Growth and Investment be given delegated authority to make minor

1.0 Introduction

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

2.0 Description of site

2.1 The application site comprises 4.5 hectares(ha), 11.5 acres of agricultural land. Currently the land is being used as grazing land for sheep. To the East of the site is Main Street and to the South and West is Castle Lane. To the South of the site is the village of Grandborough. The site slightly slopes from Northeast to West

2.2 Public Right of Way (PROW) 179/R236/2 runs through the site heading North from the entrance on the corner of Main Street and Castle Lane, this then leads into two separate PROWs that are located within the land ownership boundary of the applicant.

2.3 There are a number of neighbouring properties in the area, with the closest property being approximately 30 metres away from the application site. The next closest property is around 50 metres away from the application site. The area is agriculturally characterised by the number of agricultural fields in the surrounding area.

3.0 Description of proposals

3.1 This application seeks planning permission for the change of use of agricultural land to a secure dog walking field, access track, parking area and associated boundary fencing and gates.

3.2 The proposal includes a number of works on the site in addition to the change of use from an agricultural field to a dog walking field. The proposed work includes the implementation of a new wildflower drift as well as space for wildflowers between the proposed perimeter fence and existing mature hedge. There is a proposed new woodland area to the East of the site that would cover 0.4 ha of the site, this would consist of mixed native saplings. The works would also see the restoration of a historic hedgerow using an RSPB approved native mix and mature trees to be planted around the site.

3.3 The proposal includes the installation of a number of different types of fencing and hedging throughout the site with a 1.9-metre-high galvanized metal perimeter fence proposed to surround the dog walking field. A post and rail fence would be found along the East side of PROW 179/R236/2. There would be two 1.8-metre-tall entrance gates to form an 'airlock', this would make it more difficult for a dog to leave the site. There are two 1.2-metre-tall maintenance gates proposed on site to allow access for vehicles to undertake any maintenance associated with the site. There are five dog waste bins to be located within the site with four of these being located in the fields and one in the parking area.

3.4 The proposal includes the installation of hardstanding on site to allow for access and parking. The parking area and new access track will be made up of loose aggregate, this is a material that is often found in rural areas. The access to the parking area would be secured with a gate identical to the type and design which would typically be used to secure livestock in a rural setting.

Planning History

No relevant planning history.

Relevant Planning Policies

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

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

The Local Plan is over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should be updated as necessary. The Local Plan review is underway however, this report sets out the relevant Local Plan policies and notes any NPPF inconsistencies between them or any other material consideration which could render a policy out of date.

Rugby Borough Local Plan 2011-2031, June 2019

GP1: Securing Sustainable Development

GP2: Settlement Hierarchy

NE1: Protecting Designated Biodiversity and Geodiversity Assets

NE3: Landscape Protection and Enhancement

SDC1: Sustainable Design

SDC2: Landscaping

SDC4: Sustainable Buildings

SDC5: Flood Risk Management

D1: Transport

D2: Parking facilities

Supplementary Planning Documents

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

Technical consultation responses

RBC Trees and Landscape – No Objection subject to conditions and informatives.

RBC Environmental Health – No Objection subject to conditions and informatives.

WCC Public Rights of Way – No Objection subject to conditions and informatives.

WCC Ecology – No Objection subject to conditions and informatives.

WCC Highways – No Objection subject to conditions and informatives.

WCC Flood Risk Authority – No Objection.

Environment Agency - No Comment

Third party comments

The Ramblers Society – No Objection

Rugby Borough MP – Comment

Parish Council – Objection

- Concern about public rights of way.
- Concerns about the high fences and openness of green spaces and the impact on rural areas of metal fences being used.
- Concerns about increased traffic in the area.
- Concerns about the noise impact on local residents.
- Loss of ridge and furrow land agricultural land.

Neighbour Objections - 32 received

- Prejudicial to existing adjacent land use – Nearby land is used for riding and training of horses.
- Noise generated from the operation of the site in proximity to residential housing
- Motivation for development – If the site becomes unviable, the applicant may apply to change the use of the site again.
- Additional traffic generated and impact on sustainability of site.
- Additional noise pollution from the proposed maintenance of the site.
- Environmental impact / impact on ridge and furrow.
- Existing public right of way infringed.
- Positive contribution.
- Impact on local character.
- Negative impact on drainage.
- There should be additional car parking on site (8 spaces).
- Dog walking field is not needed by local residents.
- The fences would have a negative effect on the local area.
- Application does not acknowledge the historic ridge and furrow field system.
- Long hours are unreasonable and will detrimentally affect the local residents.
- 10-minute change over period is not sufficient to stop vehicles parking early.
- Increase in vehicles will result in rise in danger on adjoining roads and within the village.
- Roads are not built for continuous traffic.
- Dogs will be dangerous and detrimental for current users of Castle Lane.
- Development would set a bad precedent.
- Degradation of experience of using public footpath.
- No need for dog walking for local people.
- Agriculture land should not be given up for a commercial gain.

- The bottom part of the field that runs along Castle Lane is regularly underwater due to rainfall.
- The development is not sustainable as it will have an adverse effect on the village from increased flooding, increased road traffic, increased pollution, loss of habitat and loss of a rural setting.

4.0 Assessment of proposals

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

5.0 Principle of development

5.1 Paragraph 2 of the National Planning Policy Framework (NPPF) (December 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making.

5.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy GP1 of the Local Plan (LP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Local Plan (2019) and the Climate Change & Sustainable Design and Construction SPD.

