

South West Rugby Masterplan SPD post Cabinet table of amendments for delegated approval by Head of Growth and Investment 09 2020

| South West Rugby Masterplan SPD Amendments | | | |
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| Page | Para/Ref | Amendment | Notes/Reason |
| 2 | Further Engagement Consultation | The consultation begins on <u>Thursday 1st October 2020</u> until 5pm on <u>Thursday 29th October 2020</u> . | Consultation dates added. |
| 2 | Further Engagement Consultation | By 5pm on Thursday 29th October 2020. | Consultation dates added. |
| 4 | Contents | Contents page updated to reflect rest of document. | |
| 6 | Para. 1.3 | Delete second 'DS3'. | Typographical error. |
| 8 | Para. 1.13 | In October 2019, a six week public consultation was undertaken on a Draft South West Rugby Masterplan SPD. | Typographical error. |
| 9 | Para. 1.18/ Table 1 | Revised Draft SPD Further Engagement Consultation - October/ November 2020 | Consultation dates corrected. |
| 10 | Para. 2.2 | Since the consultation on the Draft South West Rugby SPD in October 2019 there have been further updates to national Planning Practice Guidance in terms of the scope of what planning policy guidance can be included within SPDs. Specifically, there has been further guidance which states that 'It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.' | clarifications identified by Council's external advisors. |
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| 10 | Para. 2.3 | Since the Draft South West Rugby SPD consultation the <u>The Council has considered all responses to the draft South West Rugby SPD consultation and the amendments made to the updates to national Planning Practice Guidance and the preclusion of financial calculations to be established within SPDs. concerning the use of tariff-based approaches towards the allocation of the costs of delivering strategic infrastructure, an approach which had been proposed within the October 2019 consultation draft of this SPD.</u> | Clarifications identified by Council's external advisors. |
| 10 | Para. 2.4 | The Council have sought legal advice to consider the implications of these changes to national policy and this concluded that the risk of including the tariff calculation within an SPD, where the principle is not contained within the Local Plan, would be unsound. | Clarifications identified by Council's external advisors. |

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| 10 | Para. 2.5 | The draft South West Rugby SPD published in October 2019 proposed a tariff as a way of ensuring infrastructure costs such as the Homestead Link were paid by multiple landowners, on a square metre of development basis. In light of this, the Council has decided to progress an alternative means to equitably and proportionately apportion the costs of delivering strategic infrastructure required by the allocation between the different development parcels forming part of the allocation. The approach the Council intends to adopt is use of | Clarifications identified by Council's external advisors. |
| 10 | Para. 2.6 | The tariff as expressed in the previous draft can no longer be taken forward within an SPD and the Council are proposing a framework Section 106 legal agreement, which This is explained further in section 24 25, but will mean that a consistent approach is taken by the Council in realltion to Section 106 contributions from landowners/ developers in the allocation area towards strategic infrastructure which development proposals within the allocation are expected to meet. Importantly the appropriate equalisation of the cost of those shared strategic infrastructure items (such as, but not limited to, the Homestead Link) will still be achieved and ultimately delivered. | Clarifications identified by Council's external advisors. |
| 10 | Para. 2.7 | As a result of these proposed changes and taking into account the comments received as part of the consultation in October 2019, further engagement <u>on this consultation draft of the SPD</u> is required to ensure a sound SPD is adopted by the Council. | Clarifications identified by Council's external advisors. |
| 12 | Para. 3.2 | The allocation does extend eastwards to include the land north of Ashlawn Road, which was approved by the Secretary of State for 860 dwellings, and is shown on the redline plan in Appendix Θ M to this document. | Updated Appendix reference as a consequence of changes to Section 8 Rugby - Dunchurch Buffer and deletion of Appendices J & K - Rugby to Dunchurch Buffer |
| 14 | Para. 3.10 | As part of the background evidence to the Local Plan the Council appointed David Lock Associates to provide information on the baseline opportunities and constraints for the <u>South West Rugby</u> allocation. | Typographical error. |
| 19, 23 | Figure 2, Figure 3 | Cawston Lane - southern section corrected to Sustainable Travel Corridor/ black dotted line. | Typographical error corrected. |
| 19, 23, 27 | Figure 2, Figure 3, Figure 4 | Legend: Woodland Management Area <u>and buffer</u> | Legend amended for clarity. |
| 19, 23 | Figure 2, Figure 3 | Legend: <u>GI Corridor and Rugby to Dunchurch</u> Buffer zone | Legend amended for clarity. |
| 20 | Table before Para. 6.1 | An additional lead-in time has been added to Appendix N L to reflect the updated expected start date on site. | Updated Appendix reference as a consequence of changes to Section 8 Rugby - Dunchurch Buffer and deletion of Appendices J & K - Rugby to Dunchurch Buffer |
| 21 | Para. 6.4 | Appendix M K to this SPD sets out the strategic infrastructure and other mitigation measures and the cost of each item. | Updated Appendix reference as a consequence of changes to Section 8 Rugby - Dunchurch Buffer and deletion of Appendices J & K - Rugby to Dunchurch Buffer |

