



23 March 2021

PLANNING COMMITTEE - 31 MARCH 2021

A meeting of the Planning Committee will be held at 5.30pm on Wednesday 31 March 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 24 February 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. Delegated Decisions – 14 January 2021 to 10 March 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). 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).

Planning Committee – 31 March 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

There are no applications recommended for refusal to be considered.

Recommendations for approval

Item	Application Ref Number	Location site and description	Page number
1	R18/0936	Land South of Coventry Road and Cawston Lane, Coventry Road, Cawston, Rugby Outline planning application for up to 210 dwellings, a two form entry primary school, and creation of associated vehicular access, pedestrian /cycle and emergency accesses, highway improvements to Cawston Lane, parking, landscaping, drainage features, open space and associated infrastructure (all matters reserved except vehicular access to the site).	4
2	R18/2076	Sherwood Farm, Rugby Road, Binley Woods, CV3 2BE Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.	49
3	R19/1540	Rolls Royce, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry, CV7 9JR Outline planning application for a new employment area (Prospero Ansty) including the redundant/surplus parts of the Rolls-Royce Ansty manufacturing and testing site, comprising B1a, B1b, B1c and B2 floorspace (up to 160,000 m ² , of which no more than 20,000 m ² is for B1a and/or B1b), hotel (C1) (up to 4,500 m ²), retail (A1/A3) (up to 250 m ²); including car and cycle parking, structural landscaping, new access roads, any necessary demolition (including demolition of "4 shop"), ground remodelling, drainage infrastructure, provision and replacement of utilities and service infrastructure and other associated works.	61
4	R20/0415	Rugby Town Football Club, Kilsby Lane, Rugby, CV21 4PN Temporary consent for two years to use existing car park for car boot sales 14 times per year.	109
5	R20/0422	Land South of A5 (Watling Street) Adjacent to M69 Junction 1 Full application for erection of a roadside services	117

		<p>facility comprising a petrol filling station, drive through restaurant (class A1/A3/A5) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping and other associated infrastructure.</p> <p>Outline application for erection of class B1 and flexible class B1/B2/B8 units with access via the A5 (Watling Street) together with the construction of internal roads, vehicle and cycle parking, drainage works, earthworks, landscaping and other associated infrastructure.</p>	
6	R20/1026	<p>Units 1 and 2 Tritax Symmetry Site – Land North of Coventry Road, Thurlaston</p> <p>Full planning application for the erection of two logistics units development comprising a total of 30,435 sqm (327,599 sq.ft.) (measured GEA) of Class B8 floorspace of which 1,817.2 sq.m (measured GIA) (19,560 sq. ft.) comprises Class E(g)(i) ancillary office floorspace (measured GIA) with associated infrastructure including lorry parking, landscaping including permanent landscaped mounds, sustainable drainage details, sprinkler tank pump houses, gas and electricity substations, temporary construction access from Coventry Road, temporary marketing suite and temporary stockpile area for additional soil disposal.</p>	REPORT TO FOLLOW

Reference: R18/0936

Site Address: LAND SOUTH OF COVENTRY ROAD AND CAWSTON LANE, COVENTRY ROAD, CAWSTON, RUGBY

Description: Outline planning application for up to 210 dwellings, a two form entry primary school, and creation of associated vehicular access, pedestrian/cycle and emergency accesses, highway improvements to Cawston Lane, parking, landscaping, drainage features, open space and associated infrastructure (all matters reserved except vehicular access to the site)

Recommendation

1. Planning application R18/0936 be granted subject to:
 - a. The conditions and informatives set out in the draft decision notice appended to this report;
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or other planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the head of terms within this report.

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 Proposals

- 2.1 This application seeks permission for residential development for 210 houses with all matters reserved apart from access. It includes land for a new two form entry primary school, green infrastructure that will incorporate ecological mitigation, retained hedges and trees, sustainable drainage features and play and recreational space. It also proposes the transfer of half of the land associated with Cawston Spinney and Fox Covert via a Woodland Management Plan. The total indicative residential development area is 6.77 hectares, the total area for the primary school is 1.84 hectares, and the total Green Infrastructure Area is 5.32 hectares.

3.0 Description of Site

- 3.1 The site is a 13.93 hectares, situated south of Coventry Road and West of Cawston Lane and is located between Cawston to the north, Bilton to the east, and Dunchurch to the south, with the A4071 (London Road) and the disused railway line to the west. Rugby Town Centre is approximately 2.2 miles/3.6km to the north east and contains a full range of services and facilities. The site comprises three agricultural fields bounded by hedgerows, trees and fences. A ditch runs through the south of the site. The site represents a parcel of land as part of the South West Rugby Sustainable Urban Extension of the Local Plan, allocated under policy DS3.4, envisioning around 5000

dwelling over a 390 hectare site area. To the north and east beyond Coventry Road and Cawston Lane are residential developments, land to the south consists of woodlands as part of a Local Wildlife Site, being Cawston Spinney and Fox Covert, part of which is Ancient Woodland. Cawston Farm adjoins the eastern boundary, which includes a Grade II listed Farmhouse. There are no rights of way across the site but R167a runs north to south parallel to the western boundary.

4.0 Planning History

4.1 The Local Plan allocates this parcel of land for residential purposes as part of the overall 5000 allocation under policy DS3.4. This means that in principle residential is acceptable subject to all other material considerations.

5.0 Technical consultation responses

Environment Agency	No objection subject to conditions protecting ground water
Natural England	No objection
UHCW NHS Trust	No objection subject to S106 contribution
RBC Environmental Health	No objection subject to conditions
RBC Housing	No objection subject to S106 contribution
RBC Parks and Grounds	No objection subject to S106 contribution
RBC Trees and Landscaping	No objection subject to conditions
Severn Trent	No comment
Warwickshire Fire & Rescue	No objection subject to conditions/informatives
Warwickshire Police/Place Ptnship	No objection subject to financial contribution & designing out crime measures
Warwickshire Wildlife Trust	Retaining buffer in proximity to Ancient Woodland is important. Wants 50m buffer. Wants Hedgehog Highway Scheme
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 and land gift
WCC PROW	No objection subject to conditions
Highways England	No objection
Ramblers	Objection due to prematurity (submitted prior to Local Plan Adoption)
Woodland Trust	Concerned about potentially adverse impacts on Cawston Spinney. Requests 100m buffer zone, secondary woodland retained.
Highways England	No objection, local impact on roads only
Environment Agency	No objection subject to conditions
Historic England	No objection
HSE	No objection
Natural England	No objection

6.0 Third Party Consultation Responses (Original Plans and Reports):

Dunchurch Parish Council – object on transport grounds, object to Vectos being employed (not impartial), accepts spine road essential, pollution concerns, widening of Cawston Lane will increase traffic, will use Adkinson Avenue as a rat run, general increase in traffic, no benefit or improvement using western relief road, particularly HGV/LGV turning left off the A4017 to come into Dunchurch. Junction works to Dunchurch crossroads required before first occupation as part of Ashlawn Road – concerns about this. Appropriate assessment of flood risk not undertaken. Contribution to Dunchurch Library requested, Dunchurch Youth Group, and Community Transport for Dunchurch requested.

Homes England – supports proposals, will provide new homes, new school etc. It takes into consideration the Woodlands. Homes England are involved in forward funding of the SUE and will work with developers to secure infrastructure which is consistent and proportionate. Subject to fair and reasonable contributions towards site wide infrastructure via the S106 Homes England happy to support proposal.

Numerous objections have been received which raise some or all of the following objections:

- Lots of traffic on A45, pollution in Dunchurch. It is dangerous for cyclists. Absence of cycleways in new development, poor planning, extra housing will cause more traffic on Cawston Lane which is narrow and perilous by bicycle. Most will travel by car. Walking and cycling will be more difficult. Concerned over lack of woodland management scheme and attention to buffer zones, which should minimise impacts of close human habitation, impact on wildlife living in Cawston Woods and Cawston Spinney.
- ad hoc developments should not be allowed, schools, surgeries and clinics need to be comprehensively planned, and in accordance with masterplan, green and blue corridors need consideration, neighbourhood plans needed, Council should not represent greedy developers, environmental issues require detailed consideration.
- no consideration for people living opposite, roundabout will generate noise, why should some be put into service road? Lack of visibility, why should we have to turn left on the roundabout? Exiting our property is going to be a nightmare, proposed development has been poorly thought out, roundabout too close to Cawston Grange Estate, roundabout should be along Coventry Road to stop speeding, noise and disturbance from roundabout, disturbance from street lighting, roundabout will result in loss of trees, should be extensive planting to make up for the loss of trees, there will be no rural landscape left, decline in bird species, impacts on skylarks, no mention of archaeological report, remains of monastic grange and deserted settlement, medieval ovens. How is it justified building a development on a site where medieval bread ovens from the Cistercian monastic grange (first recorded in 1266) still exist. Dig brought up 75 sherds of medieval pottery. A more in-depth survey is needed.
- object to bulldozing and decimating Cawston Spinney which is local asset, act of vandalism, damage local ecology, destroy wildlife, destroy character, impact on rural landscape, non-compliant with local ecology proposals.
- Area has good choice of footpaths, popular for dog walkers & families, there are wildflowers, cow parsley, butterflies, buttercup meadows, cows, sheep, bluebells. In light of virus catastrophe, land is precious, reassess and scale down development, out of scale, traffic chaos, pollution. Please think again.
- noise issues from school on noise receptors, change in status of Cawston Lane, loss of trees, loss of hedgerows, loss of rural environment, climate change effects

- new footpath behind hedge on Coventry Road requested to be retained, trees and hedgerows along Coventry Road requested to be retained.
- absence of cycleways in new development, roads are dangerous, extra housing will create more traffic, Cawston Lane narrow, dangerous on a cycle, mother in 80s depends on walking in Lime Tree Avenue, will be dangerous for her, more vehicles in locality, lack of woodland management scheme and attention to buffer zones which could and should minimise impacts, impact wildlife negatively.
- concerns about archaeological importance of site
- ad hoc development, schools, surgeries and clinics need to be comprehensively planned, highways cycle paths, bridle ways and public footpaths need to be planned, neighbourhood plans need to be considered, residents need full picture before ground dug up, RBC should be representing residents and not greedy developers, environmental issues require detailed consideration
- residents of Lime Tree village concerned about traffic in Cawston Lane
- Coventry Road residents concerned about access to her property, object to new roundabout, do not like service road, dangerous, exiting property would be a nightmare, roundabout too close to nearby roundabout, loss of mature trees, noise and disturbance from roundabout, adverse effect on rural landscape, what will happen to medieval ovens recorded in 1266?
- concerns about noise receptors, stage 1 safety audit carried out when schools were on holiday, less traffic as a result, horrified of noise impact on Lime Tree Village, noise from traffic concerns,
- a member of CPRE – concerned development will damage countryside, turn quiet countryside into a busy, noisy and polluted area, wants confirmation there will be little damage, Cawston Woods are used by families, traffic in Cawston Lane, pollution reduced due to lock down, how is wildlife going to be protected, question where this and other developments are planned,
- Cawston Lane should be improved from the Coventry Road right through to at least Northampton Lane

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 |
| DS5: | Comprehensive Development of Strategic Sites |
| DS8: | South West Rugby |
| DS9: | South West Rugby Spine Road network |
| H1: | Informing Housing Mix |
| H2: | Affordable Housing Provision |
| HS1: | Healthy, Safe and Inclusive Communities |
| HS2: | Health Impact Assessments |
| HS3: | Protection and Provision of Local Shops, Community Facilities and Services |

HS4:	Open Space, Sports and Recreation
HS5:	Traffic Generation and Air Quality, Noise and Vibration
NE1:	Protecting Designated Biodiversity and Geodiversity Assets
NE2:	Strategic Green and Blue Infrastructure
NE3:	Landscape Protection and Enhancement
SDC1:	Sustainable Design
SDC2:	Landscaping
SDC3:	Protecting and Enhancing the Historic Environment
SDC4:	Sustainable Buildings
SDC5:	Flood Risk Management
SDC6:	Sustainable Drainage
SDC7:	Protection of the Water Environment and Water Supply
SDC8:	Supporting the Provision of Renewable Energy and Low Carbon Technologies
SDC9:	Broadband and Mobile Internet
D1:	Transport
D2:	Parking facilities
D3:	Infrastructure and Implementation
D4:	Planning Obligations

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)

Revised Draft South West Rugby Supplementary Planning Document – October 2020 (for ease of writing in the text of this report this will be referred to as the "South West SPD")

8.1 **Assessment of proposals**

8.1 Key Issues

Section 10 Design, Layout and Landscaping

Section 11 Biodiversity

Section 12 Trees and Hedgerows

Section 13 Transport

8.2 This is an outline scheme with all matters reserved except for access. The application is accompanied with a development framework plan which shows residential parcels and internal indicative roads, a roundabout in the north east corner, land allocated for a school, pedestrian and cycle access ways, landscaping and associated infrastructure. The plans show a modified highway arrangement from Coventry Road leading into the roundabout, with a further access point off Cawston Lane. A further indicative pedestrian and cycle link is proposed south of the school along Cawston Lane. The proposal contains 5.32 hectares of open space within the site, arranged primarily to the south of the parcel, adjacent to Fox Covert and Cawston Spinney, areas of woodland adjoining the site.

9.0 Principle of development

9.1 Policy GP1 of the Local Plan seeks to secure sustainable development in accordance with the policies in the Local Plan. Policy GP2 sets out the settlement hierarchy which places Rugby as the main focus for all development in the borough in sustainability

terms. It states that allocated Sustainable Urban Extensions are within the definition of Rugby and as such the site, being part of the South West Rugby site allocated by policy DS8 (see below), is within a sustainable location. As such, the site, allocated for residential development, is acceptable in principle and is considered sustainable development.

- 9.2 This site also falls within Local Plan Policy DS8, which allocates 5,000 dwellings and 35 hectares of employment land. Local Plan policy DS9 sets out the requirements for an internal spine road network. This site is also subject to an emerging supplementary planning document (SPD) called 'The Revised Draft South West Rugby Masterplan Supplementary Planning Document' – further engagement consultation – October 2020' (the "South West SPD"). The purpose of the South West SPD is to set out further guidance to ensure the comprehensive delivery of all the planning objectives for the South West Rugby allocation, covering masterplanning, infrastructure requirements and guidance on phasing and delivery. It advocates a framework section 106 approach to equitably and proportionately apportion the cost of delivering strategic infrastructure required by the allocation between the different development parcels (including the site) forming part of the allocation. The emerging South West SPD is a material planning consideration but is not part of the Development Plan. At the time of writing it has been consulted on but has not been adopted and as such it remains a draft document. It has some weight as a material planning consideration but less weight than a fully adopted SPD.
- 10.0 Design, Layout and Landscaping
- 10.1 Since all matters in relation to design and layout are to be determined at the reserved matters stage, apart from access, the main issue in relation to design, layout and landscaping is the overall structure of proposals within the development parcel in terms of broad areas for the school, open space, residential elements, hedgerows and trees and road infrastructure, together with pedestrian and cycle links.
- 10.2 Policies SDC2 and NE3 of the Local Plan relate to landscape protection and enhancement, and seek to integrate landscape planning into the design of the development at an early stage, consider landscape context, enhance key landscape features, address the importance of habitat biodiversity features ensuring their long term management and maintenance, and expanding these features through means such as buffering. Policy SDC2 specifically refers to the need to provide sufficient planting around the perimeter of the site to minimise visual intrusion on neighbouring uses.
- 10.3 The application site is adjacent to a Local Wildlife Site. Cawston Woodlands Local Wildlife Site comprises areas of ancient woodland, 19th century plantation woodland and a modern agricultural reservoir. The site holds several county notable plants and birds.
- 10.4 The Local Wildlife Site is divided into six compartments, of which 4 compartments directly adjoin the application site (Cawston Spinney West; North Spinney; Fox Covert and Cawston Spinney East). The Cawston Woodlands Local Wildlife Site is the best and most important woodland for birds in the immediate neighbourhood of Rugby, with numerous breeding species, some of which are critically endangered (Lesser Spotted Woodpecker and Willow Tits). Woodland mammals such as Muntjac, Badger and Fox are present. Ten common butterflies are present. It provides a breeding site for six nationally red-listed birds (Lesser Spotted Woodpecker, Mistle and Song Thrushes,

Spotted Flycatcher and both Marsh and Willow Tits). It is also the chief stronghold for breeding Spotted Flycatchers within Rugby.

- 10.5 The Landscape Strategy Plan shows that the majority of the open space for the site would be situated to the south of the parcel adjoining the woodland with the school and residential elements to the north of this. This way of dividing up the development parcel, having the majority of the green infrastructure (5.32 hectares or 41% of the total site area) in the southern area is supported. The Landscape Strategy Plan details the potential landscaping that could take place. This arrangement conforms with policy SDC2 in that it is considered that sufficient planting could be provided around the perimeter of the site. Providing the bulk of the open space as additional buffering to Cawston Spinney and Fox Covert means that the structural landscaping complements the need to buffer the woodland areas, thereby complying with policy NE3 which seeks to integrate landscape planning into the design. The arrangement of open space, together with the transfer of the woodland initially to the Council, would ensure that the ancient woodland is safeguarded. The emerging South West SPD also seeks to protect, enhance and secure the future for important habitats, and ensure a minimum buffer of 15 metres around the ancient woodland is maintained to avoid root damage. The proposals as submitted exceeds these requirements. Another point is that residential gardens should not back on to ancient woodland and the location of the open space prevents that.
- 10.6 Policy DS8 states that for the allocation as a whole it is a requirement to incorporate a continuous Green and Blue infrastructure corridor, as well as a Woodland Management Plan, linking adjacent networks and utilising existing and potential habitats and historic landscape, in particular between Cawston Spinney and Cock Robin Wood. The open space arrangement as set out on the Landscape Strategy Plan, conforms with the general requirement to incorporate green infrastructure. Its position next to Cawston Spinney and Fox Covert integrates with the existing woodland appropriately. It is considered that this aspect conforms with policy DS8.
- 10.7 The reserved matters will need to provide further details as to the exact landscaping requirements, including detailed planting specifications (conditions 9 and 11). As such it is considered that the proposal as it stands conforms with policies SD2 and NE3 of the Local Plan, does not adversely affect ancient woodland or the Local Wildlife Site and continues the green infrastructure objectives of the emerging South West SPD, subject to conditions since it integrates landscape planning into the design, as long as reserved matters continue with this structural arrangement. Condition 5 sets out that reserved matters should be in accordance with the landscaping shown in the Development Framework Plan and the Landscape Strategy Plan.
- 11.0 Biodiversity
- 11.1 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.
- 11.2 The proposal is not considered to impact on Draycote Meadows SSSI or Cock Robin wood due to its geographical remoteness from these sites. The provision of a Woodland

Management Plan, which is a requirement of the emerging South West SPD, should contain adequate mitigation to ensure there would be no significant effect upon Fox Covert or Cawston Spinney, which are adjacent to the site.

