



11 February 2021

## PLANNING COMMITTEE - 24 FEBRUARY 2021

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 24 February 2021 via Microsoft Teams.

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

Mannie Ketley  
Executive Director

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

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

## A G E N D A

### PART 1 – PUBLIC BUSINESS

1. Minutes  
To confirm the minutes of the meeting held on 6 January 2021.
2. Apologies  
To receive apologies for absence from the meeting.
3. Declarations of Interest  
To receive declarations of –
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

4. Applications for Consideration
5. Advance Notice of Site Visits for Planning Applications – no advance notice of site visits has been received.
6. Planning Appeals Update.
7. Delegated Decisions – 10 December 2020 – 13 January 2021.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

### **Membership of the Committee:**

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

***If you have any general queries with regard to this agenda please contact Veronika Beckova, Democratic Services Officer (01788 533591 or e-mail [veronika.beckova@rugby.gov.uk](mailto:veronika.beckova@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.***

*The Council operates a public speaking procedure at Planning Committee. Details of the procedure, including how to register to speak, can be found on the Council's website ([www.rugby.gov.uk/speakingatplanning](http://www.rugby.gov.uk/speakingatplanning)).*

**Planning Committee – 24 February 2021**

**Report of the Head of Growth and Investment**

**Applications for Consideration**

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

- Applications recommended for refusal with the reason(s) for refusal (pink pages on the printed version of the agenda)
- Applications recommended for approval with suggested conditions (yellow pages on the printed version of the agenda)

**Recommendation**

The applications be considered and determined.

## APPLICATIONS FOR CONSIDERATION – INDEX

### Recommendations for refusal

Item	Application Ref Number	Location site and description	Page number
1	R20/0285	Vacant scrub land to the south of Plott Lane, The Old Orchard, Plott Lane, Stretton on Dunsmore, CV23 9HL Erection of 25 residential units, along with access, landscaping and other associated works	3

Item	Application Ref Number	Location site and description	Page number
2	R20/0272	Land North East of Castle Mound Way, Castle Mound Way, Rugby Hybrid planning application for the erection of industrial, storage and distribution (Class B1c, B2 and B8) (Outline - Principle Only) including full planning permission for all infrastructure works, access and site levels.	25
3	R20/0336	Land off Long Hassocks, Long Hassocks, Rugby Erection of up to 225 dwellings, extension of the existing attenuation pond, including associated access, open space, landscaping and infrastructure.	48
4	R20/0366	Leam Valley Golf Centre, Southam Road, Kites Hardwick, Rugby, CV23 8AA Application for outline planning permission for the development of a Country Leisure Park comprising the construction of shepherd huts, log cabins, earth huts, clubhouse, outdoor bar and kitchen, outdoor and indoor gymnasium, natural swimming pool and multi-use games area, and reshaping of fishing lake no. 2. All matters reserved except for means of access.	80

**Reference: R20/0285**

**Site Address: Vacant scrub land to the south of Plott Lane, The Old Orchard, Plott Lane, Stretton on Dunsmore, CV23 9HL**

**Description: Erection of 25 residential units, along with access, landscaping and other associated works**

<b>Recommendation: Refuse planning permission due to impact upon trees and newt habitat</b>
---

**1.0 Background**

1.1 The application is being reported to Planning Committee for determination because the proposed development falls within the definition of a major development.

**2.0 Description of Site**

2.1 The site is a one hectare site, situated on the south side of Plott Lane, within the village boundary, within Stretton-on- Dunsmore which is around 9.7km from the centre of Rugby and 9.8km from the centre of Coventry (as the crow flies). Facilities within the village include a shop, primary school, village hall, doctors, two public houses and a church. The village is served by a bus service between to Coventry and Rugby with stops in School Lane and on Brookside.

**3.0 Description of Proposals**

3.1 This application seeks full planning permission for residential development for 25 dwellings along with access, landscaping and other associated works.

**4.0 Planning History**

4.1 No relevant planning history exists for the site.

**5.0 Technical consultation responses**

Environment Agency	No objection
Natural England	No comment
UHCW NHS Trust	No objection subject to S106 contribution
RBC Environmental Health	No objection subject to conditions
RBC Housing	No objection subject to affordable housing
RBC Parks and Grounds	No objection subject to S106 contribution
RBC Trees and Landscaping	Objection due to impact on trees
The Ramblers	No objection
Severn Trent	No comment
Warwickshire Fire & Rescue	No objection subject to conditions/informatives
Warwickshire Police	No objection subject to informatives
Warwickshire Wildlife Trust	No comment
WCC Archaeology	No objection subject to conditions

WCC Flood Risk Management	No objection subject to conditions
WCC Highways	No objection subject to conditions, informatives and financial contribution
WCC Infrastructure	No objection subject to financial contributions for a Library Contribution
WCC Rights of Way Team	No objection.
WCC Ecology	Objects due to effect on biodiversity, newts and non compliance with habitat regulations

## 6.0 Third Party Consultation Responses

- 6.1 Stretton Parish Council objects. Detailed proposal is on land which is under control of Parish Council. This is a hostile application, no agreement exists to use it, rent or purchase it, not engaged with the Parish. Site previously Green Belt, would have been refused had it remained. Parish Council supports development in principle, and supportive of type, design, style and density, but is resolute in its opposition to use playing field as part of development. There is no prospect that agreement will be reached in the lifespan of any approval. Planning does not consider ownership, but it does affect delivery. Undeliverability is contrary to the Local Plan. Strategic disadvantage to housing supply. Access conflicts with plot 9. Assertions on flooding misleading. No quantitative data for flooding. Drains lack capacity. Extent of flooding on photos supplied. No strategy to prevent overflow to system. Air Quality report inadequate. No data. Car ownership restrictions required. Use of access affects air quality of play area. Footpaths poor. Not direct pedestrian route. Attenuation pond cannot also be for newt mitigation. 7m newt mitigation corridor – no management information, or construction information, will be subsumed into gardens. No species protection with a post and rail fence. Trees not compatible for open scrubland for newts. Contrary to biodiversity elements of NPPF. No mention of open space. No screening for noise. Future residents will suffer noise. Transport statement does not take into account additional trips from Squires Road. Concerns with transport assessment. Conflicts with policy HS1. Does not propose 30mph zone should be changed. Transport Statement does not detail pedestrian crossing arrangements. Does not allow for highway safety improvements such as widening. Proposal requires relocation of existing fencing and security gates, new drains, lighting & street furniture, adoption of private access and resurfacing. Dynamics will change to recreation ground entrance. Danger to children. Grade of access road concern. Green belt should be delineated. Western boundary does not have such a feature, not well defined. Drainage, street signage, lighting, footpath, playing field gates are all in the Green Belt. Should be rejected as this is in Green Belt. It muddles the Green Belt boundary. Sets precedent for future development of playing field. Amended plans do not address concerns. Loss of amenity, loss of trees. Loss of memorial Oak in car park which has plaque. Scrubland cannot form defensible boundary. Terrace faces trees – may not be retained. Residents would raise concerns. Not addressed flooding. Not included documentation from Severn Trent. Lack of Concern for environmental issues.
- 6.2 Stretton Scout Group – has large scout group between 24-27 members, existing access/gate used frequently. Numerous cars arrive for scouting events, for staff and parents. Health and Safety concerns over access use. Cemetery use will also conflict. Overflow of cars into estate. Object to use of shared entrance.

- 6.2 Numbers objections were received which raise some or all of the following points:
- flooding and rainwater issues – Plott Lane has numerous floods. Water flows like a river. Developing site decreases porosity and increases runoff, minimal SuDs design, lack of capacity. Huge flooding problems in village. Plott Lane suffers from water run off. Videos provided and photos. Storm drains cannot cope. The brook overflows in the village. Proposal will increase flooding elsewhere. Hard to believe run-off from proposals will not exceed significantly the 5l per second referred to. Lack of detailed calculations. Clear risk to at least 10 properties in the centre of the village.
  - footpaths – lack of adequate footpath along Plott Lane, not accessible for buggies, children or people with mobility issues. Footpath between Orchard Way and site not suitable, poor state of repair, accidents occurred
  - access required encroaches on existing recreational facilities. It requires relocation of fencing and security gates, re-routing of pedestrian access to the park, installation of new surface water and foul drains, additional footways, new lighting. Support Parish Council who are concerned with use of existing recreation ground, will change dynamics for pedestrian access. Danger to children. Squeezes more development on as it is a shared access. Used by families and older residents.
  - additional traffic implications. Proposal has limited car parking, Plott Lane laybys will be used for parking. Competition for car parking. Highway safety concerns. Additional traffic will enter and leave Stretton. Single Track lanes. Poor facilities in village centre.
  - effect on traffic and roads: 10 garages, 40 parking spaces, 50 extra vehicles. Double the number of cars. Traffic flow intolerable. Brookside cannot cope.
  - Noise and disturbance/noise pollution, also during construction. Impact on noise and tranquillity on memorial garden adjacent.
  - Danger to children. Extra traffic on roads. Narrow roads in bad state of repair. Plott Lane has blind bend. Collisions likely with dog walkers, horse-riders and cyclists. Approach to village dangerous.
  - release from Green Belt should be delineated by green boundary. The GCN mitigation zone cannot serve as dual use, edge of green belt will not be well defined in the north west corner at an angle 30m before joining the public highway.
  - Layout and density of buildings. Affordable housing supported, demand for bungalows for elderly and none are proposed. Large houses not needed. Need attractive open communal areas. Site must be asset to village. Larger gardens needed. Too many plots on site. Enclosing Plott Lane would be out of character.
  - negative impact on character of area. Orchard Way defined by being on edge of Green Belt. Management of GCN area unclear.
  - effect on wildlife, loss of green space. Newt mitigation area does not take into account migratory routes used by them, placing them at risk. Loss of birds. Attenuation ponds cannot provide breeding habitat for newts.
  - Loss of privacy. Use of footpath in Orchard Way will increase people walking past, impacting on privacy. Don't want footpath off Orchard Way, can be provided off Plott Lane. Whole estate will walk through when walking to the village centre. Damage to cars in Orchard way. Footpath unsuitable. Also a ransom strip exists at the end of Orchard Way.
  - speed limit 30pmh to 60mph is near site. Narrow lane, congested. Drivers will cause issues.
  - layout: Block of garages for dwellings 18 and 19 are next to boundary fence. Others are screened. Changes to view from gardens. Will affect rear gardens – LVIA says will be a severe impact. Screening suggested. Conflicts with policy 3.6 of Local Plan.

-Hedgerow Protection – site’s hedgerows are part of an historic field system. Loss of tree groups objected to. Disagrees with arboricultural assessment. Access damages hedgerows. Objects to removal of trees. Western boundary does not create strong landscaping. Not addressed hedgerow regulations.

-fencing – a mish-mash, objects to metal fencing.

-adverse effect on Green Belt, no justification provided. Urbanisation impact. Harmful. No very special circumstances. Does not comply.

-Combined problems with this site and Squires Road. Village infrastructure will not support it. Need to preserve Green Space.

-loss of trees. Concern about impact on tree roots – especially plots 1-9 which should be reconfigured.

-alternative access via Orchard Road would be better.

The owner of the site has submitted further representations expressing the following concerns: it has taken 10 years to get to this point; she dislikes and disagrees with European legislation as this affects land prices, which should not apply due to Brexit, she considers newts are not threatened in the UK, she considers the Ecology report does not conclude that there would be an impact on newts, she does not understand why Squires Road received a favourable recommendation.

## **7.0 Development Plan and Material Considerations**

7.1 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.

7.2 The Statutory Development Plan for the area relevant to this application site comprises the Rugby Borough Council Local Plan 2019. The relevant policies are outlined below:

### 7.3 Rugby Borough Local Plan 2011-2031, June 2019

GP1:	Securing Sustainable Development
GP2:	Settlement Hierarchy
DS3:	Residential Allocations
DS6:	Rural Allocations
H1:	Informing Housing Mix
H2:	Affordable Housing Provision
HS1:	Healthy, Safe and Inclusive Communities
HS4:	Open Space, Sports and Recreation
HS5:	Traffic Generation and Air Quality, Noise and Vibration
NE1:	Protecting Designated Biodiversity and Geodiversity Assets
NE3:	Landscape Protection and Enhancement
SDC1:	Residential Amenity
SDC2:	Landscaping
SDC3:	Protecting and enhancing the Historic Environment
SDC4:	Sustainable Buildings
SDC5:	Flood Risk Management
SDC6:	Sustainable Drainage
SDC9:	Broadband and Mobile Internet
D1:	Transport
D2:	Parking facilities

### 7.4 Material Considerations



National Planning Policy Framework, 2019 (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
 National Design Guide (2019)

**8.1 Assessment of proposals**

8.1 Key Issues

- Section 21 Design, Layout and Landscaping
- Section 22 Biodiversity
- Section 23 Trees

9.0 Principle of development

9.1 Policy DS3 sets out how sites within the Main Rural Settlements will contribute to the borough’s overall housing need and Plott Lane is allocated for around 25 dwellings as part of DS3.8. Development within 6 of the 9 Main rural settlements plays a supplementary role to Rugby Town in delivering strategic housing growth targets for the borough. The development of the site not only deals with the needs of the village therefore, but is partially contributing to housing delivery for the borough as a whole. The strategy for distributing housing development across the Borough is based on firstly, the need to maximise housing delivery at Rugby Town as the most sustainable location in the borough, and secondly, to provide an alternative housing market in selected Main Rural Settlements which are at the second tier of the settlement hierarchy in sustainability terms. In achieving this, smaller rural villages which are in less sustainable locations, are more protected from speculative development that would be harmful to their respective character and function, providing the Council’s 5-year housing supply is maintained. The proposed access is within the red line boundary of the site but not in the ownership of the applicant and is owned by the Parish Council. It should be noted that land ownership is not a planning matter and the correct ownership certificates were served to allow consideration of this application.

9.2 The site is within a sustainable location within the village boundary and conforms with policy GP2 of the Local Plan which relates to the settlement hierarchy. As such the development is considered to be sustainable development.

10.0 Housing Mix

10.1 Policy H1 states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment (SHMA), although an alternative mix will be considered where market factors demonstrate that this would better meet market demand.

10.2 The table below shows the mix recommended in the current Strategic Housing Market Assessment and the mix as per the proposed development:

Market	1-bed	2-bed	3-bed	4-bed
Policy H1	5-10%	25-30%	40-45%	20-25%
Proposed Mix	0%	12%	65%	34%

10.3 There are no one beds as part of this proposal, a lower proportion than the ideal mix for 2 beds, a significantly over provision for 3-bed units and an over provision for four bed units. The four bed elements represent the most economically valuable part of the development and the three bed units are known to be very popular in terms of the market

also. Whilst the two bed elements are underprovided, the affordable housing element of the scheme explained below contains an over provision of two bed elements which balances out across the scheme. It is considered that whilst there is variation to the preferred housing mix, as policy H1 allows for market factors to demonstrate an alternative mix, it is not considered that the proposed mix is so deviant from policy H1 for it to be unacceptable.

11.0 Affordable Housing

11.1 Policy H2 relates to affordable housing which seeks to provide 30% on green field sites and the applicant has stated their intention to conform with this policy.

The Housing Officer has expressed a preference for affordable housing that has a discounted sales rate to run in perpetuity with the land, so that each successive owner has to pass on the discount and meet nomination conditions. The Parish Council has suggested that there is a need for smaller properties within the village. The following table shows the comparison between The Local Plan preferred housing mix for affordables compared with the proposed housing mix for the affordable housing:

Affordable	1-bed	2-bed	3-bed	4-bed
Policy H2	30-35%	30-35%	20-25%	5-10%
Proposed	0%	62.5%	37.5%	0%

11.2 As can be seen there are no one or four bed affordable housing units proposed, with an over-provision of 2 and 3 bed affordable homes. Market research has been undertaken by the applicant and they consider that there is no demand for one bed homes, and within Stretton there is also an over-provision of larger family homes, often with single persons living within them. Policy H1 allows for market factors to demonstrate that an alternative mix would better meet local demand. In this situation the proposed mix provides a greater proportion of 2 bed properties, together with a slightly higher proportion of 3 bed properties, is not considered contrary enough from policy H2 to warrant refusal.

12.0 Impact on amenity

12.1 Policy SDC1 states that new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded and should add to the overall quality of the areas in which they are situated.

12.2 In terms of layout the main impacts on amenity to consider are the properties along Plott Lane and those off Orchard Way to the east of the site. The nearest property along Plott Lane immediately adjacent to the site is number 27. This property has a thick tree screen along the flank boundary to this property which represents the eastern boundary of the site. The screen means that the amenities of this property are not significantly affected by the development. The remaining properties along Plott Lane are further away from the flank boundary and would not be affected by the development in amenity terms.

12.3 Number 12 Orchard Way has its flank elevation facing the eastern boundary. Plots 15, 16 and 17 have been turned around 90 degrees so that they are approximately in line with number 12, with the flank of plot 17 facing the flank of number 12, having no windows on the side. Should the scheme be acceptable in other respects condition could be imposed that prevents that prevented any windows being installed to protect privacy. As a result, it is not considered that the amenity of number 12 Orchard Way would be adversely affected by the proposed development.

- 12.4 Numbers 37 to 43 Orchard Way have their back gardens adjoining the eastern boundary. Number 37's boundary faces the newt mitigation area and is not directly facing a property on the proposed site. Number 39 faces the flank boundary of plot 19 which does not have any first floor windows in this flank and conditions could ensure that no further openings would be permitted to protect privacy.
- 12.5 Numbers 41 and 43 face rear garaging adjoining the boundary which were proposed to be pitched roofs. Number 41 objects to the proposals due to the proximity of plot 18 and 19's garages being in close proximity to the boundary fence with number 41. The applicant has submitted amended plans which lowers the height of the roof of these garages in order to reduce the impact on these properties. Since the gardens of numbers 41 and 43 are 14 to 16m in depth it is considered that, with the reduced height of the garages, and the separation distances between the properties, whilst there would be an effect on outlook from these properties, it is considered that the effect on number 41 and 43 would not be so significant as to warrant refusal.
- 12.6 The Environmental Health Officer states that the development may be affected by noise, particularly from road traffic and short duration but intrusive noise from the use of the play area with the skateboard ramps. Should the proposal be otherwise acceptable, there would be a requirement for a construction management condition in view of the close proximity of residential dwellings. It is considered that a condition relating to noise and dust impacts could be possible to overcome this issue.
- 12.7 Overall, it is considered that the scheme does not have a detrimental impact on residential amenity in terms of the impacts of surrounding residential properties. The impact of trees on future occupiers in terms of Plots 1 and 9 remains, however, contrary to policy SDC1.
- 13.0 Transport
- 13.1 Policy D1 seeks to ensure that transport impacts will be mitigated and that safe and convenient access to the site can be achieved. Policy D2 seeks to ensure adequate car parking can be achieved on site.
- 13.2 Plott Lane is subject to a 30mph speed limit at the proposed site access. This increases to the national speed limit approximately 15m to the east of the site as the road becomes a rural road in nature. Automatic Traffic Counts were undertaken for the site and accident data obtained which showed that no collisions had occurred on these roads. The scheme was assessed in transport terms for 26 houses. The trip generation was obtained from the TRICs database. The development is forecast to generate an extra vehicle every 4 minutes during the peak hours. This is not considered to be a severe impact. WCC highways confirmed that this does not warrant an objection from the Highway Authority. No significant concerns were received as a result of the Road Safety Audit. A shared access from a highways perspective is considered acceptable as it reduces the conflict in highway terms in comparison with two access points side by side.
- 13.3 Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case the impacts are not severe enough where a Highways objection can be sustained and as such the proposal is not in conflict with policy D1.

- 13.4 Car parking is provided at a ratio of 1.5 spaces for the 2-bed dwellings, 2 spaces for the 3 bed dwellings, and 3 spaces for the 4 bed dwellings. The garages as part of the scheme have been increased in width so that they can be counted as highway spaces. Taking the ratio of car parking spaces to dwellings the proposal complies with the car parking spaces in Appendix 5 to the Local Plan. As such it is considered that a suitable level of car parking is proposed. Each property would incorporate a cycle parking stand either within the garage or within the plot in order to meet the minimum cycle parking standard. The proposal is therefore considered compliant with policy D2 of the Local Plan.
- 14.0 Heritage
- 14.1 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings and requires special regard to be had to the desirability of preserving a listed building or any of its features of special architectural or historic interest. The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise.' Policy SDC3 of the Local Plan states that development affecting the significance of designated heritage assets and their settings will be expected to preserve or enhance their significance.
- 14.2 Chapter 16 of the National Planning Policy Framework (NPPF) sets out government advice on conserving and enhancing the historic environment. Paragraph 190 of the NPPF requires Local Planning Authorities to identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting). Paragraph 193 of the NPPF states that when considering harm to the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraphs 195 and 196 state that where substantial or less than substantial harm to a designated heritage asset occurs such cases should be weighed against the public benefit of the proposal.
- 14.3 As noted by the Inspector into the hearings, the site is close to the landscaped gardens of the Grade 2 listed Manor House to the south. The Parish Church and the Conservation Area also exist some distance away to the South-East in addition. These therefore consist of designated heritage assets and the impact of the proposal on the buildings and their settings are material considerations.
- 14.4 The setting of a heritage asset is defined in the NPPF glossary as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.*" Case law has concluded that the setting of a listed building does not just relate to physical and visual factors but includes social, historical and economic factors

- 14.5 There is a dense conifer tree screen along the southern boundary and the site is not visible from the south or South-East as a result. There is no economic, social, historical or physical connections to the heritage assets from the development site. The tree screen is being retained which would make the development not visible from these heritage assets. The settings will not be affected by the proposal. In addition, a 7 metre wide landscaping strip, acting as a new mitigation zone is proposed, planted by native species which further separates the proposed development from the heritage assets. The development is no more than two stories in height and it does not exceed the allocated number of dwellings as specified in the Local Plan. It is considered that the proposal does not result in harm to the significance of the heritage assets, nor will it affect their settings, which would be preserved. The proposal does not conflict with Sections 16 or 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant sections of the NPPF or policy SDC3 of the Local Plan in terms of heritage.
- 15.0 Drainage and Flooding
- 15.1 The Framework seeks to steer new development to areas with the lowest risk of flooding. The site is in Flood Zone 1 which has the lowest probability of flooding. Paragraph 165 of the Framework and Policy SDC6 require Sustainable Drainage Systems to be used in major developments, which should take account of advice from the Local Lead Flood Authority, have appropriate minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and provide multi-functional benefits where possible.
- 15.2 Many objections cite flooding as a reason to object to the scheme, and examples of flooding events in photographic and video footage were submitted, making reference to issues about the poor existing capacity of drainage systems. A lot of the concern relates to the increase in built form and concerns about flood mitigation being inadequate.
- 15.3 The application was accompanied by a preliminary Surface Water Drainage Strategy, and a proposed drainage layout. The Local Lead Flood Risk Authority (LLFA) objected to the scheme which then resulted in further information being submitted. Upon reviewing the additional information, they now raise no objection subject to conditions. It is not therefore considered that flooding could be substantiated as a reason for refusal.
- 16.0 Open Space, Sport and Recreation and Play Provision
- 16.1 Policy HS4 of the Local Plan seeks to ensure that residential development above 10 dwellings contribute or provides towards the attainment of the Council's open space standards. Off-site contributions to open space, sport and recreation are necessary as part of this scheme and the developer agreed to pay the appropriate amount according to the Open Space Calculator in line with the policy. The development is adjacent to the playing fields and play area on Plott Lane. It is considered that the contribution could be used in various projects associated with this or nearby facilities in Stretton-on-Dunsmore, secured via a Section 106 agreement should the proposal be otherwise acceptable. It is therefore considered that the proposal conforms with policy HS4.
- 17.0 Air Quality
- 17.1 The applicant submitted an air quality statement which states that vehicle charging points will be introduced for every occupier, low emission boilers, energy efficient appliances, and notes that the landscape buffers will contribute to mitigating air quality. An Air Quality Report was submitted which details the on-site measures to be incorporated into

the scheme and in addition, the applicant has agreed to the provision of cycle parking for every property.