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| 21 | Para. 6.6 | Detailed phased delivery for all infrastructure is also set out in Appendix N L. | Updated Appendix reference as a consequence of changes to Section 8 Rugby - Dunchurch Buffer and deletion of Appendices J & K - Rugby to Dunchurch Buffer |
| 22 | Para. 6.9 | There will be a Section 106 legal agreement against each planning application on the allocation. Each Section 106 legal agreement will include triggers to ensure <u>strategic infrastructure contributions and payments are provided made</u> at appropriate times. Each Section 106 agreement will be drafted in line with This South West Rugby Masterplan SPD sets out that a framework SW Rugby Section 106 Agreement will contain a "Part 1" (Strategic Infrastructure) and "Part 2" (Site Specific Infrastructure and Affordable Housing) which will set out the provisions which the Council will expect to be included in each Section 106 agreement. ‡This is explained in detail in section 24 25 of this SPD. | Clarifications identified by Council's external advisors. Typographical error. |
| 24 | Table before Para. 7.1 | Biodiversity is set out in section 12 13 of the SPD setting out guidance as to how assets can be enhanced. | Typographical error. |
| 26 | Para. 7.8 | Further guidance is provided in section 11 12 of this SPD. | Typographical error. |
| 32 | Para. 8.12 | When preparing planning applications applicants should have regard to the following requirements for each section of the buffer which are also illustrated in detail. | Consequential change as a result of removal of specific separation measurements for the Rugby-Dunchurch Buffer. |
| 33 | Para. 8.16 | The size of the landscaped buffer in Section 1 between Cock Robin Wood and Alwyn Road (see figure 7 below) should be as follows: | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 34 | Para. 8.17 | Between Rugby Road (A426) north of Cock Robin Cottages and the southern boundary of the new residential development the buffer should be no less than 80 metres, assuming the roundabout is further west than the 'Atkins' alignment. This is in order to minimise any impact on the setting of the Grade II listed Cottages and protect and strengthen the existing green infrastructure links between Cock Robin Wood and the trees and hedgerows along Rugby Road/ Northampton Lane and at Bilton Grange. It is particularly important in terms of habitat protection that the continuous tree canopy between Cock Robin Wood and the trees that border Rugby Road and Northampton Lane are maintained and strengthened. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |

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| 34 | Para. 8.18 | Between Rugby Road (A426) north and the southern boundary of the new residential development the buffer section that contains the roundabout should be no less 100 metres including the roundabout and the roundabout arms. This is to maintain the physical separation between Rugby and Dunchurch whilst recognising that the existing green infrastructure that currently borders Rugby Road can be strengthened both to minimise the visual impact of the roundabout and associated highway as well as to maintain and strengthen the continuous tree canopy Cock Robin Wood and the trees that border Rugby Road and Northampton Lane. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 34 | Para. 8.19 | Between the northern extent of the garden of Daru House and the southern boundary of the new residential development the buffer should be no less than 40 metres including the total width of the Link Road with both verges of 20 metres to the southern edge of the Link Road. This is to ensure <u>There should be</u> an adequate separation between the existing residential property and the Link Road. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 34 | Para. 8.20 | Between the northern verge of Northampton Lane and southern boundary of the new residential development the buffer should be no less than 140 metres including the total width of the Link Road with both verges. This is to maintain the existing open character and physical separation between Rugby and Dunchurch. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 35 | Figure 7 | Figure 7— Proposed Buffer on Eastern portion of allocation Figure 7 deleted. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 36 | Para. 8.25 | The size of the landscaped buffer in Section 2 (see figure 8 below) should be as follows: | Consequential change as a result of removal of specific separation measurements for the Rugby-Dunchurch Buffer. |
| 36 | Para. 8.26 | Between the northern verge of Northampton Lane and southern boundary of the new residential development, the buffer should be no less than 100 metres including the total width of the Link Road with both verges. This is to maintain the existing open character and physical separation between Rugby and Dunchurch. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |

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| 37 | Para. 8.27 | Within this total buffer width of at least 100 metres, the buffer between the northern extent of the garden of Cherry Tree Farm residential property and the southern boundary of the new development should be no less than 40 metres including the total width of the Link Road with both verges of 20 metres to the southern edge of the Link Road. This is to ensure an adequate separation between the existing residential property and the Link Road, mirroring the separation found in section 1 for Daru house. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 37 | Followed Para. 8.27 | Figure 8 appears to be missing – need to check | Removal of internal drafting note. |
| 37 | Para. 8.28 | In particular development will reduce the distance of physical separation between the two settlements but it should not result in continuous development between Dunchurch and Rugby and <u>the</u> buffer must be maintained throughout. | Typographical error. |
| 38 | Para. 8.33 | Flood risk management seeks to manage flows where they occur, consequently it is not appropriate to include flood attenuation in the buffer area. Small scale drainage may be appropriate within the buffer, particularly in relation to the Link Road. Further discussion is required with the Local Highways Authority to confirm if this will be necessary in terms of the design of the Link Road. The size of the landscaped buffer in Section 3 (see figure 9 below) should be as follows: | Consequential change as a result of removal of specific separation measurements for the Rugby-Dunchurch Buffer. |
| 38 | Para. 8.34 | Between the southern extent of the new residential development Area 2 and the northern extent of the new residential development Area 1 the buffer should be no less than 100 metres. This is to ensure that a clear physical and visual distinction between Dunchurch and Rugby is maintained. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 38 | Para. 8.35 | Between the southern extent of the new residential development Area 3 and the northern extent of Area 1 the buffer should continue southwards and should be no less than 100 metres. This is to ensure that a clear physical distinction between Dunchurch and Rugby is maintained. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 39 | Figure 9 | Figure 9 – Proposed Buffer on Central and Western portion of allocation Figure 9 deleted. | Removal of specific separation measurements for the Rugby-Dunchurch Buffer for clarity. |
| 43 | Table 2 - Open Space Provision by Type | Table reformatted. | For clarity. |
| 47 | Para. 12.10 | As The LLFA we have has a developer guidance document which details, amongst other things, how to determine the required attenuation, discharge rates etc: | Typographical error. |

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| 48 | Para. 12.11 | Planning applications are required to demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such <u>a way</u> that a discharge to the public sewerage systems are avoided, where possible. | Typographical error. |
| 52 | Para. 13.9 | This SPD supports this approach and has established a baseline figure for each land parcel within the development zone <u>allocation</u> . | Clarifications identified by Council's external advisors. |
| 52 | Para. 13.10 | The developer is then able to trade these units either between other developers <u>within the allocation</u> or arrange offsets of an equivalent units elsewhere within the Borough or as a last resort County. | Clarifications identified by Council's external advisors. |
| 53 | Para. 14.4 | The housing mix figures for affordable housing from the most recent (2015) SHMA are also provided in Table 4 below. | Repeats Paragraph 14.1. |
| 54 | Para. 14.6 | A legal agreement will secure the tenure and mix of affordable housing in line with the Council's requirement at the time the application is considered. This is explained further in s <u>Section 24 25</u> of this SPD. | Typographical error. |
| 57 | Para. 15.5 | On 21 July 2020, the Government published the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which come <u>came</u> into force on 1 September 2020 and make significant changes to the Use Classes. Of relevance to the South West Rugby District Centre are the following changes: <ul style="list-style-type: none"> The existing former Use Classes of A1 (Shops), A2 (Financial and Professional Services) and A3 (Food and Drink) will be <u>are</u> incorporated into a new Use Class E – Commercial, Business and Service. The new Use Class E will also contains Offices, Research and Development, Industrial Processes (Existing Use Class B1), Clinics, Health Centres, Creches, Day Nurseries (Existing Use Class D1) and Indoor Sport, Recreation or Fitness (Existing Use Class D2). The existing former Use Classes of A4 (Drinking Establishments) and A5 (Hot Food Takeaways) be <u>are</u> Sui Generis. This means they do not fall into any use class and changes to and from these uses will be subject to full consideration through the planning application process. | Factual update to reflect Regulations coming into force on 1 September 2020. |
| 58 | Para. 15.12 | Increased trips outside the allocation This would undermine the sustainability of the allocation and counter the objective to create sustainable patterns of travel and overall objective of combatting climate change, as detailed in s <u>Section 11</u> of this SPD. | Clarification. |
| 62 | Para. 16.8 | In addition, Warwickshire County Council have <u>has</u> also requested off-site developer contributions towards library provision. | Typographical error. |
| 66 | Para. 18.3 | Reducing building heights of employment units within the allocated area and on the boundary of the allocation will play a key part of <u>in</u> limiting the impact <u>of the development</u> on the surrounding countryside and also Thurlaston Conservation Area. | Clarifications identified by Council's external advisors. |
| 71 | Para. 19.7 | Transport infrastructure funding will be required by the developers either individually or collectively through the framework Section 106 obligations <u>as</u> set out in section 24 of this SPD. | Clarifications identified by Council's external advisors. |