- 11.3 Bird surveys were carried in two separate surveys which recorded 24 and 31 species of bird on or adjacent to the site, including a 'Red listed' species linnet. No ground-nesting birds such as skylark were recorded on site. The Environmental Statement states that specific mitigation measures will be incorporated for breeding birds to ensure residual effects through increased disturbance are reduced as much as possible. This should be addressed within both The Woodland Management Plan and the Landscape and Ecological Management Plan, the latter required by **condition 9**. The measures should include the management of features suitable for woodland bird species to improve habitat conditions in particular for the notable species listed in the Local Wildlife Site designation (such as retaining standing deadwood, tree cavities etc) and the provision of nest boxes for a range of species on site including integrated bird boxes for house sparrow, house martin and swift within the built environment (i.e. with dwellings, and garages etc). Locations and types of habitat boxes should be included within the LEMP.
- 11.4 The change from a field to housing would inevitably lead to a loss of biodiversity. The loss of biodiversity can be addressed through a combination of biodiversity offsetting and onsite measures that lead to a biodiversity net gain. A Biodiversity Impact Assessment (BIA) can be used to obtain a baseline set of data that can be compared with the impact in biodiversity terms at the reserved matters stage, measured through the S106 agreement. This involves comparing the baseline biodiversity impacts, by calculating biodiversity credits with the end state biodiversity impacts. If there are deficits, payments for compensating lost biodiversity credits can be calculated and spent off-site in the vicinity. The current BIA calculation from the applicant's ecologist results in an overall loss of -9.54 units. At the reserved matters stage, when the layout is known, a revised BIA will be required and re-calculated and any required payment may be adjusted depending upon the amount of biodiversity net gain incorporated into the detailed design. The greater the amount of on-site mitigation, the lower the biodiversity offsetting payment will be; so this incentivises the developer to provide net gain on site. In this case, a Woodland Management Plan is being proposed as part of the application, as half of Cawston Spinney and Fox Covert are owned by the applicant. It is proposed to gift the portion that L&Q own to an appropriate management company or the Council to manage the Spinney in an appropriate manner to maintain and enhance its biodiversity status. Managing the Spinney, particularly if undertaken in line with a Landscape and Ecological Mitigation Plan has the potential to significantly increase the biodiversity credits associated with the application. This is likely to compensate for the current -9.54 loss and turn this into a significant gain. If this is the case, and the Woodland and its management can be secured through Section 106 agreement, together with appropriate conditions and any other appropriate S106 requirements, there would be likely to be no net loss of biodiversity. WCC Ecology recommend that the BIA is re-calculated at the reserved matters stage and the overall loss/gain is tracked via a Section 106 agreement, and linked to other applications in the South West Allocation.
- 11.5 Suitable wording is suggested to ensure the provision of a LEMP (**condition 9**) linked with the management of the overall site and The Woodland Management Plan (secured through the S106) in biodiversity terms and Cawston Spinney. Any required Biodiversity offsetting amount can be provided as part of a Section 106 agreement. Supporting this approach are **conditions 12** which relate to tree and hedgerow protection measures, and

condition 11 which relates to species planting, and **condition 13** which relates to a lighting strategy within the site, to ensure that light spillage does not significantly occur within sensitive areas of the site, such as in proximity to hedgerows which are due to be retained or in proximity to Cawston Spinney and Fox Covert within the green infrastructure/buffer areas.

- 11.6 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. The Landscape and Ecological mitigation plan can recommend that reserved matters 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. The Wildlife Trust have commented that records of hedgehogs exist within 300m of the site. They request that the connectivity of the landscape should be considered, enabling ground-dwelling species such as hedgehogs to move around the landscape freely. Boundaries and barriers within and surrounding development including fencing, railings and gates, should be made permeable, which is suggested in **condition 14**. Provision for hedgehogs, together with other protected species is also included in the Construction Management Plan in **condition 22**.
- 11.7 Badgers are protected under the Protection of Badgers Act 1992. Badger surveys were undertaken in August 2017 and April 2018 which found extensive evidence of badger setts present within the woodland and the wider survey area and the South West allocation generally including latrines, badger scats and mammal pathways. The badger clan territory is likely to extend into the application site. An updated badger bait marking survey is required as part of **condition 10** and the results should be incorporated into both the Woodland Management Plan and the Landscape and Ecological Management Plan with a view to incorporating appropriate mitigation such as badger tunnels under roads in key locations to prevent road casualties and to allow access to alternative foraging habitat due to the loss of habitat as a result of the development, if required. Mitigation measures should be incorporated into the reserved matters details.
- 12.0 Trees and Hedgerows
- 12.1 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. Cawston Woodlands (Cawston Spinney and Fox Covert) are covered by a group Tree Preservation Order (TPO 55) which incorporates ancient woodland and notes mixed species of Ash, Sycamore, Beech, Oak, Larch, Silver Birch Spruce, Yew, Holly, Pine, Hazel and Hawthorn. There is another group of protected trees (TPO no.219) contained within the children's nursey located on Coventry Road adjacent to the north western corner. Trees here consist of mature Lime, Chestnut and Oak. Open space is incorporated within the application site adjacent to these trees so they can be incorporated successfully if controlled adequately by conditions.
- 12.2 A buffer zone of 50 to 150 metres has been incorporated between the developable area and the protected woodland to be incorporated as open space with additional planting, as shown on the Landscape Strategy Plan. Residential development is at its nearest at the south west corner with approximately 30m clearance. This level of buffer zone is supported and needs to be maintained in the reserved matters. It exceeds the requirements of retaining an adequate buffer zone as expressed in the emerging South West SPD. The buffer zones should also not include gardens and the general

arrangements of landscaping and developable areas separates buffer zones and gardens. **Condition 5** is intended to maintain the general structural landscaping fixing the position of the buffer, open space and developed portions of the site.

- 12.3 Overall the current proposals will result in the removal of 11.5% of the total arboricultural resource in its entirety, as well as a number of sections of hedgerows, but additional planting is required by **conditions 9 and 11**, a tree specification and a combined Landscape and Ecological Management Plan. Whilst the tree loss would have a local impact on the local street scene in certain locations, this would be limited by additional tree planting as part of the overall landscaping for the scheme, particularly if replacement planting occurs within the landscaped buffer areas.
- 12.4 The northern boundary of the site is formed by a managed hedgerow and linear group of mixed trees of varying age classes and species (e.g. Lime, Maple, Whitebeam, Cherry) located within the county highways verge and adjacent to the north western boundary. Collectively all of these trees/tree groups and woodland serve as an attractive green back drop to the site and an important visual amenity and biodiversity resource. Given the nature of the location of the trees around the site periphery, the majority of the trees can be retained and incorporated successfully. At the reserved matters stage it is important that the results of the tree report are used to inform a successful layout paying particular attention to the placement of properties/roads/paths and gardens in relation to retained trees ensuring both can co-exist successfully.
- 12.4 The Tree Officer reports that the indicative north/south pedestrian/cycle access point close to preserved trees alongside the north west boundary is very close. The draft tree protection plan indicates the positioning of tree protection fencing immediately adjacent to the new access road. More space would be required for construction purposes within the root protection areas for the successful retention of these trees with a wider buffer zone incorporated. This accords with issues associated with heritage in relation to the proximity to Cawston Farm. **Condition 12** relates to tree protection plan measures to address this.
- 12.5 The Tree Officer also was concerned with an additional pedestrian/cycle access point proposed between T13 and T14. This has since been removed from the proposals as it is considered necessary to minimise tree loss along the front of Coventry Road.
- 12.6 A number of high quality trees are highlighted for removal including 3 early mature Lime trees and 1 mature Maple to facilitate the new access and roundabout. They are highly prominent visual amenity features especially as viewed from Coventry Road. The landscaping of this area post development should incorporate significant new tree planting to mitigate any losses as a result of highway requirements. There appears to be sufficient space to be able to do this at the reserved matters stage.
- 12.7 Opposite the junction with Cawston Lane and Coventry Road there is a mature Oak of significant dimensions (TPO no. 221). The re-configuring of the highway in close proximity to this tree could have implications for this tree without a robust arboricultural method statement to ensure damage does not occur, and potential re-designs to ensure the tree is capable of being retained. As the highway layout goes through the technical approval process, the highway layout may need reconfiguring, or additional compensatory tree planting within the site may be required as part of the reserved matters. Informative 11 provides notes on this issue.

- 12.8 The site has a number of hedgerows in the site of varying quality. Most are not species rich (containing 5 or more woody species). Part of the hedgerow along the western boundary is important in terms of the Hedgerow regulations, but the hedgerow along the eastern boundary is not important because it only contains two species. It is estimated from the BIA calculation that approximately 25% of the existing hedgerow resource will be lost, but in addition, many hedgerows are being retained or replaced as shown within the Landscape Strategy Plan. One small section of the hedgerow along the western boundary (that is an important hedgerow) is required to be removed to facilitate pedestrian access to the adjoining land parcel. As this is an 'important hedgerow' under the Hedgerow regulations, this should be positioned in a gap in the hedgerow. Controlling the details associated with this, together with pedestrian and cycle details in relation to hedgerows are suggested in **condition 21**.
- 12.9 Cawston Lane is proposed to be widened as a result of the proposals. The original proposals were to remove hedgerows on both sides of the road. On the eastern side of Cawston Lane is a prominent tree, outside of the application site but would still have been affected by highway works had both sides of the hedgerows had been removed. Amended plans have been received which now allow for road widening but only removing the hedgerow along the west side of Cawston Lane (along the eastern boundary of the site), retaining the tree and hedgerow on the eastern side of the highway, so that road widening occurs within the application site itself. Whilst this still results in the loss of the hedgerow H12 on the western side of Cawston Lane (and eastern boundary of the site), it contains only 2 species and is considered to be less valuable compared with other hedgerows within the site. The Landscape Strategy Plan shows its replacement within the site boundary.
- 12.10 Subject to new planting being incorporated into the site to replace lost trees and hedgerows, with green infrastructure linking to the woodland, informed by the Landscape and Ecological Management Plan, with an agreed arboricultural specification, method statement and tree protection plan to reflect reserved matters, it is considered the proposal is not considered to be in conflict with policies NE3 or SDC2 of the Local Plan or the Framework.
- 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 As this is an outline application layout of the housing is not being considered at this stage (other than the access). At the Reserved Matters Stage, it is considered that it would be possible to achieve a layout that has adequate car parking to conform with policy D2. Exact parking levels should conform with the Parking Standards contained within Annex 5 of the Local Plan as well as minimum cycle parking.
- 13.3 Policies DS8 and DS9 stress the need to ensure sustainable transport links integrate with existing networks and provide good connectivity within the development and to the surrounding area including an all traffic spine road, a comprehensive walking and cycling network to link residential areas with the key facilities on site, such as schools, health centres and food stores, and high quality public transport services to Rugby Town Centre. Policy DS9 seeks to allocate land to facilitate the full alignment of the South

West Rugby spine road. Dunchurch Crossroads are operating at capacity at the present time, which requires mitigation. Development of the South West requires the Homestead Link Road as the most efficient mitigation to relieve congestion within Dunchurch. A mitigation scheme for Dunchurch Crossroads prior to the installation of the Homestead Link is to be provided by the Ashlawn Road development, providing temporary increased capacity as an interim measure.

- 13.4 The applicants and their consultants have undertaken strategic modelling utilising the Rugby Area Wide S-Paramics micro-simulation model. The proposed development is forecast to generate 362 two-way vehicle trips in the AM Peak hour and 162 two-way vehicle trips in the PM Peak hour. The modelling shows that the additional development traffic will have a negligible impact on journey time routes, and those junctions closest to the site where impact would be expected to be the greatest are forecast to operate with low levels of queuing. Impacts at Rugby Gyratory and Blue Boar were also assessed and show minimal differences in queues and delays with the proposed development relative to the Reference Case (without development).
- 13.5 Because of the significant peak period congestion and the AQMA at Dunchurch Crossroads, further operational modelling using LinSIG was required. The Paramics model forecasts that 1.3% of the development traffic will use Dunchurch Crossroads. Whilst the LinSIG modelling shows that the junction will continue to operate over capacity with large queues, the impact of the additional residential development traffic is shown to have a small adverse impact, and none of the scenarios modelled have capacity results as severe as the 2026 Reference Case without the Ashlawn Road improvement to the junction.
- 13.6 Drawing no. 173195-PHL-19 rev N shows that the site would be accessed via a four arm roundabout at the junction of Coventry Road/Cawston Lane, and that a priority access would provide an additional point of access from Cawston Lane. Localised widening to Cawston Lane and a priority give-way arrangement in the vicinity of the pumping station is proposed together with a signalised crossing and a bus stop on Coventry Road to the north of the roundabout. The speed limit on the northern part of Cawston Lane is proposed to be reduced to 30mph given the narrow width of the carriageway and the introduction of the priority give-way arrangement. In addition, pedestrian and cycle accesses and crossing facilities are to be provided at the site access junctions with connections with the existing footway and cycleway networks to the north of the site access roundabout, as well as making provision for future pedestrian/cycle connections along Cawston Lane.
- 13.7 Some of the detailed highway design may change at the technical approval/reserved matters stage, such as the signalised crossing, sight lines (which may result in further tree removal), and localised narrowing. The footway/cycleway to be provided on Cawston Lane will need to continue south on the western side of Cawston Lane (shown on drawing no. 173195-PHL-412 rev C) in order to link in with other parcels. Cycling and pedestrian facilities will need to be carefully timed so that the links do not suddenly end which would leave pedestrians and cyclists vulnerable trying to negotiate further along Cawston Lane without the protection of a surfaced footway. The delivery of the cycleway will be specified in the Section 106 agreement and timed to be delivered in line with subsequent development parcels and the delivery of the school. Connections to the existing footway and cycleway infrastructure, the location of the bus stop in front of the signalised crossing will also be required as part of a Section 278 Highway works

agreement. Further details of potential Section 278 agreement elements and detailed notes are included in Informative 10.

- 13.8 Following discussions with WCC Transport Operations, it is proposed that two bus service routes will be required to serve the SW Rugby allocation and provide connectivity to the town centre, rail station, and retail destinations. The first is along the Coventry Road corridor, to serve this site and the Cawston Spinney site, the second would be as set out in the draft SW Rugby SPD, and route along the Homestead Link Road, and serve the residential development parcels to the north and west and the employment development. As this site is proposed to be developed in advance of other sites, then a financial contribution is requested in order to secure the extension of an existing bus service (possibly #4) to serve the site. This is likely to require an additional bus to operate on the route whilst the other bus route is being brought forward as part of other development parcels.
- 13.9 Drawing no.173195-PHL-23 rev D proposes a bus stop on Coventry Road to the north of the site access roundabout, with footways and crossing facilities provided between the site and proposed stop. The roundabout would allow the bus to turnaround and continue north towards Cawston/Bilton. Whilst this arrangement would accommodate the 'interim' situation, Stagecoach has advised that the 'future development' bus service should operate in a clockwise direction which would require a bus stop to be located on the south side of Coventry Road. Therefore the location of the bus stop will need to be agreed with WCC officers involved in the procurement of public transport services and associated infrastructure prior to applying for any technical approvals. For the future development situation, as other SW Rugby allocated sites are granted consent, then the long term public transport strategy would be implemented with a new service which would route in an anti-clockwise direction along Coventry Road and Trussell Way. Contributions are requested to cover this 'future development' situation. It is noted that there could be an overlap in the two scenarios and therefore suitable wording will need to be included within the S106 agreement to ensure the contributions requested are fairly proportioned. The framework S106 approach which is advocated in the South West SPD and will be followed in connection with this application, can allow for this.
- 13.10 WCC highways recommend a Construction Management Plan (condition 22). The emerging South West SPD sets out a range of transport infrastructure required to be delivered to support the allocation. Some of the infrastructure will be directly provided by the developers of the sites that comprise the allocation, some will be funded via S 106 contributions. Details of the exact transport contributions for this site will be set out in the S106 agreement. WCC Highways raise no objection subject to appropriate conditions and planning obligations. 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 if the residual cumulative impacts on the road network would be severe'. Neither conditions apply in this case.
- 14.0 Public Right of Way and Cycle Routes
- 14.1 Public Right of way R167a runs north to south along close to the western boundary of the site, but not within the red line boundary of the site. There are no rights of way crossing the site itself, however, there are numerous rights of way within the South West as whole in proximity of the site.

- 14.2 The Development Framework plan shows an indicative landscaped buffer/corridor along the western site boundary adjacent to the public footpath which is welcomed in terms of minimising the impact on the amenity of the public footpath, also reflected in the Landscape Strategy Plan. It should be noted that with regards to R167a, the public have the right to use public footpath R167a on a foot only basis and not by cycle. WCC Public Rights of Way (PROW) Team raise no objection to the proposal. A proposed north south pedestrian/cycle link is shown indicatively separately to the public footpath. **Condition 21** requires further details of this link to ensure it does not adversely affect retained hedgerows along this route, and that links to the adjoining parcels and Coventry Road and does not diminish landscaping or hedgerows, whilst also maintaining sight lines from a highway safety perspective.
- 14.3 The emerging SPD seeks to increase pedestrian permeability and maximise cycle routes, and specifically requires pedestrian routes and cycling paths to connect housing and other uses, and provide comprehensive walking and cycling connections to adjacent developed areas, as required by policy DS5. It also requires cycle lanes, cycle parking and walking routes to improve pedestrian permeability and active lifestyles, which also contributes to minimising air quality. **Condition 21** also suggests that further details of the proposed pedestrian and cycle routes are submitted to and approved by the Local Planning Authority in consultation with WCC Highways. Suitable links to adjoining parcels and Coventry Road, together with wider pedestrian and cycle links throughout the site are also required under this condition, in order to ensure cycle and pedestrian permeability evolves alongside the reserved matters and is fully incorporated within it.
- 14.4 The WCC Infrastructure team also seek to improve public rights of way within a one and a half mile radius of the site and a S106 contribution towards this is requested. The WCC Infrastructure team are also concerned to ensure connectivity between the development parcels within the allocation; for this reason, Section 106 obligations are also sought to safeguard pedestrian and cycle connectivity.
- 14.5 Subject to conditions and an appropriate contribution being agreed it is considered that the proposed development does not significantly adversely affect public rights of way, and the reserved matters can adequately design pedestrian and cycle routes to offer more sustainable forms of transport within and between the parcel and its neighbour. It is considered that the reserved matters stage is capable of being designed in such a way as to facilitate appropriate pedestrian and cycle movement within the parcel and maximise this transport mode, as well as ensuring that appropriate leisure routes can be incorporated to maximise the health benefits of walking and cycling.
- 15.0 Open Space, Sport and Recreation and Play Provision
- 15.1 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. Part of the scheme involves the provision of a Woodland Management Plan which involves management options to better manage Cawston Spinney and Fox Covert. Off-site contributions to open space, sport and recreation are necessary as part of this scheme. The Landscape Strategy Plan, Development Framework Plan and Parameters Plan set the structural landscaping to the parcel showing how it would be organised generally. The open space contribution, together with the details of the relevant projects can be secured via a S106 contribution. Coupled with upgrades to public rights of way in the vicinity of the site, and the securing of the Woodland

Management Plan and other conditions associated with landscaping and biodiversity it is considered that the proposal conforms with policy HS4.

16.0 Heritage

- 16.1 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.
- 16.2 Chapter 16 of the Framework 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.
- 16.3 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. The emerging South West SPD stresses that applications with the potential to affect the significance of a heritage asset will be require sufficient information and assessment of the impacts and their settings. It is considered that the required level of details is sufficient to make the appropriate assessment in the planning balance.
- 16.4 A heritage assessment accompanied the application. It confirms that the site contains no designated heritage assets, nor does it fall within the boundary of a designated Conservation Area. The proposal has the potential to impact upon the setting of a designated heritage asset within the vicinity of the site, namely Cawston Farmhouse (a Grade II listed farmhouse) where change within the setting of Cawston Farmhouse is possible due to the proximity to the western red line boundary of the site. This building has had 20th Century additions to the east and west elevations, UPVC windows and hardstanding added. It is in use as a children's day nursery, with associated buildings. The heritage interest of Cawston Farmhouse has only been recently recognised, as it was listed in 2004. Its heritage interest is derived from its 'architectural' and 'historic'

interest as a substantial mid to late 18th Century farmhouse incorporating elements of an earlier, mid 17th Century building. Its architectural interest is from a multi-phase exterior, three stories with a double pile construction laid in a Flemish bond with small clay tiles and a steeply pitched double gabled roof. The highest interest is the north elevation onto Coventry Road. The mid-17th Century elements are the most valuable. The site is located to the immediate east of the former farmhouse, where a mature vegetative boundary separates the two areas and intervenes in views across the site of the listed building. Whilst the site contributes to the semi-rural setting of the former farmhouse, it is not considered to expressly reveal the former farming function of the building; this is best appreciated from the west where the house and former outbuildings form a more aesthetically and functionally coherent group of buildings appreciable through their association to be historically linked for agricultural purposes. Since the former farmhouse is orientated with its main frontage facing north towards Coventry Road, with no primary windows within the east elevation to overlook the site, this means there was no intended visual relationship between the site and the former farmhouse. There is no inter-visibility between Cawston Farmhouse and other heritage assets, and no intended visual relationship across the site between Cawston Farm and Lime Tree village and trees at Fox Covert intervening in views. Views towards the farmhouse are possible from the south along a narrow track (a public right of way) which connects Coventry Road to Cawston Spinney. Whilst the site features in more distant views it will not meaningfully contribute to the experience of the building from this approach, there being no obvious link between the asset and the site.