5.3 The Local Plan (2019) sets out the spatial vision for the borough. Policy GP2 of the Local Plan sets out the settlement hierarchy in order to deliver the spatial strategy. The Local Plan identifies and provides allocations for housing and other development within the context of the settlement hierarchy. The Local Plan Policy GP2 states that development will be allocated and supported in accordance with a settlement hierarchy, with new development in the Countryside being resisted and only where national policy allows in Countryside locations will development be permitted.

Countryside

5.4 The application would be within the countryside, policy GP2 states that new development will be resisted and only where national policy on countryside locations allows will development be permitted. The supporting text for policy GP2 then states that countryside locations are those which are not defined by a settlement boundary and are therefore generally unsuitable for development; in these locations inappropriate development will be resisted and only where national policy on countryside locations allows will development be permitted. As indicated above, the only anticipated variations to this approach will be the exceptional delivery of housing to meet a specifically identified housing need or types of development that are intrinsically appropriate to a countryside setting.

5.5 By virtue of their nature, dog walking fields requires larger areas of land typically found on the edge of settlements or otherwise in rural locations in the countryside. There is very limited availability of suitable land within, or directly adjacent to, settlements that would be appropriate and large enough for such a use. The vast majority of dog walking fields similar to that being proposed here have been approved within the countryside across the UK.

5.6 Paragraph 3.9 of the Rugby Local Plan states that for any development proposals away from the defined settlements, it needs to be demonstrated that the overall social and economic benefits outweigh the disadvantages of a location which is relatively remote from facilities. In

some cases, it is essential for a development to be located in the countryside and where this is demonstrated to be the case, proposals will be supported.

5.7 The proposed use would be appropriate to the site and surrounding context given the general recreational activities associated with the proposed use (i.e. dog walking) are commonplace in the countryside. The proposals would improve access to the countryside delivering social benefits.

Agricultural Land

5.8 Agricultural Land Classification ALC is used to grade land. A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the range of crops that can be grown, yield of crop, consistency of yield and cost of producing the crop.

5.9 ALC is graded from 1 to 5. The highest grade goes to land that: gives a high yield or output, has the widest range and versatility of use, produces the most consistent yield and requires less input. The Best and Most Versatile Agricultural Land is graded 1 to 3a.

5.10 The land in which the proposed development is set to be undertaken would be ALC grade 3. The current use of the land is for sheep to graze on.

5.11 Whilst the proposed dog walking field would require agricultural land to be removed due to the installation of loose aggregate as hardstanding, there is potential mitigation as follows.

- New woodland planting within the east of the site.
- New native hedgerow planting across field F1.
- Enhancements to the existing hedgerows and tree lines.
- Over-sowing of an area of existing grassland to create a species rich grassland drift.

5.12 It is considered, that as the land could mostly be returned to its current the current grazing use, that the site is appropriate for development.

5.13 The proposal is therefore considered to comply with policy GP2 of the Local Plan. Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the area, residential amenity, and ensuring it complies with national and local policies detailed above, the principle of development is considered acceptable.

6.0 Design & Neighbouring amenity

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

6.2 Policy NE3 of the Local Plan supports new development which positively contributes to landscape character. Development proposals will be required to demonstrate that they integrate landscape planning into the design of development at an early stage, consider its landscape context, including local distinctiveness, relate well to local topography, identify likely visual impacts on the local landscape and takes appropriate landscaping to reduce these impacts, aim to conserve, enhance or restore important landscape features, address the importance of habitat biodiversity features and where possible enhancing and expanding these features.

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

6.4 The proposed change of use does not result in the majority of the land having a materially different appearance to that of a typical agricultural or uncultivated field. A new area of woodland is proposed. New bins and fencing are proposed; however, no other buildings or structures are proposed.

6.5 The dog field would be secured by a 1.9m secure mesh perimeter fence, set back by 3m from the existing boundary hedgerow in order to contain the dogs within the designated area. The 1.9m is open in nature and of an appearance that is rural in character which would not intrude on the landscape. The appearance of the new fence would be limited due to its transparent nature given it would be seen with a backdrop of the mature hedgerows and trees. There would be a 1.9m high secure gate which would allow vehicular access into the dog field parking area. Like the fence the gates are rural in appearance and would not be intrusive in the landscape.

6.7 The proposed works would likely only be partially visible from the street scene with only a section of the works visible from the junction near Castle Lane and Main Street. This area has the least existing hedge growth and is currently used as an access and a Public Right of Way. What would be visible from this section would be some perimeter fencing as well as the newly proposed wildflower drift and woodland planting. Once accessing the site through PROW 179/R236/2, very limited man-made development would be visible with only fencing and a few dog waste bins being installed at the site.

6.8 Approximately 2.3% of the site would be covered in hardstanding. It should be noted that since the proposed hardstanding is loose aggregate it would be relatively easy to restore this section of land back to an agricultural field in comparison to traditional hardstanding.

6.9 Although visible, it is unlikely that the proposed works would have detrimental impact upon the street scene with the proposed works being relatively minor in scale and of a design that would be expected within the countryside. It is likely that the proposal would benefit the appearance of the countryside through the implementation and reintroduction of native species in the area and new planting to increase biodiversity in the area.

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

Environmental Health

6.11 RBC Environmental Health have commented on the application and raised no objection subject to two conditions (Condition 8 & 9). They have concerns over the proposed development as the Council has received complaints about other dog walking fields. The conditions recommended to reduce the opening hours of the site to between 08:00-20:00 and limit the maximum number of dogs to 6 in the bookable area. It has also been noted that although permission may be granted, if noise complaints are raised action may be taken by the council to ensure that disturbance does not affect neighbouring properties.