17.2 Stretton-on-Dunsmore is unlikely to be close enough to the Rugby Gyrotory to warrant a strategic transport contribution to mitigate its impact, nor are the transport trips significant enough to warrant such as requirement. The site is also not close to sources of exceedances in air quality terms to justify an air quality assessment. As a result, subject to a suitably worded condition, Environmental Health raise no objection to the scheme subject to conditions which relate to air quality matters. As a result, it is considered that the scheme is therefore policy compliant with HS5.

18.0 Healthy Safe and Inclusive Communities

18.1 Policy HS1 relates to the need to create healthy, safe and inclusive communities when considering development proposals and HS2 relates to Health Impact assessments. The level of housing proposed does not trigger the need for a Health Impact Assessment, however, the NHS Clinical commissioning group has asked for a pro-rata contribution towards health services for doctors surgeries and accident and emergency admissions. This complies with the need to secure improved health services and facilities. The financial contribution could be secured via a Section 106 agreement and as a result it is considered that the proposal is compliant with policies HS1 and HS2.

19. Archaeology

19.1 The County Archaeologist notes that the site lies within an area of significant archaeological potential, with several undated cropmark features, of possible prehistoric origin on aerial photographs are located approximately 650-900m north east of the site, with linear features of unknown origin within 300m. The site is likely to have been in agricultural use since the medieval period. He raises no objection to the development subject to the imposition of conditions relating to archaeology.

20.0 Sustainable Buildings, Broadband and Fire and Rescue

20.1 Policy SDC4 refers to the need to ensure that all new dwellings should meet the Building Regulations requirement of 110 litres of water per person a day unless it can be demonstrated that it is financially unviable. Policy SDC9 requires broadband provision. Warwickshire Fire and Rescue requested a condition relating to the provision of fire hydrants and informatives associated with compliance with Building Regulations. Should the scheme otherwise be acceptable these aspects could be suitably controlled by relevant conditions or informatives.

21.0 Design, Layout and Landscaping

21.1 Paragraph 127 of the Framework states that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals should be visually attractive as a result of good architecture and layout with effective landscaping, establish a strong sense of place, create safe, inclusive and accessible places which promote health and well-being. A high standard of amenity for existing and future users is expected where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

- 21.2 Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 21.3 Paragraph 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. These principles are reflected in policies SDC1, SDC2 and NE3 of the Local Plan.
- 21.4 This site was considered for allocation for development as part of the Local Plan process. The Inspector accepted that this site could be allocated, as he noted that the site is largely contained by residential development to the north and east, with maturely landscaped gardens of the Grade 2 listed Manor House to the south and the recreation ground to the west. He went on to say that the western boundary with *suitable supplementary landscaping*, would form a strong and defensible boundary to the Green Belt in combination with the recreation ground.
- 21.5 The overall design of the scheme is centred around a looped road arrangement, with the houses set at a series of points emanating from the central loop. A row of terraced houses, are situated along the front of the site, and whilst facing the road, would be screened by the existing tree screen along Plott Lane, but are in very close proximity to it. This tree cover occupies a significant portion of the front element of the plot and it wraps around the western part of the front into the site, framing the entrance to the site and providing a gateway feature. In landscape terms, it is important to retain this screen along Plott Lane, and it was remarked upon by the Inspector when allocating the site during the Examination hearings. It forms a fundamental character to the site in the street scene. The proximity of the tree screen will make the properties somewhat dark internally in the living accommodation at the front of these houses. In addition to this tree screen, plot 1 also has a tall conifer tree screen along the flank of the property along the eastern boundary which would mean a significantly greater degree of darkness would penetrate this house. The gardens to the rear of the front terraced group, although small, have more of an open aspect which would allow some light into the rear of the properties. Plot 9 would also suffer from darkness as it is situated in close proximity with the tree screen as it curls around the north west corner. In previous iterations, one unit was removed from this area, in an attempt to avoid losing the prominent tree group at the front. However, plot 9 remains in very close to the retained trees. Generally, in design and landscape terms, the front terraced group as a whole is considered to be too close to the front tree screen, and plots 1 and 9 have a poor relationship with trees in very close proximity, which would result in living conditions where much of the properties are in shade, thereby being contrary to policy SDC1. The layout does not safeguard the living conditions of future occupiers.
- 21.6 Another aspect of the design relates to the access which is now proposed to be a shared access with the existing access to the adjacent playing field, owned by the Parish Council. When the proposal was considered during the Local Plan process, a separate access was envisaged within the site itself, which was parallel to the existing adjacent entrance to the playing field. Since the Local Plan was adopted, more detailed transport engineering advice was obtained which concluded that two parallel access points would no

longer pass modern road safety audits. A number of alternatives were considered. A site access which was further east from Plott Lane was not possible due to the proximity to Squires Road creating a staggered junction and due to the need to preserve the tree screen along Plott Lane. A vehicular access off Orchard Lane was not considered to be acceptable to the applicant as this would devalue the properties economically when marketed. A tree exists at present on the potential access point from Orchard Way but the Tree Officer has no objection to its removal as it is not mature. A shared access off Plott Lane is favoured by the applicant which combines the existing access to the playing field and entrance to the site. It should be noted that this access is on land owned by the Parish Council. The requisite Certificate B serving notice on the Parish Council owner was served and signed and so in planning terms, the owner has been formally notified of the planning application. The Parish Council wrote to confirm that they, as landowner, have not agreed to the access being on their land, but this is not a planning matter and the granting of a planning application does not grant any rights of implementation on landowners – they retain their land ownership rights. Planning permission could not be refused due to ownership issues.

- 21.7 The access is situated beyond the allocated boundary of the application site and it is situated in the Green Belt. As a precaution, this aspect of the scheme was advertised as a departure. It should be noted, however, that only the access point itself is within the Green Belt, and there is no actual built development in the Green Belt. Roads are not considered to be inappropriate development in the Green Belt as they do not contain structures which are above ground level that affect openness. It is therefore considered that this is a technical departure only. The location of the access does not result in harm to the Green Belt in planning terms.
- 21.8 Warwickshire police objected to earlier designs of this scheme as a result of the rear parking court which is situated behind the existing front row of terraces. This has the potential to attract youths gathering and could be a source of anti-social behaviour. The design has now been changed to include small landscaping strips in an attempt to break up the rear parking court. It remains questionable as to whether or not small landscaping strips would in reality deter anti-social behaviour. In addition, blocks 15, 16 and 17 have been turned at right angles so that they directly overlook the parking. Due to the fact that some natural surveillance is now incorporated into the scheme the Designing Out Crime Officer has withdrawn his objection.
- 21.9 Plots 15 to 17 together with plot 18, along their rear gardens, are to incorporate 'hit and miss fencing' which back on to the pedestrian only access point off Orchard Way, which is a design feature that lends itself to natural surveillance. This allows garden users to be able to detect anti-social behaviour more easily. Whilst the potential for anti-social behaviour has not been eliminated as a result of the parking arranged as a courtyard, it is considered that the natural surveillance designed into the blocks does lessen the probability of incidents that may occur along the pedestrian access. Given the lack of objection from the Designing Out Crime Officer, it is considered that the local planning authority is not now minded to recommend refusal on the grounds of the design promoting anti-social behaviour.
- 21.10 Changes to the design were requested to ensure that the properties within the central 'island' have windows and animation on the flanks so that they are more dual aspect in



terms of design. Chimney features have been added to the front terraced block so they are more like cottages in terms of design. The fencing to the newt mitigation area has been changed from a post and rail fence to that of close boarded fencing with added hedgehog holes so that there is a greater degree of separation to the newt mitigation area. These aspects improve the scheme in these respects.

- 21.11 Attempts were made to improve Plot 9's relationship with the trees, so that it is further away from the important front tree screen so that living conditions from that property are improved and so that these trees can remain in situ. Whilst some very minor alternations were made, the applicant did not wish to fundamentally alter the position of Plot 9 to address this concern. The relationship of the trees to Plot 9 is considered to significantly conflict with policy SDC1.
- 21.12 Policies SDC2 and NE3 states that landscaping should form an integral part of the overall design, retaining ecological features, and ensuring that there is sufficient planting within and around the perimeter of the site. In this case landscaping strips have been incorporated into the layout to act on the western side as a buffer to the Green Belt, and also along the southern boundary to act as a Newt Mitigation Zone. This is important due to the presence of breeding populations of newts nearby and policy NE1 requires on site biodiversity net gain to be achieved. As per policy SDC2 this area would require active management for newt mitigation and will require a Landscape and Ecological Management Plan should the proposal be acceptable in other respects. The fact that Plot 9 is too close to the prominent landscaping curving around the front means that the layout of the proposal does not allow landscaping to be capable of being retained in the long term.

## 22.0 Biodiversity

- 22.1 Paragraph 170 of the Framework states that decisions should minimise impacts and provide a net gain for biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 states harm to biodiversity should be avoided, adequately mitigated, or as a last resort, compensated for. This is known as the mitigation hierarchy which is reflected in policy NE1 of the Local Plan. Concerns were expressed from the owner of the site querying the applicability of European legislation as a result of the UK leaving the EU. The relevant European legislation (EU Habitats Directive) has previously been implemented into domestic legislation by way of The Conservation of Habitats Regulations 2017, which sets out the protections to be afforded to great crested newts. Following the UK leaving the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have amended The Conservation of Habitats and Species Regulations 2017 to provide for the conservation regime to be administered by national bodies, as opposed to EU bodies and to make other minor administrative amendments. The fundamental principles relating to great crested newts have not been affected – they remain a protected species in the UK and the necessary processes and procedures must continue to be followed.
- 22.2 Development of the site will result in a loss in biodiversity terms. Some on-site biodiversity net gain has been provided as a result of 7m wide landscaping strips that are specifically provided behind the back gardens along the southern and western boundaries to act as biodiversity/newt mitigation buffers/corridors. The idea behind these is to allow these areas to be planted in native species that replicate newt habitat. The western element of these buffers also strengthens the Green Belt boundary. Newts often benefit from sheltering in roots and there is a breeding population of newts in close proximity to

the site, most notably in Pond 1. Providing on-site mitigation conforms with the mitigation hierarchy and bolsters to some extent the local biodiversity network for the on-site element of the policy, however, there is a need to consider the wider habitats regulations discussed below.

- 22.3 An off-site biodiversity offsetting payment is also necessary, as a separate exercise to the consideration of the habitats regulations, calculated through a Biodiversity Impact Assessment (BIA). Should the proposal be acceptable in all other respects, it is anticipated that this could have been achieved through the use of a S106 agreement. There has been no indication from the applicant that the principle of a BIA payment would not be payable. The BIA payment would be used to increase biodiversity measures off site but in proximity. A detailed Landscape and Ecological Management Plan (LEMP) would supplement the biodiversity areas on site which would have been attached to the Section 106 agreement. Conditions relating to Tree and hedgerow protection measures, and a lighting strategy, to ensure that light spillage does not significantly occur within the newt mitigation zone or northern tree screen, would have been feasible to supplement the biodiversity measures.
- 22.4 Hedgehogs are a priority species due to their continued decline and are listed on Schedule 41 of the NERC Act 2006 making them a material consideration in planning applications. Part of the LEMP for this site would have needed to incorporate a 'Hedgehog Highway' scheme where a series of 13 square cm holes are incorporated into the layout where walls, gates and fences are located, thereby enabling the free movement of hedgehogs through the site. Provision for hedgehogs and newts, together with other protected species would also need to be included in a condition relating to the need for a Construction Management Plan. Permitted development rights for further gates, walls and fences would also have been restricted by condition so that biodiversity net gains continue to be provided by controlling boundary details.
- 22.5 Notwithstanding the attempts to create a net gain in biodiversity terms to conform with policy, there are wider issues associated with species protection that form material considerations in this case. The site itself contains core habitat for a medium population of newts centred around Pond 1. As has been indicated newts are a protected species in the UK with protection relating to the animals and their eggs, breeding sites and resting places. Damaging or destroying a breeding or resting place is illegal. Building and development work can harm great crested newts and their habitats, for example if it removes habitat or makes it unsuitable, disconnects or isolates habitats, such as splitting it up, or reducing the newts' food sources.
- 22.6 The consultants undertook an Extended Phase 1 habitat survey for great crested newts. The site comprises dense scrub, bramble and broad leaved semi-natural woodland at the northern boundary and tree lines along the southern and western boundaries. The scrub, broadleaved woodland, grass tussocks and brash piles present at the site provide shelter, migration routes, hibernation and foraging habitat for great crested newts. It should be noted that this type of habitat differs to the habitat at Squires Road, another allocated site within the village which has a resolution to grant permission, which is an agricultural field, has been ploughed in the past and is not 'core habitat' for a breeding population of newts, so unlike the current site under consideration, and it did not contain newts. For the current application, The Ecology Report confirms that "7 great crested newts (4 male and 3 female) were observed within the site boundary during the first sur-

vey”, and goes on to state that “it is therefore clear that the site supports terrestrial habitat that it utilised by great crested newt.” It clarifies that “great crested newts were observed migrating to and from the pond from surrounding habitat....multiple terrestrial great crested newts were observed migrating into the site as well as towards the direction of Pond 1.” The report surveyed eleven ponds in the locality, four of which (including Pond 1) contained breeding populations. Of the four ponds with breeding newt populations, these were given a score known as a ‘Habitat Suitability Score’. Two surrounding ponds achieved a ‘average’ or ‘below average’ score, with lower populations of newts compared with Pond 1, one achieved a ‘good’ score. Pond 1 was the only pond in the vicinity which achieved an ‘excellent’ habitat suitability score.

- 22.7 The proposals will result in the loss of good quality habitat and brash piles which are suitable for newts during hibernation. A European Protected Species mitigation licence will be required from Natural England for the development to proceed in accordance with a detailed mitigation strategy and compensatory measures to ensure there will be no adverse impact on great crested newts and that their favourable conservation status is maintained or increased. Whilst the proposed 7m wide newt mitigation corridors along the western and southern boundaries, with tree and native shrub and hedgerow planting controlled by a LEMP, provide some beneficial mitigation, developing the remainder of the site still results in the direct loss of core habitat. The on-site mitigation, even if accompanied by a BIA payment for off-site mitigation, is unlikely to be sufficient to comply fully with Natural England licencing requirements; further offsite compensation measures would be required. The scope to mitigate for the habitat loss has to be demonstrated and the identification of offsite habitat would be required to be tied in to the development proposal. The Ecologist stated that the proposals would reduce the “carrying capacity of the core and intermediate habitats available for the overall population” and that site clearance “would kill/injure and disturb newts” and that the development would result in a “permanent long term effect on great crested newts and their habitat which is significant at the local level”. WCC Ecology concur with these conclusions.
- 22.8 Apart from the newt mitigation areas then, the damage or destruction of a breeding site or resting place of a protected animal is prohibited and building on it will result in its destruction. Developing this site would result in the destruction of a resting place for newts due to it being core newt habitat. In some circumstances, destruction of a breeding site or habitat is allowed, if a licence from Natural England is obtained. This allows it to be done lawfully. A licence can be granted if there is an overriding public interest why it should be carried out. Before granting a licence, Natural England must be satisfied that there is no satisfactory alternative, and that the population of species can be maintained in its natural range.
- 22.9 The reason for granting the licence together with the conditions that must be met before a licence can be granted are what Natural England refers to as the three statutory tests. All three tests must be met to grant a licence. These are:

(1) **Regulation 53(2)(e)** states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

(2) **Regulation 53(9)(a)** states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

(3) **Regulation 53(9)(b)** states: the appropriate authority shall not grant a licence unless they are satisfied that “the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

22.10 In the Regulations a Local Planning Authority is known as a “competent authority” who must have regard to the requirements of the Habitats Directive. Case law has determined that if it is concluded that the proposed development would (a) be likely to offend one of the prohibitions referred to above and (b) be unlikely to be licensed, planning permission should be refused. So, if a licence is unlikely to be granted by Natural England, the Local Planning Authority also has to form a view about the three tests. It is for the planning committee to determine the planning application in light of the three tests.

22.11 The following is an appraisal of the three tests in this case:

**Test One:** overriding public interest including those of a social or economic nature

When considering ‘imperative reasons of overriding public interest, including those of a social and economic nature’ Natural England will take into account whether the development is required to meet or provide a contribution to meeting a specific need, which would include complying with planning policies. In this case, the site is allocated for housing as part of an up-to-date development plan, and is one of only two sites deemed suitable for development within Stretton-on-Dunsmore at scale. The site is therefore meeting a housing need for the borough. It is considered that the first test, Regulation 53(2)(e) is therefore met.

**Test Two:** that there is no satisfactory alternative

The test involves considering whether there is a satisfactory alternative to developing this site.

Most of the site is to be developed apart from the proposed newt mitigation areas. The newt mitigation areas are not sufficient to maintain the breeding population of newts. Compensatory additional land would be required, and managed in a way that successfully maintains the breeding population of newts. The proposal would therefore need to either secure additional land as compensation, with a robust management plan, preferably to the south where the pond which contains the breeding population of newts exist, or, develop a significantly smaller proportion of the site. Obtaining the land to the south as compensation for the loss of newt habitat on site would be the most obvious alternative to the current proposal. The breeding pond is within 10 metres of the site boundary. Compensatory land has not been secured, nor, it would appear, is there any prospect of compensatory land being obtained in the short term. Nor is compensatory land within the red line boundary of the application site. As additional land is not within the control of the landowner, this cannot at this point be secured. It cannot therefore be relied upon as compensation. Nevertheless, this is a clear alternative to developing the site as pro-

posed. As a result, a licence is unlikely to be granted without this compensatory land. Alternatives could be developed, with different pieces of land, but none have been secured at present or put forward. As an alternative exists to the current proposal and there is no evidence at present that the land can be bound up with the planning application to run with the land, it is therefore concluded that test two is not met.

**Test three:** the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

In the current case, the development includes two landscaping strips specifically designed as newt mitigation habitat, in the form of two 7 metre wide buffer zones along the western and southern boundaries. These are within the red line boundary and under the control of the applicant and comprise of approximately 1500m<sup>2</sup> of land taken out of the development site for this purpose. It is entirely possible that these landscaping strips can be managed, controlled by condition, a Landscape and Ecological Management Plan or S106 agreement, to enable some of the newt habitat on site to be retained, particularly as they are located in close proximity to the main breeding pond immediately to the south. If land to the south or an equivalent area were to be obtained and managed in the long term appropriately, a Natural England licence is more likely to be forthcoming. If secured, whilst the overall newt habitat would be reduced by building on a portion of the application site, proper management of the area with compensatory land in which the breeding pond is situated would ensure that the remaining habitat is enhanced so the population can be maintained. This is a reasonable scenario in which Natural England could grant a licence. However, the compensatory land is not in control of the applicant and there is no evidence that any land has been secured by the applicant. The development without this land would remove a significant proportion of this population's terrestrial habitat. The development within the red line of the site, whilst including some compensatory land in the form of the 7m newt mitigation zones, is not sufficient to compensate for the overall loss of newt habitat. As a result, without being able to secure the land to the south or any other alternative area, the development will have a significant impact upon the local newt population's favourable conservation status. A licence is unlikely to be secured until the appropriate habitat has been secured. At the time of writing, therefore, test three is not met.

22.12 As competent authority, it is concluded that two out of the three tests have not been met and planning permission should be refused as a licence from Natural England is unlikely to be granted.

### 23.0 Trees

23.1 Paragraph 170 of the Framework and policies NE3 and SDC2 of the Local Plan set out the importance of incorporating features such as trees and hedgerows into the proposed development. The Tree Officer notes that some trees along the northern boundary were highlighted for removal, and he has no objection to this. For some individual trees within this group, tree quality is variable and management has not taken place. One tree within the group has the potential for a bat roost in addition. The Tree Officer acknowledges that the site would benefit from management, supplemented by new tree planting. He notes that there are two or 3 better quality trees towards the north eastern corner. Overall, however, the tree screen provides valuable visual amenity. He objected to earlier iterations of the layout due to the loss of trees. The applicants have undertaken minor alterations into trying to reduce the impact upon the trees, removing one unit from the

scheme. They are unwilling to change the layout further and have asked for a determination. Efforts have been made to change the orientation of Plot 9 so that it is further away from retained trees which provide a gateway feature into the site. Following receipt of the final layout the tree officer still objects to the scheme.