- 16.5 The proposals are judged to represent a 'slight adverse' significance in terms of harm which would represent less than substantial harm in terms of the NPPF. The fact that the proposals would result in less than substantial harm then requires that the harm is weighed against the public benefits of the proposals. Given that the application is part of a 5000 dwelling allocation which is a key element to the borough as a whole delivering strategic housing for the borough, it is considered that the public benefits of allowing the site to be developed for housing, and for that site to also provide land for a primary school, in line with Local Plan policies and the emerging SPD, it is considered that these public benefits outweigh the slight adverse significance to the heritage asset, and as such on balance, the public benefits of the proposal outweighs the less than substantial harm, if sufficient mitigation can be secured by planning condition.
- 16.6 To mitigate the less than substantial harm, the Development Framework Plan indicates a green buffer between potential new development and the shared boundary with Cawston Farmhouse, and is wider at this point. This would maintain a more open area around the former farmhouse that is sympathetic to its historic status as a substantial house and would allow the main façade, a key component of the architectural interest, to remain prominent in views on approach from Coventry Road during winter when leaf cover is less. It is also suggested to introduce new hedgerows to enhance the setting to screen existing modern fencing along the boundary together with new tree planting to conserve the aesthetic quality on the approach to Cawston Farmhouse. **Condition 5** is suggested to confirm that at the reserved matters stage, the green buffer area in close proximity with Cawston Farmhouse is retained. whilst **condition 21** also allows an upgraded pedestrian and cycle route along the public right of way within the landscaped area. A point of access for cycles and pedestrians is also required in the vicinity with Coventry Road between an existing area of trees, as well as to the adjoining development parcel.

- 16.7 Subject to the proposed conditions and clauses associated with safeguarded areas being incorporated into the S106 it is considered that the public benefits of the proposal by the provision of 210 houses outweighs the less than substantial harm that may result to Cawston Farmhouse and its setting. The proposal does not significantly 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 as a result, and the impacts on heritage are considered to be capable of being successfully mitigated.
- 17.0 Archaeology
- 17.1 The area lies in an area of significant archaeological potential and the proposed development will have a significant impact on the archaeological features which previous assessment has established survives across the site. Historic aerial photographs show cropmarks within the site indicating medieval and prehistoric settlement activity. A desk based heritage assessment was submitted with the application covering a wider area than the application site, and concludes that there is a high potential for archaeological remains, dating to the medieval period, and a moderate potential for prehistoric assets within the site. A geophysical survey and trial trenching were undertaken, and the results submitted with the application.
- 17.2 The results indicate that there is likely to be a multi-phase settlement comprising elements of later pre-historic origin to medieval likely to represent former ditches, gullies and house platforms with a separate enclosure to the north, and a main street or trackway. There may also be circular and sub-circular anomalies suggestive of roundhouses which could suggest pre-historic origins to this probable settlement. The trial trenching focussed upon the crop marks and geophysical anomalies, and found ditches and pits probably associated with phases of enclosure. Pottery finds date to the medieval period but also with some roman pottery sherds. Extensive archaeological features survive across the site. The proposed development will have a significant impact on these. Whilst some objectors call into question development of the site given the archaeological potential, the County archaeologist does not object to the proposals but instead recommends a condition concerning a mitigation strategy, as proposed on **condition 31**. Given this lack of objection, the condition is considered to be sufficient to ensure that the proposals comply with policy NE3 and the Framework in relation to archaeology.
- 18.0 Drainage and Flooding
- 18.1 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. Policy SDC5 requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1. 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.
- 18.2 When determining planning applications, paragraph 163 of the Framework states that local planning authorities should ensure that flood risk is not increased elsewhere, which is why applications should be supported by a site-specific flood risk assessment.

- 18.3 The Framework states that surface water runoff should be disposed of according to a hierarchy of: infiltration; then to a surface water body; then to a surface water sewer; then to a highway drain or another drainage system to a combined sewer. The emerging South West SPD notes that the area is categorised by a number of small ponds, ditches, and watercourses within the allocation, which should be retained.
- 18.4 The application was accompanied by a Flood Risk Assessment and drainage strategy. It highlights that there is an unnamed watercourse flowing in a westerly direction through the development site. Located immediately to the west are a number of drains. A reservoir/pond is located approximately 0.49km to the west of the site. An existing drain flows south before flowing north west of the A4071 where it flows through a number of ponds/reservoirs with flow controls before ultimately discharging into the River Avon located approximately 0.25km to the north of the site. There are two unnamed ponds located approximately 0.25km to the east of the site adjacent to Thurlaston Drive along with a number of unnamed ponds located to the south and south east of the site. There is a 150mm diameter foul water sewer crossing the site with an associated 5m easement, however a diversion is proposed for the sewer. There is an existing 375mm diameter surface water sewer located within the eastern boundary of the site. There are a number of historic instances of sewer flooding in Cawston, which has also been highlighted by local residents, particularly from Lime Tree Village, but there are no records of sewer flooding affecting the site. The site is considered to be low risk of flooding from existing sewers and drains.
- 18.5 The majority of the site is within an area susceptible to groundwater flooding, but overall is considered to be low risk. Infiltration testing will determine the groundwater level and mitigation will be determined during detailed design following the results. The proposal will increase the area of impermeable surface within the site. As a result, this will increase the rate of surface water runoff entering the natural drainage system, thereby potentially increasing surface water runoff elsewhere. However a sustainable strategy for the management of surface water runoff has been prepared to ensure flood risk to the site and wider areas is not increased. It also considers climate change impact on peak rainfall intensities which may result in increased risk in the future. The use of an attenuation basin and underground storage is proposed. Severn Trent have stated that a hydraulic assessment will be required to assess capacity within the sewerage system and to determine if any network improvements are required.
- 18.6 The Local Lead Flood Risk Authority (LLFA) raises no objection subject to conditions. The Environment Agency raises no objection subject to conditions. **Condition 16** prevents development until a detailed surface water drainage scheme is produced on sustainable drainage principles with an assessment of the hydrological and hydrogeological context of the development, including ground investigation details and infiltration testing, to test the feasibility of using infiltration as a way to manage surface water runoff. **Condition 17** includes a requirement for a detailed maintenance plan relating to maintaining the surface water drainage systems for the lifetime of the development. **Condition 18** relates to foul water drainage. The details associated with drainage are considered to be capable of being adequately dealt with at the reserved matters stage and as such the proposal is compliant with the Framework and Policy SDC5.
- 19.0 Housing

- 19.1 The proposed development will boost the supply of housing and will contribute to the Council’s five year housing supply. 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.
- 19.2 As layout is not being considered at this stage, the exact housing mix has not been established. However, **condition 6** seeks to ensure that housing mix at the reserved matters stage complies with this policy.

20.0 Affordable Housing

- 20.1 The proposed development will provide 30% affordable housing (63 dwellings). Policy H2 relates to affordable housing which seeks to provide 30% on green field sites. The proposal therefore conforms with this policy.
- 20.2 The preferred housing mix for affordable housing for this site is not being proposed at this stage, but the preferred mix within the Local Plan is as follows:

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

- 20.3 It is anticipated that suitable clauses can be inserted into a Section 106 agreement to fully comply with policy H2 and secure permanent affordable housing at 30%, as well as reference to the need to have regard to the housing mix for affordable housing within **condition 6**.

21.0 Impact on amenity

- 21.1 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. As the application is in outline form and layout is not being considered at this stage. It is considered that a scheme within the developable area is capable of being provided with to ensure that the impact in relation to light, privacy and amenity would be acceptable. Some residents expressed concerns regarding noise; Environmental Health recommend noise conditions (**conditions 32 and 33**) and an odour condition assessment (**condition 36**) in relation to the school. It is therefore considered that a scheme could be designed that would not have a detrimental impact on residential amenity or noise, in accordance with policy SDC1.

22.0 Air Quality

- 22.1 The applicant has agreed to a condition requiring the reserved matters to incorporate measures to improve air quality to control on-site emissions, including the use of ultra-low emission boilers (<40 mg/NOx/kWh) or technological equivalent. This includes measures such as the installation of ultra-low emission boilers, electric heating/photo voltaics or air/ground source heat pumps, cycle parking, electric vehicle charging, landscaping, and/or green walls and roofs. The structural landscaping would contribute to this policy in addition. As a result, subject to a suitably worded condition, Environmental Health raise no objection to the scheme subject to **condition 35** and informative 6 which relate to air quality matters. As a result, it is considered that the scheme is therefore policy compliant with HS5.

23.0 Healthy Safe, Inclusive Communities and New Community Facilities

23.1 Policy HS1 relates to the need to create healthy, safe and inclusive communities when considering development proposals and HS2 relates to Health Impact assessments. A Health Impact Screening Assessment was undertaken for the scheme which discusses various health aspects, a lot of which would be enacted at the reserved matters stage. At outline stage the application demonstrates in the parameter plan and the development framework plan that walking and cycling routes can be provided along with areas for formal and information recreation within the site. The Infrastructure Delivery Plan associated with the South West SPD seeks S106 contributions towards health services including contributions towards mitigating the impact of the proposed development upon doctors' surgeries and accident and emergency admissions. This addresses the need to secure improved health services and facilities to accommodate the additional health needs associated with the development. The NHS has also requested a health contribution. The appropriate financial contribution can be secured via a Section 106 agreement and as a result it is considered that the proposal is compliant with policies HS1 and HS2.

23.2 Policy HS3 states that new communities will be supported providing they are readily accessible by a choice of means of transport, including by foot and cycle. The land for the primary school is classified as a community facility once constructed as a school and could potentially serve other community purposes as other schools do in terms of community uses in the evenings and at weekends, depending upon the management of the school. The site generally will be served by modified bus routes from Coventry Road, and internally there will be a proposed network of cycle and pedestrian routes. A cycleway is also proposed along Cawston Lane. The illustrative masterplan demonstrates how the school will be accessible by a choice of modes of transport, both from the dwellings inside the parcel and from Cawston Lane. The applicant has also offered highway improvements along Coventry Road to better integrate the scheme into the highway network. Subject to appropriate conditions and S106 contributions it is considered that the proposal accords with Policy HS3.

24.0 Sustainable Buildings

24.1 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. The emerging South West SPD supports this policy and promotes water efficiency, and water re-use measures. It is considered that this issue can be suitably be controlled by condition as per **condition 38**. The SPD also seeks to encourage planning applications to transition to a low carbon future in a changing climate, taking into account the need to minimise energy consumption. **Condition 40** also relates to the need for an energy statement to accord with this as well as complying with paragraph 148 of the NPPF which seeks to shape places in ways that contribute to radical reductions in greenhouse gases, improve resilience, and support renewable and low carbon energy.

25.0 Broadband

25.1 Policy SDC 9 relates to the need to ensure new development facilitates and contributes to the provision of broadband infrastructure which is also encouraged by the emerging South West SPD. **Condition 39** ensures the development at the detailed matters stage complies with policy SDC9 by incorporating appropriate broadband facilities as build out occurs.

26.0 Fire and Rescue

26.1 Warwickshire Fire and Rescue have requested a condition relating to the provision of fire hydrants, which is suggested in **condition 37** and informatives associated with compliance with Building Regulations which is suggested in informative 5. Both of these are considered necessary for Fire and Rescue safety reasons.

27.0 Planning Conditions and Obligations

27.1 Policy D4 relates to planning obligations and reflects paragraphs 54, 56 and 57 of the Framework, which collectively set out the need to consider whether financial contributions and other planning obligations can be sought to mitigate the impact of development and make otherwise unacceptable development acceptable.

27.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) clarifies that Section 106 obligations can only constitute a reason for granting planning permission when they are: (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to have regard to it as a reason for granting planning permission. It is within this context that the Council has made and received a number of requests for planning obligations as detailed below. It is considered that these requests meet the necessary tests and are therefore CIL Regulation 122 compliant. Where relevant, reference is made to contributions being made to various Strategic Infrastructure Funds which form part of the framework Section 106 agreement – although the funds are still being discussed and will be finalised as part of the Section 106 negotiations:

Contribution	Requirement	Trigger
Affordable Housing	30% of the total number of dwellings. Tenure and mix to be confirmed	Delivery triggers linked to open market provision to be agreed
NHS Trust	Financial contribution to help meet patient demand for access to health care services in connection with the proposed development Financial contribution towards the [GP Surgery Strategic Infrastructure Fund] Financial contribution towards the [Hospital of St Cross Strategic Infrastructure Fund]	Upon first occupation of development
Warwickshire County Council (Education)	Financial contribution towards additional education provision required as a result of this development. The Section 106 agreement will include a pupil calculation. The Section 106 triggers will be based on the detailed breakdown of phases. The contributions may be towards capital costs associated with the provision of additional early years/pre-school places, an appropriate amount towards the delivery of the new on-site primary school (in respect of which land will be provided free of charge, as below), appropriate amounts towards the	Upon first occupation of development or at a time to be agreed prior to the transfer of land

	<p>delivery of new secondary school places in the vicinity, additional post 16 facilities, primary age special needs facilities, secondary and post 16 special needs provision.</p> <p>Under the framework Section 106 agreement contributions attributable to this development will be paid into separate strategic infrastructure funds towards early years, primary, secondary, sixth form/post 16, SEN primary and SEN secondary</p> <p>The Section 106 agreement will also govern the provision of land to support the delivery of the new primary school; the land transfer is expected to be provided free of charge. .</p> <p>Further detail associated with education provision will be clarified in the Section 106 agreement, taking into account any equalisation mechanisms agreed between landowners in the SW Rugby area allocated by Policy DS8.</p>	
Warwickshire County Council (Libraries)	<p>A financial contribution to improve, enhance and extend the facilities or services of a specified library service point to cater for the additional demand for such services associated with the proposed development . The contribution may be allocated towards the 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.</p> <p>Current levels of contribution are estimated on an assumption that all new dwellings are three bedroomed properties. However, the full formula to adjust to more specific house types can be included in the Section 106 agreement.</p>	Upon first occupation of development
Warwickshire County Council (Fire & Rescue)	<p>The Local Plan supports the need for a new Warwickshire Fire and Rescue facility as a result of growth at South West Rugby.</p> <p>Consequently, a pro-rata contribution for 210 homes is requested towards the Fire and Rescue Facility Strategic Infrastructure Fund. This will support the delivery of the new Fire and Rescue facility at South West Rugby.</p>	Upon first occupation of development
Warwickshire County Council (Highways – sustainable travel)	<p><u>Sustainable transport welcome pack</u>: developer contributions are required towards the cost of the welcome information for sustainable transport options (the contribution will be pro-rata, based on 210 dwellings)</p> <p><u>Road safety initiatives</u>: a separate per dwelling financial contribution is sought 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.</p> <p><u>School and Residential Travel Plan</u> (monitoring element) will be required for the primary school and residential phases</p> <p><u>Cycleway</u>: the delivery of cycle facilities as part of the development needs to be timed in line with subsequent development proposals, and the delivery of the school. The</p>	<p>Prior to occupation</p> <p>Prior to occupation</p> <p>Prior to commencement of primary school</p> <p>Prior to occupation of primary school</p>

	S106 agreement will contain appropriate obligations to govern phased delivery.	
Warwickshire County Council (Highways – Bus Provision)	<p>The emerging South West SPD is accompanied by a schedule of costs which the Council will use to calculate site wide infrastructure serving the whole allocation area such as buses.</p> <p>In terms of bus provision for this site, the provision of public transport links to facilitate the diversion of Service 4, operating every 15 minutes during the day is the most geographically appropriate choice to serve the site. The diversion of Service 4 will result in an additional bus during the day, together with timetable adjustments to accommodate the extension. A financial contribution will be required from the developer to fund this.</p> <p>In addition, WCC seek a financial contribution from the Developer to fund an additional bus on Mondays to Fridays between 0900 to 1630 to provide on a 'kick start' basis for 5 years, provided in staged payments, to serve the occupiers of new development. The final details of bus contributions (likely incorporated as part of a Strategic Infrastructure Fund), the appropriate amounts, routings and phasing will be set out in the Section 106 agreement.</p>	Prior to commencement
Warwickshire County Council (Bus Stop Infrastructure)	<p>A new bus stop will be required in the vicinity of the roundabout junction between the proposed new development and B4642 Coventry Road near Cawston Lane. The bus stop will serve buses running in both directions due to its proximity to the roundabout. The bus stop infrastructure to be provided at the bus stop should comprise the following:</p> <ul style="list-style-type: none"> • Raised bus boarding area (hard standing, paving and kerbs) in accordance with the Warwickshire Quality Bus Corridor (QBC) standard detail; • A bus stop pole (with bus flag and timetable case attached); • Bus stop clearway box markings on the carriageway; and • Excellent pedestrian connectivity to the bus stop should also be in place. <p>The bus stop should also be provided with a Real Time Information (RTI) compliant bus shelter, i.e. a bus shelter which could accommodate a Real Time Information display being attached to its interior. The specification of the bus shelter 4-bay cantilever with half end panels, barrel roof, poly panels, full length perch seating and a double royal sized display case to be the interior of the bus shelter - the colour of the bus shelter, perch seat and display case to be Black RAL9005.</p> <p>The County Council is seeking to expand the provision RTI at bus stops across the county, and hence, a RTI display is to be attached to the interior of the bus shelter.</p> <p>The Developer would be required liaise with Vix Technology (the supplier of the existing RTI displays in Coventry and</p>	Prior to commencement

	<p>Warwickshire) and Transport for West Midlands (responsible for managing the data relayed on the RTI displays) to ensure the communications systems of the RTI display is compatible with and connects onto the Coventry RTI Scheme system. Vix Technology would be able to arrange the undertaking of the necessary electrical connection works. WCC officers will have a watching brief on proceedings.</p> <p>These works should be included in the Section 38 or 278 Agreement governing the highway works to be undertaken by the Developer.</p> <p>A commuted sum covering the cost of maintaining the bus shelter over a period of 5 years, maintaining the RTI display and supporting infrastructure, and contributing towards the cost of replacing the RTI display after the expiry of its 15 year lifespan, together with maintenance arrangements for traffic signals would need to be included in the Section 106 Agreement.</p>	
Warwickshire County Council (South West Transport Infrastructure)	Contributions will be required towards the SW Rugby transport infrastructure costs (a payment towards the [Highways Strategic Infrastructure Fund] and the [South West Link Road Strategic Infrastructure Fund]) which may also include transport projects that benefit Air Quality given that the site is within the Air Quality Management Area.	Prior to commencement or upon appropriate percentage trigger upon occupation of dwellings
Warwickshire County Council (PROW)	<p>A financial contribution to support the ongoing maintenance of public rights of way within a one and a half miles radius of the site and upgrades to public rights of way in vicinity of site.</p> <p>In line with emerging South West SPD, the Section 106 agreement shall include clauses to ensure reserved matters are designed to facilitate pedestrian/cycle access from application site to adjacent parcels of land to ensure appropriate site-wide connectivity, linked with internal pedestrian/cycle routes to ensure site is developed on a comprehensive basis.</p> <p>The Section 106 agreement shall also to incorporate clauses to provide for the safeguarding of suitable land for access to adjacent parcels in the allocation area</p>	Prior to commencement or upon appropriate percentage trigger upon occupation of dwellings
Warwickshire County Council (monitoring and administration)	A monitoring fee for the monitoring and administration of County Council obligations, due upon signing of the agreement is requested based on 210 dwellings.	At the point of the signing of the S106 agreement
Warwickshire Police Place Partnership	<p>Police contribution requested to accommodate increases police resources to cover 210 additional houses, to include funding towards:</p> <ul style="list-style-type: none"> -Recruitment and equipping of officers and staff -Police Vehicles -Police Premises or other capital costs associated with the additional service demands associated with the proposed development <p>This will take the form of a contribution towards a [Police Resources Strategic Infrastructure Fund]</p>	Prior to occupation
Open Space, Sports & Recreation/Play Space	The Section 106 agreement will contain an obligation to comply with the Woodland Management Plan and to secure associated transfer(s) of land. The Section 106 agreement will also contain appropriate clauses linking these provisions	Upon occupation of 50% of the dwellings

	<p>with any equalisation mechanisms entered into between landowners in the allocation area.</p> <p>The financial contribution will cross reference the Council's Open Space calculator, which will be used to calculate the costs associated with any necessary upgrading of surrounding facilities to promote sport, recreation, play space or activities/facilities associated with open space, taking into account on-site provision.</p> <p>This financial contribution would be paid into the [Open Space and Sports Strategic Infrastructure Fund].</p>	
Biodiversity Offsetting	<p>The Section 106 agreement will contain obligations requiring the submission of BIA at reserved matters stage, which may include a payment to mitigate biodiversity</p> <p>These biodiversity offsetting payments will be linked with the provision of the Woodland Management Plan (see above) to avoid duplication. These payments shall mitigate any residual impacts upon biodiversity that cannot be delivered on-site</p>	Prior to commencement
Landscape and Ecological Management Plan (LEMP)	<p>The Section 106 agreement shall contain an obligation requiring the submission and approval of a LEMP to manage the landscape and biodiversity aspects of the site, linked with the Woodland Management Plan. The LEMP may incorporate safeguarded areas, buffer areas and lighting strategies for parts of the site.</p>	Prior to commencement

27.3 The final details of the financial contributions would be set out in the Section 106 agreement to be finalised following Committee resolution. This is why the references to specific strategic infrastructure funds are still expressed in square brackets at this stage. It is considered that the planning conditions set out below and Section 106 obligations detailed as above would comply with the relevant tests and with policy D4. The Section 106 obligations will be formalised using the framework section 106 approach advocated in the emerging South West SPD. The use of the framework section 106 in connection with this application will ensure a consistent approach to applications within the allocation area, going forward.