Neighbouring Amenity

6.12 The proposed development would not result in a loss of light to any neighbouring properties due to the scale and siting of the proposal. There would also be no additional overlooking concerns created through the proposal due to the separation distance between the closest neighbouring property and the site, since the site already has a public right of way it is unlikely that the additional users of the site would create additional overlooking concern. In regard to noise there is some concern that the proposal will create a detrimental effect on neighbouring properties, however, as Environmental Health have raised no objection to the proposal in regard to noise, the concern is limited. The applicant is reminded that the grant of planning permission does not preclude action begin administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated. Responsibility for any noise from persons using the site will fall to the landowner as the business operator.

6.13 It is considered that the impact on neighbouring properties in relation to light and privacy is acceptable. This application is therefore considered to be in accordance with policy SDC1 of the Local Plan.

7.0 Landscape and Visual

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

7.2 Policy SDC2 Landscaping states that landscape aspects of a development proposal will be required to form an integral part of the overall design, to include the identification and retention of Important site features.

7.3 The Council's Tree and Landscape Officer has been consulted, and has provided a response of no objection, subject to the provision of a finalised specification of all proposed tree planting, If within a period of 5 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 (Condition 12), this will ensure that there is appropriate tree and shrub coverage across the site as well as ensuring biodiversity, visual amenity and environmental site enhancement

7.4 The application site is largely contained by the existing topography of the land and surrounding field networks with existing mature/established tree and hedge cover which mostly screen the site from the wider area. Although the site is well screened, there is a section near the junction of Castle Lane and Main Street that is relatively open with less mature hedgerow as noted by the Council's Tree and Landscape Officer who recommends that further provision is made for native hedgerow planting to fill existing gaps for example near to the junction of Castle Lane and Main Street and also around the newly proposed car parking area. Also, further tree planting to be incorporated within perimeter hedgerows and individual feature/specimen trees within the site.

7.5 Small areas of hedgerow removal are noted to facilitate access to the application site.

7.6 The magnitude of effect on the character would be relatively limited on site even with the change of use of the land, this is due to the fact that other than the hardstanding, fences and bins there would be no development done on the land with additional planting being proposed on site.

8.0 Natural Environment

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

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

8.3 Warwickshire County Council Ecology have been consulted. After reviewing the application, Ecology have stated that the additional enhancements are highly likely constitute a biodiversity gain for the site. To secure the proposals a Landscape and Ecological Management Plan condition is recommended. A Landscape Plan, and 30-year Habitat Management Plan, which match the submitted Defra Metric will be required to discharge this condition.

8.4 Ecology have requested for a Landscape and Ecological Management Plan (LEMP), to be conditioned (Condition 13) which will support the noted enhancements and ensure that the habitat types and habitat condition scores can realistically be obtained during 30 years of management and monitoring.

8.5 Ecology have also requested a nesting bird timings/supervision option condition (Condition 14), this would mean that the works would be timetabled and carried out to avoid the bird breeding season and shall not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. This is to ensure that protected species are not harmed by the development.

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

9.0 Flood Risk and Drainage

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

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

9.3 Warwickshire County Council as the Lead Local Flood Authority (LLFA) reviewed the application and have raised no objection to the development proposals with regards to flood risk and surface water drainage.

9.4 The Environment Agency were consulted and have provided no response.

10.0 Access, Traffic and Transport

Highway safety and car parking:

10.1 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.

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

10.3 There were concerns from the Highways Authority regarding the maximum number of vehicles that would be accessing the site, to which the agent noted: "The worst-case scenario can only be 4 vehicles maximum (due to physical capacity), but as mentioned in the application the reality is that only 1-2 vehicles will arrive for each booking system (the vast majority of cases being 1 vehicle). Whilst very unlikely, if needs be the applicant would be happy to agree to a condition limiting the number of vehicles to 4 per session". The agent also confirmed that commercial dog walkers would not be permitted to use the site.

10.4 A letter of clarification was sent to the Highways Authority with supporting information to address any outstanding comments made by WCC in their capacity as Local Highway Authority (LHA). The response provides the full results of the ATC survey which shows that volumetric and speed data was recorded in both directions.

10.5 Upon receipt of this further information the concerns of the highway's authority were resolved. "The available visibility remained a concern and since the original response, to which the applicant was proposing 160 meters in both directions, new plans have been submitted and continue to show 160 metres in southern direction, supported by lower speeds shown in their survey. In a northern direction however, they now show 215 metres. From a site inspection undertaken, we view this as acceptable, on the basis that regular hedge trimming takes place to ensure the maximum visibility at all times."

10.6 The Highways Authority then raised no objection to the application subject to a number of conditions being attached to the decision notice (Condition 4,5,6 and 7).

10.7 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.

10.8 The proposed site would include 4 spaces for parking, there is no suggested parking standard for this type of development, the operation of a dog walking field and therefore it will be assessed on its own merit.

10.9 The parking provision allows for the operation of the dog walking field without resulting in a large increase in the number of cars in the surrounding area. It is therefore considered that there is sufficient parking provision within the site and the proposed development accords with the D2 parking policy.