- 23.2 The site's mature tree screen along the front forms a key feature in the streetscape and adds considerable character to the immediate locality and the entrance to the village itself. A group of trees flowing from this front screen curves into the site which acts as a gateway feature into the site. Conifer screening exists along the southern and partially along the eastern boundary in addition. The tree coverage supplements the prime newt habitat. The proposed landscaped newt mitigation area could be supplemented further with native planting as part of a Landscape and Ecological Management Plan to assist in providing a net gain in biodiversity (within the site itself). Retained trees could be protected during construction by a suitably worded condition relating to a Tree and Hedgerow protection plan.
- 23.3 The tree screen along the front, and the 'wrap around' element of the group in the north-west corner has value as a group forming a screen and visual amenity as viewed from Plott Lane. The trees consist of Ash, Field Maple, Hornbeam, and Hawthorn. Plot 9 is too close to this group. The canopy spread of the trees will be evident along the rear and side of the house. The canopy would be in very close proximity to windows. Plot 9 is a small plot and the garden will be in constant shade. The trees will be overbearing and there is a high likelihood of post development pressure to remove the trees, which would result in the screening benefits of the trees along the front being diminished. Whilst the trees are not yet TPO'd, they are worthy of such designation.
- 23.4 In addition, the Landscape and Visual appraisal places emphasis upon maintaining and enhancing the existing green buffer to the north and west to minimise the visual intrusion into the site, the west being Green Belt land. The Inspector commented in the hearings that the northern tree screen should be retained, and that the landscaping to the western boundary should be supplemented. Locating Plot 9 in close proximity to the trees which assists in helping to screen both the northern and western boundaries means that these trees would be under pressure to be removed once future occupiers move in due to the effect on living conditions. Their removal would negate the positive impact they currently contribute to site screening and therefore the buffering effect that the screen has for both the north of the site and the western boundary. This is contrary to the caveats placed on the site by the Inspector as part of the Examination in Public in allocating the site. The proposal conflicts with policy NE3 which requires new development to positively contribute to landscape character, integrate landscape planning, relate well to key landscape features and conserve them, and address the importance of habitat biodiversity features by means of reconnecting fragmented areas. The removal of a key part of the front tree screen is also considered contrary to policy SDC2 which requires landscape aspects to form an integral part of the overall design, and that there is sufficient provision for planting within and around the perimeter of the site to minimise visual intrusion on the countryside.
- 23.5 In addition to the effect of Plot 9 on the tree group, the other aspect of the scheme that would affect trees is the proposed access. The proposed access and path goes partially across the root protection area of retained trees (T17, T18 and G19) adjacent to Plot 9. To provide the access, a significant amount of excavation would be required, which is likely to result in root severance and tree damage, which has not been addressed in the

submitted tree report. Changes in levels could accentuate the problems. Coupled with the disturbance from building Plot 9, the formation of the access would adversely affect the health of these trees, which would lead in all likelihood to their death. The proposal is also contrary to policies SDC2 and NE3 as a result.

- 23.6 In addition to the effects of the development on trees, and their effects upon the living conditions with Plot 9, the proposal also has an impact on Plot 1. Plot 1 has the front tree screen in close proximity but in addition is located extremely close to the high boundary hedge along the eastern boundary. Whilst this screens number 27 Plott Lane, and is on their side of the boundary, the conifer screen would mean that the front, side and to some extent the rear of the rooms closest to the boundary would experience overshadowing and a dark living environment for a significant part of the house, which is quite a small property. There is no opportunity to remove this tree screen as it is not within the control of the applicant. The applicants state that further units cannot be removed without an impact upon the viability of the scheme. The latest layout does not resolve the impact of trees on Plot 1, and could also result in a potential “high hedges” case once a new occupier moves in. As such the position of Plot 1 would result in an adverse impact on the future living conditions of this property, created by the proximity of trees/high hedges which is in conflict with policy SDC1.
- 23.7 One objector raises points about the southern boundary potentially being protected by the Hedgerow regulations. The Tree Officer confirms that Hedgerow Regulations do not apply when hedges mark the boundary of the dwelling house, which occurs in this case. Trees along the northern boundary would not fall under the Hedgerow Regulations as it is not a hedgerow.

#### 24.0 Planning Balance and Conclusion

- 24.1 Policy GP1 of the Local Plan outlines that the Council will determine applications in accordance with the presumption of sustainable development set out in the Framework. The Local Plan was adopted in June 2019 and is up-to-date. The principle of development was established as a result of the allocation of the site and removal from the Green Belt via policy DS3.8.

#### *Planning Balance*

- 24.2 In the planning balance, consideration has to be given to economic, social and environmental objectives.

#### *Economic*

- 24.3 The development represents an economic investment in the village at a time of economic uncertainty. Investment benefits are likely to arise from money being invested in construction in terms of jobs, materials and new household economic spending which may increase the viability of existing local retail uses, services and businesses. This would have a positive impact on the local economy and weighs in favour of the proposal.

#### *Social*

- 24.4 From a social perspective, there is a significant need for new housing within the Borough. The proposal would contribute ensuring the Council’s current five-year housing land supply position is maintained, particularly as this was identified as an allocated site. It also is consistent with the Government’s objective of significantly boosting the supply of homes. The provision of affordable housing at 30% is also positive. These aspects

weigh in favour of the proposal. The fact that the living conditions for two of the proposed plots would result in poor living conditions as a result of trees weighs against the proposal.

#### *Environmental*

- 24.5 A substantial level of objections related to transport impacts and could be interpreted as weighing against the development in environmental terms. However, Transport modelling established that the impact of the proposal on the highway network would not be severe, and the shared access serves to mitigate highway safety (even though there are issues with delivery of the access as the access is not within the ownership of the applicant). There is no evidence to substantiate severe transport impact in line with paragraph 109 of the NPPF or conflict with policies D1 or D2 of the Local Plan, nor is there an objection from the Highway Authority. This therefore neutralises the weight to be given to transport impacts.
- 24.6 Objections have been expressed by local residents and the Parish Council in relation to flooding. Whilst it is appreciated that this is a significant local concern, there are a number of ways in which this issue can be mitigated. Enough evidence has been submitted to demonstrate that a solution to surface water drainage could be controlled by conditions should the proposal be acceptable in other respects. The lack of an objection from the Local Lead Flood Authority suggests that the Local Planning Authority would not be minded to use flooding as a reason for refusal. This is therefore neutral in terms of weight in the planning balance.
- 24.7 By far the biggest environmental impact of the proposal is the combined impact on trees and landscape, biodiversity and the removal of core newt habitat. The impact of the layout would result in the death of key trees which are a gateway feature to the site, and form part of the character of the site providing screening to the front and western parts of the site, supplementing the buffering of the Green Belt to the west. The proposed access would directly lead to the loss of trees, and those trees would also impact on the living conditions of Plot 9 whilst they were still alive. Plots 1 and 9 would be overshadowed by trees which would adversely impact on their living conditions. The loss of newt habitat and the inability to secure compensatory land to replace lost habitat of a European protected species means a licence from Natural England would not be forthcoming as 2 out of the 3 statutory tests are not met. As a result, the proposal is considered to be detrimental to biodiversity and habitat and is contrary to policies NE1, SD1, SD2 and NE3 of the Local Plan. The harm that would result of the proposal outweighs the economic and partial social benefits of the proposal in the planning balance.

#### *Conclusion*

- 24.8 Notwithstanding that this is an allocated site and the principle of development has been established through the Local Plan, on balance it is, it is concluded that the environmental harm to biodiversity/habitats, together with harm upon trees and the amenity of future occupiers of Plots 1 and 9 outweigh the benefits of the proposed development in social and economic terms. Overall, it is considered that the conflicts with policy and refusal is therefore recommended.

#### **Recommendation:**

Refusal is recommended due to the impact on trees and newt habitat



## DRAFT DECISION

**REFERENCE NO:**

R20/0285

**DATE APPLICATION VALID:**

20-Apr-2020

**APPLICANT:**

Deeley Homes Deeley Homes, c/o Agent

**AGENT:**

Anna Brindle, Delta Planning, Cornwall Buildings, 45 Newhall Street, Birmingham, B3 3QR

**ADDRESS OF DEVELOPMENT:**

Vacant scrub land to the south of Plott Lane, The Old Orchard, Plott Lane, Stretton on Dunsmore, CV23 9HL

**APPLICATION DESCRIPTION:**

Erection of 25 residential units, along with access, landscaping and other associated works

**REASONS FOR REFUSAL:**

REASON FOR REFUSAL 1: The siting of the proposed terraced properties, particularly with regards to Plots 1 and 9, in close proximity to the frontage trees along Plott Lane and trees/hedges along the eastern boundary, will result in the trees having an overbearing negative impact on those properties, adversely affecting living conditions of future occupiers, worsened by the small property size and restricted garden spaces. No space has been allowed for future growth potential and excessive shading is likely to lead to future pressure for removal, or to severely prune the trees. The proposed access to the site in relation to Plot 9 will have a detrimental impact upon Trees T17, T18 and G19 which are considered to be of significant visual amenity value, a green/biodiversity component within the local street scene, partial buffer to the Green Belt and a gateway feature to the development site. The combination of Plot 9 and the position of the proposed access will limit the trees' future viability as visual amenity and biodiversity features. Their removal will diminish, rather than enhance required landscaping, and the design does not allow sufficient space between retained trees and dwellings so both can co-exist successfully. As such the proposal is contrary to policies NE3, SD2 and SD1 which require key landscape features to be conserved or enhanced, that proposals contribute to landscape character, that sufficient planting within and around the perimeter of the site minimizes visual intrusion and that future occupiers are protected in amenity terms.

REASON FOR REFUSAL 2: The proposals will result in the damage and destruction of a resting place for newts which is a protected species under the Habitats Directive. As competent authority, it is the Local Planning Authority's view that the proposal is unlikely to be licensed by Natural England since two out of the three statutory tests have not been met. Satisfactory alternatives exist to developing the site in the manner proposed, by binding in additional compensatory habitat in close proximity of the site, which has not been secured. It is considered that, as a result, the proposal would be detrimental to the maintenance of the local newt

population, adversely affecting their favourable conservation status in their natural range. The proposed on-site newt mitigation areas are insufficient to mitigate the harm to protected species in line with the mitigation hierarchy as required as part of policy NE1 of the Local Plan.

**Reference: R20/0272**

**Site Address: LAND NORTH EAST OF CASTLE MOUND WAY, CASTLE MOUND WAY, RUGBY,**

**Description: Hybrid planning application for the erection of industrial, storage and distribution (Class B1c, B2 and B8) (Outline - Principle Only) including full planning permission for all infrastructure works, access and site levels.**

**Recommendation**

Approve subject to conditions and informatives.

**Introduction**

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development.

**Application Proposal**

The Rugby Borough Council Local Plan adopted in June 2019 allocates the Coton Park East site to deliver 7.5 hectares of employment land. The site is allocated under Policy DS7 of the Rugby Borough Council Local Plan. The application, which is submitted for consideration, is a hybrid proposal; this is where an applicant seeks outline planning permission for one part and full planning permission for another part of the same site.

*Outline Planning Permission*

The outline permission sought is for the erection of 8 units for industrial, storage and distribution uses (class B1c, B2 and B8). The main considerations in this application are the principle of development. Layout and landscaping along with the scale and appearance are being considered in detail at reserved matters stage.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 under Part 1 and the Communities and Local Government Guidance on Information Requirements and Validation; March 2010 details information which needs to be submitted to allow for the determination of an outline planning application.

*Full Planning Permission*

Full planning permission is being sought for infrastructure works including the vehicle access and site levels. The main access to the site will be taken through the existing industrial estate from Castle Mound Way with a new pedestrian crossing proposed at the entrance of the site. The existing public footpath route will remain in situ, there will also be a separate connection to the site, this will be located to the South and allow for a pedestrian and cycle link to the residential development.

### Site and Surrounding Area

The application site comprises of 8.77 hectares former arable/farm land located within the countryside but immediately adjacent to the Rugby Town. The application site is generally flat and level with the M6 motorway located to the North along with Coton House Estate and the villages of Churchover and Shawell. To the East of the site lies arable farm land with Newton Lane beyond. Whereas the South of the site lies further arable farmland and the residential area of Brownsover and Newton Village. With the west of the site comprises of Phase 1 of the Coton Park East development and the Rugby Gateway Development.

### Relevant Planning History

There is no relevant planning history on this site.

### **Technical Responses**

No objections have been received from:

Warwickshire County Council (Flood Risk Management)  
Warwickshire County Council (Public Rights of Way)  
Warwickshire County Council (Archaeology)  
Warwickshire County Council (Highways)  
Warwickshire County Council (Planning)  
Warwickshire County Council (Ecology)  
Rugby Borough Council (Environmental Services)  
Rugby Borough Council (Development Strategy)  
Rugby Borough Council (Arboriculture Officer)  
Warwickshire Fire and Rescue  
The Ramblers Association  
Warwickshire Police  
Seven Trent Water  
Highways England  
Cadent Gas

No comments have been received from:

Environment Agency

### **Third Party Responses**

No objections have been received from:

Newton and Biggin Parish Council  
Churchover Parish Council

Neighbours notified and a site and press notice have been displayed. One letter of representation has been received raising the following:

1. The proposed development as it stands would compromise the future development for the remainder for of the CPE allocation being completed in a comprehensive manner; and

2. A key concern relates to the lack of provision for road, cycle and pedestrian links to be provided up to the boundary.

### **Relevant Planning Policies and Guidance**

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

The Statutory Development Plan for the area relevant to this application site comprises of the Rugby Borough Core Strategy 2011 and Rugby Borough Local Plan 2006 Saved Policies. The relevant policies are outlined below.

#### Local Plan Policies – 2011 – 2031

Policy GP1: Securing Sustainable Development  
Policy GP2: Settlement Hierarchy  
Policy DS1: Overall Development Needs  
Policy DS7: Coton Park East  
Policy HS1: Healthy, Safe and Inclusive Communities  
Policy HS2: Health Impact Assessments  
Policy HS5: Traffic Generation, Air Quality, Noise and Vibration  
Policy ED1: Protection of Rugby's Employment Land  
Policy ED2: Employment Development within Rugby Urban Area  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets  
Policy NE3: Landscape Protection and Enhancement  
Policy SDC1: Sustainable Design  
Policy SDC2: Landscaping  
Policy SDC3: Protecting and Enhancing the Historic Environment  
Policy SDC4: Sustainable Buildings  
Policy SDC5: Flood Risk Management  
Policy SDC6: Sustainable Drainage  
Policy SDC7: Protection of the Water Environment and Water Supply  
Policy SDC9 Broadband and Mobile Internet  
Policy D1: Transport  
Policy D2: Parking Facilities  
Policy D3: Infrastructure and Implementation  
Policy D4: Planning Obligations

#### Supplementary Planning Documents

Coton Park East Masterplan – 2019  
Planning Obligations – 2012  
Sustainable Design and Construction – 2012

#### National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development  
Section 6: Building a Strong, Competitive Economy  
Section 8: Promoting a Healthy and Safe Communities  
Section 9: Promoting Sustainable Transport

Section 11: Making Effective Use of Land  
Section 12: Achieving Well Designed Places  
Section 15: Conserving and Enhancing the Natural Environment  
Section 16: Conserving and Enhancing the Historic Environment

## **Determining Considerations**

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

1. The Principle of Development;
2. Character and Design;
3. Impact on Residential Amenity;
4. Highway Safety;
5. Flooding;
6. Landscape
7. Ecology;
8. Archaeology;
9. Developer Contributions;
10. Heads of Terms;
11. Planning Balance; and
12. Conclusion.

### 1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.
- 1.2 The application site is located within the countryside location which adjoins the Rugby Town. Within countryside locations, as defined within Policy GP2 of the Local Plan; new development will be restricted and only where National Policy on countryside locations permits will development be permitted.
- 1.3 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This results in the balancing of material considerations within each individual case at the same time being mindful of the presumption in favour of sustainable development as defined by Section 2 of the NPPF.
- 1.4 In this case it is considered that the application site is in a sustainable location given that the site is situated on the edge of Coton Park, which forms part of the Rugby Town. Policy GP2 specifies that the Rugby Town is the primary focus for meeting strategic growth targets for the Borough. Furthermore, the application site is located within the proposed Coton Park East allocation as defined in Policy DS3 and DS7 of the Local Plan. It is therefore considered to be a sustainable location having appropriate levels of infrastructure and access routes including public transport.
- 1.7 The Coton Park East Masterplan states that the employment allocation should be provided to meet the qualitative demand for smaller units in the Borough. The proposed units would need to be in the range of 5,000 to 50,000 square foot in B1c, B2 and

ancillary B3 employment uses. The table below provides a breakdown of the provision proposed within the application:

<i>Areas Schedule</i>						
<i>Unit No.</i>	<i>Ground Floor GIA sqft</i>	<i>Ground Floor GIA sqm</i>	<i>First Floor Offices GIA sqft</i>	<i>First Floor Offices GIA sqm</i>	<i>Total GIA sqft</i>	<i>Total GIA sqm</i>
1	12500	1161	2500	232	15000	1394
2	12500	1161	2500	232	15000	1394
3	27200	2527	7000	650	34200	3177
4	21600	2007	6000	557	27600	2564
5	27000	2508	5600	520	32600	3029
6	32300	3001	6600	613	38900	3614
7	32300	3001	6600	613	38900	3614
8	39800	3698	8000	743	47800	4441

- 1.8 The proposal seeks to provide units that would help the meet specific development needs identified within the Local Plan. It is however noted within the supporting information that reference is made to the possibility of alternative uses and unit sizes depending on market evidence. No further information has been made available at this time.
- 1.9 As identified within the table above the floor spaces provided with the Illustrative Masterplan are compliant with the Coton Park East SPD are policy compliant and therefore an appropriately worded condition would be included within any recommendation for approval to ensure continued compliance (**Conditions 6 and 7**).
- 1.10 This application is therefore considered to be in accordance with Policies GP1; GP2; DS3 and DS7 of the Local Plan along with Section 2 of the NPPF.

## 2. Character and Design

- 2.1 Local Plan Policy SDC1 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated.
- 2.2 Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Likewise, paragraph 127 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 2.3 Whilst the main consideration under this application is the principle of development and access only, the initial indicative layout submitted with the proposal is considered to be acceptable in this instance and is capable of accommodating eight industrial units.
- 2.4 Whilst it is acknowledged that layout is not a matter for consideration given the levels differences within the application site it is considered important that any finalised layout takes the levels into consideration in order to limit any impact on the character and appearance of the surrounding area.

### 3. Impact on Residential Amenity

- 3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 3.2 Likewise Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.
- 3.3 As previously identified the main considerations under this application for the for-principle pf development and access only, as such design, scale and massing details would be reserved for full consideration at a later date.

### 4. Highway Safety

- 4.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals.
- 4.2 Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 4.3 Appendix 5 of the Local Plan states that developments for Commercial Developments, located outside of the High Access Zone, are required to provide 1 parking space per 40 square metres for B1(C); 1 parking space per 45 square metres for B2 and 1 parking space per 60 square metres for B8 use classes.
- 4.4 Furthermore the Local Plan seeks a minimum cycle standard of 1 stand per 1 stand per 250 square metres for B1 (C); 1 stand per 350 square metres for B2 and 1 stand per 500 square metres for B8 use classes. In addition to this 1 electric charging point per 10 spaces needs to be included with 1 electric charging point for every 10 disabled car parking spaces.
- 4.5 The table below provides a comparison of the proposed parking provision, with those set out in the standards for Class B2 and Class B1c uses are identified below. In addition to this the Masterplan has been updated to include electric car parking provision. Whilst not contained within the application the cycle parking has been noted, with the specific level of provision for each unit to be reviewed in detailed at Reserved Matters Stage.



	Floor Area (GFA)	B2 Car Parking Requirements (High Access Zone) – 1 space per 90m <sup>2</sup>	B2 Car Parking Requirements (Low Access Zone) – 1 space per 45m <sup>2</sup>	B1c Parking Requirements (High Access Zone) – 1 space per 80m <sup>2</sup>	B1c Parking Requirements (Low Access Zone) – 1 space per 40m <sup>2</sup>	Car Parking Spaces Provision (Plan Rev P16)	B2 Cycle Parking Requirements (minimum) – 1 stand per 350m <sup>2</sup>	Cycle Stand Provision
Unit 1	1,497m <sup>2</sup>	17	33	19	37	35	4	5
Unit 2	1,497m <sup>2</sup>	17	33	19	37	35	4	5
Unit 3	3,287m <sup>2</sup>	37	73	41	82	79	9	5
Unit 4	2,715m <sup>2</sup>	30	60	34	68	64	7	5
Unit 5	3,205m <sup>2</sup>	36	71	40	80	76	9	5
Unit 6	3,890m <sup>2</sup>	43	86	44	97	90	11	5
Unit 7	3,890m <sup>2</sup>	43	86	44	97	90	11	5
Unit 8	4,659m <sup>2</sup>	57	103	58	116	111	13	5
Total	24,640m <sup>2</sup>	273	545	307	614	581	68	40

- 4.5 Given the highly sustainable location which is in close proximity to the town centre and has good public transport links also provides adequate levels of parking provision on site. It is therefore considered that there will be no materially adverse impacts on parking provision within the surrounding area.
- 4.6 Warwickshire County Council (Highways) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application; this information has been received and the Highways Authority have confirmed that they have no objections to the proposal subject to appropriate conditions and informative (Conditions 9 – 14).
- 4.7 Highways England initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application; this application has been received and Highways England have confirmed that they have no objections to the proposal subject to appropriate conditions (Condition 16).
- 4.8 This application is therefore considered to be in accordance with Local Plan Policy D2 along with the SPD on Planning Obligations.

## 5. Flooding

- 5.1 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:
- 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

- 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.
- 5.2 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 and the Environment Agency have been consulted on the application.
  - 5.3 The Environment Agency have only been responding to applications where there is deemed to be a significant risk to flooding where the Lead Flood Authorities powers are not considered to be sufficient. In this instance the Environment Agency have not responded to the consultation ensuring the Lead Flood Authority lead on the issue of flood risk on the application site.
  - 5.4 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to conditions (Conditions 16 and 17).

## 6. Landscape

- 6.1 Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.
- 6.2 Following consultation with the Local Authorities Arboriculture Officer it has been confirmed that the tree report confirms that the vast majority of the tree and hedge cover which form the existing field boundaries will be retained with only minor losses to facilitate the access and replacement of building footprints. The Earthworks Strategy involves cutting through the large embankment to the west to form the access whilst then utilising the spoil to level the application site.
- 6.3 The plans appear to indicate large and steep level changes in close proximity to the boundary trees and hedges (and within root protection area's). This can be seen to the south western corner (which also includes the formation of retaining wall in close proximity to trees and hedges), the south eastern corner, eastern and northern boundaries. The existing trees and hedges form an effective screen to the site at the moment but the plans appear to indicate much of this could in fact be under threat from proposed works and especially because of the access and proposed earthworks throughout. Dramatic level changes in tree root protection areas can be detrimental to tree health and dynamics.
- 6.4 Following the submission of amended landscaping plans, confirmation has been received from the Local Authorities Arboriculture Officer has confirmed that the tree amendments are acceptable, subject to final tree planting details (Conditions 18 and 19).