28.0 Planning Balance and Conclusion

28.1 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. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) outlines that this means “approving development proposals that accord with an up-to-date development plan without delay”. 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 due to the adoption of the Local Plan and the allocation of the site via policy DS3. The allocation is situated within a sustainable location.

Planning Balance

28.2 To determine whether the development accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

Economic

28.3 The development represents an economic investment 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 nearby retail uses, services and businesses. This would have a positive impact on the local economy and weighs in favour of the proposal.

Social

28.4 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 weighs significantly in favour of the proposal. The provision of affordable housing at 30%, secured via legal agreement also weighs in favour of the proposal.

Environmental

28.5 The potential adverse impacts in relation to amenity, heritage highway safety, traffic, parking, air quality, noise, landscape and biodiversity, flood risk, drainage, trees, archaeology, health, carbon emissions, water consumption, construction disruption and broadband have all been considered. Where potential impacts are identified, these can be mitigated through conditions and a Section 106 agreement. These weigh in favour of the proposal as these matters are capable of being mitigated.

Conclusion

28.6 On balance, it is concluded that the benefits of the proposed development are sufficient to clearly and demonstrably outweigh the harm that could be interpreted from material planning considerations. Overall, it is considered that the proposal would be a sustainable form of development and consequently accords with policy GP1 of the Local Plan. 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 the application should be approved without delay in accordance with paragraph 11 (c) of the Framework.

Recommendation

1. Planning application R18/0936 be granted subject to:
 - a. The conditions and informatives set out in the draft decision notice appended to this report; and
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or other planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within the report.

Approval subject to a Section 106 agreement, conditions and informatives.

DRAFT DECISION

REFERENCE NO:
R18/0936

DATE APPLICATION VALID:
25 March 2019

APPLICANT:
L&Q Estates

AGENT:
Gary Stephens, Marrons Planning

ADDRESS OF DEVELOPMENT:
LAND SOUTH OF COVENTRY ROAD AND CAWSTON LANE, COVENTRY ROAD,
CAWSTON, RUGBY

APPLICATION DESCRIPTION:
Description: Outline planning application for up to 210 dwellings, a two form entry primary school , and creation of associated vehicular access, pedestrain/cycle and emergency accesses, highway improvements to Cawston Lane, parking, landscaping, drainage features, open space and associated infrastructure (all matters reserved except vehicular access to the site).

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

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 2:

The means of access to the site hereby permitted shall be in general accordance with drawing 173195/PHL/019 Rev N unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In relation to highway safety.

CONDITION 3:

Application for approval of the reserved matters specified in Condition 4 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 4:

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 - Appearance
- c - Scale
- d – Landscaping
- e – the means of access within the site to the buildings and the pedestrian/cycle access into the site

REASON:

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

CONDITION 5:

Unless non-material variations which do not give rise to additional or different likely significant effect are agreed in writing with the Local Planning Authority, the reserved matters submitted under condition 3 shall be in accordance with the plans below:

1. Site Location Plan – reference: CSA/3015/120 Rev A
2. Parameter’s Plan - reference: CSA/3015/118 Rev F
3. Landscape Strategy Plan – reference: CSA/3015/117 Rev G
4. Development Framework Plan – CSA/3015/109 Rev N

REASON:

For the avoidance of doubt and to ensure that the details of the development parcels are maintained at reserved matters stage and that areas for development are acceptable to the Local Planning Authority.

CONDITION 6:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority, the development shall consist of no more than 210 dwellings with a housing mix in accordance with the Council’s most recently adopted Strategic Housing Market Assessment (SHMA) and policy H1 and H2 of the Local Plan. The mix as at the date of this permission is set out in Informative 2 to this permission.

REASON:

To deliver a wide choice of high quality market housing in line with policy H1 of The Local Plan.

CONDITION 7:

No above ground development shall commence until a Phasing Plan has been submitted to and approved by the Local Planning Authority. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:

- a. Highway Works to Cawston Lane and Coventry Road, particularly the installation of the roundabout
- b. The provision of all major infrastructure including accesses, roads, cyclepaths, footpaths and open space
- c. Residential dwellings
- d. Biodiversity improvements and open space provision
- e. Landscaping associated with the Landscape and Ecological Management Plan

f. Provision of land for the school

The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

REASON:

To ensure the proper development of the site.

CONDITION 8:

No above ground development within each phase shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks, roof tiles, boundary walls and fencing, internal roads and paved areas for that specific phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION 9:

Unless non-material variations which do not give rise to additional or different likely significant effects are otherwise agreed in writing, no above ground development in each a phase of development shall commence until a Landscape and Ecological Management Plan (LEMP) for that specific phase of development, has been submitted to and approved in writing by the Local Planning Authority (with advice from WCC Ecological Services). The LEMP shall set out detailed scaled plans showing:

-planting plans for the site, including the landscaped areas with accompanying written specifications and details of: the quantity, size, species and position and the proposed time of planting of all new planting including trees, hedgerows and shrubs; maintenance of all new planting; how all new planting will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow enhancement and maintenance); provision of habitat for protected and notable species (including location, number and type of bat, bird and swift boxes/bricks and amphibian and reptile hibernacula).

Details shall also include:

-protected species mitigation strategy, including timing of works, exclusion, compensation measures, details of supervision required by a suitably qualified ecologist and monitoring. This must include details of updated survey work and mitigation measures relating to bats, reptiles, amphibians, otters, badgers, bloody nosed beetle and nesting birds.

-specific mitigation measures for breeding birds that use Cawston Woodlands

-management of features suitable for woodland bird species to improve habitat conditions, including notable species listed in the Local Wildlife Site designation

-measures for retaining standing deadwood, tree cavities

-locations and types of integrated bird boxes for house sparrow, house martin and swift within dwellings and garages,

-on site facilities and infrastructure including play areas and street furniture

- dark corridors for biodiversity protection to work in combination with an approved lighting strategy as part of condition 13;
- measures to allow hedgehogs to be able to pass freely through all boundary treatments, including the number and location of 13 square centimetre holes or gaps in walls and fences, in accordance with a hedgehog highway scheme;
- log piles and hibernacula for amphibians and reptiles
- bloody-nosed beetle habitat management and enhancement measures
- a timetable for the implementation of all of the planting, works and ecological and landscape enhancement/creation measures; and a scheme securing future maintenance, management, maintenance and retention (including the body or individual responsible for such matters).

The approved LEMP and the future maintenance and management scheme and associated measures shall be implemented and maintained in full and in perpetuity and shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 years from the date of planting, any planting/tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow/planting 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 non-material variations.

REASON: To protect and enhance landscape and biodiversity, to ensure that protected species are not harmed by the development and in the interest of visual amenity.

CONDITION 10:

No development or works, including site clearance, shall commence until a badger survey has been carried out by a suitably qualified badger consultant and the results of the survey and details of any required mitigation measures and their timing have been submitted to and approved in writing by the Local Planning Authority and fed into the Landscape and Ecological Management Plan and Woodland Management Plan. Any approved mitigation measures shall be implemented in accordance with the approved timetable and incorporated into the reserved matters details.

REASON:

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

CONDITION 11:

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 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 Local Planning Authority gives its written consent to any variations.

REASON:

In the interests of biodiversity and visual amenity.

CONDITION 12:

No works or development shall take place 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 Local Planning Authority and subsequently implemented. The statement must include details and positioning of tree protection fencing, to create construction exclusion zones, ground protection measures, and an auditable system of monitoring to the satisfaction and written approval of the Local Planning Authority. Protective fencing must remain in place until the completion of all construction works. No retained tree or hedgerow 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. A pre-commencement site meeting must 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 13:

Prior to the installation of any lighting (other than temporary lighting for construction) within each phase of development, full details of all external lighting for that specific phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the full specification of the type, design, location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a strategy and measures to minimise the impact of lighting, particularly on the landscaping along the western boundary of the site, the open space elements adjacent to Cawston Spinney and Fox Covert, informed by the Landscape and Ecological Management Plan, to minimise the impact of lighting to sensitive receptors and measures to prevent light spillage. The lighting shall be implemented and maintained in perpetuity in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality, and to protect biodiversity of the defined landscaping areas.

CONDITION 14:

No above ground development shall commence unless and until details of all proposed walls, fences railings and gates, have been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by the Landscape and Ecological Management Plan with regards to the implementation of a Hedghog Highway Scheme across the site to ensure all boundary treatments are permeable by ground dwelling species such as Hedgehogs, including the provision of 13cm sized holes and a routing plan. The details shall be incorporated into elevation plans, and other details shall show the position, materials, appearance and height of boundary treatments. No dwelling shall be occupied until the approved boundary treatments have first been provided in accordance with the approved details.

REASON:

In the interest of visual amenity and biodiversity with particular emphasis upon hedgehogs and the need to allow them to move freely through the site.

CONDITION 15:

No phase of development shall commence until full details of earthworks, site levels, finished floor levels of all buildings and ground levels of all access roads, parking areas, footways, pedestrian links and cycle ways, including proposed grading and contours and a schedule of implementation for that specific phase of development as approved under condition 7 have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site and in the interests of visual amenity

CONDITION 16:

Unless non-material variations are otherwise agreed in writing with the Local Planning Authority 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 Local Lead Flood Authority. 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:

- Provide Ground Investigation details and infiltration testing in accordance with the BRE 365 guidance to establish the feasibility of using infiltration to manage the surface water runoff from the site. Where infiltration is feasible this should be used as a primary means of outfall from the development site.
- 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.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall 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 a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- 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.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network (if applicable).

REASON:

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

CONDITION 17:

Unless non-material variations are agreed in writing by the Local Planning Authority, no occupation and subsequent use of the development shall take place unless and until a detailed

maintenance plan, in accordance with CIRIA C753, giving details of how surface water drainage systems shall be maintained and managed for the lifetime of the development, which includes the name of the party responsible for surface water maintenance, shall be submitted to and approved by the Local Planning Authority. The scheme hereby permitted shall be implemented in accordance with the approved details.

REASON:

To ensure the future maintenance of the sustainable drainage structures.

CONDITION 18:

No phase of development shall commence until drainage plans for the disposal of foul sewage for that specific phase of development as approved under condition 7 have been submitted to and approved in writing by the Local Planning Authority. The plans shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

To ensure the development is provided with a satisfactory means of drainage.

CONDITION 19:

Full details of the siting, design and materials of the proposed bin stores, together with all types of open, secure and covered cycle parking and cycle stores (having regard to Appendix 5 of the Local Plan relating to minimum cycle parking standards) shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle parking shall be provided, in accordance with the approved details before the first occupation of each phase of the development.

REASON:

In the interest of visual and residential amenity.

CONDITION 20:

No occupation of any dwelling in each phase of the development shall commence until full details of electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electrical vehicle charging points have first been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles.

REASON:

To ensure the proper development of the site, to reduce air pollution, to lower carbon emissions and in the interests of visual amenity.

CONDITION 21:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority, the development shall not be occupied until a pedestrian/cycle network plan and associated details showing pedestrian/cycle routes for the site as a whole is submitted to and approved in writing by the Local Planning Authority. The network plan shall include:

-details of hard surfacing utilising a 'no-dig' solution and cellular confinement system with an angular washed stone fill in proximity to the root protection areas of trees T17-C1, G3-A2, H2-C2, G4-C2 and T18-A2 as shown on the Tree Retention and Removal Plan ref: BHA_467_03 dated 10.01.2019

-details of how the cycle route will link onto Coventry Road in proximity to T17-C1 as shown on the Tree Retention and Removal Plan ref: BHA_467_03 dated 10.01.2019

-the north-south pedestrian/cycle link specification in parallel to retained trees and hedgerows referenced: H4-C2, G6-B2, G6-B2 and H3-C2 along the western boundary of the site as shown on the Tree Retention and Removal Plan ref: BHA_467_03 dated 10.01.2019

-details of how the cycle route will link into the adjoining parcel of land, minimising disruption to H4-C2 as shown on the Tree Protection and Removal Plan ref: BHA_467_03 dated 10.01.2019

-a phasing plan for the implementation of the cycle network

The pedestrian cycle network shall be implemented in accordance with the approved details and maintained in perpetuity thereafter.

REASON:

To ensure the proper development of the site, to conform with the Landscape Strategy, to promote more sustainable forms of travel and preserved retained hedgerows.

CONDITION 22:

No development shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the point of access from the public highway. The Construction Management Plan shall include details relating to:

- (1) Days and hours of construction and deliveries;
- (2) The control of noise and vibration from construction activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction phase;
- (3) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- (4) Any temporary site compound and its layout, including buildings/structures, lighting, fencing and storage provision;
- (5) The parking of vehicles of site operatives with parking plan, contractors and visitors during the construction phase;
- (6) Measures to prevent deleterious material being carried onto the highway network including mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase and wheel washing facilities;
- (7) Timing of heavy goods vehicle movements during the construction phase, a routing plan that avoids Rugby Gyrotory and Dunchurch Crossroads (including details of any temporary signage) swept path analysis for HGV turning to/from and within the site;
- (8) A point of contact for site management and their contact details (including out of hours);
- (9) Construction Site Access position and control measures;
- (10) Storage of Plant and materials used in constructing the development;
- (11) Pollution prevention measures to protect the wet ditch on the southern boundary
- (12) Pre-commencement bloody-nosed beetle survey by a suitably qualified ecologist at a suitable time of year
- (13) Pre-commencement checks and updated surveys as appropriate by a suitably qualified ecologist for protected species, including bats, nesting birds, badger, amphibians, reptiles, otters, hedgehogs, and appropriate working practices and safeguards for wildlife to be employed whilst works are taking place on site.
- (14) Measures to protect hedgehogs and other protected species.

Development shall not be carried out other than in accordance with the approved construction management plan unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of health and safety, the amenities of the area and to ensure any protected species which may be present are not harmed by the development.

CONDITION 23:

No groundworks, remediation or built construction shall be undertaken until a construction access point has been identified and submitted in writing for approval by the Local Planning Authority in consultation with the Highway Authority.

REASON:

In the interests of Highway Safety

CONDITION 24:

The development shall not be occupied until at least one of the site access junctions has been provided, including the provision of a pedestrian route to the bus stop, the signalised crossing and a footway/cycleway connection to the existing route on Coventry Road (North). Access points to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON:

In the interests of Highway Safety

CONDITION 25:

The second point of vehicular access to the site shall be constructed and open to use by the public prior to the occupation of the 150th dwelling, or the occupation of the two-form entry primary school, whichever is the earlier.

REASON:

In the interests of Highway Safety

CONDITION 26:

No built construction shall be carried out until detailed drawings for the highway works in general accordance with drawing no.173195-PHL-023 rev D,173195-PHL-411 rev E, and 173195-PHL-412 rev C, and any subsequent amendments to 173195/PHL/019 Rev N have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include details in respect of the footway and uncontrolled crossings on the Coventry Road frontage, location of the bus stop on Coventry Road and connections to the existing shared footway/cycleway on Coventry Road, and phasing of the footway/cycleway between the priority junction access and south along Cawston Lane. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of Highway Safety

CONDITION 27:

The design of the residential estate roads serving a phase of the development approved under condition 7 including footways, cycleways, verges, footpaths, public transport infrastructure and

means of accessing individual plots and parking provision shall be submitted to and approved in writing by the Local Planning Authority before development of each phase is commenced. These details shall include large scale plans (dimensioned and including horizontal visibility splays and forward splays around bends), sections showing the layout, swept paths for all types of large heavy goods vehicles and public transport vehicles likely to access the development, vertical alignment, surface water drainage details including the outfalls, any Highway Authority Approval In Principle agreements within the highway, and proposed adopted highway details. The construction of the residential estate roads serving the development, including footways, cycleways, verges and footpaths, that are agreed to be dedicated as highway maintainable at the public expense, shall be laid out and substantially constructed in accordance with the standard specification of the Highway Authority. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of highway safety

CONDITION 28:

Following approval of the design of the residential estate road details as part of condition 26, details of the Stage 1 and Stage 2 Road Safety audits of the residential estate roads and driveways serving the specific phase of development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, prior to construction commencing within that specific phase unless non material variations which do not give rise to additional or different likely significant effects are agreed by the Local Planning Authority. A Stage 3 Road Safety Audit, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, for any estate roads not included in a completed section 38 agreement within 3 years of the first occupation in that parcel/phase. Development shall not be carried out other than in accordance with the approved details.

REASON:

In the interests of highway safety

CONDITION 29:

Within 6 months of the primary school being occupied a Travel Plan relating to this school shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan shall be implemented in accordance with the approved details.

REASON:

In the interests of Highway Safety

CONDITION 30:

Within six months of the first occupation of a dwelling, a Residential Travel Plan (RTP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The RTP will set out how the applicant will promote sustainable travel options for residents and visitors, in particular, building in sustainable travel choices into the design, reducing the need to travel and reducing the number and length of car journeys. The approved RTP shall be implemented and maintained in perpetuity.

REASON:

To promote more sustainable travel.

CONDITION 31:

No development shall commence unless and 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 Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON:

In the interests of archaeology.

CONDITION 32:

Prior to above ground works of any phase of the residential development a noise assessment shall be undertaken by a suitably qualified person to assess the noise impact on and to the proposed development, primarily with regard to road impact, and noise impact with regard to the proposed school to be submitted to and approved by the Local Planning Authority. Where appropriate L_{AFmax} levels shall be considered for impulsive or short duration noise. Regard must be had to relevant documents including BS8233:2014. The report shall include if necessary, recommendations for acoustic insulation works to protect the occupants of residential properties of both internal noise sensitive spaces and the external amenity areas. Any recommended works shall be carried out and completed in accordance with the approved details prior to the first occupation of that specific phase of the residential development and retained thereafter.