Rights of way

10.10 Warwickshire County Council Rights of Way have been consulted and have provided a response of no objection to the development, subject to two conditions and a number of informative notes. These notes state that the public footpath must remain open and available for public use at all times unless closed by legal order, The applicant must make good any damage to the surface of public footpath caused during works, and any new vegetation must be planted at least two metres away from the edge of public footpath to help ensure that mature growth will

not encroach onto the public footpath. The Rights of Way team has no objection to the proposal subject to the inclusion of conditions if permission is granted. (Conditions 10 and 11)

11.0 Climate Change and Sustainable Design

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

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

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

11.4 The layout and setting of the site have been considered and has regard to the characteristics of the site. The development would improve biodiversity by preserving or enhancing onsite habitat.

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

12.0 Other Matters

12.1 The Ramblers recognise that there are no public rights of way affected in the Rugby section of the application. They have requested that should the application be granted we would request that a suitable width also be left on the east side of public footpath R236 and the proposed 0.4ha of new woodland planting, in order to prevent encroachment onto the footpath from that side as well. They have raised no objection to the application.

13.0 Planning Balance and Conclusion

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

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

13.3 Paragraph 8 continues to advise that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning systems three overarching objectives, which are interdependent and need to be

pursued in mutually supportive ways. The three objectives are an Economic, Social, and Environmental objective.

Economic and Social objective

13.4 From an economic perspective the proposed development would result in an immediate investment into the borough/county. Due to the construction on site and employment relating to construction jobs whilst the development is being built, the effect of this would be minor but some weight can be given to this. Such matters would have a positive impact on the local economy and prosperity of the borough/county, and positively affects the local community, which weighs in favour of the application.

13.5 It is considered any recreational facilities, to include the public right of way, will remain accessible and will not be adversely impacted on.

13.6 The site would create facilities for individuals and groups to walk their dogs in a large open space without the concern of encountering anything unexpected and would be done in a controlled environment. The provision of a new recreational facility which increases access to green open space in the countryside and which supports healthy living and well-being is a social benefit.

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

Environmental objective

13.8 From an environmental objective, although the proposal would result in the loss of some green space through the implementation of hardstanding to access and park on site, there are measures in place that would improve the biodiversity on site and to restore historic hedgerows. The proposed development would provide a clean safe space for people to enjoy the environment in a way that can be managed sustainably. Although there would be an increase in traffic to and from the development site, an additional maximum of 4 cars per hour would not be significant enough to outweigh the benefits that are provided through the proposal.

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

14.0 Community Infrastructure Levy

14.1 The Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 1st April 2024, this is in accordance with the Planning Act 2008 and Community Infrastructure Regulations 2010.

14.2 In this case, the proposal is for a dog walking field and therefore is not liable for CIL.

15.0 Planning Balance and Conclusion

15.1 In conclusion, it is considered that the development is acceptable, regarding the key material planning considerations, to include, the principle of the development, design and appearance, impact on neighbouring properties, landscape, the loss of agricultural land, flood risk

and drainage, access, highways, environmental health matters, and the overall cumulative impact.

15.2 The proposed works to the site would not be considered as out of character with the countryside surrounding and are not deemed to have a detrimental impact on the surrounding area. It would provide greater access to the countryside in a safe and controlled manner, this would enable greater access to open spaces for individuals or groups. There would be an increase in biodiversity on the site through the implementation of wildflowers, a new woodland area and the restoration of historic hedgerows.

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

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

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

16.0 Recommendation

16.1 Planning application R23/1210 be approved subject to:

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

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

DRAFT DECISION

REFERENCE NO:
R23/1210

DATE APPLICATION VALID:
30-Jan-2024

APPLICANT:

The Joyce Cooke Settlement Trust The Joyce Cooke Settlement Trust, Oak House,
Grandborough Road, Woolscott, Rugby, CV23 8DB

AGENT:

Mr Stuart Wells, Evolve Planning and Design Ltd Evolve Planning and Design Ltd, 1, Tollgate
House Business Centre, Blithbury Road, Hamstall Ridware,

ADDRESS OF DEVELOPMENT:

Land west of Grandborough Road, Grandborough, CV23 8DB

APPLICATION DESCRIPTION:

Change of use of agricultural land to secure dog walking field, access track, parking area and
associated boundary fencing and gates

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

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

Documents received by Council 29-Jan-24

ApplicationForm.pdf

(Application Form)

Drawing No:0003-03-D02A

(Site Location Plan 1:2500)

Drawing No:0003-03-D01A

(Site Layout Plan 1:2000)

Woolscott_Entrance_Gate_Elevations.pdf

(Perimeter Fence + Gates Elevations 1:50)

Woolscott_Internal_Gate_and_Fencing_Elevations.pdf

(Internal Stock Fence + Gates

Elevations 1:50)

REASON:

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

CONDITION 3:

The facing materials to be used on the hardstanding and fencing shall be as specified on the
application form, received by the Council on 29-Jan-24 and on plans outlined in Condition 2.

REASON:

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

CONDITION 4:

The proposed vehicular access to the site shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specifications of the highway authority.

REASON:

In the interest of Highway Safety.

CONDITION 5:

No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON:

In the interest of Highway Safety.

CONDITION 6:

The development shall not be occupied until the existing vehicular access has been resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interest of Highway Safety.

CONDITION 7:

No structure, tree, shrub or plantings shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway fronting the site exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway. It is the responsibility of the applicant to cut back and maintain any hedges or foliage that may obstruct visibility. Should any required areas not fall under the ownership of the applicant then it is also their duty to contact county highways to arrange the maintenance in a timely manner.

REASON:

In the interest of Highway Safety.

CONDITION 8:

A single booking shall be for a maximum of six dogs for the bookable field as shown in drawing 0003-03-D01A dated 04.12.23, at any time.