6.5 This application is therefore considered to be in accordance with Local Plan Policy SDC2.

## 7. Ecology

7.1 Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, Policy NE2 of the Local Plan requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network.

7.2 Warwickshire County Council (Ecology) have been consulted on the application and have confirmed that that ponds P2- P5 were dry at the time of the survey, and therefore considered unsuitable for Great Crested Newt (GCN). However in light of the known presence of Great Crested Newt breeding ponds in Pond 1 and Pond 6, which are located circa. 320m to the south-east and 380m to the west of the site, it has been recommended that further information is provided to ensure a full assessment of the impact of the development on GCN. Pond 7, circa 400m to the north-west was not discussed in the assessment, however is also GCN breeding pond.

7.3 The River Avon LWS boundary appears to be directly connected to the application site via the watercourse which is culverted under the M6. An assessment of Pond 7 should be provided and further details to clarify if there is suitable connectivity between the site and Pond 7, and if this changes the assessment of the impact of the development on GCN. The western part of the site comprises scrub and semi-improved grassland habitat which are good quality habitat for amphibians, whilst I do acknowledge that the arable land is sub-optimal habitat, the proposed development to remove the scrub and semi-improved grassland area and there is considered to be a likely potential impact on GCN.

7.3 Although full breeding bird survey has not been undertaken, in light of the additional information provided on the birds recorded on site in June 2019, the proposals are not expected to significantly impact on the breeding or wintering bird population. However mitigation measures will be required prior to any site clearance works and included within a CEMP and LEMP, to include timing of removal of vegetation outside of the nesting bird season as recommended in the Ecological Appraisal (**Condition 20 and 21**).

7.4 The county important River Avon and Tributaries LWS lies close to the western boundary of the site and as such the watercourse will need to be buffered and secured from any impacts from the development. It has been recommended a minimum of a 10 metre buffer zone from the top of the bank of the watercourse is included within the proposals. The Masterplan indicates that the watercourse will be buffered from development (apart from the access road) and it has been recommended that the detailed design of the landscaping scheme of the buffer zone will be required at the reserved matters stage (**Condition 4**).

7.5 The planting within the buffer zone should be locally native species of United Kingdom genetic provenance to enhance the ecological value of the brook corridor with any lighting avoiding light spill in order to maintain a dark corridor. The detailed design of the culvert should also be designed in consultation with an ecologist, to include mitigation

measures to ensure that suitable areas of habitat are enhanced on the banks of the watercourse within the culvert, to continue to allow species to disperse along the river corridor in the future.

- 7.6 It has been confirmed that the boxed culvert under the M6 is of a design that is unlikely to be used by amphibians. However the presence of GCN population is known in the local area and there are known GCN breeding ponds (Pond 1 and Pond 6) located approximately 320 metres to the south-east and 380 metres to the west of the site. Given the distance to the ponds from the site, the approach to undertake site clearance and development works under a non-licenced method statement is considered to be reasonable and it is recommended that details are included in the CEMP secured by condition (including supervision of any vegetation and ground clearance works by an Ecological Clerk of Works (**Condition 21**)).
- 7.7 This application is therefore considered to be in accordance with Local Plan Policy NE1 and NE2 of the Local Plan.

## 8. Archaeology

- 8.1 Section 16 of the NPPF states that Local Planning Authorities should consider the impacts which cause any harm to; or loss of; the significant of a designated heritage asset. Furthermore, Local Plan Policy SDC3 which states that applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment on the impacts the proposal has on the heritage asset.
- 8.2 The application site lies within an area of significant archaeological potential, the submitted report with the application, a number of archaeological sites dating to the prehistoric and Roman periods have been identified in the wider vicinity of the site. It has also been confirmed that previous archaeological evaluation in 2017 across the fields to the immediate south of this application site has identified significant archaeological features dating to the Late Iron Age/Roman period.
- 8.3 The archaeological desk-based assessment concludes that there is a moderate to high potential for archaeological features dating to the prehistoric and Roman periods to survive across this site. Given the archaeological potential of this site, Archaeologists had previously recommended to the applicant's archaeological consultant that archaeological evaluation, comprising geophysical survey and archaeological trial trenching, be undertaken across this site in order to provide sufficient archaeological information to enable an informed planning decision to be made.
- 8.4 Archaeological trial trenching has been carried out within the scope of which was agreed with Warwickshire County Council (Archaeology); a report detailing the results of that trial trenching was submitted with the application. The trenching identified three circular pits in the highest part of the site. A significant quantity (over 80 sherds) of middle to late Bronze Age pottery was recovered from one of the pits. A gully containing late Bronze Age or Iron Age pottery sherds was identified to the east of these. A further range of undated features, which has been postulated may also be prehistoric in date were identified in the eastern portion of the site. Evidence for the medieval and later agricultural use of this area was also identified.

- 8.5 It has been confirmed that colleagues within Archaeology do not wish to object to the principle of development, however it is considered that archaeological work should be required if consent is forthcoming. As such a condition is recommended for this work including a programme of archaeological excavation (**Condition 23**).
- 8.6 It is therefore considered that this application is in accordance with Section 16 of the NPPF and Local Plan Policy SDC3.

9. Developer Contributions

- 9.1 Highways England and Warwickshire County Council (Highways) have identified a cumulative impact at A5/A426 Gibbet Hill junction, requiring a S106 contribution to enable, the implementation of an improvement scheme at the A5/A426 Gibbet Hill Roundabout Junction.
- 9.2 In addition to this Warwickshire County Council Highways are also seeking contributions towards off-site infrastructure and public transport services those being:
- Improvements to the A5/A426 Gibbet Hill junction;
  - Improvements to the A426/Central Park Drive junction;
  - Improvements to the A426/Boughton Road junction;
  - Works to improve cycle routes between the site, Rugby Town Centre and other facilities in accordance with the Coton Park East SPD; and
  - Improvements and extension of existing bus services to serve the site.

10. Heads of Terms

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

<u>Contribution</u>	<u>Requirement</u>	<u>Trigger</u>
Highways England	Towards the improvements to <u>Gibbett Hill (A5/A426)</u> roundabout.	To Be Confirmed.
Warwickshire County Council (Highways)	Towards the improvements to off-site infrastructure and public transport services.	To Be Confirmed.

- 10.2 In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.
- 10.3 Paragraph: 10 Reference ID: 21a-010-20190723 of the NPPG states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. As entering into an obligation or other agreement proper to granting planning permission is the best way to deliver certainty for all parties about what is to be agreed. It also encourages the parties to finalise the planning obligation or other matter in a timely manner in the interests of maintaining transparency.

- 10.4 In exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes).
- 10.5 The land concerned is an allocated site and as established within Section 1 of the report, the principal of development is in accordance with, the Local Plan and NPPF. The access to the site is owned separately from the main site to be developed, which is subject to an option agreement entered into many years ago, this agreement will lapse unless planning permission is obtained by 16th March 2021. If no planning permission is in existence by that date then the developer will lose its ability to deliver the site and thereby having a significant impact on the delivery of the employment allocation at Coton Park East.
- 10.6 Whilst the planning application was submitted to the Local Planning Authority on 3rd April 2020, a response was not received from the Highways Authority until November 2020, that response along with numerous, frequent meetings, have highlighted the need for contributions towards offsite highway works. The amounts for these contributions is still unclear and subject to ongoing meetings with Officers, the agent for the application and colleagues from Highways England the Highway Authority. As such there would be no guarantee that the S106 Agreement would be finalised to allow planning permission to be issued by 16th March 2021.
- 10.7 In this instance, given the serious risk to development, it is considered appropriate for the use of this condition to ensure the development of an allocated site within the Adopted Local Plan (**Condition 25**).

## 11. Planning Balance

- 11.1 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 question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advice that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 11.2 From an economic perspective the proposed development would result in money being invested in construction on the site, employment relating to construction jobs over the build period and the creation of employment opportunities associated with the industrial estate. Furthermore, the proposal would also result in a contribution to the viability of local retail uses and services. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.
- 11.3 From a social perspective the development of this site would consequently provide a significant number of new employment opportunities. Given the current economic and

social uncertainty, particularly in relation to jobs and job security, this is of paramount importance. Indeed, access to employment opportunities is a critical component of sustainable development. It also plays a key role in helping improve and safeguard mental health and wellbeing. It is considered that the clear social benefits outlined above should carry substantial weight in favour of the proposed development.

- 11.4 From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, biodiversity, landscape character and appearance, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, public rights of way, flood risk, drainage, air quality, noise, contamination, visual amenity, residential amenity, water conservation and carbon emissions have all been considered. Whilst there would be an impact in biodiversity, this loss would be mitigated through conditions.
- 11.5 Therefore, the development of the site would result in significant 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.

## 12. Conclusion

- 12.1 The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety.
- 12.2 On balance, it is concluded that the proposal constitutes sustainable development. It complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. 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 planning permission should be approved.

## DRAFT DECISION

**REFERENCE NO:**  
R20/0272

**DATE APPLICATION VALID:**  
06-Apr-2020

**APPLICANT:**

EQUITES UKSPV 17 LIMITED AND NEYLAND PROPERTIES LIMITED Land at Castle Mound Way, Coton Park East, Rugby, CV23 0WB

**AGENT:**

Mr Paul Rouse Savills, 55, Colmore Row, Birmingham, West Midlands, B3 2AA

**ADDRESS OF DEVELOPMENT:**

LAND NORTH EAST OF CASTLE MOUND WAY, CASTLE MOUND WAY, RUGBY,

**APPLICATION DESCRIPTION:**

Hybrid planning application for the erection of industrial, storage and distribution (Class B1c, B2 and B8) (Outline - Principle Only) including full planning permission for all infrastructure works, access and site levels.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION: 1**

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

**REASON: 1**

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**

Application for approval of the reserved matters specified in Condition 4 below associated with the OUTLINE planning permission, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON 2**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION: 3**

The development hereby permitted, as referred to in Condition 2 above, must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON: 3**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION: 4**

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot/phase before any part of the development of that



plot/phase is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance, &
- d - Landscaping

REASON: 4

To ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION: 5

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:

Full Permission:

<u>Document Description</u>	<u>Reference</u>	<u>Date Received</u>
Application Red Line Plan	4270-006 P3	6 <sup>th</sup> April 2020
Access Road Contours and Road Section	100/002 B	6 <sup>th</sup> April 2020
Access Road General Arrangement	100/001 A	6 <sup>th</sup> April 2020
Access Road Swept Path Analysis	100/003 A	6 <sup>th</sup> April 2020
Proposed Cut and Fill Contours	10720b	6 <sup>th</sup> April 2020
Proposed Plateau Levels	10720a	6 <sup>th</sup> April 2020
Topographical Survey	10726a-S1, S2 and S3	6 <sup>th</sup> April 2020
Topographical Survey – Sections	10726a – SEC	6 <sup>th</sup> April 2020

Outline Permission:

<u>Document Description</u>	<u>Reference</u>	<u>Date Received</u>
Application Red Line Plan	4270-006	6 <sup>th</sup> April 2020
Drawing Elevations and Sections	4270-020 P3	6 <sup>th</sup> April 2020
Drawing Masterplan	4270-017 P16	29 <sup>th</sup> May 2020
Drawing Site Section	4270-021 P5	6 <sup>th</sup> April 2020
Landscape Framework Plan	8987-L-01 D	15 <sup>th</sup> July 2020
Parameters Plan	4270-019 P4	6 <sup>th</sup> April 2020

Supporting Statements:

<u>Document Description</u>	<u>Reference</u>	<u>Date Received</u>
Planning Statement	BMPL362950 SPS V1	6 <sup>th</sup> April 2020
Air Quality Assessment	46003-3003 001	6 <sup>th</sup> April 2020
Arboricultural Assessment	B	4 <sup>th</sup> June 2020
Archaeological Desk-Based Assessment	JAC25854 2.0	6 <sup>th</sup> April 2020
Archaeological Evaluation	2065 RCP20 V3	10 <sup>th</sup> August 2020
Archaeological Statement	JAC25854	6 <sup>th</sup> April 2020
Geophysical Survey Report	17308	7 <sup>th</sup> April 2020
Construction Management Framework	C046 01	6 <sup>th</sup> April 2020
Design and Access Statement	4270 P5	6 <sup>th</sup> April 2020
Drainage Flood Risk Assessment	46003/4001/001 3	6 <sup>th</sup> April 2020

Drainage Strategy	2002/TN001 A	6 <sup>th</sup> April 2020
Ecological Appraisal	8987 ECP/EcoApp A	6 <sup>th</sup> April 2020
Ecology: Bat Survey	8987 ECO/Bats	6 <sup>th</sup> April 2020
Ecology: Reptile Report	8987 ECO/Reptiles	6 <sup>th</sup> April 2020
Ecology: Water Vole, Otter and Crayfish	8987 ECO/Water V	6 <sup>th</sup> April 2020
Ground Investigation (11 Parts)	GE-0001-P02-S2 P02	6 <sup>th</sup> April 2020
Health Impact Assessment Screening	HIAS V1	6 <sup>th</sup> April 2020
Landscape and Visual Appraisal	8987LVA B	6 <sup>th</sup> April 2020
Lighting Assessment	46003-3005 V1	6 <sup>th</sup> April 2020
Noise Impact Assessment	46003/3001	6 <sup>th</sup> April 2020
Technical Design Note	GE-0002	20 <sup>th</sup> July 2020
Transport Assessment	46003/5503 001	6 <sup>th</sup> April 2020
Travel Plan	46003/5504 001	6 <sup>th</sup> April 2020

**REASON: 5**

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

**CONDITION: 6**

The floorspace (including any mezzanine floorspace) of any individual unit constructed pursuant to this planning permission shall not exceed 4,645.15 square metres.

**REASON: 6**

To ensure that the development meets the need for the Borough.

**CONDITION: 7**

Individual units within the Development shall not:

- a) be used for any uses other than those falling within Use Class B1c, B2 and/or B8; and
- b) be amalgamated to create larger units which would exceed the floorspace threshold set out in Condition 6.

**REASON: 7**

To ensure compliance with the Local Plan and Site Allocation.

**CONDITION: 8**

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: 8**

In the interest of fire safety.

**CONDITION: 9**

The development shall not be occupied until an access for vehicles has been provided to the site in general accordance with drawing number 100/001 Rev A.

**REASON: 9**

In the interest of highway safety.

CONDITION: 10

The access to the site for vehicles shall not be used in connection with the operation of the development hereby permitted until it has been surfaced with a bound macadam material for its whole length.

REASON: 10

In the interest of highway safety.

CONDITION: 11

The development shall not be occupied until a scheme to provide a direct access for cycles and pedestrians to the site from Residential Allocation DS3.1 has been approved in writing by the local Planning Authority. The scheme shall include details of the surfacing and levels of the access. The development shall not be occupied until all elements of the scheme within the site have been constructed, and the access shall thereafter be available for that purpose at all times.

REASON: 11

In the interest of highway safety.

CONDITION: 12

The development shall not be occupied until a turning area has been provided within the site so as to enable Heavy Goods Vehicles to leave and re-enter the public highway in a forward gear in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority. The turning area shall thereafter be maintained in accordance with the approved details and shall be available for vehicular use by highway users at all times.

REASON: 12

In the interest of highway safety.

CONDITION: 13

The development shall not be occupied until a Travel Plan to promote sustainable transport choices to the site has been submitted to and approved by the Local Planning Authority in general accordance with Framework Travel Plan reference 001 dated February 2020. The measures (and any variations) so approved shall continue to be implemented in full at all time.

The plan shall:

- a) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- b) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- c) explain and justify the targets and measures by reference to the approved Transport Assessment reference 46003/5503;
- d) include a scheme of wayfinding between the site and all public transport services with active passenger stops within a walking distance of 1km of the site using footpaths and footways that are surfaced in a bound material, enabling legible walking routes of the shortest distance along such routes. The scheme shall include the provision of signage both on-site, and off-site where consent from the landowner allows such provision. The plan shall make provision for the review and amendment of the scheme as the patterns of public transport services and walking networks within the scope of the scheme change;

- e) identify a senior manager of the management company operating the site or of a business using the site with overall responsibility for the plan and a scheme for involving employees of the occupants of the development in its implementation and development.

REASON: 13

In the interest of highway safety.

CONDITION: 14

No phase of construction shall be undertaken until a Construction Management Plan for that phase, which should contain an HGV routing plan and details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by the Planning Authority. The approved HGV routing plan shall be implemented and retained in perpetuity.

REASON: 14

In the interest of highway safety.

CONDITION: 15

Prior to the commencement of ground engineering works, the Geotechnical Design Report shall be submitted to and approved by the Local Planning Authority and the ground engineering works shall be implemented in accordance with the approved details.

REASON: 15

To ensure the safety, stability, and serviceability of the Strategic Road Network (M6).

CONDITION: 16

No development shall take place until a detailed surface water drainage scheme, for that phase, 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 before the development is completed. The scheme to be submitted shall include the following information:

- a) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 21.1 l/s.
- c) Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- d) Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- e) Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

**REASON: 16**

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

**CONDITION: 17**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. The development shall be carried out in accordance with the approved maintenance plan.

**REASON: 17**

To ensure the future maintenance of the sustainable drainage structures.

**CONDITION: 18**

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

**REASON: 18**

In the interests of biodiversity and visual amenity.

**CONDITION: 19**

No works, demolition or development shall take place, for each phase, until a FINAL arboricultural method statement/tree protection plan and tree management plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA and subsequently implemented. This scheme must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring to the satisfaction and written approval of the LPA. 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 LPA. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

**REASON: 19**

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

**CONDITION: 20**

The development hereby permitted, including site clearance work, shall not commence until a Landscape and Ecological Management Plan (LEMP) for that phase, has been submitted to and approved in writing by the Local Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Details of habitat creation measures;
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule for the implementation of the plan;
- h) Details of the body or organisation responsible for implantation of the plan.
- i) Ongoing monitoring and remedial measures.
- j) Revised Biodiversity Impact Assessment calculation in accordance with the Warwickshire County Council metric version 19.1 metrics applied to the application site to demonstrate that no net loss to biodiversity will be achieved.
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**REASON: 20**

To ensure a net biodiversity gain in accordance with NPPF

**CONDITION: 21**

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan for that phase, has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expects to see details of appropriate working practices and safeguards for protected species that are to be employed whilst works are taking place on site, as well as protection of habitats through appropriate precautionary measures. Specifically, these measures include:

- a) The appointment of an Ecological Clerk of Works to oversee all ecological aspects during the development process;
- b) appropriate working practices and pre-commencement checks for nesting birds, reptiles, amphibians, water voles, otters, badgers and bats that are to be employed whilst works are taking place on site;
- c) protection of waterbodies and watercourses during development works, to include details of pollution avoidance measures;

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**REASON: 21**

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

**CONDITION: 22**

The development hereby permitted shall not commence until details of all external light fittings and external light columns to be installed for that phase within the development 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 kept to a minimum at night across the whole site in order to minimise impacts on bats and other nocturnal species.

**REASON: 22**

To ensure that protected species are not harmed by the development and in accordance with NPPF and ODPM circular 06/2005.

**CONDITION: 23**

No development shall take place, for each phase, until 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.

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 the approved Archaeological Mitigation Strategy document.

**REASON: 23**

In the interest of archaeology.

**CONDITION: 24**

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no above ground development shall begin, for that phase, 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: 24**

In the interests of air quality.

**CONDITION: 25**

No part of the development shall take place on the site unless and until all parties with a legal interest in that part of the site upon which the buildings hereby permitted are to be erected have entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended to secure the appropriate contributions to:

- a) Highway schemes at A426/Central Park Drive, A5/A426 Gibbet Island and Boughton Road/A426 Leicester Road;
- b) Public Transport to serve the Development; and
- c) Off-site cycle infrastructure.

**REASON: 25**

To ensure that the impacts of the development are mitigated to the satisfaction of the Local Planning Authority.

**CONDITION: 26**

The buildings hereby approved shall not be occupied until measures demonstrating that the building achieves a BREEAM very good standard or above in terms of carbon reduction shall be 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 measures and details.

**REASON: 26**

To ensure energy efficiency is achieved through sustainable design and construction and to reduce carbon emissions.

**INFORMATIVE: 1**

Before development commences on site, the applicant must approach Cadent Gas before works start, as a High Pressure gas pipeline runs through the development. The high pressure pipeline may need a diversion or plant protection measures to protect the High Pressure gas pipeline from the development of the site.

**INFORMATIVE: 2**

Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

**INFORMATIVE: 3**

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

**INFORMATIVE: 4**

Condition numbers 9 and 12 require that the estate roads including footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.



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: 5**

Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for highways technical approval the applicants/developer are advised that an independent stage 1 and 2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

**INFORMATIVE: 6**

Any works within the channel of an Ordinary Watercourse will likely require Land Drainage Consent prior to construction from Warwickshire County Council as Lead Local Flood Authority. This includes features such as outfall headwalls and culverts.

**INFORMATIVE: 7**

As per the condition the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. 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](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) Such measures contribute as mitigation for air quality purposes.

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

**INFORMATIVE: 8**

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.

If work at other times is required permission should be obtained from the local planning authority

**Reference: R20/0336**

**Site Address: LAND OFF LONG HASSOCKS, LONG HASSOCKS, RUGBY,**

**Description: Erection of up to 225 dwellings, extension of the existing attenuation pond, including associated access, open space, landscaping and infrastructure.**

**Recommendation**

Approve subject to conditions and informatives.

**Introduction**

This application is being reported to Planning Committee in accordance with the Scheme of Delegation as the application constitutes major development.

**Application Proposal**

This application seeks full planning permission for the erection of up to 225 dwellings, the extension of the existing attenuation pond, including associated access, open space, landscaping and infrastructure. The vehicular access to the site will be taken from Long Hassocks utilising the section of land between No. 44 and No. 51 Long Hassocks, this then passes through the proposals for 60 dwellings (currently under construction) between Plots 40 and 46 to provide a continuation of the development.

There is an area of open space proposed which would be located to the south of the development with the access off Great Burnett Close running through. The area of open space incorporates a path linking to the open space approved under planning application R18/1885; a Local Equipped Play Area with 10 residential dwellings.

The development provides for a mix of 1; 2; 3; and 4-bedroom residential dwellings all of which would be two and two and a half storeys in height. Gable features, bay windows and porches are proposed to add interest to the development. Properties with side elevations which hold a prominent position within the street scene are proposed to be dual frontage.