REASON:

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority; and to ensure the avoidance of significant adverse effects of noise on the occupants of the proposed development.

CONDITION 33:

Prior to above ground works of the development of the school, a noise assessment shall be undertaken by a suitably qualified person to assess the noise impact of the proposed development on surrounding residential properties and other noise sensitive receptors to be submitted to and approved by the Local Planning Authority. Where appropriate L_{AFmax} levels shall be considered for impulsive or short duration noise. Regard must be had to relevant documents including BS4142:2014+A1:2019. The report shall also include details of existing background noise levels to be used for determining rating limit levels for any air/ground source heat pumps or other noise generating equipment to be fitted to the school. The assessment shall include measures for acoustic treatment to ensure adequate protection to existing noise sensitive receptors. Any recommended works shall be carried out and completed in accordance with the approved details prior to the first occupation of the school and retained thereafter.

REASON:

In the interests of amenity and to ensure the details are acceptable to the Local Planning Authority; and to ensure the avoidance of significant adverse effects of noise on sensitive receptors in the surrounding area.

CONDITION 34:

No development other than that required to carry out as part of an approved scheme of remediation shall commence (in any phase of the development) until conditions (a) to (d) below have been complied with (for that phase). 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 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 UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

(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 previously unidentified contamination is found at any time when carrying out the approved 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 in writing of 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 35:

Unless non-material variations which do not give rise to additional or different likely significant effects 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. This shall include the use of ultra-low emission gas boilers (or alternative technology) to meet a minimum standard of <40mgNO_x/kWh. Prior to occupation of each phase of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON:

In the interests of air quality.

CONDITION 36:

A scheme of works for odour control for any proposed kitchen extraction equipment for the proposed school shall be submitted to and approved in writing by the Local Planning Authority prior to such plant being installed. The approved odour control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be so retained unless non-material variations which do not give rise to additional or different likely significant effects are otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of residential amenity, to prevent the emission of fumes which would be detrimental to the amenity of the area and to ensure the details are acceptable to the Local Planning Authority.

CONDITION 37:

Each phase of development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, for the specific phase of development approved under condition 7 has been submitted to, and approved in writing by, the Local Planning Authority. The specific phase of development shall not then be occupied until the scheme has been implemented unless non material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority.

REASON:

In the interest of fire safety.

CONDITION 38:

The dwellings approved as part of the reserved matters 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:

In the interests of sustainability and water efficiency.

CONDITION 39:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, no dwelling shall be occupied until broadband infrastructure at a minimum standard of superfast speed has first been installed and made available for use by the occupants of the dwellings on site.

REASON:

To ensure an up-to-date communication system fit for the digital age is in place for residents in accordance with policy SCC9 of the Local Plan.

CONDITION 40:

No above ground development shall commence until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall include full details, supported by calculations, demonstrating what measures will be incorporated into the design of the buildings, including ways to reduce greenhouse gases and carbon emissions, incorporate renewable and low carbon energy and deliver sustainable design. No dwelling shall be occupied until the measures have been provided in accordance with the approved details.

REASON:

To reduce carbon emissions.

INFORMATIVE 1:

This development is subject to a s106 legal agreement.

INFORMATIVE 2:

The adopted Local Plan 2019 contains the current SMHA housing mix for both market housing and affordable housing. These are:

MARKET HOUSING:

1-bed: 5-10%
2-bed: 25-30%
3-bed: 40-45%
4/4+ bed: 20-25%

AFFORDABLE HOUSING:

1-bed: 30-35%
2-bed: 30-35%
3-bed: 20-25%
4/4+ bed: 5-10%

INFORMATIVE 3:

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.

INFORMATIVE 4:

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -
Monday - Friday - 7.30 a.m. - 18.00 p.m.,
Saturday - 8.30 a.m. - 13.00 p.m.
No work on Sundays & Bank Holidays.

INFORMATIVE 5:

Warwickshire Fire and Rescue Authority draws your attention to the need for the development 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. Further information can be found at:
www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures to put in place directly to them. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles. 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 requests that access to the site during construction and upon completion is maintained free from obstructions such as parked vehicles, to allow emergency service vehicle access.

INFORMATIVE 6:

Condition 34 requires mitigation measures in order to comply with policy HS5 of the Local Plan. Measures to assist in reducing the development's impact upon Air Quality Management include the installation of an ultra-low emission boilers (<40mg/kWh), ground source heat pumps or all electric water and heating systems, increased tree planting/landscaping, solar thermal panels, green walls and roofs, and the incorporation of electric vehicle charging points within garages and car parking areas. 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 Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE 7:

The following requirements apply in relation to the public right of way which runs parallel traverses the site:

If upgrading Public Footpath R167a is incorporated into the proposals it is recommended that the applicant obtains the consent of the relevant landowners if the path link will lead onto third party land, such as the point it reaches Coventry Road.

INFORMATIVE 8:

Any external lighting installed as part of this development shall be designed in such a manner that it will not cause light nuisance to nearby neighbouring properties, through glare or overspill.

INFORMATIVE 9:

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

INFORMATIVE 10:

Condition numbers 23, 24, and 25 requires work 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/development 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 (in respect of conditions 24 and 25) should be made to Engineering Design Services, Environment Services, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

Subject to the location, an application to enter into a Section 278 Highway Works Agreement (in respect of condition 23) should in the first instance be made to Development Management, Planning Delivery, Environment Services, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with the 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, CV25 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting more than 10 days, three months' notice will be required.

S38

Condition numbers (27 and 28) require that the estate roads including footways, cycleways, verges and footpaths to be adopted are designed, laid out 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 (in respect of conditions 27 and 28), should be made to Development Management, Planning Delivery, Environment Services, 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.

Road Safety Audit

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 approval of reserved matters/discharge of planning conditions affecting layout 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.

Dilapidation Inspection

Prior to commencement of development, the applicant is required 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

Additional Highway/Design Services Comments

Whilst general highway arrangements have been approved as part of this permission, in addition to the facilities that will be provided at the site accesses and boundaries as shown on drawing numbers 173195-PHL-031 rev C, 173195-PHL-411 rev E, 173195-PHL-412 rev C and CSA/3015/109 rev N, pedestrian/cycle infrastructure should be provided as part of the s278 highway works to ensure connectivity with the existing footways and cycleways, to include:

- Footway/cycleway route from both of the site access junctions to Coventry Road (north side of Cawston Lane), to the proposed signalised crossing, and continue on the western side of Coventry Road to connect with the existing shared footway/cycleway. This will provide connectivity for residents of the site to reach the shops and schools to the north of the site.
- Footway crossing from western boundary of the site at Coventry Road - given the comment below, sufficient works will be required to ensure suitable visibility splays are provided. This will provide for connectivity to the existing footway on the northern side of Coventry Road and the network to the west
- Footway along site boundary on southern side of Coventry Road - the indicative

masterplan shows a footway from the proposed roundabout junction along the site boundary, this is acceptable and pedestrian activity along the frontage may have a positive impact on reducing vehicle speeds. However, it is recognised that there is substantial landscaping and trees along this boundary. The works should be designed to minimise any further tree loss as they provide an important tree screen along Coventry Road. Consideration should be given to potential root damage, and to allow alternative provision to be made within the site for compensatory tree planting should further tree loss be unavoidable.

- Footway/cycleway from the priority site access junction on Cawston Lane, south to and across the pumping station access, and suitable crossing facilities either across the site access junction bell mouth or across Cawston Lane. It has been agreed for highway safety reasons that at the time of construction should other SW Rugby development either taking access from Cawston Lane or requiring access along Cawston Lane to connect with the primary school on this site not be approved, then this shared footway/cycleway will not be constructed by the developer, but the land will be dedicated as highway so as to allow other SW Rugby development to provide the infrastructure in accordance with their timetables for delivery.

Temporary Site Access:

Should a temporary construction access be required, depending on its location this may be subject to a separate highway's agreement, and may require planning approval from the Local Planning Authority.

Should a temporary construction access be required in close proximity to the main s278 works for the permanent site access(es), then early discussions with the Highway Authority are advised as this could impact on the traffic management arrangements and delivery of the main s278 works.

INFORMATIVE 11:

Conditions 26 and 27 require that the estate roads including footways, verges and paths are designed and laid out and constructed in accordance with the Highway Authority's standard specification. The applicant/development 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 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 Highways Works Agreement should be made to the Planning & Development Group, Communities, 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. 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.

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 the Street Lighting Group, Warwickshire County Council, Communities, Shire Hall, Warwick, CV34 4SX.

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 contains 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.

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 sat

Reference: R18/2076

Site Address: SHERWOOD FARM, RUGBY ROAD, BINLEY WOODS, CV3 2BE

Description: Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.

Recommendation

Approve amended conditions 9 and 15 relating to Air Quality and Biodiversity.

1 Background:

Members will recall that this application was determined by Committee in March 2020. This application is being reported back to Planning Committee due to changes to the conditions resulting from negotiations as part of the S106 agreement specifically in relation to Biodiversity mitigation as it is now shown there is a nett gain in biodiversity and therefore a contribution is no longer required.

In addition, further details were submitted to show the development is Air Quality neutral and therefore this condition also needs amending.

2 Technical consultation responses

Warwickshire Ecology
Environmental Health

No objection Net gain in biodiversity
Air Quality mitigation measures are acceptable and should be implemented.

3 Biodiversity

A BIA calculator has been submitted and reviewed by WCC Ecology where it is shown that the proposal results in a nett gain of biodiversity of 10.61 habitat units. As such WCC ecology have now stated that the financial contribution is no longer required and therefore the mechanism for ensuring this gain is in place is by condition. It is therefore proposed to amend Condition 15 to ensure these measures are implemented.

4 Air Quality

The application was originally submitted with an air quality report and Environmental health reviewed the air quality assessment report ref: 24645/03-19/6538. The report states that the impact on air quality from the development will be negligible. However, Planning Policy HS5 requires developments of this size to meet the standard of air quality neutral so they have advised that a condition and informative note is included for a plan of mitigation to demonstrate that the standard is met.

Subsequently a further technical note has been submitted whilst negotiations for the S106 agreement is ongoing and this has shown that the site can achieve Air Quality

Neutral and condition 9 has now been amended to take into account the details for the Air Quality Report Mitigating Measures.

5 Developer Contributions

In terms of the Developer Contributions this can now be amended to the provision of affordable houses, NHS, Open Space and Play Area, Sustainable Packs and Street Lighting.

6 Heads of Terms

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

Contribution	Requirement	Trigger
Play and Open Space	Open Space contribution	Prior to occupation
Affordable Housing	30%	Prior to occupation
Highways	Sustainable Packs	Prior to occupation
NHS Trust	Contribution towards service provision	Prior to Occupation
Lighting	Low Power LED to be adopted by Parish Council	During Highway Construction Phase

179 Recommendation

1. Planning application R18/2076 be granted subject to:
 - a. the amended conditions and informatives set out in the draft decision notice appended to this report; and
 - b. the completion of a legal agreement to secure the necessary financial contributions and/or planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within this report.

DRAFT DECISION

REFERENCE NO:
R18/2076

DATE APPLICATION VALID:
14-May-2019

APPLICANT:
Katie Parsons, Lioncourt Strategic Land

AGENT:
Michelle Simpson-Gallego, Pegasus Group Pegasus Group, Colmore Place, 39, Bennetts Hill, Birmingham, B2 5SN

ADDRESS OF DEVELOPMENT:
SHERWOOD FARM, RUGBY ROAD, BINLEY WOODS, CV3 2BE

APPLICATION DESCRIPTION:
Demolition of existing buildings, change of use of pasture land to domestic residential curtilage to serve Sherwood Farm, and the erection of 80 dwellings with associated access, infrastructure, works and public open space.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

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

REASON:

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

CONDITION: 2

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Plans received 05th February 2020
BWRR_PL_002J amended layout
BIR.3967_15C Indicative Landscape Masterplan

Accommodations schedule;
BWRR_PL_003H – Materials Plan (to replace BWRR_PL_003F);
BWRR_PL_004G – Boundary Treatments Plan (to replace BWRR_PL_004F).
P18_1649 06E Streetscenes

Amended Housetypes
BWRR_PL_021B_LN1469-P
BWRR_PL_022C_CE1478-E
BWRR_PL_023B_CE1478-P
BWRR_PL_024C_RO1113-E
BWRR_PL_025C_RO1113-P
BWRR_PL_028C_MA1243-E
BWRR_PL_029C-MA1243-P
BWRR_PL_030B_HAW685-SEMI-E

BWRR_PL_031B_HAW685-P
BWRR-PL-037B-HA863-P
BWRR-PL-040B-1B2P-APT-V1-E
BWRR-PL-041B-1B2P-APT-V1-P
BWRR-PL-042B-1B2P-E
BWRR-PL-043B-1B2P-P
BWRR-PL-044B-2B BUNG-E
BWRR-PL-045B-2B BUNG-P
BWRR-PL-046B-3B BUNG-E
BWRR-PL-047A-3B BUNG-P

Documents

Agricultural Land Considerations;
Air Quality Assessment,
Archaeology and Built Heritage Assessment,
Consultation Report,
Design and Access Statement
Ecological Appraisal,
Flood Risk Assessment and Drainage Strategy,
Geo-Environmental Assessment,;
Landscape and Visual Impact Assessment
Preliminary Contamination Assessment,
Noise Assessment, prepared by M-EC;
Appendix H of the Transport Assessment;
Transport Assessment, prepared by PJA;
Received 14/05/2019

Updated Arboricultural Impact Assessment to take account of revisions to layout –
9953_AIA.001 Rev B (received 05/02/2020)
Road Safety Audit (received 14/02/2020)

Amended Biodiversity Metric 2.0 Calculation dated 24th June 2020 (received 26 June 2020)

Technical Note: Air Quality Mitigation February 2021 24645-04-tn-01 rev a (received 19 Feb 2021)

REASON:

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

CONDITION: 3

No above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing bricks and roof tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

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

CONDITION:4

No above ground development shall commence unless and until details of all proposed walls, fences and gates, including elevations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON:

In the interest of visual amenity.

CONDITION: 5

No works, demolition or development shall take place 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. This scheme must include details and positioning of tree protection fencing and any ground protection measures to create construction exclusion zones. All tree protection measures identified within the approved Arboricultural Method Statement and Tree protection plan relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works.

REASON:

to ensure retained trees and their Root Protection Area's are not damaged during the development phase and are successfully integrated into the scheme

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 shall not be converted to living accommodation.

REASON:

To ensure of satisfactory parking provisions and In the interest of highway safety.

CONDITION:7

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

A validation/verification report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that successful remediation has been carried out.

REASON:

To ensure the protection of controlled waters.

CONDITION:8

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:

In the interests of sustainability and water efficiency.

CONDITION:9

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 following on-site measures to be incorporated within the development in order to meet air quality neutral standards 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. The required measures are:

- EV charging as per Table 1 of the draft RBC Air Quality SPD
- Low Emission Boilers as per Table 1 of the draft RBC Air Quality SPD
- Resident travel packs to include measures to promote public transport, walking, cycling, and EV charging
- Green infrastructure measures (to be show on the detailed landscaping plans to be submitted to and approved in writing by the LPA under condition 17

REASON:

In the interests of air quality.

CONDITION:10

No above ground development shall commence until full details of the electric car charging points, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. No dwelling shall be occupied until the approved electric car charging point for that plot has been installed in accordance with the approved details.

REASON:

In the interest of sustainability.

CONDITION:11

No development except demolition and site clearance 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, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBar runoff rate for all return periods.
- c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.

Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- d. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River

Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION:12

No occupation, or subsequent use, of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

CONDITION:13

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of New Zealand pygmyweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON: To prevent spread of a non-native invasive species.

CONDITION:14

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 LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and great crested newt 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: In accordance with NPPF, ODPM Circular 2005/06

CONDITION:15

No development shall commence until a Habitat Management Strategy for the site has first been submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented for ecological enhancement, habitat management, measures for the monitoring of outcomes/means of reviewing the strategy and the body or organisation responsible for implementation of the strategy. The approved strategy along with compliance with the Amended Biodiversity Metric 2.0 Calculator dated 24th June 2020 shall be implemented in full and followed at all times.

REASON:In accordance with NPPF, ODPM Circular 2005/06.

CONDITION:16

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 on the north and west adjacent to the woodland, towards all boundary vegetation 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 NPPF, ODPM Circular 2005/06

CONDITION:17

-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. 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:
in the interests of biodiversity and visual amenity.

CONDITION:18

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. All tree works shall be carried out in accordance with BS3998:2010 (Recommendations for Tree Work) and shall be carried out before the commencement of any works.

REASON:
In the interest of visual amenity.

CONDITION:19

The development shall not be occupied until the public highway A428 Rugby Road has been improved so as to provide for pedestrian crossing facilities and a relocated bus stop in general accordance with drawing number 0103 Revision P2.

REASON:
In the interest of highway safety

CONDITION:20

The development shall not be occupied until the existing vehicle activated speed sign on the public highway A428 Rugby Road located opposite the property 224 Rugby Road has been relocated 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:21

The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety

CONDITION:22

The development shall not be occupied until it has been laid out and constructed in general accordance with drawing number BWRR_PL_002 Revision J.

REASON:

To ensure a satisfactory layout in the interest of highway safety

CONDITION:23

The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

REASON:

In the interest of highway safety

CONDITION: 24

No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON:

In the interest of highway safety.

CONDITION:25

No development shall commence unless and until a Construction Method Statement / Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

- (i) Hours of demolition, construction and deliveries;
- (ii) The control of noise and vibration emissions from construction/demolition activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction/demolition phase;
- (iii) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (iv) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;

- (v) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
 - (vi) Measures to prevent deleterious material being carried onto the highway network; &
 - (vii) Heavy Goods Vehicle construction/demolition routing plan;
- Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

REASON:

In the interests of the amenities of the area.

INFORMATIVE:1

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on the telephone number or email below.

INFORMATIVE:2

To register the properties on this development and receive postal addresses or to amend an existing address please complete an application form for Postal Naming and Numbering. This should be done prior to above ground works commencing. The form can be downloaded at:

http://www.rugby.gov.uk/site/scripts/documents_info.php?documentID=223&categoryID=200295.

INFORMATIVE:3

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 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.

INFORMATIVE:4

Condition numbers 20-22 require 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:5

Condition number 23-25 require that the estate roads including footways, verges and footpaths are designed and laid out 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, 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:6

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 the Street Lighting Group, Warwickshire County Council, Communities, Shire Hall, Warwick, CV34 4SX.

INFORMATIVE:7

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.

INFORMATIVE:8

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:9

This development is subject to a s106 legal agreement.

DRAFT

Reference: R19/1540

Site Address: Rolls-Royce, Combe Fields Road, Coventry, CV7 9JR

Description: Outline planning application for a new employment area (Prospero Ansty) including the redundant/surplus parts of the Rolls-Royce Ansty manufacturing and testing site, comprising B1a, B1b, B1c & B2 floorspace (up to 160,000 m², of which no more than 20,000 m² is for B1a and/or B1b), hotel (C1) (up to 4,500 m²), retail (A1/A3) (up to 250 m²); including car and cycle parking, structural landscaping, new access roads, any necessary demolition (including demolition of "4 shop"), ground remodelling, drainage infrastructure, provision and replacement of utilities and service infrastructure and other associated works

Case Officer Name & Number: Chris Kingham and Nathan Lowde, 01788 533 629/725

Recommendation

Approval subject to conditions, informatives and referral to the Ministry of Housing, Communities and Local Government's Planning Casework Unit.

1. Background:

- 1.1. This application is being reported to Planning Committee for determination because the proposed development falls within the definition of major development and needs to be referred to the Ministry of Housing, Communities and Local Government's Planning Casework Unit.