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| 71 | Para. 19.8 | This updated SPD has considered the changes proposed by the site promoters. The Homestead road alignment has been amended to include a hybrid alignment to enable the timely delivery of the <u>site allocation</u> coming forward and <u>to ensure that</u> in link line with the phasing plan the link road comes forward at an early phase. This indicative alignment is set out below. | Clarifications identified by Council's external advisors. |
| 73 | Para. 19.13 | The 2017 STA identifies indicative phasing of infrastructure necessary to minimise impacts on Dunchurch as well as on the rest of the <u>road</u> network in 5 year intervals. | Clarifications identified by Council's external advisors. |
| 73 | Para. 19.14 | An essential component of ensuring that the <u>road</u> network does not suffer adversely <u>will be</u> through a monitoring framework, quantifying the relationship between planning permission, build out rates, and provision of infrastructure in line with development, controlled by assessments of the network and the use of conditions. | Clarifications identified by Council's external advisors. |
| 79 | Para. 19.34 | Planning applications which are not able to identify its <u>the proposed development's</u> impacts and satisfactorily mitigate them, will be refused as it would be contrary to both Policies DS8 and DS9. | Clarifications identified by Council's external advisors. |
| 81 | Para. 20.6 | Parcels close to existing urban areas should include <u>measures such as</u> appropriate <u>setbacks</u> , soft landscaping, <u>reduced heights and lower densities</u> to ensure developments maintain their respective identities; | Clarification of the potential measures to ensure development is sympathetic to local character and maintains strong sense of place. |
| 82 | Para. 20.17 | Light and privacy should be maintained through the application of the 45 degree rule for habitable rooms, by ensuring garden depth is a minimum of 10m and by allowing a minimum of 20m between windows of separate properties; | Removal of specific separation measurements for clarity. |
| 83 & 106 | Para. 20.18 & Part B, Appendix E | To avoid loss of daylight and sunlight there should be at least 14m between a wall with windows and a blank 2 storey wall and 12m between a wall with windows and a blank single storey wall. This applies to the walls of garages and outbuildings as well as dwellings; | Removal of specific separation measurements for clarity. |
| 83 & 106 | Para. 20.19 & Part B, Appendix E | Side boundaries should be constructed in brick to provide continuity with the main built form. Rear boundaries can be brick or fenced. Both should have a landscaping buffer of at least 0.5 metres where they are adjacent to the highway; | Removal of specific separation measurements for clarity. |
| 88 | Para. 23.2 | An allocation wide Air Quality Assessment may not be feasible, therefore each planning application <u>for major development (i.e. more than 1,000 sqm of floorspace or 10 or more dwellings)</u> should be accompanied by an Air Quality Assessment which takes into account cumulative impacts for the wider allocation. | Amended for consistency with Local Plan Policy HS5. |
| 88 | Para. 23.3 | Planning applications <u>for major development</u> that come forward for the allocation will need to demonstrate compliance with Local Plan Policy HS5 and include mitigation to meet the requirements of the policy. | Amended for consistency with Local Plan Policy HS5. |
| 90 - 91 | Section 25 | <i>See attached tracked change Section 25.</i> | Clarifications identified by Council's external advisors. |

