



THE RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
REFUSAL OF 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, refuses planning permission for the development referred to hereunder for the reasons specified.

REFERENCE NO:

R24/0111

DATE APPLICATION VALID

09-Feb-2024

ADDRESS OF DEVELOPMENT:

Land North of Rounds Gardens, Rugby

APPLICANT:

Mr Sam Rogers, St. Modwen Homes St. Modwen Homes, C/O Agent, 5-7 High Street, Sutton Coldfield, B72 1XH

AGENT:

Mrs Debbie Farrington, Cerda Planning Limited Cerda Planning Limited, Vesey House, 5-7 High Street, Sutton Coldfield, B72 1XH

APPLICATION DESCRIPTION:

Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works

REASON FOR REFUSAL & RELEVANT DEVELOPMENT PLAN POLICIES:

REASON FOR REFUSAL 1:

The sequential test for flood risk has not been applied properly and therefore has not been satisfied. It has therefore not been shown if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The development is therefore contrary to Policy SDC5 of the Local Plan (2019) and paragraph 174 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 2:

The mitigation proposed in relation to the football pitch, pavilion and associated car park is not considered to be detailed or the required level of mitigation needed in order to replace the lost provision '*by equivalent or better provision in terms of quantity and quality in a suitable location*' under 104b. It is therefore considered that this proposal does not comply with Policy HS4(c) of the Local Plan (2019) or paragraph 104 of the National Planning Policy Framework (2024).

IMPORTANT – PLEASE READ THE NOTES ATTACHED TO THIS DECISION NOTICE

REASON FOR REFUSAL 3:

The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).

REASON FOR REFUSAL 4:

The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).

REASON FOR REFUSAL 5:

The proposals include the removal of T149-164 (high quality London Plane) which is a significant group and a prominent feature within the street scene which contributes positively. This would be detrimental to the character of the area alongside the loss of a further category A tree and 12 category B trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan (2019) and paragraph 136 of the National Planning Policy Framework (2024).

REASON FOR REFUSAL 6:

The proposed development does not provide a high-quality well-designed place. The development would not be visually attractive or provide a good architectural response to the site in relation to built form, layout and landscaping therefore having a detrimental adverse impact on the character of the area. The application is therefore contrary to Policies SDC1 and NE2 of the Local Plan (2019), Paragraph 130 and 135 of the National Planning Policy Framework (2024) and the National Design Guide (2021).

RELEVANT DEVELOPMENT PLAN POLICIES & GUIDANCE:

Rugby Borough Council Local Plan 2011-2031 (June 2019)

Policy SDC1: Sustainable Design

Policy SDC2: Landscaping

Policy SDC5: Flood Risk Management

Policy HS4: Open Space, Sports Facilities and Recreation

Policy NE2: Strategic Green and Blue Infrastructure

Policy D1: Transport

National Planning Policy Framework (2024)

National Design Guide (2021)

The development plan policies referred to above are available for inspection on the Rugby Borough Council's web-site 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 39 of the NPPF, unfortunately it was not possible to reach agreement on this case.

IMPORTANT – PLEASE READ THE NOTES ATTACHED TO THIS DECISION NOTICE

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



NICOLA SMITH MRTPI
Chief Officer - Growth & Investment

DATE: 19-Mar-2025

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.

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 or line at <https://www.gov.uk/appeal-householder-planning-decision> 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/appeal-planning-decision>. 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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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