2. Proposal:

- 2.1. This is an outline planning application for the redevelopment of the Rolls-Royce site in Ansty. The application site totals 65.27 hectares of land. The majority of this land has previously been used for employment purposes by Rolls-Royce and was occupied by a number of buildings and associated hardstanding. Most of the buildings have now been demolished leaving just the floor slab where they formerly stood. The site also includes existing private highways, land required for essential infrastructure and land required for biodiversity offsetting. As a result, only 44 hectares of the site is available for development. The remaining 21 hectares comprises of existing infrastructure or areas of existing ancient woodland or proposed landscape buffers.
- 2.2. All matters (access, appearance, landscaping, layout and scale) are reserved for future determination, except in relation to the primary access junction with Pilot Way (which replicates details already approved pursuant to permission R17/1829).
- 2.3. The development would provide the following amount of floorspace:
- Up to 160,000 square metres of gross external floorspace within Class B1(a) (offices), Class B1(b) (research and development of products or processes), Class B1(c) (industrial processes) and Class B2 (general industrial) of The Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 20,000 square metres of gross external floorspace shall be for Class B1(a) and Class B1(b);
 - Up to 4,500 square metres of gross external floorspace within Class C1 (hotel) of The Town and Country Planning (Use Classes) Order 1987 (as amended); and

- Up to 250 square metres of gross external floorspace within Class A1 (shops) and Class A3 (food and drink) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

- 2.4. Development and landscape parameter plans have been submitted with the application which would guide future detailed development. These plans show the area where built development would be carried out. Maximum building heights of 18m for the majority of the site and 14m for the southern part of the site are specified. The location of the main access road is also shown together with areas for formal and structural landscaping. The structural landscaping would be located around the southern and western perimeter of the site. It would predominately be 20m wide with a small 14m wide section on part of the western boundary. Further locations for ecological mitigation works and retained ancient woodland are indicated.
- 2.5. Access would be secured via a spine road which runs through the centre of the site from Combe Fields Road to Central Boulevard in Ansty Business Park. The latter connection provides primary access to junction 2 of the M6 and M69 and secondary access to a smaller signalised junction on Combe Fields Road. A new signalised junction would be provided onto Combe Fields Road but this would be restricted to cars and smaller vehicles only. All HGV traffic would be directed to the strategic road network through Ansty Business Park rather than using local routes such as via Ansty Village.
- 2.6. Surface water runoff from the site that cannot be infiltrated to the ground would be attenuated using balancing ponds located around the perimeter of the site. Water would then be discharged from these ponds at a controlled rate. This would achieve at least 50% betterment on original brownfield flows for previously developed parts of the site and greenfield rates for the undeveloped parts of the site.
- 2.7. The proposed development is of a scale which falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Due to the nature, size, location and the likely significant effects on the environment, an Environmental Impact Assessment (EIA) had to be undertaken.
- 2.8. The application was consequently accompanied by an Environmental Statement (ES) which assesses the likely significant environmental effects of the proposed development. In doing so it describes the baseline environmental conditions; the options for development which have been considered and discounted to date; the design of the proposed development; and provides an assessment of likely significant environmental effects of the construction and operational phases of the proposed development in each environmental topic area. Where it has not been possible to design the proposed development to avoid occurrence of likely significant adverse environmental effects, the ES describes the mitigation measures that have been identified and incorporated into the scheme.
- 2.9. The ES considers a range of topics including socio-economics, biodiversity, landscape and visual, heritage and climate change. It analyses the potential effects of the proposed development in relation to these topics during both construction and operational phases. It concludes that the development would generate a number of benefits to the area and would not result in any unacceptable impacts subject to the utilisation of mitigation measures. The ES has been considered by technical consultees. It has provided an appropriate assessment of the likely significant effects on the environment which have been taken into account in the determination of this application.

3. Site Description:

- 3.1. The application site comprises of 65.27 hectares of land and includes existing areas of hardstanding, buildings, car parking, amenity grassland, scrubland and an ancient woodland.

- 3.2. The existing levels on the site form a gentle dome shape. It ranges from 75m AOD along Withy Brook, which runs across the north western corner of the site, to a 94m AOD peak at the centre of the site. This dome forms part of a wider gentle ridge that runs from Walsgrave Hill (92m AOD) to the south west of the site in a north easterly direction.
- 3.3. Access to the site is currently afforded via a recently constructed carriageway which connects into the private road network within Ansty Business Park. In turn this provides a primary access link to the A46, M6 J2 and M69 in addition to a secondary access point onto Combe Fields Road. An additional historic access point known as the “northern Rolls-Royce access” also provides direct access from the site onto Combe Fields Road.
- 3.4. The application site has historically formed part of Rolls-Royce Ansty’s site and manufacturing operations. Many of the buildings associated with this use have been demolished ahead of the proposed redevelopment of the site. Three buildings used by Rolls-Royce for manufacturing and document storage remain and are located to the central northern half of the site. A further building is located to the southwest of the site and is used by RWG as an engine test facility.
- 3.5. To the southeast of the site is a large manufacturing facility and headquarters operated by Meggitt. This facility was the first building to come forward as part of the redevelopment plans. It provides 45,844sq.m of gross internal B2 Use Class floorspace in a building which is 13.70 metres high. Significant strategic landscape planting has been provided on land to the east and south of this building. Two attenuation ponds have also been provided to the southeast of the building to contain surface water runoff arising from this.
- 3.6. The application site includes two parcels of land to the north which benefit from extant full planning permissions for the provision of two new employment buildings. The first of these plots comprises of 2 hectares of land with permission to construct 11,124sq.m of office (B1a) and research and development (B1b) floorspace for a national gas network operator called Cadent in a 19m high building. A 9,113sq.m multi-storey car park would be situated to the east of this office building. The second plot comprises of 3.5 hectares of land with permission to construct 18,277sq.m of office (B1a), research and development (B1b), light industrial (B1c), general industrial (B2) and sui generis floorspace for the commercial headquarters of Kite Packaging in a 15.6m high building.
- 3.7. At a broader level the site is seen within the context of Ansty Business Park to the north which benefited from outline planning permission for 124,484 square metres of B1 floorspace for use as a High Technology Park. A substantial part of this land has now been developed and occupied with a limited number of plots remaining. Buildings present on the site include the Manufacturing Technology Centre (19m high), London Taxi Corporation (17.60m high), FANUC (14.35m high), Sainsbury’s (13m high), AVL (9.10m high), Ericsson (6.10m high), High Temperature Research Centre (14.50m high) and Aerospace Research Centre (15.20m high). The primary access to this area is afforded off the A46 and M6 J2 with a secondary access off Combe Fields Road. A dual lane spine road called Central Boulevard runs through the centre of the Park providing direct access to each building. Areas of strategic landscaping have been incorporated around the perimeter of the site with further ornamental landscaping throughout the Park.
- 3.8. The Rolls-Royce site and Ansty Business Park are surrounded by open countryside which is used for agriculture. The closest residential property is Fair View on Peter Hall Lane which is located approximately 150 metres from the site (core development area) to the east. Hill Fields Farm is located approximately 190 metres from the site (core development area) to the west. Sparrow Hall Cottages on Combe Fields Road are located approximately 330 metres from the site (core development area) to the northeast. Public footpath R75y and public bridleways

R75b and R75x are located to the south. Public footpaths R73c and R74 are located to the east. Public footpath R31 is located to the north. Coombe Abbey Conservation Area, incorporating the Grade II* registered park of Coombe Country Park, is located approximately 250 metres to the south of the application site. A number of listed buildings are located in this area with the most notable being the Grade I listed Coombe Abbey. Aside from this it is noteworthy that the A46 Coventry Eastern Bypass and urban area of Coventry is located approximately 650 metres to the west. The M6 motorway is also located approximately 750 metres to the north.

4. Relevant Planning History:

- 4.1. R20/0094: A new commercial headquarters building providing B1(a) office, B1(b) research and development, B1(c), light industrial, B2 and sui generis space, associated car parking, lorry parking, cycle parking, service areas, external plant and machinery, structural landscaping, drainage, SUDs, and other supporting infrastructure including new access roads, together with any necessary demolition and ground remodelling. Approved 14/08/2020.
- 4.2. R19/1512: Erection of building and use for purposes within Class B1(a) (Offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended), together with ancillary research and development facilities (Use Class B1(b)), staff gym and studio, associated surface and multi-storey car park, cycle parking, access road, service areas, external plant and machinery, drainage, attenuation ponds, landscaping, demolition of existing buildings, ground remodelling and associated works. Approved 03/07/2020.
- 4.3. R18/2218: Creation of parking area, removal of existing parking area, erection of storage building, substation, sprinkler tanks, pump house and temporary storage tent, alterations to 6-shop elevations, erection of 2.2 metre high fence with associated secure entrances around 4-Shop, 6-Shop and 8-Shop, creation of pedestrian and vehicular accesses, installation of lighting columns, installation of column and wall mounted CCTV cameras, drainage, attenuation pond, landscaping and associated works. Approved 04/03/2019.
- 4.4. R17/1829: Erection of building and use for purposes within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended), including ancillary offices and storage space, primary vehicular access from Pilot Way (Ansty Park), secondary vehicular access from Combe Fields Road, car and cycle parking, service areas, reserve expansion land, external storage units, gatehouse, drainage, attenuation ponds, substation, foul pumping station, demolition of existing buildings, ground remodelling and associated works. Approved 20/04/2018.
- 4.5. R18/0008: Prior notification of proposed demolition. Prior approval not required 02/02/2018.
- 4.6. R16/1923: Demolition of existing gatehouse to southern entrance and erection of replacement gatehouse to northern entrance and associated works to include alterations to access. Approved 09/01/2017.
- 4.7. R16/1250: Prior notification of proposed demolition. Prior approval not required 27/06/2016.
- 4.8. R14/1900: Prior notification of proposed demolition. Prior approval not required 28/10/2014.
- 4.9. R14/1114: Prior notification of proposed demolition. Prior approval not required 12/08/2014.
- 4.10. R12/0739: Prior notification of proposed demolition. Prior approval not required 10/05/2012.

5. Relevant Planning History (Within Vicinity of Application Site):

- 5.1. R09/0035/MEIA: Ansty Park, Land East of A46 (Coventry Eastern Bypass) and South of the M6, Ansty, Warwickshire. Use of land for the construction of 124,484 sq.m. of floor space for use as a High Technology Park for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and associated infrastructure, car parking and landscaping. Approved 15/05/2009.

6. Technical Consultation Responses:

Cadent Gas	No response
Coventry Airport	No response
Coventry City Council Environmental Health	No objection
Coventry City Council Highways	No objection
Coventry City Council Planning	Objection (impact of hotel)
Coventry City Council Parks Service	Comment
Environment Agency	No objection subject to condition
Forestry Commission	No objection
Health and Safety Executive	No objection
Highways England	No objection subject to conditions
Historic England	Concern (impact on Coombe Park and assets)
National Air Traffic Services	No objection
National Grid (Cadent Gas)	No response
Natural England	No objection subject to condition or obligation
Planning Casework Unit	No comment
Ramblers Warwickshire Area	Objection (impact on landscape from ProW)
RBC Development Strategy	No objection
RBC Environmental Health	No objection subject to conditions
RBC Trees and Landscaping	No objection subject to conditions
RBC Works Services Unit	No response
Severn Trent Water	No objection subject to informative
Stagecoach	No response
The Gardens Trust	No response
The Woodland Trust	No response
Warwickshire Fire and Rescue Service	No objection subject to condition and
informatives	
Warwickshire Police	No response
Warwickshire Wildlife Trust	No response
WCC Archaeology	No objection subject to condition
WCC Ecology	No objection subject to conditions
WCC Flood Risk Management	No objection subject to conditions
WCC Highways	No objection subject to conditions
WCC Infrastructure	No objection
WCC Rights of Way	No response
Western Power	No response

7. Third Party Consultation Responses (Amended Plans and Reports):

- Combe Fields Parish Council Comment
- Signalised junction with traffic lights on Combe Fields Road would be obscured by roadside vegetation.
 - Speed limit of Combe Fields Road must be reduced down to 40mph.

Objection Neighbours (1)

- Proposal to make Combe Fields Road haul road access (for Meggitt development) a permanent junction should not be assumed as given and not made clear.
- Combe Fields Road access has restricted visibility when approached northbound owing to proximity to a bend in the road.
- Plant cover will make visibility to Combe Fields Road access worse in the summer.
- Combe Fields Road access is too close to the junction with Peter Hall Lane.
- Combe Fields Road access is not the most appropriate location for the site access.
- Signalised junction with traffic lights would add to light pollution in rural environment.
- Existing traffic lights on Combe Fields Road lights up the surrounding area in red/green and can be seen from a great distance.
- Should use a different type of junction like a roundabout which would have less impact than the light intensity required for traffic lights.
- Query the possibility of the access becoming a new path through to the M69 if there are no traffic restrictions placed on this.

8. Third Party Consultation Responses (Original Plans and Reports):

Combe Fields Parish Council Comment

- Query the status of the Combe Fields Road haul road access and how it is controlled.
- Accept need for quality jobs.
- Concern for changing landscape and skyline.
- Hoped tree planting schedule will limit the effect on the landscape and light pollution.
- Despite assurances there is still apprehension that continuing building on the Rolls-Royce site could result in drainage water flowing across Combe Fields Road into the fields at Peter Hall Farm during times of severe rain.
- Query what current and projected excess capacity there is in the balancing ponds.

Comment Neighbours (1)

- No objection and encouraged by growth of Ansty Park.
- Query the cumulative impact of development on roads within Ansty Park.
- Roads within Ansty Park not adopted so Highway Authority will only focus on impact once leaving Ansty Park.
- Local roads and roads within Ansty Park need to withstand increase in traffic generation.
- Query what measures have been considered to ensure a good flow of traffic along roads in Ansty Park.
- Query whether proximity of hotel to LEVC could raise issues in the future in spite of measures taken to ensure compliance on air and noise pollution.

9. Assessment of Proposal:

9.1. 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.

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

9.3. Rugby Borough Council Local Plan 2019

GP1	Securing Sustainable Development	Complies
GP2	Settlement Hierarchy	Complies
GP3	Previously Developed Land and Conversions	Complies

GP4	Safeguarding Development Potential	Complies
DS1	Overall Development Needs	Complies
ED1	Protection of Rugby's Employment Land	Complies
ED2	Employment Development Within Rugby Urban Area	Complies
ED3	Employment Development Outside Rugby Urban Area	Complies
TC2	Rugby Town Centre – New Retail and Town Centre Uses	Complies
HS1	Healthy, Safe and Inclusive Communities	Complies
HS2	Health Impact Assessments	Complies
HS3	Protection and Provision of Local Shops, Community Facilities and Services	Complies
HS5	Traffic Generation, Air Quality, Noise and Vibration	Complies
NE1	Protecting Designated Biodiversity and Geodiversity Assets	Complies
NE2	Strategic Green and Blue Infrastructure	Complies
NE3	Landscape Protection and Enhancement	Complies
SDC1	Sustainable Design	Complies
SDC2	Landscaping	Complies
SDC3	Protecting and Enhancing the Historic Environment	Complies
SDC4	Sustainable Buildings	Complies
SDC5	Flood Risk Management	Complies
SDC6	Sustainable Drainage	Complies
SDC7	Protection of the Water Environment and Water Supply	Complies
SDC9	Broadband and Mobile Internet	Complies
D1	Transport	Complies
D2	Parking Facilities	Complies
D3	Infrastructure and Implementation	Complies
D5	Airport Flightpath Safeguarding	Complies

9.4. Supplementary Planning Documents (SPDs)

Sustainable Design and Construction SPD (2012)
Draft Air Quality SPD (2020)

9.5. Material Considerations

National Planning Policy Framework (NPPF or “the Framework”) (2019)
Draft National Planning Policy Framework (NPPF or “the Framework”) (2021)
National Planning Practice Guidance (NPPG)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
National Model Design Code (2021)
National Design Guide (2019)

9.6. Key Issues

Section 10 Settlement Hierarchy and Green Belt
Section 11 General Principle of Development
Section 12 Principle of Employment Development
Section 13 Principle of Hotel, Shop and Food and Drink Development
Section 14 Economic Growth
Section 15 Landscape and Visual Impact
Section 16 Trees and Hedgerows
Section 17 Ecology
Section 18 Traffic Flows and Highway Safety
Section 19 Flood Risk and Drainage
Section 20 Heritage and Archaeology
Section 21 Air Quality
Section 22 Noise

Section 23	Contamination
Section 24	Light
Section 25	Residential Amenity (Light, Aspect and Privacy)
Section 26	Carbon Emissions, Sustainable Design and Construction
Section 27	Health
Section 28	Broadband
Section 29	Planning Balance and Sustainability of Development

10. Settlement Hierarchy and Green Belt

Settlement Hierarchy

- 10.1. Policy GP2 of the Local Plan outlines a sequential settlement hierarchy which seeks to ensure that development is directed to the most sustainable locations within the Borough. In this case the application site is located within the West Midlands Green Belt which is classified as being the least sequentially preferable location for development. The policy consequently sets out that development will be resisted in such areas unless permitted by national policy on Green Belts.

National Policy on Green Belts

- 10.2. National policy on Green Belts is set out within the Framework at section 13. Paragraph 143 is particularly relevant and stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Inappropriate development includes the construction of new buildings other than those listed as exceptions in paragraph 145 of the Framework.
- 10.3. The exception listed at paragraph 145g of the Framework allows for the “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
- 10.4. In order for the scheme to benefit from this exemption, it must first be demonstrated that it is previously developed land. This is defined in Annex 2 of the Framework as being: “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.” The exclusions to this definition are then listed with one of these being “land that was previously developed but where the remains of the permanent structure have blended into the landscape”.
- 10.5. ‘Curtilage’ is not a term defined in legislation or the Framework. The Courts have consistently held that the extent of a curtilage will be a matter of fact and degree and will depend on the particular circumstances of a case.
- 10.6. In regard to this application, it is noted that the application site can be broken down into six distinct areas which are comprised of the following:
- Area 1: Existing buildings, car park and roads which would be demolished and cleared to make way for the proposed development. These existing buildings are currently used by Rolls-Royce for manufacturing and document storage and RWG as an engine testing facility. The car park and roads are used by Rolls-Royce and RWG.

- Area 2: Land which was previously occupied by now demolished and cleared buildings and structures. Includes areas of open and undeveloped land around these former buildings and structures within the fenced perimeter boundary and forming part of the curtilage.
- Area 3: Existing private highways which have been included within the application site to show how access to the public highway would be achieved.
- Area 4: Land which was previously used as a runway (and other elements of hardstanding) and rocket testing site. These former activities have been discontinued for several years, but the physical outline of these former uses remain apparent on site.
- Area 5: Open and undeveloped land. These areas are fenced off from the main Rolls-Royce site and are therefore considered to be outside of its curtilage.
- Area 6: An area of established ancient woodland known at Hill Park Wood.

10.7. It is considered that areas 1-4 should be classified as previously developed land. They comprise of land which is or was occupied by a permanent structure, including the curtilage of the developed land. Areas 5 and 6 should not be classified as previously developed land. They comprise of land which is free from development and outside the curtilage of developed land.

10.8. Development and landscape parameter plans have been submitted with the application which show the area where built development would be carried out. The significant majority of this would be provided on the previously developed land (areas 1-4). To determine whether this would be inappropriate development in the Green Belt, it is necessary to ascertain whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. This is considered below. Aside from these areas, a relatively small part of the built development would be provided on land which has not previously been developed (area 5). The proposed development in this location would be classified as inappropriate development in the Green Belt.

Impact on Openness

10.9. In regard to the areas of the site classified as previously developed land, it is necessary to determine whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Paragraph 133 of the Framework is relevant to this consideration and states that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics being its permanence and openness. It is important to note that openness is a broad policy concept which has variously been defined by the Courts as “unbuilt on land” or “the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact”. The Courts have also established that the concept of openness can have a spatial aspect as well as a visual aspect. However, it is not a necessarily a statement about the visual qualities of the land. Equally, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new building there. In essence, even if new buildings have a limited visual impact they can still reduce openness.

