



Thurlaston Parish Council  
Thurlaston  
Rugby

6<sup>th</sup> December 2021

Sam Green  
Development Team  
Rugby Borough Council  
Town Hall  
Rugby

Posted by email to sam.green@rugby.gov.uk

Dear Sam,

**Ref: Planning Application R21/0944**  
**Land North of Stocks Lane to the rear of Acorn Cottage**

This document is Thurlaston Parish Council's (TPC) submission regarding planning application R21/0944. A **holding objection** is lodged for the reasons set out in this letter.

### **RBC Policy Compliance**

This application has been considered under reserved matters regarding planning application R18/0873. TPC notes that 'access' is not a reserved matter. Our contention is that 'access' is a material consideration when RBC Policy CS16 is considered under RBC Planning Condition 3. For the sake of any doubt we quote:

*Policy CS16: Sustainable Design - All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.*

***Development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.***

and

*Policy D2: Parking facilities Planning permission will only be granted for development incorporating **adequate and satisfactory parking facilities** including provision for motor cycles, cycles and for people with disabilities, (or impaired mobility), based on RBC Local Plan 2011-2031 (June 2019).*

The following sections describe in detail why there is potential for Condition 3 to fail, and why a planning authority would be negligent if it did not ensure a number of risks are mitigated.

The Applicant has **not** submitted the following:

- A Method Statement for the Clearance and Excavation of the extant site.
- A Method Statement for the supply of utility services (water [fresh, waste, surface], electricity, gas and telecommunications). Tacit with this a requirement to explain how these will be implemented when the Applicant does not have unrestricted access to adjacent land to facilitate their delivery.
- A Method Statement for the construction of the proposed property. There is no access to vehicles in excess of 3 tons, or unrestricted navigable space for HGVs and construction machinery. We also question whether the proposed access to the development site will have unrestricted access to LDVs and an ability for them to turn round at the northern end of the extant track. This will be a significant consideration particularly as on-line shopping has become a trading norm.

These requirements are compliant with RBC's condition which states - 'details of a Construction Management plan should be provided prior to development'.

### **Proposed Property Design**

TPC does not lodge any particular concerns about the proposed dwelling.

We do lodge concerns about the overall site layout particularly congestion at the northern end of the track near to the development site entrance. At minimum we recommend that more circulation space is provided at the front of the property to ensure vehicles of all sizes (eg LDV delivery drivers) can leave the property in a forward direction. For drivers to reverse from the property down the track to Stocks Lane would be considered unsafe.

The site plan drawing indicates that storage will be provided for refuse (Wheelie) bins. However these are over 80m from Stocks Lane and will need to be navigated over a poor surface track. The distance is not in line with new house-dwelling design policy.

### **Vehicle constraints presented by 141a and 143a Stocks Lane to the Development Site**

The proposal is for a new dwelling on land that historically has been used for agricultural purposes; the layout and space utilisation should conform to RBC policy.

Vehicular site access and egress to the proposed development site presents a number of constraints. Whilst TPC appreciates that such site details are civil matters rather than a planning condition per se, there are significant risks that planning conditions will fail, not just in the short term construction phase but in perpetuity. Indeed we are concerned that Policy CS16 cannot be satisfied – because it is not possible to ensure that the amenities of existing and future neighbouring occupiers are safeguarded. There will be nuisance and safety issues from ad hoc additional vehicle movements adjacent to existing neighbours whose properties are less than one metre from the track. Currently goods deliveries to extant properties are readily made from Stocks Lane roadside.

We acknowledge that the Applicant has provided adequate onsite parking in compliance with Policy D2 for a category C3 dwelling. However it is questionable whether visitors (using motor cars or delivery vehicles) would be able to turn round, thus generating unacceptable nuisance

and be unsafe. This is deemed crucial because of physical constraints on the track, most notably the close proximity of extant cottage main doors on to the track, and the 'dog leg' bend at the north end of the track which may not cope with the swept path requirements of all vehicles. The Applicant has not provided details. In this context the residents of the existing cottages may if they wish reinstate their rear and side boundary fences thus making access route little more than the size of a typical bridleway.

### **Stocks Lane Highway & Access for Emergency Rescue Vehicles**

TPC notes that WCC Highways has not lodged any objections to R18/0873. We question whether this judgement is sound given the constraints of the proposed development and shared access track.

We are concerned that the Applicant proposes the existing entrance between 141a and 143a Stocks Lane will serve as the sole route to access the development site. Access and egress from the site can only occur safely whilst vehicles are travelling forward. To reverse over a distance of circa 100m along a narrow (with width constrictions of less than 3.3m) non-linear track would be cumbersome and unsafe.

Notwithstanding the above, TPC questions whether large vehicles (eg emergency services – such as ambulances & fire tenders) could enter and navigate the site because of swept path constraints from Stocks Lane onto the track, and those at the northern end of the track.

### **Fire & Rescue Service Requirements**

TPC notes that Informative 5 makes specific requirements that Warwickshire Fire and Rescue Service should approve the Applicant's proposals.

Fire & Rescue Service access regulations for new house dwellings are based on HM Government Building Regulations 2010 (2019 Edition). Appendix B5 describes requirements as:

- ✦ Minimum width of road between kerbs is 3.7m
- ✦ Minimum width of gateway 3.1m
- ✦ Dead-end access routes longer than 20m require turning facilities with hammerhead turning space, and fire rescue services should not have to reverse more than 20m from the end of an access road.
- ✦ The road base should be designed to a 12.5 tonne capacity.

The length of the access track to the development site is in excess of 80m, with various width constrictions to a minimum 3.3m along a non-linear route. There is a 3 tonne weight restriction.

We conclude the Applicant's proposal for a new dwelling is not compliant with HM Government legislation.

### **Summary**

TPC requests a **holding objection** to this application until a number of implementation and access arrangements are fully resolved to the satisfaction of all parties. These objections are:

- (a) Acceptable method statements are provided which demonstrate how site clearing, construction, and utilities services are to be provided.

(b) We challenge that the Applicant will be able to comply with Condition 3 because it will fail on a number of counts:

- ✦ CS16 – failure to protect amenities of existing and future neighbouring occupiers are safeguarded. TPC is not aware of any guarantee of access along the proposed route to the development site. This could present nuisance to neighbours and the Applicant. Indeed until this matter is resolved RBC, as the planning authority, is unable to guarantee the Applicant’s proposal is compliant and safe. It would be negligent if controls were not put in place to mitigate risks.
- ✦ D2 – failure to provide adequate and safe parking particularly at the northern end of the shared driveway. TPC understands it is not in the Applicant’s gift to realign the track to minimise the impact of the dog-leg bend.
- ✦ Access and egress of the fully developed site will be inadequate for the reasons described in this document.

(c) We question whether WCC Highways decision made for planning application R18/0873 should be subject to further scrutiny for R21/0944.

(d) We respectfully seek a further judgement from Warwickshire Fire & Rescue Service. The Applicant’s development for the new dwelling and implied access arrangements are not commensurate with HM Government Building Regulations (as amended 2019).

(e) We challenge whether safety will be compromised because of the remote access arrangements to the site from Stocks Lane and whether these can be mitigated; TPC considers it would be negligent not to ensure all such risks are mitigated.

### **Conclusions**

We respectfully request that you acknowledge our representations and respond to them accordingly and allow us to consider further the proposals once more information is submitted, and in the meantime we would be grateful if you would keep us informed of any new information supplied by the Applicant.

Yours sincerely,

Dr Keith Boardman  
Chairman Planning Subcommittee  
Thurlaston Parish Council