**Site and Surrounding Area**

The application site comprises approximately 7.82 hectares of former arable/farmland located within the countryside but is allocated land within the Coton Park East Masterplan. The site is bordered to the west by residential dwellings, currently under construction, with the area to the south currently having the dwellings previously approved being implemented.

Ground levels within the application site generally fall within an easterly with their being undulation within the site and the wider area with field boundaries comprising a mixture of mature hedgerows and fencing.

### Relevant Planning History

There is no relevant planning history on this site.

### **Technical Responses**

Stage Coach commented on the application advising that not two but three separate bus routes would be provided terminating at three different point in Coton Park including that existing, so the other two routes would enter at Central Park Drive and split, one continuing to R20/0336 and the other continuing into R20/0787. The frequency of the service that this would offer would be so low on each branch that it is doubtful that one bus per hour would be sustainable on each terminating branch. The relevance of this kind of service is really low even to those who have no car at all. People will walk to a more frequent service - often a considerable distance, if they are essential users. But this is not desirable, and certainly will not encourage any mode shift at all.

No objections have been received from:

Warwickshire County Council (Flood Risk Management)  
Warwickshire County Council (Public Rights of Way)  
Warwickshire Country Council (Infrastructure)  
Warwickshire County Council (Archaeology)  
Warwickshire County Council (Highways)  
Warwickshire County Council (Ecology)  
Rugby Borough Council (Parks and Open Spaces)  
Rugby Borough Council (Environmental Services)  
Rugby Borough Council (Arboriculture Officer)  
Rugby Borough Council (Work Services)  
Rugby Borough Council (Housing)  
Warwickshire Fire and Rescue  
Warwickshire Wildlife Trust  
Warwickshire Police  
Highways England  
UHCH NHS Trust  
Natural England  
The Ramblers  
Cadent Gas

No comments have been received from:

Environment Agency  
Seven Trent Water

### **Third Party Responses**

No objections have been received from Newton and Biggin Parish Council on the provision that the following is taken into account during the determination of the application:

1. Southern facing part of the development is well-designed with houses fronting onto the open space making an attractive transition between the built environment and open countryside;

2. The rest of the development is uninspiring, consisting of semi-detached and terraced houses fronting long, straight roads along a common building line;
3. Due to the increased users of Great Central Way it is requested that the developers make a contribution towards appropriate improvements and habitat strengthen; and
4. A contribution should be requested for the northern end of Great Central Way for improvements to paths in the wetland area; to and from the picnic site and additional seating.

Neighbours notified and a site and press notice have been displayed. Ten letters of objection have been received raising the following:

1. Unlikely due to the increase in traffic that the proposals within the Travel Plan will deliver the expected reduction in car use from new residents;
2. Concerns that the applicants will not conform to rules surrounding hours of operation should permission be granted on the site;
3. The green areas are diminishing and jeopardising the wildlife that lives within them;
4. Coton Meadows was designed as an exclusive development which was originally to show additional parks and recreational areas;
5. The site layout plan only shows one parking space per dwelling with roads not able to accommodate the levels off on street parking required;
6. The travel plan contains misleading statements in relation to sustainable travel;
7. It is good to see cycling provision has been included and walking routes are to remain however the existing access to the disused railway track must be kept clear along with other accessible routes being clearly marked;
8. Bus stops should be made more user friendly with better located bus stops;
9. Every house should have a substantial enough roof to allow solar panels to be included;
10. Social housing should be grouped together so that occupants can benefit from ground source heating;
11. Due to the large amount of traffic to be generated by the development and taking into considerations the safety of pedestrians there should either be an enforced speed limit or resident only parking during certain hours;
12. The transport report makes reference to the wider phase three plan and not on the specific planning application under consideration;
13. No road improvements have been identified for Tuthill Furlong, Lancut Hill, and Long Hassocks which are needed to support the increased capacity;
14. Safety concern for children being dropped off at the Free School and playing in the grassy areas at the junction of the three roads;
15. Planning application should be refused on the grounds that Long Hassocks is not a suitable primary access route for the development;
16. The proposed north of the site appears to go through existing green space that is enjoyed by residents of the Coton Park Estate;
17. The dwellings are not consistent with the design of existing housing, which is not the case with the Coton Meadows area, which the proposal will neighbour; and
18. Disappointed that the existing access through Long Hassocks is to be utilised and not seeing the proposal creating a new one through Central Park Drive or other available routes into the site.

## **Relevant Planning Policies and Guidance**

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

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

### Local Plan Policies – 2011 – 2031

Policy GP1: Securing Sustainable Development  
Policy GP2: Settlement Hierarchy  
Policy GP4: Safeguarding Development Potential  
Policy DS1: Overall Development Needs  
Policy DS3: Residential Allocations  
Policy DS7: Coton Park East  
Policy H1: Informing Housing Mix  
Policy H2: Affordable Housing  
Policy HS1: Healthy, Safe and Inclusive Communities  
Policy HS2: Health Impact Assessments  
Policy HS4: Open Space, Sports Facilities and Recreation  
Policy HS5: Traffic Generation, Air Quality, Noise and Vibration  
Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets  
Policy NE2: Strategic Green and Blue Infrastructure  
Policy NE3: Landscape Protection and Enhancement  
Policy SDC1: Sustainable Design  
Policy SDC2: Landscaping  
Policy SDC3: Protecting and Enhancing the Historic Environment  
Policy SDC4: Sustainable Buildings  
Policy SDC5: Flood Risk Management  
Policy SDC6: Sustainable Drainage  
Policy SDC7: Protection of the Water Environment and Water Supply  
Policy SDC9 Broadband and Mobile Internet  
Policy D1: Transport  
Policy D2: Parking Facilities  
Policy D3: Infrastructure and Implementation  
Policy D4: Planning Obligations

### Supplementary Planning Documents – 2012

Planning Obligations  
Sustainable Design and Construction

### National Planning Policy Framework – 2019

Section 2: Achieving Sustainable Development  
Section 5: Delivering a Sufficient Supply of Homes  
Section 6: Building a Strong, Competitive Economy  
Section 8: Promoting a Healthy and Safe Communities  
Section 9: Promoting Sustainable Transport

Section 11: Making Effective Use of Land  
Section 12: Achieving Well Designed Places  
Section 15: Conserving and Enhancing the Natural Environment  
Section 16: Conserving and Enhancing the Historic Environment

## **Determining Considerations**

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

1. Principle of Development;
2. Character and Design;
3. Impact on Residential Amenity;
4. Highway Safety;
5. Flooding;
6. Landscape;
7. Ecology;
8. Archaeology;
9. Planning Obligations;
10. Heads of Terms;
11. Planning Balance; and
12. Conclusion.

### 1. Principle of Development

- 1.1 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy whereas Policy GP1 of the Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.
- 1.2 The application site is located within the countryside location which adjoins the Rugby Town. Within countryside locations, as defined within Policy GP2 of the Local Plan; new development will be restricted and only where National Policy on countryside locations permits will development be permitted.
- 1.3 Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This results in the balancing of material considerations within each individual case at the same time being mindful of the presumption in favour of sustainable development as defined by Section 2 of the NPPF.
- 1.4 In this case it is considered that the application site is in a sustainable location given that the site is situated on the edge of Coton Park, which forms part of the Rugby Town. Policy GP2 specifies that the Rugby Town is the primary focus for meeting strategic growth targets for the Borough.
- 1.5 Furthermore the application site is located within the proposed Coton Park East allocation as defined in Policy DS3 and DS7 of the Local Plan. It is therefore considered to be a sustainable location having appropriate levels of infrastructure and access routes including public transport.
- 1.6 This application is therefore considered to be in accordance with Policies GP1; GP2; DS3 and DS7 of the Local Plan along with Section 2 of the NPPF.

## 2. Character and Design

- 2.1 Local Plan Policy SDC1 seeks to ensure that development is of a high quality and will only be allowed where proposals are of a scale, density and design that responds to the character and amenity of the areas in which they are situated.
- 2.2 Section 12 of the NPPF states that the creation of high-quality buildings and place is fundamental to what the planning and development process should achieve. Likewise, paragraph 127 (a) states that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 2.3 The application site is located within the countryside and contains a variety of different topographical levels. The proposal has been submitted following the same principles as planning application R18/1885, which results in a scheme which works with the varying levels within the application site, to provide added interest within the street scene. Furthermore, the scheme has been designed to work as a continuation of the existing development completed on Coton Park and to allow for the future allocation proposed through Local Plan Policy DS7.
- 2.4 The layout and house types proposed are more reflective of the residential scheme located to the south of the site and the recently approved R18/1885 to the west of the site (currently under construction). Design features such as gables, bay windows and porches are proposed to add interest to the development. Where properties are in key locations additional windows and detailing has been incorporated to add interest to dual frontage properties ensuring the development incorporates a high level of interest and design. In locations within the estate where terraced properties have been proposed chimneys have been incorporated to break up the roof scape which is aided further by the foundations following the levels as opposed to be levelled out to create a level base.
- 2.5 Rugby Borough Council (Parks and Gardens) have identified that the Southern end of the allocation provides an opportunity to link the existing open spaces in Coton Park to the West through to Coton Park Pool and the Great Central Way. It was strongly encouraged to allow connection to a wider network that will enable off road walking and cycling routes and for biodiversity networks to be links.
- 2.6 The Coton Park East Masterplan identifies this area of land for residential allocation, the scheme was revised prior to submission, following discussions with Planning Officers, reducing the number of dwellings in this location from 16 dwellings to 10 dwellings. The amendments also resulted in a more appropriate layout with properties overlooking the Local Equipped Play Area, with significantly enhanced landscaping, whilst not ideal as read independently from the remainder of the application site, in this instance it is not considered sufficient to warrant the refusal of the application on these grounds as a significant amount of connectivity remains.
- 2.7 Appropriate materials have been proposed which would be in keeping with that found in Long Hassocks and recently approved under planning application R18/1885. A condition requiring details of what materials would be used on each plot would be necessary (**Condition 3**).
- 2.8 This application is therefore considered to be in accordance with Local Plan Policy SDC1 and Section 12 of the NPPF.

### 3. Impact on Residential Amenity

- 3.1 Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 3.2 Likewise Section 12 of the NPPF states that development will provide a high standard of amenity for existing and future users.
- 3.3 The neighbours which will be most impacted by the proposal are those, currently under construction, which are situated along the western boundary and notably numbers 27; 28; 40; 46; 47 and 60 Long Hassocks.
- 3.4 Plot 27 is a detached dwelling which only benefits from a side door adjoining the application site. Plot 1 is a two-storey dwelling with side facing windows serving a secondary lounge window and first floor bathroom window. The application dwelling (Plot 1) is located 3 metres off the side elevation of Plot 27. It is therefore considered to result in limited impacts in terms of overlooking, loss of light and overbearing impacts on the occupiers of this property.
- 3.5 Plot 28 is an end terraced house which benefits from a first-floor side facing window serving the bathroom. Plot 14 is a two-storey detached dwelling with a side facing window serving a bathroom. A separation distance also exists here of circa 3 metres between Plot 14 and Plot 28 as such; it is therefore considered to result in limited impacts of overlooking, loss of light and overbearing impacts on the occupiers of this property.
- 3.6 Plot 40 is an end terraced house which does not have any window fenestration within the side elevation of the dwelling. Plot 15 is a two-storey detached dwelling with two side facing windows serving the entrance hall and landing stairs. A separation distance also exists here of circa 3 metres between Plot 28 and Plot 40 as such; it is therefore considered to result in limited impacts of overlooking, loss of light and overbearing impacts on the occupiers of this property.
- 3.7 Plot 46 is a detached dwelling which benefits from a first-floor side facing window serving the en-suite. Plot 89 is a two-storey semi-detached dwelling with a side facing first floor window serving the bathroom. A separation distance also exists here of circa 3 metres between Plot 46 and Plot 89 as such; it is therefore considered to result in limited impacts of overlooking, loss of light and overbearing impacts on the occupiers of this property.
- 3.8 Plot 47 is an end terraced house which benefits from a first-floor side facing window serving a bathroom. Plots 119 – 123 all have rear windows to the ground and first floor which back onto the common boundary of Plot 47. A separation distance exists here of circa 13 metres and as such; it is therefore considered to result in limited impacts of overlooking, loss of light and overbearing impacts on the occupiers of this property.
- 3.9 Plot 60 is an end terraced house which benefits from a first-floor side facing window serving a bathroom. Plots 124 is an end terraced house which benefits from a first-floor side facing window serving the bathroom. A separation distance also exists here of circa 3 metres between Plot 60 and Plot 124 as such; it is therefore considered to result in



limited impacts of overlooking, loss of light and overbearing impacts on the occupiers of this property.

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

4. Highway Safety

- 4.1 Local Plan Policy D1 states that sustainable transport methods should be prioritised with measures put in place to mitigate any transport issues. Whereas Appendix 5 expands on this and further sets out the need for transport assessments to be submitted with planning applications to assess the impact and acceptability of development proposals.
- 4.2 Local Plan Policy D2 also state that planning permission will only be granted for development which incorporates satisfactory parking facilities as set out within the Planning Obligations SPD and Appendix 5 of the Local Plan.
- 4.3 The table provides a breakdown of the total requirements for parking provision for dwellings proposed within this application. For clarity 1- and 2-bedroom properties should have provision for 1.5 spaces per unit; 3 bedrooms seeks provision for 2 spaces; and 4-bedroom units or more would require 3 parking spaces to provided.

<u>Parking Provision</u>						
House Type		No. Beds	No. of Units	SPD Requirements	Parking Provided	Complies Yes/No
Alwrick SP		2	50	75	88.5	Yes
Barton		3	67	134	136	Yes
Belmont		4	13	26	33	Yes
Derwent		3	7	14	21	Yes
<u>Hornsea</u>		4	15	45	45	Yes
<u>Foxcote</u>		4	6	12	22	Yes
HQI 102		4	3	9	9	Yes
Windermere		3	22	44	44	Yes
Lockwood		3	16	32	51	Yes
HQI 50		1	14	14	14	Yes
Ashworth		3	6	12	12	Yes
<u>Total Requirements</u>				417	475	Yes

- 4.4 It is clear from the table above that the proposal provides sufficient parking, which is compliant with the Local Plan and Coton Park East SPD, is being provided throughout the scheme as to not result in an adverse impact on parking provision within the development.
- 4.5 Warwickshire County Council (Highways) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council

(Highways) that they have no objection to the proposal subject to the inclusion of appropriate conditions (Conditions 11 – 16).

- 4.6 In relation to comments received Stage Coach these reflect initial comments received from Warwickshire County Council (Highways) and have been addressed within the submitted documents which culminated in the objection to the proposal being overcome.
- 4.7 Highways England initially objected to the application on the grounds that insufficient information had been submitted to allow a formal response to be provided. Following the submission of this information it has since been confirmed that the development is not likely to have a significant impact at M6 Junction 1, as the development trips can be accommodated within the existing capacity of the junction. Highways England therefore have no objections subject to the inclusion of appropriate conditions (Conditions 17 – 18).
- 4.8 This application is therefore considered to be in accordance with Local Plan Policy D1; D2 and Appendix 5 along with the SPD on Planning Obligations.

## 5. Flooding

- 5.1 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:
- 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
  - 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.
- 5.2 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 and the Environment Agency have been consulted on the application.
- 5.3 The Environment Agency have only been responding to applications where there is deemed to be a significant risk to flooding where the Lead Flood Authorities powers are not considered to be sufficient. In this instance the Environment Agency have not responded to the consultation ensuring the Lead Flood Authority lead on the issue of flood risk on the application site.
- 5.4 Warwickshire County Council (Flood Risk Management) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; to be submitted with the application. This information was received a re-consultation was carried out accordingly. It has been confirmed from Warwickshire County Council (Flood Risk Management) that they have no objections subject to conditions (Conditions 19 – 20).

## 6. Landscape

- 6.1 Local Plan Policy SDC2 states that the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.
- 6.2 Rugby Borough Council (Arboriculture Officer) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; this information was received, and a re-consultation has been carried out accordingly.
- 6.3 Following numerous revisions made to the submitted information which included a revised landscape plan; masterplan; tree protection plan and arboriculture method statement. It has been confirmed that there are no objections to the proposal subject to appropriate conditions (**Conditions 21 and 22**).
- 6.4 This application is therefore considered to be in accordance with Local Plan Policy SDC2.

## 7. Ecology

- 7.1 Policy NE1 of the Local Plan seeks to ensure that development proposals do not have an adverse impact upon protected habitats and species. It also sets out that development should retain and protect natural habitats and provide mitigation and compensation measures where this would be lost. In addition, Policy NE2 of the Local Plan requires proposals to protect, restore and enhance green infrastructure assets within the defined Strategic Green Infrastructure Network.
- 7.2 These policies are consistent with one of the core planning principles outlined within the NPPF which sets out the need for planning to 'contribute to conserving and enhancing the natural environment'. The NPPF further outlines a need to minimise the impact of proposed developments on biodiversity as well as contributing to and enhancing this where possible it particularly highlights the need to consider the impact on ecological networks, protected wildlife, priority species and priority habitats.
- 7.3 Warwickshire County Council (Ecology) initially objected to the application on the grounds that insufficient information has been submitted to allow a formal response to be provided. A request was made to the agent for the additional information; this information was received, and a re-consultation has been carried out accordingly.
- 7.4 *Habitats*

The site comprises the main development area within which the two phases of residential development will be constructed, and a separate parcel of land to the northeast of the development area where an attenuation basin will be sited. The majority of the main development area comprises cattle grazed pasture of improved and species-poor semi-improved grassland. The second land parcel comprises species-poor semi-improved grassland.

## 7.5 *Species*

The Ecological Enhancement and Management Scheme draws on data records and surveys which indicate that the development has the potential to have an impact on bats, reptiles, great crested newts and birds. A variety of measures are proposed to offset such potential impacts. Warwickshire County Council (Ecology) have assessed these and are satisfied that the potential impact to these species could be mitigated against through planning conditions (**Condition 17, 23 – 25**).

## 7.6 *Biodiversity Impact Assessment*

A Biodiversity Impact Assessment (BIA) has been submitted which quantifies the value of existing habitats and establishes what impact there would be from the loss of those habitats as a result of the proposed development. This was then compared with the post-development habitat values which were derived from the proposed retention of existing habitats in addition to proposed habitat creation and enhancement on-site. The assessment concluded that there would be a net biodiversity loss arising from the proposed development. The applicant is not able to provide full compensation for this on-site and so has agreed to a biodiversity offsetting scheme which would provide suitable compensation off-site. This would be secured via the S106 Agreement.

## 7.7 *Ecology Conclusions*

It has been found that the findings of the Ecological Enhancement and Management Scheme are acceptable and form a robust basis for considering the ecological impacts arising from the proposed development. In the first instance it has been established that the proposed development would not give rise to detrimental and adverse impacts at statutory and non-statutory ecological sites. The proposal would result in a net loss of biodiversity, but this would be compensated for by undertaking biodiversity offsetting on land outside of the application site. The potential impact on species could be mitigated against through the use of planning conditions. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain.

7.8 This application is therefore considered to be in accordance with Policy NE1 and NE2 of the Local Plan.

## 8. Archaeology

8.1 Section 16 of the NPPF states that Local Planning Authorities should consider the impacts which cause any harm to; or loss of; the significance of a designated heritage asset. Furthermore, Local Plan Policy SDC3 which states that applications with the potential to affect the significance of a heritage asset will be required to provide sufficient information and assessment on the impacts the proposal has on the heritage asset.

8.2 The application site lies within an area of significant archaeological potential, the submitted report with the application, a number of archaeological sites dating to the prehistoric and Roman periods have been identified in the wider vicinity of the site. It has also been confirmed that previous archaeological evaluation in 2017 across the fields to the immediate south of this application site has identified significant archaeological features dating to the Late Iron Age/Roman period.

- 8.3 A geophysical survey across the application site in 2016 identified a complex of ditches and enclosures within the site. These are described in the report as appearing 'to be three main enclosures which share common ditches. It further states describes a 'D-shaped feature' with 'a possible ring ditch inside and, south of this, small rectilinear compounds containing numerous pit-like features'. Further, less clear, anomalies in this area suggest the presence of another D-shaped enclosure and further rectilinear features.
- 8.4 A Written Scheme of Investigation has been submitted with appropriate programme of trial trenching to allow archaeologically evaluate the majority of the site. It was highlighted, however, that the landscaping plans submitted proposes planting across the southern area of public open space, as well as the inclusion of a play area. Trial trenching was not initially proposed across that area as it was not proposed to undertake any groundworks or other actions that could have an archaeological impact. As the now proposed landscaping, including the planting and subsequent growth of trees across this area, and construction of a play area, could have an impact on any archaeological features which survive across that part of the site, it has also been recommended that some additional archaeological trenches were excavated across that area.
- 8.5 Warwickshire County Council (Archaeology) have therefore objected to the application until the results of this trial trenching has been provided. A programme of archaeological trial trenching has since been undertaken, the scope of which was agreed with colleagues within Archaeology. The archaeological trial trenching examined the features previously identified by the geophysical survey and sampled the remainder of the site. The trenching identified a number of features that contained probably Iron Age pottery (the full detailed analysis of these finds has not yet been completed).
- 8.6 The trenching which examined the geophysical complex in the central northern portion of the site recovered a number of Roman finds suggesting that the complex of enclosures and associated features in that area are likely to date to that period. Features recorded across that area included evidence for stone walls, a surface, ditches, gullies and pits. Further possible Roman features, which were not identified by the geophysical survey were also identified to the east. The trenching also identified a cremation in the north-western part of the site. This feature was left in situ, but it has been postulated that it is likely to also be of Roman or Iron Age date.
- 8.7 Whilst the proposed development will have an impact on the archaeological features which survive across the site, this can be mitigated by an appropriate programme of archaeological work. As such it is therefore recommended that (Condition 26) is included with any consent to ensure that onsite archaeology is not impacted by the proposal.
- 8.8 This application is therefore considered to be in accordance with Policy SDC3 of the Local Plan and Section 16 of the NPPF.

## 9. Planning Obligations

- 9.1 Local Plan Policy H1 states that a wide choice of high-quality market housing must provide a mix of types and sizes with Policy H2 stating that affordable homes should be provided on all sites of at least 0.36 hectares or capable of accommodating 11 dwellings or more.

9.2 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.

9.3 The SPD on Planning Obligations along with the Coton Park East Masterplan 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 is not required for allotments or sports and would be used to provide the following:

- For Great Central Walk this would include improvements to the existing footpath with a parks connector network to start to link all open spaces together with accessible footpaths;
- For the network of green spaces around the north of Brownsover/Strawberry Fields would incorporate board walk and interpretation;
- Greenspace network improvements with footpaths to form a parks connector network to link all open spaces together with accessible footpaths; benches; signage and additional planting; and
- Coton Park youth facilities including a green gym.