REASON:

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

CONDITION 9:

The hours of operation of the development shall be 0800-2000hours. The secure dog walking field and exercise areas shall not be opened for use outside these times.

REASON:

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

CONDITION 10:

Prior to commencement of any works involving disturbance of the surface of public footpath R236 the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public footpath and its users.

REASON:

To ensure sustainable routes are maintained in the interest of the public.

CONDITION 11:

Any new vegetation must be planted at least two metres away from the edge of public footpath R236 to help ensure that mature growth will not encroach onto the public footpath.

REASON:

To ensure sustainable routes are maintained in the interest of the public.

CONDITION 12:

The development hereby permitted shall not commence until a final specification of all proposed tree planting must be submitted and 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 5 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, visual amenity and environmental site enhancement.

CONDITION 13:

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting for a minimum 30-year time period. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation,

woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). A named person or body who will be responsible for the implementation and maintenance of the HMP will also be required. Such approved measures shall thereafter be implemented in full.

REASON:

To ensure a net biodiversity gain in accordance with NPPF.

CONDITION 14:

The development hereby permitted shall either:

- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

REASON:

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

INFORMATIVE 1:

Condition number 4, 5 & 6 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. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street works Act 1991 and all relevant Codes of Practice.

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

INFORMATIVE 2:

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site

and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 3:

The grant of planning permission does not preclude action being administered by Rugby Borough Council or a third party by way of relevant environmental legislation, should complaints about excessive noise or other site operations be received and investigated. Responsibility for any noise from persons using the site will fall to the landowner as the business operator.

INFORMATIVE 4:

Public footpath R236 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.

INFORMATIVE 5:

The applicant must make good any damage to the surface of public footpath R236 caused during works.

INFORMATIVE 6:

Any disturbance or alteration to the surface of public footpath R236 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

AGENDA MANAGEMENT SHEET

Report Title:	Delegated Decisions - 30 May 2024 to 26 June 2024
Name of Committee:	Planning Committee
Date of Meeting:	17 July 2024
Report Director:	Chief Officer - Growth and Investment
Portfolio:	Growth and Investment
Ward Relevance:	All
Prior Consultation:	None
Contact Officer:	Chief Officer - Growth and Investment
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): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	The report lists the decisions taken by the Head of 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 - 17 July 2024

Delegated Decisions - 30 May 2024 to 26 June 2024

Public Report of the Chief Officer - Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 17 July 2024

Subject Matter: Delegated Decisions - 30 May 2024 to 26 June 2024

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 CHIEF OFFICER FOR GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 30/05/2024 To 26/06/2024

APPENDIX 1

Delegated

8 Weeks Advert

Applications Approved

R24/0323 28, REGENT STREET, RUGBY,
8 Weeks Advert CV21 2PS
Approval
11/06/2024

Advertisement consent at 28
Regent street, Rugby, CV21 2PS
for alterations and new signage
to shop front.

8 Weeks PA Applications

Applications Refused

R24/0292 7, Rotary Close, Rugby, CV23
8 Weeks PA 1ES
Refusal
20/06/2024

Retrospective application for
Installation of Georgian style
black steel double driveway
gates.

Applications Approved

R24/0028 24 , Dunsmore Avenue, Rugby,
8 Weeks PA Warwickshire, CV22 5HD
Approval
30/05/2024

Single storey and part two storey
rear extension and loft
conversion

R24/0251 1 , Craven Avenue, Binley
8 Weeks PA Woods, Warwickshire, CV3 2JJ
Approval

Single Storey Side Extension

Delegated

8 Weeks PA Applications

Applications Approved

30/05/2024

R23/1111
8 Weeks PA
Approval
31/05/2024

RICHELLE, COVENTRY ROAD,
RUGBY, CV22 7RY

Single Storey Rear and 2 Storey
Side and Rear Extension and
Dormer Loft Conversion

R23/1224
8 Weeks PA
Approval
03/06/2024

79, MANOR ROAD, RUGBY,
CV21 2TQ

Variation of conditions 2, 3 and 4
for R21/0851 - Revise the bicycle
storage details and bin storage
area

R24/0209
8 Weeks PA
Approval
04/06/2024

BRANDON MARSH NATURE
CENTRE, BRANDON LANE,
BRANDON, COVENTRY, CV3
3GW

Installation of three air source
heat pumps

R24/0305
8 Weeks PA
Approval
04/06/2024

MABAPA, CHURCH STREET,
CHURCHOVER, RUGBY, CV23
0EW

First floor front/rear extension,
single storey rear extension and
internal alterations.

R24/0244
8 Weeks PA
Approval
05/06/2024

Elliot's Field Shopping Park,
LEICESTER ROAD, RUGBY

Retrospective application for
temporary consent (3 years) for
the erection of a single-storey
structure within the existing car
park for use as a clothes
recycling facility

Delegated

8 Weeks PA Applications Applications Approved

46, Linnell Road, Rugby,
Warwickshire, CV21 4AW

R24/0353
8 Weeks PA
Approval
05/06/2024

First floor extension over existing side garage. Replace conservatory with with single storey rear extension.

R24/0404
8 Weeks PA
Approval
05/06/2024

The Stables, Burton Lane, Burton
Hastings, CV11 6RJ

Variation of Condition 6 of R23/0540 (Extension of existing equestrian building and change of use to forge) to remove the requirement for a bat worker to be present during the destructive works to the building.
(Retrospective)

R24/0168
8 Weeks PA
Approval
07/06/2024

GARDEN MANOR, LEICESTER
ROAD, WOLVEY, HINCKLEY,
LE10 3HJ

Relocation of existing access (driveway) east of the current access. New dropped kerb associated with new access point. New driveway to join with the existing driveway. New boundary wall to include the relocation of the existing automated vehicular gates and a new pedestrian access / gate.