10.10. As this is an outline application the exact appearance, layout and scale of built development is not known at this stage. However, the parameter plans stipulate that the maximum building heights would be 18m for the majority of the site and 14m for the southern part of the site. A total quantity of up to 164,750 square metres of floorspace has also been specified. It is indicated that the amount of car parking to accompany this floorspace would be in accordance with the standards specified in the Local Plan. The exact number of spaces and form this take (for example, surface car park or multi-storey car park) is not known at this stage and will vary according to the proposed use class brought forward.

- 10.11. The Rolls-Royce buildings which remain and have been demolished (excluding 8-shop which is to remain in situ) have a combined floorspace of approximately 76,000 square metres. The buildings were a variety of heights ranging from 3-13 metres high. A review of historic records gave a crude estimate that the remaining and recently demolished buildings had a volume of approximately 739,853 cubic metres.
- 10.12. The first phase of redevelopment has already taken place through the construction of new buildings for Meggitt along the eastern boundary of the Rolls-Royce site (R17/1829). This has resulted in the construction of 45,105 square metres of floorspace in 4-13.70 metre high buildings with an estimated volume of 545,675 cubic metres. Connected to this is development by Rolls-Royce to consolidate their development on the site (R18/2218). This has resulted in the construction of 1,302 square metres of floorspace in 7.73-8.70 metre high buildings with an estimated volume of 4,627 cubic metres.
- 10.13. The second phase of redevelopment has been approved. The development by Cadent Gas (R19/1512) is already underway and will result in the provision of 20,237 square metres of new floorspace once completed. This would be split between two primary buildings which will be 14 and 19 metres high. It will have an estimated volume of 338,938 cubic metres. The development by Kite Packaging (R20/0094) has not commenced but remains an extant permission. If constructed it would provide 18,277 square metres of new floorspace in a 15.60 metre high building. It would have an estimated volume of 285,121 cubic metres.
- 10.14. The first and second phase of redevelopment collectively results in 84,921 square metres of built development. These buildings would be between 4 and 19 metres high with a combined estimated volume of 1,174,361 cubic metres. These figures show that the amount of new floorspace, height and estimated volume of buildings is over the total figures for the Rolls-Royce buildings which remain and have been demolished.
- 10.15. The cumulative impact arising from the size and scale of this proposed development, together with the implemented and approved applications for development, is such that the spatial impact would be significantly greater than the combined floorspace, height and volume of the remaining and now demolished buildings located on the Rolls-Royce site.
- 10.16. From a visual perspective, the presence of proposed buildings and development across the site would be readily observed from public vantage points including public highways (most notably Combe Fields Road), Coombe Country Park, public rights of way and nearby residential properties. The visual impact of this would, however, be somewhat lessened through significant strategic landscape planting around the perimeter of the site. When established this would help to screen and soften views of the buildings. Furthermore, the presence of such buildings would not be seen in isolation within open countryside. They would instead be seen within the context of existing buildings at Ansty Business Park, the recently constructed Meggitt development and retained Rolls-Royce buildings. Nonetheless, the visual impact arising from the proposed buildings and development would be significant compared to the current and former appearance of development across the site.

Conclusions on Inappropriate Development and Impact on Openness

- 10.17. Having regard to the spatial and visual aspects of development, it is considered that the proposed development would clearly have a greater impact on the openness of the Green Belt than the existing development. It would therefore not benefit from the exemption to inappropriate development listed at paragraph 145g of the Framework. Accordingly, the proposed development constitutes inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is further clear that the proposal would cause significant and permanent

harm to the Green Belt by reducing its openness. This harm must be given substantial weight in accordance with paragraph 144 of the Framework.

Other Harm

- 10.18. Aside from the impact on openness, paragraph 134 of the Framework sets out that the Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.19. In this regard Ansty Park and the majority of the Rolls-Royce site are designated as being an Employment Site (Within Green Belt) on the Rural Policies Map. This designation creates a clearly defined area for employment development which is physically disconnected from Coventry and other urban areas.
- 10.20. The area of proposed built development for this application would be contained entirely within this designated area. Areas for structural landscaping, ecological mitigation and attenuation ponds would be located on a limited amount of land outside the designated area. It is considered that containing development to the boundaries of the designation helps to prevent harm to the five purposes. In particular, it would not diminish the physical separation of the designated area from Coventry or other urban areas.
- 10.21. However, as identified above, the amount of development proposed within this designated area would increase exponentially. This would have a spatial and visual impact on the openness of the Green Belt. In turn, this would reduce the amount of open space on the site thus creating a notably denser and urban form of development across the extent of the designation. This would contrast with the limited number of buildings and significantly higher amount of open space on the site previously. As a result, the proposal would give rise to some limited harm to checking the unrestricted sprawl of large built-up areas and some moderate harm to assisting in safeguarding the countryside from encroachment.
- 10.22. Conversely, the contained nature of development to land within the designated area ensures that it would not give rise to harm to prevent neighbouring towns merging into one another, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Other Considerations

- 10.23. It has been established that the proposal would give rise to harm to the Green Belt by reason of inappropriateness, impact on openness and impact on two purposes of including land in the Green Belt. This harm must be given substantial weight in accordance with paragraph 144 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.

11. General Principle of Development

- 11.1. It is important to recognise that development has been located on this site since 1935 when used as an RAF airfield. Rolls-Royce subsequently took over and began further developing the site from 1966 onwards. The status of this land as an employment site has therefore been long established despite its location in the Green Belt. This has been further recognised and protected by virtue of the site's designation in successive development plans which allows for redevelopment. Such recognition has ultimately allowed for the redevelopment of the northern

part of the airfield as a large scale (140,000 square metres) commercial development known as Ansty Business Park. This precedent and the legacy of the site is an important consideration in understanding the high value and regional significance of the site for meeting economic and employment needs at both a local and regional level.

- 11.2. Policy GP3 of the Local Plan further sets out that the Council will support the redevelopment of previously developed land where proposals are compliant with other policies in the Local Plan. It particularly highlights the need to consider the impact on visual amenity, landscape, properties, services, heritage and biodiversity assets. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.
- 11.3. The proposed comprehensive redevelopment of the application site would be carried out in a sensitive way which would not prejudice the development potential of other land being realised as required by policy GP4 of the Local Plan.

12. Principle of Employment Development

- 12.1. Notwithstanding the location of the site in the Green Belt, policy ED1 of the Local Plan and accompanying Rural Policies Map sets out that the majority of the Rolls-Royce site is an Existing Strategically Significant Employment Site. Such sites are to be retained for B1(a), B1(b), B1(c), B2 and B8 use classes. The policy outlines that “the infilling or the partial or complete redevelopment of existing employment sites will be supported subject to the consideration of potential impacts to their surroundings against the relevant policies in the Local Plan and national policy, in particular those sites located in the Green Belt”.
- 12.2. In this case the proposal is for the complete redevelopment of the existing Rolls-Royce site as defined on the Rural Policies Map. The principle of this is therefore supported by policy ED1 subject to the detailed consideration of impacts and policy compliance. Such considerations are set out in depth below and will be weighed up in the planning balance at the end of this report.
- 12.3. The proposal also complies with policy ED3 of the Local Plan because it is for employment development outside of the Rugby Urban Area but on a site historically and currently used for B use class employment purposes. Equally, the proposal complies with policy ED2 of the Local Plan because the proposed office (B1(a) use class) floorspace would be ancillary to the other employment uses proposed on the site. Indeed, the proposed office space would amount to no more than 12.5% of the total employment floorspace on the site. This would be restricted by condition 3.
- 12.4. Furthermore, the proposal complies with policy DS1 of the Local Plan which sets out the need for 208ha of employment land, including 98ha to contribute to Coventry’s unmet needs, between 2011 and 2031. Paragraph 4.16 of the supporting text to this policy makes clear that the employment land target would be delivered partly through intensification opportunities at existing sites. The redevelopment and intensification of the Rolls-Royce site would therefore help to ensure this target is met.

13. Principle of Hotel, Shop and Food and Drink Development

- 13.1. Policy ED1 of the Local Plan and accompanying Rural Policies Map sets out that the Rolls-Royce site is an Existing Strategically Significant Employment Site. Such sites are to be retained for B1(a), B1(b), B1(c), B2 and B8 use classes. The proposed hotel (C1 use class), shop (A1 use class) and food and drink development (A3 use class) would consequently not be uses which are permitted in this location.

- 13.2. Notwithstanding the above, it is necessary to consider the provision of these uses within the context of the comprehensive redevelopment proposals for the entire site. It has been established that the proposals would significantly intensify the amount of employment development on the site. Indeed, the proposals would result in the total amount of employment floorspace (B1 and B2 use class) on the Rolls-Royce site increasing from approximately 76,000 square metres to 205,000 square metres (i.e. an additional 129,000 square metres based on the constructed Meggitt development and proposed development). No existing employment floorspace would therefore need to be lost to achieve the provision of a further 4,750 square metres of floorspace for C1, A1 and A3 uses. It also shows that this could be provided without sacrificing the ability to significantly increase the amount of employment floorspace on the site. This is reflected in the fact that the amount of floorspace for the C1, A1 and A3 uses would only represent 2.9% of the total floorspace on the application site.
- 13.3. The purpose of policy ED1 is to protect employment land by preventing changes of use to other purposes unless justified. In this case it is clear that the proposed C1, A1 and A3 uses would not result in the loss of existing employment land or prevent the significant intensification of employment uses. Although the land for these uses could be used for employment purposes rather than alternative purposes, it is accepted that this would be minor, and arguably inconsequential, within the context of the proposed redevelopment plans. As such, it is considered that the proposal, when considered as a whole, does comply with policy ED1.

Sequential Test

- 13.4. Policy TC2 of the Local Plan relates to main town centre uses which include hotels, shops and premises selling food and drink. In order to sustain the vitality and viability of Rugby town centre it seeks to ensure that such uses are located there first before out of centre sites are considered. It therefore requires that a sequential test is submitted with applications for these uses which are outside of the town centre. Planning Practice Guidance expands on this and indicates that the application of such a test “will need to be proportionate and appropriate for the given proposal”. Discussions regarding the scope of this test consequently took place prior to the application being submitted.
- 13.5. In regard to the proposed shop (A1 use class) and premises selling food and drink (A3 use class) the applicant has submitted that their intention is to provide two or three units which are ancillary to the main employment uses. They are specifically sought to provide for the demands of workers from this proposed development, the Meggitt development and Ansty Business Park. Employment projections for this development and Meggitt indicate that up to 6,200 people could be employed on this site. If these uses are not provided on the site there is a high likelihood that employees would leave the site and travel by car to other locations for food, coffees and lunches. The proposal therefore seeks to reduce the potential number of unsustainable trips to/from the site. It is not intended that the units would attract trips into the site from outside. This is reflected in the small size of the units and confirmation within the Planning Statement that they would “be located in the heart of the development area and not in a convenient location to attract passing trade.” Conditions 3 and 5 would ensure that this is adhered to. Conditions 16 and 27 would also be imposed to ensure that these uses would not harm the amenities of the area. Overall, it is therefore accepted that the justification put forward is such that carrying out a sequential test for the A1 and A3 uses would not be necessary.
- 13.6. In regard to the proposed hotel (C1 use class) the applicant has submitted a sequential test. It is indicated that the 4,500 square metres of floorspace could provide a 120 bedroom hotel. This would be targeted to meet the needs of employees and visitors arising from the proposed development, the Meggitt development and Ansty Park. To that end existing employers in the area have expressed support for the provision of a hotel in this location. It would also offer accommodation to customers who prefer to stay at a location close to the strategic highway

network. It is stressed that the hotel is not intended to be a destination in its own right such as might be the case for hotels in a town centre, retail park or leisure park. It is instead designed for travellers who need easy access to the surrounding motorway network or who have a meeting on the business park. Locating the hotel in a recognised centre without immediate proximity to the employment uses would consequently not meet the demand the proposal is aiming to serve.

- 13.7. In light of the above, it has been agreed that it would not be proportionate and appropriate for the sequential test to consider the availability of sites in Rugby town centre. This is principally due to the physical distance of the site to Rugby and presence of intervening Green Belt which would limit consideration of other options. In consultation with Coventry City Council it was agreed that the test should instead focus on three centres within Coventry. Following a search it was found that there are no suitable or available sites either in these three centres or edge of these three centres that could accommodate the proposed hotel. It concludes that the proposal therefore meets the requirements of the sequential test.
- 13.8. Coventry City Council Planning has considered the sequential test and additional information and raised an objection to the proposed hotel. They have raised concerns that there is a network of hotels with easy access to the site which would be detrimentally affected by the proposed development. They believe this is especially the case because the applicant is unable to articulate the need or capacity to meet that need in the local area. Furthermore, they consider that the catchment for the test has been considered too narrowly. It is argued that stays at a hotel on a business park are highly likely to be longer than just one night. They contend that a more considered catchment should be used, given the greater need for access to other facilities such as leisure and dining, and that available city centre sites should be considered within the sequential assessment as well as the centres which have already been assessed.
- 13.9. On balance, it is considered that the sequential test carried out for the proposed hotel is proportionate and appropriate. Planning Practice Guidance recognises that certain main town centre uses have particular market and locational requirements which means that they may only be accommodated in specific locations. In this case the catchment has been specifically narrowed down to meet the anticipated needs arising from the proposed employment development, Meggitt development and Ansty Park. The applicant has asserted that single night stays would predominate and there is no evidence available to disagree with that stance. Equally, there is no requirement in planning policy for the applicant to demonstrate the need for a hotel and to supply details of capacity at nearby hotels.
- 13.10. Given its intended customer base, the principal factors affecting the hotel's location are likely to be its proximity, convenience and accessibility in relation to the existing and proposed employment development. It is therefore considered that city centre sites are unlikely to be considered attractive by prospective customers of the hotel proposed, given the greater likelihood of delays and inconvenience arising from city centre traffic, and as city centre land values would likely restrict the possibility of providing adequate free on-site parking. A hotel on this site would rather serve a localised need related to this specific employment area to the eastern side of the city. The sequential test has considered the availability of sites within centres in this area. The conclusions are accepted and demonstrate that there are no sequentially preferable sites available. The proposed location of a hotel on the site is consequently acceptable.

Location of Hotel

- 13.11. Paragraphs 170, 180 and 182 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that the proposed development would not be adversely affected by noise. It also sets out the need to ensure that noise arising from the proposed development

would not adversely impact on the amenity of nearby noise-sensitive receptors. Furthermore, it sets out the need to consider the relationship and compatibility of proposed noise-sensitive receptors with existing businesses and sources of noise.

- 13.12. In this respect the proposed hotel would introduce a noise sensitive use into an area surrounded by employment uses. There is consequently the potential for noise from employment activities to have a negative impact on hotel users living conditions. This could lead to complaints and pressure for businesses to curtail their activities.
- 13.13. To mitigate against this risk it would be necessary to give careful consideration to where the hotel would be located on the site. Condition 5 is proposed to ensure this is taken into account at an early stage. Condition 17 is also proposed requiring the submission of a noise impact assessment for the hotel to include details of any necessary mitigation measures. It is anticipated that glazing and ventilation measures could be provided to suitably deal with this.

Summary

- 13.14. Overall, it is considered that the principle of the proposed hotel, shop and food and drink units would be acceptable.

14. Economic Growth

- 14.1. Policy GP1 of the Local Plan sets out a goal to secure development that improves the economic conditions of this area. This is consistent with paragraph 80 of the Framework which outlines that “decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 14.2. The facility would provide a base for up to 5000 jobs. The nature and extent of operations undertaken within the proposed buildings will vary within B1 and B2 uses.
- 14.3. Paragraph 82 of the Framework further sets out that “decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries”. In this regard the applicant has set out the importance of co-locating with other like-minded businesses at Ansty Business Park and the opportunity to create a combined employment hub. Indeed, this location has attracted businesses which specialise in high technology uses. This includes global manufacturers and the Manufacturing Technology Centre. In turn, it has created a cluster of high technology industries, manufacturing, research and development. This synergy is important and the proposed development provides an opportunity to capitalise and build upon this success.
- 14.4. The proposed development would also represent a substantial investment in the Borough and the region. Other economic benefits would include: safeguarding of construction jobs; associated in-direct jobs and businesses being supported; potential new construction employment opportunities; new jobs within the Borough; and support of businesses and jobs who provide services to the facility. Furthermore, the proposed development does not constrain the retained operations of Roll-Royce on the site.
- 14.5. Overall, the proposal represents a substantial investment in the Borough and also the regional economy. In particular, it would provide new employment opportunities on a currently underutilised Strategically Significant Employment Site. As a consequence, it would have a significant positive impact on the local and regional economy. In line with the Framework, these benefits to economic growth and productivity should be given significant weight in favour

of the proposed development. As a result, the proposal complies with the Framework and policy GP1.

15. Landscape and Visual Impact

- 15.1. Section 12 of the Framework and policies NE3, SDC1 and SDC2 of the Local Plan set out the importance of good design and landscaping in new developments. They also set out the importance of considering the impact of development on landscape character.
- 15.2. The application site comprises of 65.27 hectares of land. The majority of this has previously been used for employment purposes by Rolls-Royce and was occupied by a number of buildings and associated hardstanding. Most of the buildings have now been demolished leaving just the floor slab where they formerly stood. The site also includes existing private highways, land required for essential infrastructure and land required for biodiversity offsetting. As a result, only 44 hectares of the site is available for development. The remaining 21 hectares comprises of existing infrastructure or areas of existing ancient woodland or proposed landscape buffers.
- 15.3. Prior to demolition works there was a wide variety of buildings on the site with the layout, appearance, sizes, heights and materials having clearly evolved over the years. There was consequently no clear and uniform character with the development rather appearing more disjointed. However, in general terms the buildings closest to Combe Fields Road were two storeys in height with incidental green space positioned between the buildings and the road. The larger more industrial looking buildings were located further into the site on higher ground levels thereby being readily visible in the surrounding landscape. A chimney stack just under 30m high also dominated the skyline and was visible from many public vantage points.
- 15.4. Part of the Rolls-Royce site has already been redeveloped through the construction of a large purpose-built manufacturing facility and headquarters operated by Meggitt. It provides 45,844sq.m of gross internal B2 Use Class floorspace in a building which is 13.70 metres high. The building is supported by a large surface car park, attenuation ponds and structural landscaping. Work has also commenced on the construction of a new office and research development facility for use by Cadent Gas. This will result in the provision of 20,237 square metres of new floorspace split between two buildings which will be 14 and 19 metres high.
- 15.5. The proposal subject of this application would continue the redevelopment of the Rolls-Royce site. However, as this is an outline application with all matters reserved, it is not known at this stage what the appearance, layout and scale of the proposed development would be. Development and landscape parameters plans have therefore been submitted with the application which would guide future detailed development.
- 15.6. The plans show the area where built development would be carried out. Maximum building heights of 18m for the majority of the site and 14m for the southern part of the site are specified. The location of the main access road is also shown together with areas for formal and structural landscaping. The structural landscaping would be located around the southern and western perimeter of the site. It would predominately be 20m wide with a small 14m wide section on part of the western boundary. Further locations for ecological mitigation works and retained ancient woodland are indicated. Such parameters are accompanied by a Design and Access Statement for the application which sets out design concepts and principles to be followed at the detailed development stage.
- 15.7. In terms of landscape and visual impact, the size, scale and layout of proposed development would be substantially greater than what was previously located on the site. Moreover, it would result in development in parts of the site where there has previously been no development. These changes would be readily observed from public vantage points including public

highways (most notably Combe Fields Road), Coombe Country Park, public rights of way and nearby residential properties.