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| 92 | Section 26 | New Paragraph 26.1: <u>Proposals should be designed in a way that accords with Local Plan policies, including the requirement to contribute towards strategic infrastructure costs in accordance with this SPD and other items that may be secured through Section 106 obligations, including affordable housing.</u> | Clarifications identified by Council's external advisors. |
| 92 | Section 26 | New Paragraph 26.2: <u>The Council has carried out an independent assessment of the viability of development.</u> | Clarifications identified by Council's external advisors. |
| 92 | Section 26 | New Paragraph 26.3: <u>On the basis of this viability assessment, the contributions towards strategic infrastructure proposed by this SPD should not make any development of the allocation (or other land in the vicinity expected to pay towards the costs of strategic infrastructure within or serving the allocation) unviable, taking into account other planning obligations, including affordable housing and local or site specific infrastructure requirements that those developments will also be expected to meet.</u> | Clarifications identified by Council's external advisors. |
| 92 | Para. 26.1 | An FVA should <u>will</u> normally be submitted with the planning application for the proposed development scheme and must in any event be submitted well in advance of determination of that planning application. | Clarifications identified by Council's external advisors. |
| 92 | Para. 26.2 | <u>if applicable, any</u> request to vary planning obligations and/or affordable housing requirements from those set out in the Local Plan and this SPD and stating the proposed level of obligations, demonstrating why they are the maximum that can be provided. | Clarifications identified by Council's external advisors. |
| 92 | Para. 26.7 | New Paragraph 26.7: <u>Where the Council is satisfied that Section 106 contributions or works required by the Local Plan policies and this SPD cannot be met in full on a particular development proposal due to financial viability, the Council may choose to:</u> <u>a) reduce the Section 106 contributions payable pursuant to this SPD; and/or</u> <u>b) adjust the timetable for delivery of strategic infrastructure to be funded by those Section 106 contributions or provided in kind; and/or</u> <u>c) reduce or amend other planning obligations for that development proposal, provided that the Council will continue to pay due regard to the objective of ensuring an equitable and proportionate apportionment of the costs of delivering strategic infrastructure for the allocation across the whole allocation.</u> | Clarifications identified by Council's external advisors. |

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| 92 | Para. 26.8 | New Paragraph 26.8: <u>The financial viability of development proposals may change over time due to the prevailing economic climate, including changing property values and construction costs. In all cases, therefore, where the Council have agreed to any of the reduction or adjustment items set out in paragraph 26.7 such that the resultant planning obligations are below the level needed to fully fund or provide the strategic and local infrastructure requirements for the allocation area or to comply with Local Plan policy requirements, the Council will require a viability review of the relevant development with an updated FVA to be provided at appropriate intervals to determine whether greater or full compliance with this SPD and the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development proposal.</u> | Clarifications identified by Council's external advisors. |
| 93 | Para. 27.1 | Added: • <u>Financial Viability Assessment (where required);</u> | Typographical error. |
| 106 | Part B, Appendix E | Light and p Privacy should be maintained through the application of the 45 degree rule for habitable rooms, by ensuring garden depth is a minimum of 10m and by allowing a minimum of 20m between windows of separate properties; | Removal of specific separation measurements for clarity. |
| 109 | Appendix G | Noise from the new development that could have an adverse impact upon existing sites, sites with permission or under construction or those that form part of the Coton Park East South West Rugby development itself. | Typographical error. |
| 112 | Appendix J | Appendix J - Rugby to Dunchuch Buffer - Section 1 deleted. | Consequential change as a result of removal of specific separation measurements for the Rugby-Dunchurch Buffer. |
| 113 | Appendix K | Appendix K - Rugby to Dunchurch Buffer - Section 2 deleted. | Consequential change as a result of removal of specific separation measurements for the Rugby-Dunchurch Buffer. |
| 120 - 122 | Appendix N | Corrected dwelling figures for individual parcels. Added dwellings totals per year and post 2031. Updated housing trajectory for Ashlawn Road. <i>See attached tracked change Appendix N .</i> | For clarity - factual update and corrections. |
| All | All | Re-numbering of Figures to make consistent. | Consistency. |
| All | All | Re-orientation of Figures to landscape to ensure readable. | Clarity. |
| All | All | Re-numbering of Appendices to make consistent. | Consistency. |
| All | All | Formatting of Paragraphs to make consistent. | Consistency. |
| All | All | Page footer updated to October 2020 throughout to make consistent. | Consistency. |

| South West Rugby SPD October 2019 - Consultation Statement (September 2020) Amendments | | | |
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| Page | Para/Ref | Amendment | Notes/Reason |
| 14 - 21 | Appendix A | First Name/ Surname - Gary Stephens. Organisation - Marrons Planning representing L&Q Estates. First Name/ Surname - Gary Stephens. Organisation - Marrons Planning representing South West Rugby Consortium (L&Q Estates, Tritax Symmetry, Taylor Wimpey UK Ltd, Richborough Estates Ltd, Warwickshire County Council Property Services). | Omitted from List of consultees who made representations due to typographical error. |