R24/0322
8 Weeks PA
Approval

28, REGENT STREET, RUGBY,
CV21 2PS

Delegated

8 Weeks PA Applications Applications Approved

11/06/2024

Change of use from vacant Class E to mixed-use Class E for a nail and beauty salon on the ground floor and C3 for a flat across 1st and 2nd floors; exterior alterations to provide a separate entrance for the flat and signage for the nail and beauty salon.

R23/1139
8 Weeks PA
Approval
12/06/2024

PRIMROSE HILL, DRAYCOTE
ROAD, DRAYCOTE, RUGBY,
CV23 9RB

Proposed two-storey extensions throughout and external alterations to existing dwelling to provide a first-floor element across the dwelling.

R24/0294
8 Weeks PA
Approval
13/06/2024

SHELFORD COTTAGE FARM,
LUTTERWORTH ROAD,
WOLVEY, HINCKLEY, LE10
3HN

Single storey side extension.

R24/0336
8 Weeks PA
Approval
14/06/2024

SOUTH EASTERN PART OF
ZONE D - LAND NORTH OF
COVENTRY ROAD,
THURLASTON

The creation of a Multi Use Games Area, including fencing and lighting and the provision of sports equipment

R24/0362
8 Weeks PA
Approval

67, Holly Drive, Coventry, CV8
3QA

Garage conversion.

Delegated

8 Weeks PA Applications

Applications Approved

18/06/2024

R24/0365
8 Weeks PA
Approval
18/06/2024

15, Old Farm Close, Rugby,
Warwickshire, CV22 7NY

Single storey rear extension
including external flue for wood
burner to side elevation.

R24/0122
8 Weeks PA
Approval
19/06/2024

46, WHEATFIELD ROAD,
RUGBY, CV22 7LN

Erection of garden room to be
used as a nail technician
business.

R24/0020
8 Weeks PA
Approval
20/06/2024

15, DEWAR GROVE, RUGBY,
CV21 4AT

Proposed two storey side and
single storey rear extensions with
render to all external surfaces.

R24/0354
8 Weeks PA
Approval
20/06/2024

24, Brookside Cottage,
Brookside, Stretton-On-
Dunsmore, Rugby, CV23 9LY

Front Porch Extension.

R24/0379
8 Weeks PA
Approval
20/06/2024

10 SYCAMORE GROVE,
RUGBY, CV21 2QY

Ground floor and first floor rear
extension to create an additional
single bedroom to the first floor
and an open-plan living space on
the ground floor.

Delegated

8 Weeks PA Applications Applications Approved

R24/0343 8 Weeks PA Approval 24/06/2024	30, Harebell Way, Rugby, CV23 0TT	Conversion of existing garage to a study.
R24/0375 8 Weeks PA Approval 24/06/2024	20, CHURCH HILL, STRETTON- ON-DUNSMORE, RUGBY, CV23 9NA	Ground Floor Side Extension and erection of pitched roof.
R24/0385 8 Weeks PA Approval 25/06/2024	3, WRENS MOUNT, DUNSMORE HEATH, DUNCHURCH, RUGBY, CV22 6TR	Proposed garden room.
R23/0858 8 Weeks PA Approval of Reserved Matters 26/06/2024	OPEN SPACE, KEY PHASE 2, RUGBY RADIO STATION (HOULTON), WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AS	Application for reserved matters approval of access, appearance, landscape, layout and scale, in respect of open space and associated works within Key Phase 2 of the Radio Station Rugby development pursuant to outline planning permission R17/0022: comprising of a local equipped area of play (LEAP), outdoor gym equipment, fencing, new planting of trees, hard and soft landscaping, pedestrian

Delegated

8 Weeks PA Applications Applications Approved

access and connections, any
necessary drainage and utilities
works

R24/0307
8 Weeks PA
Approval
26/06/2024

16, FOXWOOD DRIVE,
COVENTRY, CV3 2SP

Rear extension with a canopy,
new side access point, a
remodeled entrance canopy.

Certificate of Lawfulness Applications Applications Approved

R24/0211
Certificate of
Lawfulness
Approval
05/06/2024

7, St Denis View, Pailton, Rugby,
Warwickshire, CV23 0QS

Certificate of Lawfulness for
Existing Use or Development to
regularise the existing use of land
as residential garden land
ancillary to 7 St Denis View
Pailton Rugby CV23 0QS.

R24/0331
Certificate of
Lawfulness
Approval
05/06/2024

The Old Post Office, Flecknoe
Village Road, Flecknoe,
Warwickshire, CV23 8AT

Construction of a dormer loft
extension to the rear roof slope.

