



THE RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING PERMISSION

Notice is hereby given that the Borough Council in pursuance of its powers under the above-mentioned Act, as amended and Rules, Orders and Regulations made there under, grants planning permission for the development referred to hereunder subject to the conditions also specified and in accordance with the plans and particulars submitted except insofar as may otherwise be required by the conditions.

REFERENCE NO:

R20/0188

DATE APPLICATION VALID

09-Mar-2020

APPLICANT:

Tim Eastwood The Old Forge, Main Street, Thurlaston, CV23 9JS

AGENT:

Richard Palmer, HB Architects HB Architects, The Old Telephone Exchange, Albert Street, Rugby, CV21 2SA

ADDRESS OF DEVELOPMENT:

Land rear of The Old Forge, Access via Biggin Hall Lane, Thurlaston, Rugby, Warwickshire

APPLICATION DESCRIPTION:

Erection of a new detached dwelling and detached garage with access off Biggin Hall Lane.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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

REASON:

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

CONDITION 2:

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Application form (received by the Local Planning Authority on 09 March 2020)
Design and Access Statement (received by the Local Planning Authority on 09 March 2020)
Planning Statement (received by the Local Planning Authority on 09 March 2020)
Drawing number 21-19-25 (received by the Local Planning Authority on 18 May 2020)
Amended drawing number 21-19-20 Revision D (received by the Local Planning Authority on 18 May 2020)

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Amended drawing number 21-19-22 Revision C (received by the Local Planning Authority on 18 May 2020)

REASON:

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

CONDITION 3:

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

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

REASON:

In the interest of residential amenity.

CONDITION 5:

The windows to be formed in the North and East elevations shall not be glazed or reglazed other than with obscure glass, and shall be fixed so as to be either permanently closed or top opening only.

REASON:

To protect the residential amenity of neighbouring properties.

CONDITION 6:

Other than those shown on the approved plans, no new windows/rooflights shall be formed in the North and East elevations and roofslopes of the proposed development unless non-material variations are agreed in writing with the Local Planning Authority.

REASON:

In the interest of residential amenity.

CONDITION 7:

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

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

CONDITION 8:

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

a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.

c) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared

REASON:

To ensure the protection of controlled waters.

CONDITION 9:

Access for vehicles to the site shall not be made or maintained from any public highway other than Biggin Hall Lane, Thurlaston.

REASON:

In the interests of public and highway safety, and for the avoidance of doubt.

CONDITION 10:

The development shall not be occupied until an access for vehicles has been provided to the site not less than 3.75 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 11:

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

REASON:

In the interest of highway safety.

CONDITION 12:

The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interest of highway safety.

CONDITION 13:

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

REASON:

In the interest of highway safety.

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CONDITION 14:

No gates or barriers are to be erected to the entrance to the site.

REASON:

In the interests of public and highway safety.

CONDITION 15:

The development shall not be occupied until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.

REASON:

In the interests of public and highway safety.

CONDITION 16:

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 40 metres in a south easterly direction and 45 metres in a north westerly direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interest of highway safety.

CONDITION 17:

All proposed landscape planting detailed within the approved Tree Protection Plan (appendix 3b dated February 2020) must be planted in the first planting season following completion of construction. If within a period of 5 years from the date of planting of any tree/hedge/shrub that tree, or any tree/hedge/shrub planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/hedge/shrub of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To ensure the proper development of the site and in the interest of visual amenity to maintain and enhance continuity of tree/hedge/shrub cover within the site and local landscape.

CONDITION 18:

All tree protection measures and tree works identified within the approved Arboricultural Tree Report and Tree Protection Plan (appendix 3b dated February 2020) relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the Local Planning Authority. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Pre-commencement site meeting to be arranged with the applicant, Local Planning Authority Tree Officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

REASON:

In the interest of visual amenity to ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

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CONDITION 19:

The development hereby permitted shall not commence until a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, hedgerow enhancements, bird boxes and protection measures for bat, great crested newt and nesting birds) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full.

REASON:

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

REASON:

CONDITION 20:

No development shall take place until:

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

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

REASON:

In the interest of archaeology.

STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE 1:

Condition numbers 10-12 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must

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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:

Suitable drainage provision and method of foul sewage disposal should be applied during the design and construction phase. The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) – Drainage and Waste Disposal.

INFORMATIVE 4:

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 07.30 - 18.00

Saturday - 08.30 - 13.00

No work on Sundays and Bank Holidays.

INFORMATIVE 5:

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. Initiatives could include the installation of an ultra-low emission boilers (<40mg/kWh), increased tree planting, green walls and roofs and the incorporation of electric vehicle charging points on any car parking. Such measures contribute towards making new development air quality neutral.

INFORMATIVE 6:

An old workshop as is identified on the site plan is to be demolished/removed. Prior to any intrusive works taking place an Asbestos Survey should be undertaken and any recommendations implemented. Such activities fall under the remit of the Health and Safety Executive.

INFORMATIVE 7:

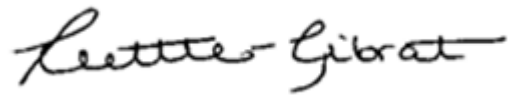
The development is on the edge of farmland and will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with farming practices. These practices may at times extend into the night or early hours, such as harvest.

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PLANNING DEPARTMENT,
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR



STEPHANIE CHETTLE-GIBRAT
Head of Growth & Investment

DATE: 09-Jun-2020

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NOTES:

Other Legislation

This decision does not grant any right or approval under Building Regulations or any other legislation. You will have to apply separately for other consents and for consent to undertake works, or place scaffolds, hoardings or skips within the highway.

Important Information Regarding Conditions

Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

If you want to appeal against a decision to refuse planning permission for a householder application, you must do so using a Householder Planning Appeal Form within 12 weeks of the date of this notice, in all other cases you must do so within 6 months of the date of this notice, using a Planning Appeal Form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN, Tel: 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy it will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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