9.4 In terms of affordable housing Rugby Borough Council (Housing) have confirmed that the allocation of 30% affordable housing is in compliance with the requirements of the new local plan. The main focus within the development is on 1 and bed properties which is welcomed given the identified need in the SHMA and the Local Authorities waiting list. The proposal would seek 84% Social Rent with 16% Intermediate equating to 56 social rent properties and 11 intermediate properties, with it being confirmed rented properties would need to be capable of being let at the full occupancy rate, so a 2 bed property should be for 4 persons, a 3 bed for 5 persons.

9.5 The table below provides clear breakdown of the number of properties provided along with the compliance with Local Plan Policy.

Affordable Housing				
No. Beds	Local Plan Requirement (Percentage)	Local Plan Requirement (No. of Units)	Provision on Site (Percentage)	Provision on Site (No. of Units)
1	30-35%	20.2	25%	14
2	30-35%	23.6	43%	27
3	20-25%	16.8	32%	23
4	5-10%	3.3	5%	4

9.7 It is important to note that the application meets the policy requirements for affordable housing provision which equates to 30% or 67 dwellings with the tenure split between social and intermediate housing being met as outlined in comments received from

colleagues within Housing. It is clear from the table in 9.5 that the amount of 1-bedroom properties does not meet Local Plan requirements, it has been confirmed by the applicants that, 14 1-bedroom properties are to be allocated as affordable rent.

- 9.8 The reason for not having 1-bedroom market housing is that the applicants are following the trend that was set in Phase 1. Phase 1 had 6 1-bedroom properties which were affordable housing and it would seem fitting giving the proximity to the site to continue along this path. Furthermore, 1-bedroom properties are not in high demand for market purchase and Persimmon Homes would prefer to make these affordable dwellings as it has been highlighted by the Local Authority that more 1-bedroom properties are needed in the area to support social housing needs.
- 9.9 Warwickshire Police have been in contact advising that they are looking to put forward its representation in respect of the impact of the development and to make provision to mitigate the direct and additional policing requirements it will generate. These requirements include the provision of an additional member of staff; provision of police vehicles; and to assist it with increasing the capacity of Rugby Police Station which is currently maintained to capacity.
- 9.10 A contribution request has been received from NHS Warwickshire North Clinical Commissioning Group (CCG) and Warwickshire County Council Public Health (Public Health) for the Brownsover Medical Centre. The Brownsover Medical Centre which was constructed on the basis that future infrastructure funding through S106 will be requested to support the infrastructure costs of the GP Practice, which has been made to directly respond to the housing growth in the north of Rugby and as such a contribution towards the construction of the practice is required.
- 9.11 The University Hospitals for Coventry and Warwickshire NHS Trust have been in contact advising that they are looking to put forward its representation in respect of the impact that the development has on health and wellbeing in particular in relation to the impact that the development has on the acute service provided by the Trust. Following there advises they have confirmed that they require a contribution to be used directly to provide health care services to meet patient demand.
- 9.12 Warwickshire County Council (Planning) have confirmed that a contribution is required for libraries 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.
- 9.13 Sustainable Travel Packs are required per dwelling in order for the County Council to allow for the provision of information packs for owners and occupiers of the dwellings which include information on sustainable modes of transport and to help promote sustainable travel and road safety in the local area. Furthermore, a contribution is required 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.
- 9.14 Public Transport require a contribution towards Services 1 & 2 – Coton Park East to Rugby Town Centre via Elliots Field Retail Park & Rugby Railway Station which

operates every 30 minutes and is the closest service to this proposed development. Most of the development is in excess of 400m from the nearest bus stop. A new road layout is planned which will enable the bus to be diverted to enable a stop to be introduced close to the development. Services 1 & 2 are S106 funded from other developments in the area.

- 9.15 Warwickshire County Council (Ecology) have confirmed that due to the loss of -13.33 habitat units, and a gain of +1.24 hedgerow units, a biodiversity offsetting scheme needs to be secured, via a S106 agreement to compensate for the biodiversity loss, in line with the NPPF and Rugby Local Plan Policy NE1.
- 9.16 Highways England have advised that they require a financial contribution towards a highway's improvements scheme for the Gibbett Hill (A5/A426) roundabout which is already over capacity. The need for a package of highway improvements (a 'scheme') for this junction has previously been identified, with expansions to Magna Park and the Lutterworth Sustainable Urban Extension ('Lutterworth East') also creating additional demand for this junction. Financial contributions towards these improvements have been sought from these Developers.
- 9.17 Warwickshire County Council Highways are also seeking contributions towards off-site infrastructure and public transport services those being:
- Improvements to the A5/A426 Gibbet Hill junction;
  - Improvements to the A426/Central Park Drive junction;
  - Improvements to the A426/Boughton Road junction;
  - Works to improve cycle routes between the site, Rugby Town Centre and other facilities in accordance with the Coton Park East SPD; and
  - Improvements and extension of existing bus services to serve the site.

10. Heads of Terms

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

<u>Contribution</u>	<u>Requirement</u>	<u>Trigger</u>
Warwickshire Police	To make provision to mitigate against the direct and additional policing requirements generated.	To be confirmed.
Play and Open Space	Improvements to Great Central Walk and Greenspace Network Improvements.	Commencement of Development
CCG and Public Health	To directly respond to the housing growth in the north of Rugby as such a contribution towards the construction of the practice is required.	To Be Confirmed



NHS Trust	Meet patient demand for access to health care services.	To Be Confirmed and Capped at Request Amount.
Warwickshire County Council (Traffic and Road Safety)	To help the promotion of sustainable travel and road safety.	Commencement of Development
Warwickshire County Council (Libraries)	To help meet the increased demand to services and to improve facilities.	To Be Confirmed.
Warwickshire County Council (Education)	To help meet the increased demand on education providers the additional housing creates.	To Be Confirmed.
Warwickshire County Council (Public Transport)	Towards the ongoing provision of public transport services and/or the cost of diverting these services.	To Be Confirmed.
Affordable Housing	30% affordable housing with an 84%/16% split between social and intermediate dwellings.	To Be Confirmed.
Warwickshire County Council (Ecology)	Biodiversity offsetting scheme due to mitigate a loss of on-site biodiversity.	To Be Confirmed.
Highways England	Towards the improvements to Gibbett Hill (A5/A426) roundabout.	To Be Confirmed.
Warwickshire County Council (Highways)	Towards the improvements to off-site infrastructure and public transport services.	To Be Confirmed.

- 10.2 In relation to the detail quoted above, these are subject to further negotiation and finalisation prior to the completion of the S106 Agreement.
- 10.3 Paragraph: 10 Reference ID: 21a-010-20190723 of the NPPG states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. As entering into an obligation or other agreement proper to granting planning permission is the best way to deliver certainty for all parties about what is to be agreed. It also encourages the parties to finalise the planning obligation or other matter in a timely manner in the interests of maintaining transparency.
- 10.4 In exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes).
- 10.5 The land concerned is an allocated site and as established within Section 1 of the report, the principal of development is in accordance with, the Local Plan and NPPF. The land

in question is subject to an option agreement, which was entered into many years ago, this agreement will lapse unless planning permission is obtained by 16th March 2021. If no planning permission is in existence by that date then the developer will lose its ability to deliver the site and thereby having a significant impact on the delivery of the housing allocation at Coton Park East.

- 10.6 Whilst a significant amount of work has been put into the application and S106 Agreement to date, given the options expiry and pressing time constraints, there would be no guarantee that the S106 Agreement would be finalised to allow planning permission to be issued by 16th March 2021.
- 10.7 In this instance, given the serious risk to development, it is considered appropriate for the use of this condition, to ensure that a decision notice can be issued, and to allow the development of an allocated site within the Adopted Local Plan. (Condition 30).

### 11. Planning Balance

- 11.1 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 question of whether or not a particular proposal constitutes “sustainable development” is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at paragraph 7 identifies the three dimensions to sustainability, those being economic, social and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 11.2 From an economic perspective the proposed new dwellings would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new household spending in the Borough, a contribution to the viability of local retail uses, services and businesses and additional Council Tax revenue. Such matters would have a positive impact on the local economy and prosperity of the Borough which weighs in favour of the application. As such, the proposed development would satisfy the economic role of sustainable development.
- 11.3 From a social perspective there is a significant need for new housing within the Borough. This is consequently a matter which in itself weighs significantly in favour of the application. The proposed development of up to 225 dwellings, of which 30% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting this housing need. Aside from this, the provision of onsite open space, would provide social benefits. The financial contributions toward education and health care provisions are also considered to be promoting positive social benefits. These matters consequently weigh in favour of the application. As such, the proposed development would satisfy the social role of sustainable development.
- 11.4 From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, landscape character and appearance, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, public rights of way, flood risk, drainage, air quality, noise, contamination, visual amenity, residential amenity, water conservation and carbon emissions have all been

considered. Whilst there would be a net loss in biodiversity, this loss would be mitigated through conditions.

- 11.5 Therefore, the development of the site would result in significant 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.

## 12. Conclusion

- 12.1 The proposal would respect the scale and character of the surrounding area, would not adversely affect the amenities of the occupiers of neighbouring properties, and would not impact upon highway safety.
- 12.2 On balance, it is concluded that the proposal constitutes sustainable development. It complies with the Development Plan and there are no material considerations which indicate that the proposal should be refused. 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 planning permission should be approved.

**DRAFT DECISION**

**REFERENCE NO:**  
R20/0336

**DATE APPLICATION VALID:**  
28-Apr-2020

**APPLICANT:**

Emily Berville Charlesworth, Persimmon Homes Persimmon Homes, Persimmon Homes,  
Tameside Drive, Birmingham, B357AG

**AGENT:**

**ADDRESS OF DEVELOPMENT:**

LAND OFF LONG HASSOCKS, LONG HASSOCKS, RUGBY,

**APPLICATION DESCRIPTION:**

Erection of up to 225 dwellings, extension of the existing attenuation pond, including associated access, open space, landscaping and infrastructure.

**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: 1**

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:

Layout	P19-1003.002Y Site Layout Plan 070121
Landscape Masterplan	P19-1003.004D Landscape Masterplan 070121
House Types	P19-1003-Combined <u>Housetype</u> Pack 261120
Boundary Treatments Plan	P19-1003.007D Boundary Treatments Plan 070121
Materials Plan	P19-1003.008D Materials Plan 070121
Surface Treatments Plan	P19-1003.009A Surface Treatments Plan 070121
Location Plan	P19-1003.001F Site Location Plan 130820
Public Right of Way Plan	P19-1003.006B Zoomed Connection Area 191120
Air Quality Report	201119_410.07485.00006_R_Coton Park Phase 3 AQA_REV4 REDUCED
Arboriculture Reports and Surveys	Q2143 PH3 TPP & AMS REV D Q2143 PH3 TRP&PRUNING REVC
Archaeology Reports	2098 RCB20 COTON PARK B3 Coton Park Phase B3 Rugby - RAMS Aug20
Construction Management Plan	CMP Coton Park Phase 3 FINAL
Design and Access Statement	P19-1003 DAS ( <u>LoRes</u> ) 120121
Ecology Reports	1720 - Aerial Inspection of Trees for Potential Roosting Features for Bats_V2 Coton Park B3 1720 - Bat Survey Report V2 1720 - Biodiversity Metric_V2 Coton Park Phase B3 1720 - EMES_V2 Coton Park Phase B3 1720 - Great crested newt Risk Avoidance Method Statement_V4 1720 - Hedgerow Assessment_V2 Coton Park Phase B3 1720 - PEA with PRA_V3 Coton Park Phase B3 1720 - Riparian Mammal Report_V2 1720 - White-clawed Crayfish Report_V2 Coton Park Phase B3 1720 Badger Survey letter report - Coton Park Phase B3 1720 <u>EclA Coton Park</u> 1720 <u>Great Crested Newt Survey Report Coton Park</u> <u>WCS BIA v.19.1 Coton Park Final</u>
Flood Risk Assessment and Drainage Reports	19084 - FRA - NB - JAN 21
Detailed Landscaping	AAJ5193-RPS-XX-EX-DR-L-9003-P14 AAJ5193-RPS-XX-EX-DR-L-9004-P15 AAJ5193-RPS-XX-EX-DR-L-9001_P10 AAJ5193-RPS-XX-EX-DR-L-9002_P11 AAJ5193-RPS-XX-EX-DR-L-9005-P10
Landscape Visual Impact Assessment	BIR.4315_Figures 1-7 BIR.4315_LVIA_APP A_2019-10-17 BIR4315 LVIA FINAL_RevB_2020 11 24 LR

<b>Noise Report</b>	Coton Park B3 DOC-10-11610-05-AM-20200605-Response to EHO Comments Coton Park East - REP-1006358-AM-1 Issued Persimmon - Coton Park East Plot B3 - REP-1011610-05-AM-20190921- Environmental Noise Report-Rev 3 Persimmon - Coton Park East, Plot B2 - REP-1010759-05-AM-20180821- Environmental Noise Report-Rev 2
<b>Notice on Land Owners</b>	Notice - 6.3.20
<b>Statement of Compliance with SPD</b>	Compliance SPD FINAL
<b>Transport Assessment and Travel Plan</b>	107531 R001G Transport Assessment with Appendices 107531-TN04 Fire Tender Access R002D Coton Park Travel Plan with Annex
<b>Health Impact Assessment</b>	HIA - Coton park
<b>Planning Statement</b>	Coton Park Phase B3 Planning Statement Final Affordable Housing Note

**REASON: 2**

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 external walls and roof shall with Character 1 - 3 and pathway within Character 4 will be as specified on the Materials Plan; P19-1003.008 received by the Council on 28th August 2020.

**REASON: 3**

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

**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 AA for all development plots, and no development for Plots 2; 5; 30; 34-35; 56-57; 83; 100; 103; 106-107; 112; 115; 109-110; 117-118; 128-129; 131; 137-140; 142; 145; 170; 174-175; 177 and 213 shall be carried out which comes within Classes (A; B; C; D;E; and F) of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

**REASON: 4**

In the interest of residential amenity.

**CONDITION: 5**

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 without the prior written permission of the Local Planning Authority.

**REASON: 5**

In the interest of visual amenity.

**CONDITION: 6**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, the garages serving plots 8-9; 13-16; 20-23; 41-42; 47-48; 52; 65-66; 80-81; 85-86; 93-96; 102; 136; 141; 149; 160-164; 185-188; 189-197; 200; 207; 211; 215-220 and 223 shall be used for the accommodation of parking and for no other purposes.

**REASON: 6**

In the interest of highway safety.

**CONDITION: 7**

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, with the exception of those areas indicated on the approved layout drawing, no hard surface shall be constructed within the open frontage landscape areas in front of or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior approval of the Local Planning Authority.

**REASON: 7**

In the interest of visual amenity.

**CONDITION: 8**

The block provisions to be used in the surfacing of the estate roads, private drives, individual access drives, turning and manoeuvring areas will be as specified on the Surface Treatment Plan; P19-1003.009A received by the Local Planning Authority 7th January 2021.

**REASON: 8**

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

**CONDITION: 9**

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: 9**

In the interests of sustainability and water efficiency.

**CONDITION: 10**

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: 10

In the interest of fire safety.

CONDITION: 11

The development shall be laid out in general accordance with drawing number P19-1003.002Y.

REASON: 11

In the interest of highway safety.

CONDITION: 12

The construction of the spine road including minor road junctions, footway/cycleways, verges, pedestrian crossings, pedestrian refuges, bus stops shall not be other than in accordance with the standard specification of the Highway Authority.

REASON: 12

In the interest of highway safety.

CONDITION: 13

No dwelling hereby permitted shall be occupied until the existing road Long Hassocks and Snellsdale Road have been remodelled to provide access to the application site in general accordance with drawing number P19-1003.002Y.

REASON: 13

In the interest of highway safety.

CONDITION: 14

No dwelling hereby permitted shall be occupied until visibility splays have been provided to the realigned minor arm of Long Hassocks and the opposite private drive access in accordance with drawing number P19-1003.002Y. 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: 14

In the interest of highway safety.

CONDITION: 15

The development shall not be occupied until a pair of bus stops have been provided at each of the locations identified on drawing number P19-1003.002Y in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. Each bus stop should be constructed to enhanced Warwickshire Quality Bus Corridor (QBC) specification comprising as follows:

- Provision of a raised bus boarding / hard-standing area with specialised paving;
- Provision of bus stop clearway box markings on the carriageway;
- Provision of a bus stop pole; and
- Provision of a bus shelter - to be provided for one Rugby Town Centre bound bus stop only.

REASON: 15

In the interest of highway safety.



CONDITION: 16

Plots 81-89 and Plots 201-215 shall not be occupied until a bin collection point has been provided in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: 16

In the interest of highway safety.

CONDITION: 17

No development shall commence, with the exception of archaeological excavations, until a Construction Environmental Management Plan, for the development has been submitted to and approved in writing by the local planning authority in consultation with Highways England.

This shall include details of:

- a) the hours of construction work and deliveries;
- b) area(s) for the parking of vehicles of site operatives and visitors;
- c) area(s) for the loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) measures for ensuring that no mud, grit, dirt or other materials from the site is deposited on the SRN;
- f) the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;
- g) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- h) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- i) waste management details - including the movement of vehicles associated with the recycling/disposal of waste resulting from demolition and construction works;
- j) routing of construction traffic during the phases of development;
- k) measures for the management of abnormal loads;
- l) details of stakeholder/public communications plan;
- m) Risk assessment of potentially damaging construction activities;
- n) Identification of "biodiversity protection zones";
- o) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- p) The location and timing of sensitive works to avoid harm to biodiversity features;
- q) The times during construction when specialist ecologists need to be present on site to oversee works;
- r) Responsible persons and lines of communication;
- s) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- t) Use of protective fences, exclusion barriers and warning signs.

REASON: 17

To maintain the safe and efficient operation of the Strategic Road Network (SRN) and to ensure that no protected species are harmed during development.

**CONDITION: 18**

Prior to the first occupation of a dwelling, a Residential Travel Plan (RTP) will be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England, as Highways Authority for the SRN. The RTP will set out how the Applicant will promote sustainable travel options to residents and visitors, in particular, reducing the number and length of car journeys. The approved RTP shall be implemented and maintained in perpetuity.

**REASON: 18**

To maintain the safe and efficient operation of the Strategic Road Network (SRN).

**CONDITION: 19**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features;
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 18.7 l/s;
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments';
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly;
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event; and
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

**REASON: 19**

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

**CONDITION: 20**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is submitted and approved in writing to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. The development shall be carried out in accordance with the approved maintenance plan.

**REASON: 20**

To ensure the future maintenance of the sustainable drainage structures.

**CONDITION: 21**

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

**REASON: 21**

In the interests of biodiversity and visual amenity.

**CONDITION: 22**

No works, demolition or development shall take place, with the exception of archaeological excavations, until a final arboricultural method statement and tree protection plan for the protection of the retained trees (section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA and subsequently implemented. This scheme must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring to the satisfaction and written approval of the LPA. 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 LPA. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

**REASON: 22**

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

**CONDITION: 23**

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures; and
- i) locations and numbers of bat and bird boxes, reptile and amphibian refugia, enhancements for invertebrates, hedgehog holes and amphibian-friendly road drainage scheme.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**REASON: 23**

In accordance with NPPF to ensure no loss in biodiversity and to ensure that no protected species are harmed.

**CONDITION: 24**

Prior to works commencing, including demolition and site clearance, however with the exception of archaeology excavations, a lighting strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory and; and
- b) Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**REASON: 24**

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

**CONDITION: 25**

The development hereby permitted, including any site clearance, with the exception of archaeological excavations, shall not commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

**REASON: 25**

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

**CONDITION: 26**

No development shall take place until 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 document, shall be undertaken in accordance with the approved document.

**REASON: 26**

In the interests of archaeology.

**CONDITION: 27**

A noise assessment or addendum to the Hoare Lea Plot B3. Coton Park East, Acoustics Proposed Residential Development, report on existing noise climate rev 3 07 February 2020, Project number 10/10759, Document reference: Persimmon - Coton Park East, Plot B3 - REP-1011610-05-AM-20190921-Environmental Noise Report-Rev 3.docx shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It should consider the potential noise impact from proposed developments to the north on the Coton Park side, that could adversely affect the proposed development. Regard should be had to noise from the school(s) and B2(a) and B8 uses. The report should include recommendations for any necessary acoustic mitigation works, having regard to current guidance for the residential development with any mitigation works being fully implemented prior to occupation and maintain in perpetuity in accordance with the approved report.

**REASON: 27**

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

**CONDITION: 28**

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no above ground development shall begin, however with the exception of archaeology excavations, 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: 28**

In the interests of air quality.

**CONDITION: 29**

Unless non-material variations are agreed in writing with the Local Planning Authority, with the exception of archaeology excavations, development other than that required to be carried out as part of an approved scheme of remediation and with the exception of archaeology excavations, must not commence until points (A) to (D) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(A) An investigation and risk assessment must 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 are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must 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 must be produced, and is subject to the approval in writing of the Local Planning Authority.

(D) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (A), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (B), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (C).

**REASON: 29**

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, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION: 30

**GRAMPION CONDITION TO BE INSERTED HERE.**

REASON: 30

To ensure that the impacts of the development are mitigated to the satisfaction of the Local Planning Authority.

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

INFORMATIVE: 2

This development is subject to a s106 legal agreement.

INFORMATIVE: 3

Condition numbers 11-14 require that the estate roads including footways, cycleways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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

Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for highways technical approval the

applicants/developer are advised that an independent stage 1 and 2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

**INFORMATIVE: 3**

Before preparing detailed plans of the estate roads for the purposes of adoption under Section 38 of the Highways Act 1980, the applicants/developers should contact, where appropriate, the Street Lighting Group, Warwickshire County Council, Communities, Shire Hall, Warwick, CV34 4SX.

**INFORMATIVE: 4**

Unless the applicants/developer have entered into an agreement under Section 104 of the Water Industry Act 1991 with the appropriate water supply and sewerage treatment company for the adoption of all sewers contained or passing within the limits of a highway, the Highway Authority may not be prepared to complete a Highway Works Agreement under Section 38 of the Highways Act 1980 to adopt the highway.

Applications 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: 5**

Prior to commencement of 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: 6**

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: 7**

Any works within the channel of an Ordinary Watercourse will likely require Land Drainage Consent prior to construction from Warwickshire County Council as Lead Local Flood Authority.