LAND NORTH OF STOCKS
LANE, STOCKS LANE,

Delegated

Certificate of Lawfulness Applications Applications Approved

THURLASTON

R24/0341
Certificate of
Lawfulness
Approval
06/06/2024

Lawful development certificate
(existing building works) –
Erection of 1 dwellinghouse
granted outline planning
permission R18/0873 and
reserved matters approval
R21/0944

R24/0255
Certificate of
Lawfulness
Approval
13/06/2024

BOW HOUSE, BOW LANE,
WITHYBROOK, COVENTRY,
CV7 9LQ

Lawful Development Certificate -
To define land as a garden area
of Bow House, Bow lane,
Withybrook, CV7 9LQ

Conditions Applications Approved

R23/0336
Conditions
Approval
30/05/2024

CORN DRIER, FLECKNOE
STATION ROAD, FLECKNOE
CV23 8AY

Approval of conditions 4
(Archaeology), 5 (Ecology) and
10 (Highways drainage) of
R22/0556 (Demolition of existing
Corn Drier tower and construction
of 3 bedroomed house)

R24/0199
Conditions
Approval
30/05/2024

Land Adjacent to 341, Hillmorton
Road, RUGBY

Approval of Condition 4 (Ecology)
of R21/1259 (Erection of a
dwelling house)

Delegated

Conditions

Applications Approved

FOSSE FARM, FOSSE WAY,
MONKS KIRBY, COVENTRY,
CV7 9LR

R24/0232
Conditions
Approval
30/05/2024

Approval of Condition 3
(Materials), 9 (Ecology) and 10
(Landscaping) of R23/1103
(Demolition of existing dwelling.
Construction of replacement
dwelling, with car parking and
amenity space).

R24/0334
Conditions
Approval
30/05/2024

Land south of Millers Lane, West
of Denbigh Arms, Rugby, Monks
Kirby, CV23 0RJ

Demolition of existing structure
and erection of new field shelter

R24/0220
Conditions
Approval
03/06/2024

STREET RECORD, BIART
PLACE, RUGBY

Approval of details:
Condition 8 - Air Source Heat
Pump - Noise Report
Condition 13 - Drainage
Maintenance Plan
- relating to application R23/0282
- Erection of 100no. dwellings
with associated access, roads,
car parking, and landscaping.

R24/0279
Conditions
Approval
03/06/2024

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

Application for approval of details
relating to condition 14 (Soft
Landscape Works Maintenance
and Management Plan) of

Delegated

Conditions Applications Approved

R21/0525 (Plot 5, Prospero Ansty) for the erection of a building and use for Class B8 (Storage and Distribution)

R24/0357
Conditions
Approval
06/06/2024

BRANDON GRANGE FARM,
BRETTFORD ROAD, BRANDON,
COVENTRY, CV8 3GE

Approval of details in relation to conditions 3 - surfacing, 4 - fencing & gates, and 6 - Construction Management Plan of R23/0525 - Reinstatement and alteration to existing vehicular access including the demolition of outbuilding.

R24/0421
Conditions
Approval
06/06/2024

LAND NORTH OF TRITIAX SITE
- LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
THURLASTON

Details in relation to condition 6 - screen fence details, of R23/0399 - (Amended landscape mound and screen fence)

R24/0454
Conditions
Approval
06/06/2024

LAND NORTH OF ASHLAWN
ROAD, ASHLAWN ROAD,
RUGBY, CV22 5SL

Revised details for condition 16: Carbon Emissions Reduction of R13/2102 (Outline permission for Ashlawn Road development) in relation to part of site covered by application R20/0124 only.

R24/0371
Conditions
Approval

LAND AT PADGE HALL FARM,
WATLING STREET, BURBAGE

Delegated

Conditions

Applications Approved

13/06/2024

Details in relation to condition 4-archaeology of R21/0985 (Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping, and highways improvements at Dodwells roundabout; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, and on plot landscaping. The proposals include improvements to the existing railway bridge on the A5 Watling Street including increased height clearance. This is a cross boundary application with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council (EIA development))

Approval of conditions 3, 4, 5, 6, 7, 8, 9, 12, 13, 17 and 18 from

Delegated

Conditions Applications Approved

R23/1015 Conditions Approval 17/06/2024	HILLMORTON YARD, THE LOCKS, RUGBY, RUGBY, CV21 4PP	R22/0828.
R24/0025 Conditions Approval 17/06/2024	363, DUNCHURCH ROAD, RUGBY, CV22 6HU	Approval of details in relation to condition 3 (noise assessment) attached to planning permission R23/1089 for Multi Split Air/Air Heat Pump HVAC
R24/0351 Conditions Approval 18/06/2024	DUNCHURCH METHODIST CHURCH, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 6QE	Approval of details in relation to conditions 4 (fences and gates), 5 (ecological and landscaping scheme) and 9 (noise assessment) attached to R23/0174 - Change of use from Church to a Montessori Nursery, including alteration of 1 no. south- west windows to doors. Creation of external activity area and associated parking and bin storage.
R23/1221 Conditions Approval 24/06/2024	ROLLS ROYCE, ANSTY AERODROME, COMBE FIELDS ROAD, COOMBE FIELDS, COVENTRY, CV7 9JR	Application for approval of details relating to conditions 5(e) (Woodland and Structural Planting), 5(f) (Ecology Mitigation and Management Works), 11

Delegated

Conditions Applications Approved

(Woodland and Structural Landscaping Plan) and 12 (Biodiversity Management Plan) of R19/1540 (Rolls Royce, Ansty Aerodrome) for a new employment area (Prospero Ansty) comprising B1a, B1b, B1c & B2 floorspace (up to 160,000 m², of which no more than 20,000 m² is for B1a and/or B1b), hotel (C1) (up to 4,500 m²) and retail (A1/A3) (up to 250 m²)

Discharge of Conditions

R24/0327 Site Of Fromer Inwoods House,
Ashlawn Road, Dunchurch

03/06/2024

Approval of details:
Condition 3 - Materials
Condition 4 - Broadband
Condition 5 – Water Limit 110 Litres
Condition 6 - Electric vehicle charging point
Condition 7 - Written Scheme of Investigation (WSI) (archaeological)
Condition 9 - Construction Management Plan (EH)
Condition 10 – Contaminated Land (EH)
Condition 11 - Construction