**INFORMATIVE: 8**

The applicant is advised that protected species licences from Natural England may be required to undertake the works. Further information about species licensing and legislation can be obtained from the Natural England Species Licensing Service.

**INFORMATIVE: 9**

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](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 [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

#### INFORMATIVE: 10

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: 11

In order to mitigate or minimise any potential impact on the public footpath and its users your attention is drawn to the following:

- No site security fencing may be erected on or within 1m of public bridleway R104;
- The applicant must make good any damage to the surface of public bridleway R104 caused during works;
- Any new vegetation must be planted at least 2 metres away from the edge of public bridleway R104 to help ensure that mature growth will encroach onto the public right of way;
- A gap of at least 2 metres must be allowed between the edge of public bridleway R104 and the edge of any proposed new pond, lake or other water body or water course, to help ensure there is no encroachment onto the public right of way, including by future erosion;
- Public bridleway R104 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;
- The applicant must make good any damage to the surface of public bridleway R104 caused during works; and
- Any disturbance or alteration to the surface of public bridleway R104 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 bridleway.

#### INFORMATIVE: 12

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](http://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.

**Reference: R20/0366**

**Site Address: LEAM VALLEY GOLF CENTRE, SOUTHAM ROAD, KITES HARDWICK, RUGBY, CV23 8AA**

**Description: Application for outline planning permission for the development of a Country Leisure Park comprising the construction of shepherd huts, log cabins, earth huts, clubhouse, outdoor bar and kitchen, outdoor and indoor gymnasium, natural swimming pool and multi-use games area, and reshaping of fishing lake no. 2. All matters reserved except for means of access.**

**Recommendation**

Approval subject to conditions and informatives.

This application is being reported to Planning Committee in accordance with the Scheme of Delegation, as the application constitutes major development.

**Description of site**

The application site is located outside of any defined settlement boundary and is located within the Countryside. Leam Valley Golf Centre is situated at Kites Hardwick, 1.9miles south west of Dunchurch and 4.5miles south west of Rugby town centre. Prior to COVID-19 restrictions the site was open to the public seven days a week and has the following services and facilities:

- 9 hole, par 3, public golf course
- 14 bay covered driving range
- Custom fitting and golf repairs
- Golf coaching for adults and children
- Clubhouse with shop and café
- Two fishing lakes with fishing platforms
- Touring caravan park with 19 pitches

Draycote Water reservoir and country park is situated 400m away.

**Description of proposals**

This application seeks outline permission for the development of Country Leisure Park comprising the construction of shepherd huts, log cabins, earth huts, clubhouse, outdoor bar and kitchen, outdoor and indoor gymnasium, natural swimming pool and multi-use games area, and reshaping of fishing lake no.2. Access is the only matter for consideration under this application with all other matters being reserved for consideration at a later stage.

**Planning History**

R07/1462/MAJP Creation of two fishing lakes with landscaping, additional parking area and access from existing car park

Approval

22/10/2007

R09/0290/DET Discharge of conditions 2 (Landscaping), 4 (Materials), 5 (External lighting), 6 (Surfacing) and 10 (Pond linings) of Planning permission R07/1462/MAJP (Creation of two

fishing lakes with landscaping, additional parking area and access from existing car park).

Approval 14/05/2009

R09/0423/PLN Creation of 19 bay touring caravan park, erection of toilet & shower block, provision of bin store & water point with associated vehicular access & alteration to size of lake 1 approved under R07/1462/MAJP

Approval 10/09/2009

### **Relevant Planning Policies**

Rugby Borough Local Plan 2011-2031, June 2019

GP2: Settlement Hierarchy

GP1: Securing Sustainable Development

ED4: The Wider Urban and Rural Economy

HS5: Traffic Generation and Air Quality

NE3: Landscape Protection and Enhancement

NE1: Protecting Designated Biodiversity and Geodiversity Assets

SDC1: Sustainable Design

SDC6: Sustainable Drainage

SDC5: Flood Risk Management

SDC2: Landscaping

D2: Parking Facilities

D1: Transport

National Planning Policy Framework, 2019 (NPPF)

### **Technical consultation responses**

WCC Highways Initial objection requested junction modelling and additional reports. No objection subject to conditions

WCC Flood Risk Authority Initial objection requesting additional information. No objection subject to conditions

WCC Ecology Preliminary Ecological Appraisal and Biodiversity Impact Assessment prior to determination. Revised BIA to be submitted with reserved matters and additional condition's

RBC Trees and Landscape Initial objection as no tree report submitted, following further details no objection subject to conditions

RBC Environmental Health No objection subject to conditions

Warwickshire Fire and Rescue No objection subject to condition

Warwickshire Infrastructure Delivery No request for any service contributions in relation to the site. Contribution towards monitoring of any S106 resulting from an approval would be required.

### **Third party comments**

Parish Council- Concept of a country leisure park is good. Concerns are road safety with the increase in volume of traffic with 2 leisure parks and Draycote reservoir in close proximity and traffic congestion in the area.

### **Assessment of proposals**

The main considerations in the determination of this application are the principle of development and impact on highways.

## 1 Principle of development

1.1 Policy GP1 of the Local Plan outlines when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

1.2 Policy GP2 of the Local Plan states that development will be allocated and supported in accordance with the settlement hierarchy.

1.3 The application site is located within the Countryside as defined in GP2 of the Local Plan. New development will be resisted; only where national policy on countryside locations allows will development be permitted.

1.4 Policy ED4 of the Local Plan states the forms of development and uses acceptable in principle both in and outside the urban area, subject to the content of other policies in the Local Plan. In terms of Tourism and Leisure this includes:

### *Tourism and Leisure*

- *Small-scale tourism, visitor accommodation and leisure based uses, including sport and recreation, particularly those which would help to provide local employment and support rural services;*
- *Purpose-built visitor accommodation that is directly associated with and related to the scale and nature of an existing use;*
- *A small-scale expansion of an existing holiday caravan/chalet site where this would secure benefits to its function and appearance;*
- *Golf courses, golf driving ranges and ancillary facilities;*
- *New or extended, relative to the scale and nature of an existing development, garden centres and nurseries; or 56*
- *Equine and equestrian related activities, wherever practicable using existing buildings and structures.*

1.5 While Policy ED4 is made for a wide range of development and activities in the countryside all schemes will be assessed against the impact that is likely to be caused to the character of the local area as well as the benefits that would arise for rural communities, business and the wider local economy.

1.6 It is therefore considered that the principle of development is acceptable subject to other matters and policies being addressed.

## 2 Character and Design

2.1 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.

2.2 In terms of the character and design of the proposed development as this application is outline for access only these would need to be agreed within a later application should the

current one be recommended for approval to ensure there would not be an adverse impact upon the visual amenity of the surrounding area.

### 3 Impact on Residential Amenity

3.1 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.

3.2 As previously identified the main consideration under this application is for access only, as such, design, scale and massing details would be reserved for full consideration at a later date.

3.3 In order to protect residential amenity subject to the granting of any planning approval Environmental Health have provided conditions relating to noise restriction and assessment to be provided as part of a reserved matters application. (conditions 10, 11,12, 14, 15, 17 & 18)

### 4 Flooding

4.1 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:

- 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
- 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.

4.2 Whilst the application constitutes major development the Warwickshire County Council (Flood Risk Management) team have been consulted on the application. They initially objected requiring further information. A request was made to the agent for the additional information; to be submitted with the application. Following submission of attenuation assessment and calculations WCC Flood Risk Management confirmed that they have no objections subject to conditions (conditions 6 & 7)

### 5 Highway Safety

5.1 Policy D1 of the Local Plan states development will be permitted where sustainable modes of transport are prioritised, and measures designed to mitigate transport impacts arising from either individual development proposals or cumulative impacts caused by a number of proposal are provided.

5.2 A Transport statement was submitted with the application. WCC Highways considered that insufficient information had been provided to fully assess the highways impact of the proposals and objected to the application pending receipt of further information. Clarification on trip generation calculations and trip distribution was requested with junction modelling to estimate the impact of the proposal on the Dunchurch crossroads junction.

5.3 In reply to the WCC Highways response the proposal was further assessed and presented in the form of a transport Technical Note. The Highway Authority on balance concluded that subject to conditions the proposal is unlikely to lead to unacceptable or severe highways impacts in the terms set out in paragraph 109 of the National Planning Policy Framework. The Dunchurch Crossroads impact is likely to be temporary in nature; improvement to walking and public transport infrastructure would be beneficial on a permanent basis and would mitigate highway safety concerns relating to likely pedestrian desire lines resulting from the proposal. The conditions proposed by WCC Highways are **conditions 8 & 9** in the draft decision.

## 6 Air Quality

6.1 Policy HS5 states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles to minimise the impact on air quality, noise and vibration caused by traffic generation.

6.2 Rugby Borough Council Environmental Services have recommended a condition (**condition 10**) for an air quality assessment which should be informed by the Transport Statement submitted and a condition to ensure the proposal is air quality neutral/mitigated (**condition 11**).

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

## 7 Landscaping and Ecology

7.1 Policy SDC2 states the landscape aspects of a development proposal will be required to form an integral part of the overall design.

7.2 The Council's Tree and Landscape Officer initially objected to the proposal as no reference to proposed tree losses was discussed or BS5837:2012 tree report submitted. Following this objection further tree constraint information was submitted.

7.3 The primary arboricultural loss within the application site is upwards 0.38ha in size and planted within the last 30 years. This large linear tree group is located to the south of the two lakes. The trees (consisting of Ash, Beech, Birch, Field Maple, Willow, Thorn etc) have established well and are prominent in the local landscape. Given their relative immaturity and proposed net gain of new woodland planting (1.54 ha) the Tree and Landscape Officer is happy to support the application subject to the provision of a robust landscape plan to include all planting details and future maintenance schedules (**condition 19**). Also, an arboricultural method statement to include tree protection plan for the protection of retained trees/tree groups during the construction phase and to include program of tree works and timings (**condition 20**).

7.4 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.

7.5 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.

7.6 Warwickshire County Council Ecological Services department assessed the Preliminary Ecological Appraisal and Biodiversity Impact Assessment submitted prior to determination. Based on the information submitted they would expect to see at reserved matters stage an amended version of the BIA which more closely reflects the proposals and a Landscape drawing. A comprehensive management plan would also be submitted. All of which must ensure a net gain for biodiversity in line with the NPPF and Policy NE1 of the Local Plan. Subject to the granting of approval a combined ecological and landscaping scheme condition has been provided (condition 21).

7.7 Records for Daubenton's bats and noctule bat within the application site are held by WCC Ecology therefore sensitive lighting across the site will be appropriate and addressed by condition (condition 22). In order to guard protected species a construction and environmental management plan is proposed to be secured by condition (condition 23).

## 8 Planning Balance and Conclusion

8.1 Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay. In this case it has been found that 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 should be approved subject to conditions.

### **Recommendation**

Approval subject to condition and informatives.

**DRAFT DECISION**

**REFERENCE NO:**  
R20/0366

**DATE APPLICATION VALID:**  
11-May-2020

**APPLICANT:**

Tompkins Construction Ltd Tompkins Construction Ltd, Leam Valley Golf Centre, Southam Road, Kites Hardwick, Rugby, CV23 8AA

**AGENT:**

Steve Bromley, Bromley Planning Bromley Planning, 189 Evesham Road, Stratford upon Avon, CV37 9BS

**ADDRESS OF DEVELOPMENT:**

LEAM VALLEY GOLF CENTRE, SOUTHAM ROAD, KITES HARDWICK, RUGBY, CV23 8AA

**APPLICATION DESCRIPTION:**

Application for outline planning permission for the development of a Country Leisure Park comprising the construction of shepherd huts, log cabins, earth huts, clubhouse, outdoor bar and kitchen, outdoor and indoor gymnasium, natural swimming pool and multi-use games area, and reshaping of fishing lake no. 2. All matters reserved except for means of access.

**CONDITIONS, REASONS AND INFORMATIVES:**

**CONDITION 1:**

Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 2:**

The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:**

To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

**CONDITION 3:**

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

- a - Layout,
- b - Scale,
- c - Appearance &
- d -Landscaping

**REASON:**



To ensure that the details of the development are acceptable to the Local Planning Authority.

**CONDITION 4:**

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

- Site location plan Ref.LP01 4 May 2020

- Planning and Design & Access Statement 5 May 2020 Bromley Planning

- Flood Risk Assessment and Drainage Strategy 5 May 2020 Bromley Planning

- Leam Valley Golf Centre Transport Statement Tompkins Construction May 2020

- Topographical Survey Dwg No. 180474 Sheet 1 of 6 Interlocks Surveys Limited

- Topographical Survey Dwg No. 180474 Sheet 2 of 6 Interlocks Surveys Limited

- Topographical Survey Dwg No. 180474 Sheet 3 of 6 Interlocks Surveys Limited

- Topographical Survey Dwg No. 180474 Sheet 4 of 6 Interlocks Surveys Limited

- Topographical Survey Dwg No. 180474 Sheet 5 of 6 Interlocks Surveys Limited

- Topographical Survey Dwg No. 180474 Sheet 6 of 6 Interlocks Surveys Limited

- Supporting Statement Andy Tompkins Director Leam Valley Golf Centre Ltd 1 May 2020

Received by the Local Planning Authority on 11th May 2020

- Leam Valley Attenuation Calculations GHW Consulting Engineers

- Attenuation assessment Job No. 20-3946 Dwg No.001 Rev P1 June 2020

Received by the Local Planning Authority on 22nd June 2020

- Concept Masterplan 1875-18 Dwg No. 01 Rev C

- Landscape Design Statement Ref:1875-18-RP01 Date 21/07/2020 Barry Chin Associates

- Tree Constraints Plan (1of3) 1875-18 Dwg No. 02

- Tree Constraints Plan (2of3) 1875-18 Dwg No. 03

- Tree Constraints Plan (3of3) 1875-18 Dwg No. 04

- Arboricultural Impact Assessment BB Trees Ltd Doc ref 496-20 Rev 0

Received by the Local Planning Authority on 22nd July 2020

- Leam Valley Golf Centre Transport Note by David Tucker Associates DN/NES/22326-01a

Transport Note\_Final 24th August 2020

Received by the Local Planning Authority on 27th August 2020

- Leam Valley Biodiversity Impact Assessment

- Preliminary Ecological Appraisal Report No: RT-MME-153091-01 Date August 2020 by

Middlemarch Environmental

Received by the Local Planning Authority on 3rd September 2020

**REASON:**

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

**CONDITION 5:**

The details required to be submitted in accordance with Condition 3 above shall include 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. 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 6:**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, 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 before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 19.0 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

**REASON:**

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

**CONDITION 7:**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the Local Planning Authority and Lead Local Flood Authority within the maintenance plan.

**REASON:**

To ensure the future maintenance of the sustainable drainage structures.

**CONDITION 8:**

The clubhouse hereby permitted shall have a maximum gross floor area of 323 square metres, of which no more than 132 square metres shall be used for restaurant dining.

**REASON:**

In accordance with transport technical note and in the interest of highway safety.

**CONDITION 9:**

The development shall not be occupied or development brought into use until the public highway A426 Southam Road has been improved so as to provide for improved northbound and

southbound bus stop facilities and pedestrian improvements for access between the site and northbound and southbound bus stops north of the site in the vicinity of the existing access to Draycote Water, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interest of highway safety.

**CONDITION 10:**

Prior to occupation or development being brought into use, an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. This will take into consideration the impact of traffic emissions on and associated with the proposed new development. Development shall not be carried out other than in accordance with the approved details.

**REASON:**

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

**CONDITION 11:**

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, 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 12:**

Prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

**REASON:**

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

**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 Defra and the Environment Agency's Model Procedures for the Management of Land Contamination CLR 11.

(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:**

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 should assess the existing noise levels from the site and predict noise levels from the development that could adversely affect the existing residential properties. Regard should be had to noise generated from traffic, plant and machinery, any proposed entertainment, the MUGA and any other general residual noise from operations. Regard may be had to BS8233:2014 and BS4142:2014+A1: 2019 and the WHO Environmental Noise Guidelines for the European region.

The report should include recommendations for any necessary acoustic mitigation works, to control or limit noise from the development. Any acoustic mitigation works proposed must be implemented before the development is brought into use.

**REASON:**

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

**CONDITION 15:**

A scheme of works to be submitted to and approved in writing by the Local Planning Authority, detailing the design of the kitchen cooking equipment to demonstrate compliance with the supply and extract air to DW172: Specification for Kitchen Ventilation Systems prior to installation or fitting. Development shall be carried out in accordance with the approved scheme of works prior to development being brought into use.

**REASON:**

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

**CONDITION 16:**

A scheme of works to be submitted to and approved in writing by the Local Planning Authority, detailing the design of the odour and fume control equipment serving the kitchen extraction system prior to installation or fitting and shall thereafter be so retained. Development shall be carried out in accordance with the approved scheme of works prior to development being brought into use.

**REASON:**

To prevent the emission of fumes which would be detrimental to the amenity of the area and in the interests of the amenity of neighbouring properties.

**CONDITION 17:**

The playing of amplified or unamplified music and/or vocals as entertainment shall only take place within the restaurant and function room.

**REASON:**

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

**CONDITION 18:**

When music and/or vocals being played as entertainment is taking place, external doors and windows to the restaurant and function room shall be kept closed, except for ingress/egress.

**REASON:**

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

**CONDITION 19:**

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

**REASON:**

In the interests of biodiversity and visual amenity.

**CONDITION 20:**

No works shall take place until a FINAL arboricultural method statement and tree protection plan for the protection of the retained trees and hedgerows(section 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the Local Planning Authority and subsequently implemented. This scheme must include all proposed trees works and timings, details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring 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:**

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

**CONDITION 21:**

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 proposed native species planting, at least one integrated bat or bird box and one fitted to a nearby appropriate tree and details shown on plan drawings including the make and location of bat and bird boxes. The agreed scheme will be fully implemented before/during development of the site as appropriate.

**REASON:**

In accordance with the NPPF.

**CONDITION 22:**

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 around woodland plantations and waterbodies 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:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- 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 the NPPF.

**CONDITION 23:**

The development hereby permitted, including site clearance, shall not commence until a Construction and 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 breeding birds, GCN, badger, bat 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 24:**

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 or development brought into use until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:**

In the interest of fire safety.

**CONDITION 25:**

The overnight accommodation shall be occupied for holiday/leisure purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date written register of the names of all overnight guests on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

**REASON:**

To prevent a permanent residential occupation of the site and in the interest of good planning.

**INFORMATIVE 1:**

At any subsequent stage in the planning process LLFA will expect the applicant to further consider the use of above ground SuDS and source control methods (such as permeable paving and the use of basins/swales or the lakes on site – as described in the FRA). Such methods are preferred as these offer greater water quality, amenity and biodiversity benefits compared with underground tanks.

**INFORMATIVE 2:**

Any works within the channel of an Ordinary Watercourse will likely require Land Drainage Consent prior to construction from Warwickshire County Council as Lead Local Flood Authority.

**INFORMATIVE 3:**

Condition number 9 requires works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. 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, Warwick, CV34 4SX.

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. 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 4:**

Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for the discharging of planning condition 9 above the applicant/developer are advised that an independent stage 1/2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

**INFORMATIVE 5:**

Prior to opening, the food business operator should register their business with the Council's Commercial Regulation Team to comply with relevant food safety legislation. For further information please email [fs@rugby.gov.uk](mailto:fs@rugby.gov.uk).

**INFORMATIVE 6:**

Any external lighting should be installed to ensure there is no glare or excessive light spill that may affect any properties off site. Information can be obtained from the Institute of Lighting Professionals on types and positioning of lighting to minimise off site effects (this may be done as part of an ecological assessment).

**INFORMATIVE 7:**



The LPA should consult with RBC waste services team regarding waste collection proposals for the proposed development.

**INFORMATIVE 8:**

The applicant is advised to contact the Licensing Team of Rugby Council to discuss the relevant premises licence for the proposed development, on [licensing@rugby.gov.uk](mailto:licensing@rugby.gov.uk) or on 01788 533884.

**INFORMATIVE 9:**

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](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 [ept@rugby.gov.uk](mailto:ept@rugby.gov.uk)

**INFORMATIVE 10:**

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.

***AGENDA MANAGEMENT SHEET***

**Report Title:** Planning Appeals Update

**Name of Committee:** Planning Committee

**Date of Meeting:** 24 February 2021

**Report Director:** Head of Growth and Investment

**Portfolio:** Growth and Investment

**Ward Relevance:**

**Prior Consultation:**

**Contact Officer:** Richard Holt  
Development and Enforcement Manager  
01788 533687, richard.holt@rugby.gov.uk

**Public or Private:** Public

**Report Subject to Call-In:** No

**Report En-Bloc:** No

**Forward Plan:** No

**Corporate Priorities:** This report relates to the following priority(ies):

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

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

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

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

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

Ensure that the council works efficiently and effectively (CR)

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

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

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

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

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

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

<b>Statutory/Policy Background:</b>	The Planning Appeals procedure which came into effect on 6 April 2009
<b>Summary:</b>	This report provides information on determined planning appeals and appeals currently in progress for the quarterly period 1 October 2020 to 31 December 2020.
<b>Financial Implications:</b>	Increases the scope for related costs claims within the Planning Appeals process.
<b>Risk Management Implications:</b>	There are no risk management implications arising from this report.
<b>Environmental Implications:</b>	There are no environmental implications arising from this report.
<b>Legal Implications:</b>	Advice/support with regard to cost claims and any subsequent costs awards.
<b>Equality and Diversity:</b>	No new or existing policy or procedure has been recommended.
<b>Options:</b>	N/A
<b>Recommendation:</b>	The report be noted.
<b>Reasons for Recommendation:</b>	To keep Members of the Planning Committee updated on a quarterly basis with regard to the current position in respect of Planning Appeals.

**Planning Committee - 24 February 2021**

**Planning Appeals Update**

**Public Report of the Head of Growth and Investment**

**Recommendation**

The report be noted.

**1. Introduction**

This report provides information to update the Planning Committee on the position with regard to planning appeals. It is intended that this will continue to be produced on a quarterly basis.

**2. Appeals determined**

During the last quarter from 1 October 2020 to 31 December 2020 a total of seven planning appeals was determined, of which one was allowed, six were dismissed and zero was withdrawn. A schedule of the appeal cases determined for this period is attached for information (see Appendix A).

**3. Appeals outstanding/in progress**

As at 31 December 2020 there were five planning appeals and one enforcement appeal still in progress. A schedule of these appeal cases is attached for information (see Appendix B).