Delegated

Discharge of Conditions

Environmental Management Plan
(Ecology)
Condition 12 - Landscape and
Ecological Management Plan
(Ecology)
Condition 13 - Bats and lighting
(Ecology)
Condition 14 - Arboricultural
method statement and tree
protection plan (Tree Officer)
Condition 15 - Tree planting
(Tree Officer)
Condition 16 – Bin and Cycle
Store
Condition 26 - Construction
Management Plan (Highways)
Condition 28 – Highway works
Condition 29 – Cycle way
Condition 32 – Parking and Cycle
Storage (Highways)
Condition 35 – Parking
Condition 36 – Fire Service
Access
Condition 37 – Phasing Plan
- relating to application -
R23/0491 - Proposed
construction of 25 no. residential
dwellings.

R24/0327

Site Of Fromer Inwoods House,
Ashlawn Road, Dunchurch

Approval of details:
Condition 3 - Materials
Condition 4 - Broadband
Condition 5 – Water Limit 110

06/06/2024

Delegated

Discharge of Conditions

Litres

Condition 6 - Electric vehicle charging point

Condition 7 - Written Scheme of Investigation (WSI) (archaeological)

Condition 9 - Construction Management Plan (EH)

Condition 10 – Contaminated Land (EH)

Condition 11 - Construction Environmental Management Plan (Ecology)

Condition 12 - Landscape and Ecological Management Plan (Ecology)

Condition 13 - Bats and lighting (Ecology)

Condition 14 - Arboricultural method statement and tree protection plan (Tree Officer)

Condition 15 - Tree planting (Tree Officer)

Condition 16 – Bin and Cycle Store

Condition 26 - Construction Management Plan (Highways)

Condition 28 – Highway works

Condition 29 – Cycle way

Condition 32 – Parking and Cycle Storage (Highways)

Condition 35 – Parking

Condition 36 – Fire Service

Access

Delegated

Discharge of Conditions

Condition 37 – Phasing Plan
- relating to application -
R23/0491 - Proposed
construction of 25 no. residential
dwellings.

Applications Approved

R23/1103 Fosse Farm, Fosse Way, Monks
Kirby, COVENTRY, CV7 9LR

30/05/2024

Demolition of existing dwelling.
Construction of replacement
dwelling, with car parking and
amenity space

R23/0399 LAND NORTH OF TRITAX SITE
- LAND NORTH OF COVENTRY
ROAD, COVENTRY ROAD,
THURLASTON

06/06/2024

Amended landscape mound &
screen fence to that approved
under planning permission
R20/1026 on northern boundary
of Zone D Parameters Plan.

R23/0525 Brandon Grange Farm, Bretford
Road, Brandon, Coventry CV8
3GE

06/06/2024

Reinstatement and alteration to
existing vehicular access
including the demolition of
outbuilding

Listed Building Consent Applications Applications Approved

Delegated

Listed Building Consent Applications

Applications Approved

19, BILTON ROAD, RUGBY,
CV22 7AG

R24/0391
Listed Building Consent
Approval
24/06/2024

Installation of
telecommunications cable and
box

Major Applications

Applications Refused

R23/0535
Major Application
Refusal
25/06/2024

41, KING EDWARD ROAD,
RUGBY, CV21 2TA

Variation of condition 2 for
R18/1153 - Demolition of the
existing building and construction
of 10 no. 1 bed apartments.

Prior Approval Applications

Prior Approval Applications

R24/0518
Agriculture Prior
Approval
Not Required
11/06/2024

Rawburn Grounds Farm,
Sawbridge Road, Sawbridge,
Rugby, CV23 8BB

Prior approval for construction of
a general purpose agricultural
building

APPROX 910m EAST OF
FOSSE FARM, FOSSE WAY,
MONKS KIRBY, COVENTRY,

Prior Approval for a Circular pre-
fabricated agricultural digestate
storage tank 35m diameter.

Delegated

Prior Approval Applications

Prior Approval Applications

CV7 9LR

R24/0451
Agriculture Prior
Approval
Not Required
13/06/2024

R24/0427
Prior Approval
Extension
Not Required
18/06/2024

9, FELLOWS WAY, RUGBY,
CV21 4JP

Proposed single storey rear
extension measuring: rear 5.5m,
height 3.70m, height to eaves
2.60m. Demolition of existing
conservatory.

R24/0417
Agriculture Prior
Approval
Not Required
19/06/2024

MANOR FARM, GREEN LANE,
WIBTOFT, LUTTERWORTH,
LE17 5BB

Prior Approval for an agricultural
general purpose building.

R24/0424
Prior Approval
Extension
Not Required
21/06/2024

75, Addison Road, Rugby, CV22
7DA

Proposed single storey rear
extension measuring 3.72m,
height 3.70m, height to eaves
2.50m.

R24/0411
Telecoms Prior
Approval
Required and Refused

Water Tower, Ashlawn Road,
Dunchurch

Delegated

Prior Approval Applications

Prior Approval Applications

26/06/2024

Prior Approval application for installation of new 30m lattice mast, including installation of 7no. cabinets, 12no. antennas on 2no. headframes, 2.4m high palisade fencing and ancillary development.

R24/0438 Little Leys, Moor Lane,
Prior Approval change Willoughby, Rugby, CV23 8BT
of use
Required and Refused
26/06/2024

Prior approval change of use of existing redundant agricultural building to 1no. 2/3 bedroom single storey dwelling house.