**Name of Meeting:** Planning Committee  
**Date of Meeting:** 24 February 2021  
**Subject Matter:** Planning Appeals Update  
**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**       **YES**                       **NO**

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## PLANNING APPEALS DETERMINED FOR THE PERIOD: 1 October 2020 – 31 December 2020

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal and Type of Appeal	Appeal Outcome
The Barn Field House Farm Broadwell Rugby CV23 8HP	Prior approval for change of use of Agricultural building to 1no. dwellinghouse (Class Q)	Frances Keenan R19/1308 APP/E3715/W/20/3252144	Required and Refused 19/11/2019	<b>Dismissed 01/10/2020</b>
Field House Farm Broadwell Rugby CV23 8HP	Prior approval for change of use of Agricultural building to 1no. dwellinghouse (Class Q)	Frances Keenan R19/1307 APP/E3715/W/20/3252142	Required and Refused 19/11/2019	<b>Dismissed 01/10/2020</b>
5 Smeaton Lane Stretton Under Fosse Rugby CV23 0PS	Erection of single storey rear/side extension (Resubmission of previously refused scheme R19/1273)	Chris Bates R20/0170 APP/E3715/D/20/3253570	Refusal 27/04/2020	<b>Dismissed 05/10/2020</b>
The Old Pastures Moor Lane Willoughby Rugby CV23 8BT	Demolition of existing garage and erection of a new dwelling	Jo Orton R19/0758 APP/E3715/W/20/3250957	Refusal 29/01/2020	<b>Dismissed 20/11/2020 Award of costs Refused 20/11/2020</b>
Masters Barn Masters Yard Birdingbury CV23 8EU	Erection of three new dwellings with associated access	Jo Orton R19/1406 APP/E3715/W/20/3251142	Refusal 24/02/2020	<b>Dismissed 20/11/2020</b>

**APPENDIX A**

<b>Appeal Site Location</b>	<b>Description of Development</b>	<b>Case Officer Planning Ref No. Planning Inspectorate Ref No.</b>	<b>Date of Refusal and Type of Appeal</b>	<b>Appeal Outcome</b>
Trickle Brook Smeaton Lane Coombe Fields CV23 0PS	Shipping container retained on site without planning permission	Chris Davies ENF/2019/0503 APP/E3715/C/20/3255505		<b>Allowed, Enforcement Notice quashed 27/11/2020</b>
11 Ashlawn Road Rugby CV22 5ET	Erection of a Dormer Bungalow (revised scheme)	Thomas Leech R20/0490 APP/E3715/W/20/3259606	Refusal 19/08/2020	<b>Dismissed 24/12/2020</b>

## PLANNING APPEALS OUTSTANDING/IN PROGRESS as at 31 December 2020

Appeal Site Location	Description of Development	Case Officer Planning Ref No. Planning Inspectorate Ref No.	Date of Refusal	Type of Appeal
Tree Tops Shilton Lane Shilton CV7 9LH	Provision of 4no. traveller pitches and amenity block	Chris Bates R18/1941 APP/E3715/W/19/3243785	Committee Refusal 19/07/2019	Hearing
Yardley's Meadow Stretton Road Wolston CV8 3HX	Proposed siting of stud manager's temporary dwelling (resubmission of R18/1041)	Chris Davies R19/0952 APP/E3715/W/20/3257180	Committee Refusal 06/02/2020	Written Reps
Top Park Top Road Barnacle CV7 9LE	Enforcement	Nigel Reeves 2020/02 MEA/3-6-158 APP/E3715/C/20/3251933		Hearing
1 Caldecott Street Rugby CV21 3TH	Erection of a dwelling house (resubmission of previously refused planning permission ref: R18/1060 dated 03/06/2019)	Nathan Lowde R19/0972 APP/E3715/W/20/3258404	Committee Refusal 19/08/2020	Written Reps
Land adjacent Stretton Wharf Stretton under Fosse CV23 0PR	Erection of industrial building, construction of fisherman's car park and associated works	Lisa Li R20/0796 APP/E3715/W/20/3259322		Written Reps
231 Rugby Road Binley Woods CV3 2BB	2 Storey Front, Side and Rear Extension and raising the roof ridge	Paul Varnish R20/0081 APP/E3715/D/20/3261733	Delegated Refusal 16/09/2020	Householder Appeals Service (HAS)



**AGENDA MANAGEMENT SHEET**

**Report Title:** Delegated Decisions - 10 December 2020 to 13 January 2021

**Name of Committee:** Planning Committee

**Date of Meeting:** 24 February 2021

**Report Director:** Head of Growth and Investment

**Portfolio:** Growth and Investment

**Ward Relevance:** All

**Prior Consultation:** None

**Contact Officer:** Dan McGahey  
Search and Systems Officer  
01788 533774, daniel.mcgahey@rugby.gov.uk

**Public or Private:** Public

**Report Subject to Call-In:** No

**Report En-Bloc:** No

**Forward Plan:** No

**Corporate Priorities:** This report relates to the following priority(ies):

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

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

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

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

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

Ensure that the council works efficiently and effectively (CR)

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

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

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

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

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

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

**Planning Committee - 24 February 2021**

**Delegated Decisions - 10 December 2020 to 13 January 2021**

**Public Report of the Head of Growth and Investment**

**Recommendation**

The report be noted.

**Name of Meeting:** Planning Committee

**Date of Meeting:** 24 February 2021

**Subject Matter:** Delegated Decisions - 10 December 2020 to 13 January 2021

**Originating Department:** Growth and Investment

**DO ANY BACKGROUND PAPERS APPLY**  **YES**  **NO**

**LIST OF BACKGROUND PAPERS**

<b>Doc No</b>	<b>Title of Document and Hyperlink</b>

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:

<b>Doc No</b>	<b>Relevant Paragraph of Schedule 12A</b>

## Delegated

### 8 Weeks PA Applications

#### Applications Refused

R20/0829 8 Weeks PA Refusal 23/12/2020	64 OVERSLADE LANE, RUGBY, CV22 6EF	Single storey rear extension to provide disability living accommodation for patient and carer.
---	---------------------------------------	--

---

R20/0938 8 Weeks PA Refusal 08/01/2021	FREMAR, HINCKLEY ROAD, WOLVEY, HINCKLEY, LE10 3HQ	Demolition of existing 5mx5m concrete panel double garage and erection of new larger 7mx10m double garage with a bedroom above in the loft space. The bedroom will be an extension to existing habitable space in the main house. Access from the road already exists for existing garage, with parking for three cars. The front (as viewed from Gypsy Lane) will be in line with the current garage front.
---	---	--

---

#### Applications Approved

R20/0875 8 Weeks PA Approval 10/12/2020	15, SIR WINSTON CHURCHILL PLACE, BINLEY WOODS, COVENTRY, CV3 2BT	Erection of two storey side/rear extension and single storey front extension.
--	--	---

---

# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0935 8 Weeks PA Approval 10/12/2020	57, SHAKESPEARE GARDENS, RUGBY, CV22 6ES	Erection of a two storey side extension, single storey front and rear extension (alterations to previously approved R20/0482)
R20/0755 8 Weeks PA Approval 11/12/2020	SUITE 2, COURTYARD BARNs, BUCKWELL LANE, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BJ	Conversion of existing office suite to provide 1no. 1bed dwelling.
R20/0765 8 Weeks PA Approval 11/12/2020	7, HUDSON ROAD, RUGBY, CV22 6DF	Erection of single storey wraparound extension to include a garage and a front porch.
R20/0854 8 Weeks PA Approval 11/12/2020	THE VISITORS CENTRE, BRINKLOW ROAD, COOMBE FIELDS, COVENTRY, CV3 2AB	Retrospective permission for works to the rear elevation
R20/0924 8 Weeks PA Approval 11/12/2020	36, WESTON CLOSE, DUNCHURCH, RUGBY, CV22 6QD	Retention of material alterations to the single storey front extension originally approved under Planning Permission Reference R17/0744 (Erection of a single storey front, side and rear extension and the retention

# Delegated

## 8 Weeks PA Applications Applications Approved

of an outbuilding in the rear garden, dated 07 June 2017).

---

R20/0958  
8 Weeks PA  
Approval  
11/12/2020

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

Installation of electricity  
substation to serve residential  
development approved under  
R13/2102

---

R20/0815  
8 Weeks PA  
Approval  
12/12/2020

THE RAVEN INN, 68 BROAD  
STREET, RUGBY, CV23 0LN

Proposed redecoration of the  
existing exterior of the Public  
House premises and addition of a  
new section of timber picket  
fencing and gates

---

R20/0893  
8 Weeks PA  
Approval  
14/12/2020

82 , Main Street, Long Lawford,  
CV23 9AZ

Single storey rear extension, first  
floor rear extension and  
alterations to existing garage.

---

R20/1008  
8 Weeks PA  
Approval  
14/12/2020

28, RUPERT BROOKE ROAD,  
RUGBY, CV22 6HQ

Extension to the rear of property  
to replace the conservatory which  
has now been removed. Plan is  
to extend out 4m from the original  
rear wall and across by 6.4m.  
The height will be a maximum of  
2.6m in line with our neighbours  
extension.

---

# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0461  
8 Weeks PA  
Approval  
17/12/2020

70, MEADOW ROAD,  
WOLSTON, COVENTRY, CV8  
3JJ

Two storey side and rear  
extension to dwellinghouse

R20/0726  
8 Weeks PA  
Approval  
17/12/2020

133, TOWNSEND LANE, LONG  
LAWFORD, RUGBY, CV23 9DF

Conversion of existing garage  
into habitable annexe.

R20/0842  
8 Weeks PA  
Approval  
17/12/2020

12, CLINTON CRESCENT,  
CHURCHOVER, RUGBY, CV23  
0FS

Conversion of existing detached  
garage to a home office/gym.  
Erection of a new fence to create  
additional car parking space.

R20/0711  
8 Weeks PA  
Approval  
18/12/2020

STABLES, MAIN STREET,  
WITHYBROOK, CV7 9LX

Partial conversion of existing  
stables to provide two bedroom  
dwellinghouse with garden area  
and associated parking.

R20/0773  
8 Weeks PA  
Approval  
18/12/2020

EAST LAKE, MANOR FARM,  
DRAYCOTE ROAD,  
DRAYCOTE, RUGBY, CV23 9RB

Construction of three holiday  
cabins and associated car  
parking.

Proposed demolition of stable



# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0357  
8 Weeks PA  
Approval  
21/12/2020

STRETTON HOUSE, FOSSE  
WAY, STRETTON-ON-  
DUNSMORE, RUGBY, CV23 9JF

block and erection of bungalow.

R20/0621  
8 Weeks PA  
Approval  
21/12/2020

55 , Richmond Road, Rugby,  
CV21 3AB

Erection of a single storey front  
and rear and two storey side  
extension.

R20/0871  
8 Weeks PA  
Approval  
21/12/2020

MERCHANT HOUSE, MARKET  
STREET, RUGBY, RUGBY,  
CV21 3HF

Various alterations to existing  
single storey building including  
replacing flat roof with pitched  
roof.

R20/0895  
8 Weeks PA  
Approval  
21/12/2020

PRINCETHORPE COLLEGE,  
LEAMINGTON ROAD,  
PRINCETHORPE, RUGBY,  
CV23 9PX

Erection of a small building to  
house a Ground Source Heat  
Pump to aid in using alternative,  
renewable energy at  
Princethorpe College

R20/0665  
8 Weeks PA  
Approval  
22/12/2020

THE CHALET, HINCKLEY  
ROAD, WOLVEY, HINCKLEY,  
LE10 3HQ

Retrospective application for 2  
storey rear extension to kitchen  
and bedroom

57, LIME TREE AVENUE,

# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0744 8 Weeks PA Approval 22/12/2020	RUGBY, RUGBY, CV22 7QT	Erection of a two storey front extension and single storey side extension
R20/0879 8 Weeks PA Approval 22/12/2020	40 , Hillary Road, Overslade, Rugby, CV22 6ET	PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
R20/0699 8 Weeks PA Approval 23/12/2020	THE WHITE HOUSE, CHURCH STREET, CHURCHOVER, RUGBY, CV23 0EW	Demolition of existing outbuilding and construction of replacement outbuilding.
R20/0808 8 Weeks PA Approval 23/12/2020	GARDEN COTTAGE, WITHYBROOK ROAD, STREET ASHTON, RUGBY, CV23 0PJ	Proposals to remove unsightly extensions (single storey front, conservatory, two storey side and garage) and replace with a high- quality extension
R20/0939 8 Weeks PA Approval 23/12/2020	MEADOW SIDE, BRETTFORD ROAD, BRANDON, COVENTRY, CV8 3GE	Proposed balcony and patio.

Retrospective application for a

# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0957 8 Weeks PA Approval 23/12/2020	150, DUNCHURCH ROAD, RUGBY, CV22 6DR	single storey rear extension
R20/0853 8 Weeks PA Approval 06/01/2021	FARM COTTAGE, ST JOSEPHS, BROCKHURST LANE, MONKS KIRBY, RUGBY, CV23 0RA	Erection of front porch, removal of existing door and window to rear of property to be replaced with bi-fold doors, and creation of utility room to the back of existing storage room to include installation of rooflight.
R20/0856 8 Weeks PA Approval 06/01/2021	89, OVERSLADE LANE, RUGBY, CV22 6EE	Erection of part two storey part single storey front and rear extensions. Resubmission of previously approved R20/0214
R20/0877 8 Weeks PA Approval 06/01/2021	5, HOLBROOK AVENUE, RUGBY, CV21 2QG	Erection of single storey extension and alterations to dwelling house
R20/0902 8 Weeks PA Approval 06/01/2021	147, HILLMORTON ROAD, RUGBY, CV22 5AS	Provision of a dropped kerb

# Delegated

## 8 Weeks PA Applications Applications Approved

R20/0993 8 Weeks PA Approval 06/01/2021	1, LIZA COURT, RUGBY, CV21 1SB	Erection of a two storey side extension
R20/0880 8 Weeks PA Approval 07/01/2021	ALMSHOUSES, THE SQUARE, DUNCHURCH, RUGBY, CV22 6NU	Proposed replacement of the existing flat roofs, to the rear of the properties, with pitched roofs.
R20/0894 8 Weeks PA Approval 07/01/2021	SWALLOWFIELDS, CAWSTON OLD FARM BARN, WHITEFRIARS DRIVE, CAWSTON, RUGBY, CV22 7QR	Erection of two storey rear extension and single storey rear/side extension along with various external alterations.
R20/0925 8 Weeks PA Approval 07/01/2021	5, EDEN ROAD, RUGBY, CV21 4HS	Retention of raised decking in the rear garden.
R20/1007 8 Weeks PA Approval 07/01/2021	92, PYTCHLEY ROAD, RUGBY, CV22 5NF	Rear single storey extension and two storey rear and side extension.

Proposed change of Use to

# Delegated

## 8 Weeks PA Applications Applications Approved

R19/0367  
8 Weeks PA  
Approval  
08/01/2021

2-3 HIGH STREET, RUGBY,  
CV21 3BG

mixed use of restaurant and bar

---

R20/0743  
8 Weeks PA  
Approval  
08/01/2021

29 WEAVER DRIVE, LONG  
LAWFORD, CV23 9SR

Erection of two storey side  
extension and provision of  
additional parking.

---

R20/0786  
8 Weeks PA  
Approval  
08/01/2021

274, DUNCHURCH ROAD,  
RUGBY, CV22 6HX

Erection of a single storey rear  
extension to house an indoor  
swimming pool.

---

R20/0945  
8 Weeks PA  
Approval  
08/01/2021

35, CHURCH ROAD, SHILTON,  
COVENTRY, CV7 9HX

Two storey side extension to  
existing property.

---

R20/0116  
8 Weeks PA  
Approval  
12/01/2021

54, AVENUE ROAD, RUGBY,  
CV21 2JN

Subdivision of ground floor flat to  
create an additional flat with  
single storey extensions, and  
conversion of detached  
garage/store at the rear form a  
flat with alterations to the roof

---

# Delegated

## 8 Weeks PA Applications Applications Approved

41, CRACKTHORNE DRIVE,  
RUGBY, CV23 0GJ

R20/0912  
8 Weeks PA  
Approval  
13/01/2021

Continuation of use of the  
existing garage and part of the  
existing driveway for ancillary  
residential purposes.

---

R20/0953  
8 Weeks PA  
Approval  
13/01/2021

The Caldecott Arms, 15 , Main  
Street, Long Lawford, CV23 9AY

Replacement of the pitched roof  
to a flat roof on the rear out rigger  
extension

---

## Certificate of Lawfulness Applications Applications Approved

R20/0909  
Certificate of  
Lawfulness  
Approval  
06/01/2021

10, MEADOW CLOSE, ANSTY,  
COVENTRY, CV7 9JB

Certificate of lawfulness for single  
storey rear extension.

---

R20/0921  
Certificate of  
Lawfulness  
Approval  
07/01/2021

20, GROVE ROAD, ANSTY,  
COVENTRY, CV7 9JE

Certificate of lawfulness for a  
single storey rear extension  
measuring 4mx7.085m with a  
height of 3m to eaves and 4m in  
total.

---

## Delegated

### Discharge of Conditions

#### Applications Approved

R19/1302	55, AVONDALE ROAD, BRANDON, COVENTRY, CV8 3HS	Conversion and extension of existing garage to form a detached dormer bungalow
16/12/2020		
R19/1141	WILLOWBROOK, HEATH LANE, BRINKLOW, RUGBY, CV23 0NX	Change of use to existing stables to form one holiday let
06/01/2021		
R20/0071	IVY COTTAGE, RUGBY ROAD, BRETTFORD, RUGBY, CV23 0LB	Conversion of existing outbuilding into residential annex
07/01/2021		

### Listed Building Consent Applications

#### Applications Approved

R20/0881	ALMSHOUSES, THE SQUARE, DUNCHURCH, RUGBY, CV22 6NU	Listed Building consent for the proposed replacement of the existing flat roofs, to the rear of the properties, with pitched roofs.
Listed Building Consent Approval		
07/01/2021		

### Major Applications

#### Applications Approved

# Delegated

## Major Applications

### Applications Approved

RUGBY RADIO STATION,  
WATLING STREET, CLIFTON  
UPON DUNSMORE, RUGBY,  
CV23 0AS

R20/0709  
Major Application  
Approval of Reserved  
Matters  
06/01/2021

Substitution of house types for 15 dwellings in Phase 3 Parcels A and B of approved planning permission ref: R18/1177 dated 21/12/2018. Submission of reserved matters appearance, landscape, layout and scale pursuant to outline planning permission ref.no R17/0022, dated 28/06/2017.

---

## Non Material Amendment Applications

### Applications Approved

R18/1980                      113 RUGBY ROAD, BINLEY  
WOODS, COVENTRY, CV3 2AY

Non-Material  
Amendment agreed  
10/12/2020

Proposed alterations to main roof including raising the height, rear extension at first floor, loft conversion with rear dormer and veluxes and internal alterations

---

R20/0266                      10 WARING WAY, RUGBY,  
CV22 6PH

Non-Material  
Amendment agreed  
11/12/2020

PROPOSED REPLACEMENT OF EXISTING FLAT GARAGE ROOF TO A PITCHED ROOF

---



## Delegated

### Prior Approval Applications

#### Prior Approval Applications

R20/0662  
Prior Approval  
Extension  
Not Required  
11/12/2020

SPICERS WOOD, COVENTRY  
ROAD, PAILTON, RUGBY, CV23  
0QA

PRIOR APPROVAL FOR A  
LARGER REAR EXTENSION  
PROJECTING 8.0M BEYOND  
THE REAR WALL OF THE  
EXISTING DWELLING

---

R20/0980  
Prior Approval  
Extension  
Not Required  
15/12/2020

22, HILL CRESCENT,  
STRETTON-ON-DUNSMORE,  
RUGBY, CV23 9NF

Erection of a single storey rear  
extension (prior approval larger  
home extension)

---

R20/0950  
Prior Approval  
Extension  
Not Required  
16/12/2020

14, WILLOUGHBY PLACE,  
RUGBY, CV22 5JE

Removal of outbuilding and  
Erection of a single storey  
extension, extending 4 metres  
from the rear wall 3.15 metres in  
height and 2.7 metres to the  
eaves with a flat roof, a parapet  
wall to rear elevation and bi-  
folding doors

---

R20/0994  
Demolition Prior  
Approval  
Not Required  
17/12/2020

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

Prior notification for the  
demolition of existing redundant  
dutch barn.

---

54, BALCOMBE ROAD, RUGBY,  
CV22 5HZ

Prior approval application for a  
Ground floor rear extension

---

# Delegated

## Prior Approval Applications

## Prior Approval Applications

R20/0964  
Prior Approval  
Extension  
Not Required  
18/12/2020

measuring 5.125x6m with a total  
height of 3.1m.

---

R20/1053  
Agriculture Prior  
Approval  
Not Required  
22/12/2020

RYTON FIELDS FARM,  
WOLSTON LANE, RYTON-ON-  
DUNSMORE, COVENTRY, CV8  
3ES

Agricultural Prior Approval for the  
erection of a storage building for  
agricultural use.

---

R20/1100  
Agriculture Prior  
Approval  
Not Required  
24/12/2020

FIELD HOUSE FARM,  
BROADWELL LANE,  
BROADWELL, RUGBY, CV23  
8HP

Agricultural Prior Approval for the  
erection of a storage building for  
farm machinery, feed and dry  
harvested hay

---

R20/1031  
Prior Approval  
Extension  
Not Required  
04/01/2021

12, MONTROSE ROAD,  
RUGBY, CV22 5PB

Prior Approval Single storey rear  
extension measuring 3.88m from  
the rear elevation with a height of  
2.48m to eaves and 3.75m in  
total.

---

R20/1038  
Prior Approval  
Extension

12, PLEXFIELD ROAD, RUGBY,  
CV22 7EN

# Delegated

## Prior Approval Applications

## Prior Approval Applications

Not Required  
07/01/2021

Prior approval for a rear extension measuring 6 metres in depth (3 metre extension taken off the back of an existing 3 metre extension); 2.5 metres in height to the ridge; and 2.5 metres in height to the eaves.

---

R20/1051  
Prior Approval  
Extension  
Not Required  
13/01/2021

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

Erection of a single storey rear extension (prior approval larger home extension)

---

R20/1078  
Prior Approval  
Extension  
Not Required  
13/01/2021

33, MAIN STREET, STRETTON  
UNDER FOSSE, RUGBY, CV23  
0PE

Erection of a single storey rear extension (prior approval larger home extension)