- 15.8. In order to mitigate against the visual impact, it is proposed that significant woodland and structural landscape planting would be provided around the perimeter of the site. Vegetation along the southern boundary would be enhanced by planting which would include evergreen species to provide year-round screening. Larger stature trees would also be planted along the southern boundary, which would make a more immediate contribution to the screening of the site. Full details of the this planting, together with a timetable for implementation, would be required by condition 11.
- 15.9. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application to help understand the effects of the proposals on this area of concern. Given that the final form of development is not known at this stage the LVIA was carried out on the basis of a worst-case scenario which assumed that the various plots would be developed with 100% plot coverage to the maximum possible height set out on the parameters plan. In reality, there would be greater variation in the final form of development and plot coverage would not extend to the full extent of the parameters. To assist the consideration of this impact the LVIA includes photomontages showing proposed illustrative development at year 0 and year 15 from key viewpoints.
- 15.10. As a starting point, the LVIA observes that the Rolls-Royce and Ansty Park sites appear as a developed urban employment site surrounded by Green Belt. The predominate landscape character of this surrounding land is open and rural in nature interspersed by limited pockets of development. However, large regional infrastructure such as the M6 and A46 exerts an urban influence over this rural landscape. This urban influence been further compounded through the development of Ansty Park and Meggitt. The proposed intensification of development on the application site would add to this influence further still. Indeed, the LVIA notes that it would contrast clearly from the more rural surroundings and create a distinct urban element within the landscape. Nonetheless, the provision of large strategic mitigation areas around the edge of the site would ensure that this urban element within the landscape does not coalesce with the eastern edge of Coventry.
- 15.11. In terms of visual effects, the LVIA acknowledges that the increase in height and mass of the proposed buildings, together with development in previously undeveloped areas, would increase the presence of built form within views from key locations in the local area. The greatest effects would be from views to the south of the site (from Public Rights of Way R75b, R75x and R75y and Coombe Country Park) and southeast of the site (from Combe Fields Road and Peter Hall Lane). Indeed, the visual impact on these Public Rights of Way forms the ground on which Ramblers Warwickshire Area have objected to the application. Other notable visual effects would arise from views to the north, east and west of the site.
- 15.12. The LVIA concludes that “As the landscape treatments around the periphery of the site mature, the effect on the surrounding landscape will begin to reduce. The vegetation along the southern, western and eastern boundaries of the site will begin to soften views towards the development, although the tops of buildings will remain visible.” It also identifies that “The effect on the local landscape character will see a gradual reduction after the implementation of both the primary and secondary mitigation and completion of the development. By year 15, as the landscape mitigation matures, the landscape effect will have reduced as the development begins to assimilate into its surroundings. However, it will still contrast from the surrounding rural landscape with the screen planting around the periphery forming a defined edge, the residual landscape effect on the Dunsmore Parkland character area would therefore remain as Minor Adverse.”

- 15.13. The Council's Landscape and Arboricultural Officer has considered all of the submitted plans and LVIA. They have concluded that there would be a high magnitude of visual and landscape change but are satisfied that this would diminish as planting establishes. In respect of the impact on the southern edge, particularly when viewed from public rights of way and Coombe Country Park, they observe that there is currently a large unscreened engine testing facility building which is highly prominent and visible. Although smaller than the proposed development it is important to recognise that any new development would be appropriately screened so arguably represents an improvement to the current situation. In view of this they are satisfied with the 20m and 14m width of the woodland and structural planting that would be provided around the southern and western boundaries. They are satisfied that a 20 metre depth of deciduous trees not in leaf would still provide good screening but advise that more coniferous planting would enhance this. It is therefore requested that this planting should contain 20-25% native coniferous trees. It should further be interspersed with larger 'stature' tree planting to provide more initial impact in terms of screening. Full details of the this planting, together with a timetable for implementation, would be required by condition 11.
- 15.14. On balance, it is considered that the proposed development would have an acceptable impact on the landscape and visual amenities of this area. The scale and layout of the proposed development is such that this would invariably have a greater impact than was previously the case. However, the potential impact of this has been lessened through limiting building heights to no more than 18m and then 14m in the more sensitive southern portion of the site. This would be secured through condition 9. Approval would also be required for the appearance and layout of the buildings together with additional matters such as finished floor levels and plot specific landscaping (conditions 9, 10 and 14). Furthermore, the proposed woodland and structural planting would mature over time and reduce that impact to an acceptable level. This would be secured through condition 11. As a result, the proposal complies with the Framework and policies NE3, SDC1 and SDC2 of the Local Plan.

16. Trees and Hedgerows

- 16.1. 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.
- 16.2. The proposed development would result in the removal of a number of existing trees across the application site. A large proportion of these trees to be removed are located within Plot 1C for which planning application ref: R20/0094 was approved. As such, the loss and mitigation of these trees has already been assessed and considered acceptable in accordance with the Framework and policies NE3 and SDC2.
- 16.3. Where existing trees, which are outside of Plot 1C, are proposed to be removed, to compensate for this loss it is proposed to provide substantial new tree planting within strategic landscape buffers and on-plot soft landscape planting.
- 16.4. The Council's Arboricultural Officer has raised no objection to the proposed replacement tree planting to compensate for the loss of those formerly located on the site. It is accepted that the extent of tree loss was ultimately necessary to create sufficient space for the proposed buildings to be laid out. Overall, it is considered that the impact on trees and hedgerows would be acceptable.
- 16.5. Indeed, the proposed tree and landscape planting adequately compensates for the impact of those that have been removed. As a result, the proposal complies with the Framework and policies NE3 and SDC2.

17. Ecology

- 17.1. Paragraphs 170 and 175 of the Framework and policy NE1 of the Local Plan set out the need to protect and enhance biodiversity including protected habitats and species.

Habitats

- 17.2. Coombe Pool Site of Special Scientific Interest (SSSI) is located approximately 0.8km away from the south of the site. The pool is fed by the Smite Brook watercourse. The proximity of this brook to the site is such that it may be hydrologically linked to the SSSI. This gives rise to the potential for contaminants in surface water from the site being discharged into the watercourse and reaching the SSSI. Condition 7 would therefore be necessary to ensure that details are provided showing how pollutant levels expected in the surface water run-off would be controlled. This would ensure that there is no adverse impact on the downstream SSSI. It is not envisaged that there would be any potential adverse effects on other statutory and non-statutory sites in the area.
- 17.3. The application incorporates a non-statutory designated site of nature conservation interest: Hill Park Wood Local Wildlife Site (LWS). This is a semi-natural Ancient Woodland largely dominated by Oak and Ash. The Ansty Park Ponds potential LWS (pLWS) is located immediately adjacent to, as well as incorporating small parts of, the application site, which supports a medium-low population of Great Crested Newts. To the south of the application site, located approximately 0.25m, lies Coombe Abbey LWS, designated on account of it comprising broad-leave woodland and coniferous plantation.
- 17.4. The application site itself supports a number of habitats of intrinsically low ecological value including heavily managed species-poor semi-improved grassland, amenity grassland, ruderal vegetation, bare ground and hardstanding. Features of relatively higher ecological value (albeit limited) within the context of the site include the semi-mature tree lines and areas of dense and scattered scrub.
- 17.5. To the north of the application site and Ansty Business Park, and adjacent to the M6 Motorway, is a parcel of land (referred to as Parcel 2), which would remain free from development and is set aside for the purposes of strategic mitigation and biodiversity offsetting. This parcel of land is approximately 10 hectares, typically comprising of species-poor, horse grazed pasture bordered by scrubby hedgerows and treelines. This parcel of land is located within the floodplain, with a stretch of the Withybrook watercourse tributary running along the eastern boundary.
- 17.6. 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. In order to mitigate losses of habitats within the application site as a result of the development proposal, large areas within the west of the application (inclusive of Hill Park Woodland) as well as the entirety of Parcel 2, would be set aside for mitigation. Measures will include: extensive species-rich grassland enhancement and creation, enhancement of the Hill Park Woodland, creation of wetland style habitats and pond networks, extensive woodland / scrub planting as well as the assurance of 10% of development space to be set aside solely for the purposes of in-plot landscaping. The detailed arrangements would be secured via conditions 11, 12, 13 and 14.

Species

- 17.7. The Ecological Assessment draws on data records and surveys which indicate that the development has the potential to have an impact on bats, brown hare, reptiles, great crested newts, water voles and birds. A variety of measures are proposed to offset such potential impacts. WCC Ecology have assessed these and are satisfied that the potential impact to these species would be mitigated against through planning conditions 10, 12, 13, 14, 15 and 18.

Ecology Conclusions

- 17.8. It has been found that the findings of the Ecological Assessment 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 inside and outside of the application site. The potential impact on species could be mitigated against through the use of planning conditions 10, 12, 13, 14, 15 and 18. It is consequently considered that the proposed development would not have an adverse impact upon habitats and species whilst ensuring a net biodiversity gain. As a result, the proposal complies with the Framework and policies NE1 and NE2.

18. Traffic Flows and Highway Safety

- 18.1. Section 9 of the Framework and policies HS5, D1 and D2 of the Local Plan set out the need to prioritise sustainable modes of transport and ensure transport impacts are suitably mitigated. A safe and suitable access to the site is also necessary.

Access

- 18.2. Historically vehicular access to the Rolls-Royce site was only available from two access points (known as north and south) directly onto Combe Fields Road. This meant all traffic moving to and from the site had to use local roads, including through villages like Ansty, to access the facility. However, this situation has recently changed following the construction of the Meggitt manufacturing facility on part of the Rolls-Royce site. This development resulted in the construction of a new spine road which runs through the centre of the Rolls-Royce site and connects into Pilot Way on Ansty Business Park. This consequently allows users to access the site directly via the primary access point to the A46, A4600, M6 J2 and M69 in addition to a secondary access point onto Combe Fields Road.
- 18.3. Access to the proposed development is proposed via a new central spine road linking into the new Meggitt estate road. The existing northern Rolls-Royce access point onto Combe Fields Road would be permanently closed. This new spine road would bisect the application site in a north-south orientation and would provide all vehicular access to individual on-site plots which would include all servicing access to loading bays. The central spine road would continue through to provide an additional connection with the off-site road network onto Combe Fields Road via a new signalised three armed junction located in the south eastern corner of the application site. The proposed signalised junction would connect with Combe Fields Road at the location of the haul road that was approved as part of the Meggitt development.
- 18.4. Details of the proposed signalised junction would be secured via condition 22. The applicant has advanced two potential signalised junction layouts. Option 2 has been designed with a single lane approach. This requires the introduction of a 40mph speed limit (Combe Fields Road currently signed for 50mph). This option is dependent on speed data being collected to

demonstrate that drivers would comply with a reduced speed limit. If unsuccessful, a layout showing a separate signalised right turn lane (option 1) would be considered.

- 18.5. WCC Highways have assessed the proposed layout of the estate road and accesses and has raised no objection subject to conditions 21, 22, 23 and 24.

Car Parking

- 18.6. The applicant has set out within their Transport Assessment that parking would be provided in accordance with the Council's parking standards. Details of each individual plots parking allocation would be set out in details as part of reserved matters applications as each plot site comes forward.

Traffic Flows

- 18.7. The submitted Transport Assessment concludes that the traffic impact arising from the proposed development can be fully offset by the introduction of a mitigation scheme at M6 Junction 2. Subject to delivery of a scheme at this location, the development can be made acceptable in transportation and highways terms.
- 18.8. The proposed mitigation scheme includes the signalisation of M6 Junction 2 with the introduction of signals at the A46 approach and opposing section of circulatory. This proposed scheme would lead to a significant betterment in the overall operation of the junction and A46 approaches. This would be secured by condition 21.
- 18.9. The traffic associated with the development proposals is assigned to route via Central Boulevard to the west and via the spine road to the new signalised junction onto Coombe Fields Road. The opening of a new access onto Pilot Way leading through to Central Boulevard is likely to reduce vehicular traffic routing via Ansty village as this will provide a shorter, quicker, more amenable access through to the M6 and local primary routes.
- 18.10. The modelling results indicate that the proposed scheme does impart some moderate levels of additional queuing onto the opposing A4600 approach. The Transport Assessment asserts that this is not solely attributable to Prospero Ansty development traffic however, rather being as consequence of the increased vehicle throughput from the opposing A46 approach being able to access the junction. The modelling results indicate that further phases of Prospero Ansty development traffic has at worst negligible levels of impact on the capacity of all other junctions within the modelled study area.
- 18.11. Critically, subject to the proposed mitigation being implemented, there would not be detrimental impacts to the operation of surrounding junctions in terms of severe increases in delays and queuing.
- 18.12. A Freight Management Plan has been submitted with the application which contains a series of measures to reduce the impact of HGVs travelling to and from the proposed development. This includes provisions for the establishment of a Transport Steering Group which shall monitor and manage the Freight Management Plan. It further sets out that no HGV traffic generated by development within the application site shall use vehicular access points onto Combe Fields Road. Condition 24 would ensure the measures within the Freight Management Plan are adhered to.
- 18.13. Both WCC Highways and Highways England have undertaken a full assessment of the development proposals in accordance with national and local planning and transport policy. They are both satisfied that the impact on traffic flows would not be significant and detrimental.

They have therefore raised no objections subject to conditions 5, 10, 18, 21, 22, 23, 24, 25, 26.

- 18.14. Ansty Park is currently serviced by a bus operator, provided by Coventry City Council, which operates a frequent service from Coventry to Ansty Park, with bus stops on Central Boulevard. Given that the site is to accommodate between almost 3,000 to 5,000 employees it is recommended that provision should be made for the existing bus serves to be extended to serve the site. Details for the location of bus stops within the site, and a timetable for their delivery is secured via condition 25.
- 18.15. To encourage the use of sustainable transport options and reduce reliance on single occupancy private cars it is proposed that a Travel Plan would be adopted. This would be implemented by a Travel Plan Coordinator who would encourage the adoption of measures such as cycling and car sharing. This would be secured via condition 26. The proposed development would therefore comply with policy D1 of the Local Plan which supports the provision of sustainable modes of transport to mitigate against transport impacts.
- 18.16. In conclusion, it is considered that the proposal would have an acceptable impact on highway safety. The residual cumulative impacts on the road network would also not be severe. As a result, the proposal complies with the Framework and policies HS5, D1 and D2.

19. Flood Risk and Drainage

- 19.1. Paragraphs 155-165 of the Framework and policies SDC5 and SDC6 of the Local Plan set out the need to consider the potential impact of flooding on new development whilst ensuring that flood risk is not increased elsewhere as a result of it. Sustainable drainage systems (SuDS) should also be incorporated into major developments where feasible.
- 19.2. The Flood Risk Assessment and Drainage Strategy submitted with the application confirms that the majority of the application site falls within flood zone 1 (low risk) and therefore passes the requirements of the sequential and exception tests outlined within the Framework. It also outlines that there would be no increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other techniques.
- 19.3. There is an area of Zone 2 and 3 flood plain to the north-west of the site close to the north western tip of the red-line ownership. However, this area is in ancient woodland, and is 0.5km beyond the extent of any proposed redevelopment works on site.
- 19.4. In respect of surface water drainage, the Flood Risk Assessment considers the impact of ground conditions, topography and layout upon this. The surface water drainage strategy is proposed to be designed to cater for storm events up to 1 in 100 years plus 40% climate change. This strategy has been designed to ensure that all surface water flows that cannot be infiltrated to the ground will be attenuated on-site using balancing ponds. Water would then be discharged from the ponds at a controlled rate which would be 50% less than current brownfield discharge rates.
- 19.5. WCC Flood Risk Management has carried out an independent assessment of the FRA and raised no objection to this subject to condition 7 requiring the submission of a detailed surface water drainage scheme. The Environmental Agency has also raised no objection to this.
- 19.6. The Flood Risk Assessment and Drainage Strategy confirms that foul sewage would discharge via gravity to a new foul sewer located within the recently constructed spine road. In turn this would discharge to a new foul water pumping station via the existing rising main. This rising main takes the pumped discharge to the head of a public gravity foul water sewerage system

to the south-west at a point to the west of Walsgrave Farm. Condition 10 has therefore been imposed to require the submission of foul drainage details.

- 19.7. It has been found that the findings of the Flood Risk Assessment are acceptable and form a robust basis for considering the flood risk and drainage impacts arising from the proposed development. In the first instance it has been established that the proposed development would be located in a low risk flood zone and would therefore not be susceptible to flooding. Surface water drainage would principally be dealt with through the use of a piped system outfalling into on-site balancing pond in addition to infiltration-based drainage. It would also ensure that the development itself would not be at risk from surface and ground water flooding. Aside from this it has been demonstrated that foul sewage could be drained from the site via a new foul water pumping station which would direct foul flows to the public sewer located to the west of Walsgrave Farm. As a result, the proposal complies with the Framework and policies SDC5 and SDC6.

20. Heritage and Archaeology

- 20.1. Section 16 of the Framework and policy SDC3 of the Local Plan sets out that new development should seek to conserve and enhance the historic environment.

Archaeology Potential

- 20.2. The proposed development lies within an area of archaeological potential, largely within the extent of the site of Ansty Airfield, a former RAF airfield operational from 1936 to 1953 (Warwickshire Historic Environment Record MWA9584). Cropmarks including: a rectilinear enclosure, possible ring ditch and linear features (MWA13379) have been identified within the adjacent field to the south of the application site. The Historic Environment Desk-Based Assessment, submitted in support of this application, acknowledges that whilst previous development across parts of the site may have had an impact upon surviving archaeological features, there remains a potential for archaeological deposits dating from the prehistoric, Roman and later periods to survive across the application site.
- 20.3. Warwickshire County Council Archaeology have reviewed the contents of the documents submitted and have raised no objection to the principle of development, subject to condition 19 relating to the submission and implementation of a programme of archaeological work.

Impact on Heritage Assets

- 20.4. The application site does not contain any designated or non-designated Heritage Assets. However, the site does lie within close proximity to a number of surrounding heritage assets.
- 20.5. Coombe Abbey Conservation Area, incorporating the Grade II* registered park of Coombe Country Park, is located approximately 210m to the south of the application site. A number of listed buildings are located in this area with the most notable being the Grade I listed Coombe Abbey. There is also a Grade II listed building (Peter Hall) to east of the site and another Grade II listed building (Walsgrave Hill Farm) to the west of the site.
- 20.6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant to these listed buildings and their setting. It requires the Council to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty on the decision maker to give special attention to the desirability of preserving and enhancing the character of a Conservation Area.

- 20.7. In relation to listed buildings it is noted that there is no statutory definition of setting. However, having regard to the definition of setting outlined in the Framework, it is possible for a site to be in the setting of a listed building even if there are no clear visual links between the two. In relation to conservation areas it is again important to recognise that a site can influence and make a positive contribution to its setting.
- 20.8. The application site is clearly visible from the northern edge of the park, and it is from this viewpoint that Historic England has expressed concerns on heritage grounds. These concerns relate to the scale of the building and the impact of external lighting. In respect to the latter, an External Lighting Report and Plan has been submitted with the application. This shows that the proposed lighting has been designed in line with national lighting guidance and industry standards. It indicates that lighting would be provided to minimise upward light spill, glare and backwards light spillage. It is therefore considered that lighting can be sensitively designed to reduce light spill and any impact upon designed heritage assets to an acceptable level. Condition 10 has been included to require details of all external lighting to be submitted for approval to ensure control over this.
- 20.9. Along the southern boundary of the application site is a recently planted landscape buffer. This landscape buffer zone included a woodland edge planting, with the introduction of a number of extra heavy standard trees to provide early screening. The Landscape Parameters Plan (1912-18-03-H, 10-02-21) submitted as part of this outline application, includes an extension of this landscape buffer. This would predominately be 20m wide with a small 14m wide section on part of the western boundary. It would contain woodland and structural planting as described in the landscape and visual section above. As such, it is considered that the proposed impact upon this boundary would be reduced to an acceptable level over time as the landscaping matures and screens views of the development.
- 20.10. Furthermore, the amended photomontages showing the site in relation to Coombe Abbey indicate that the proposed new buildings on the site would, in reality, be likely to be set further back from the southern boundary than originally illustrated by the original wireframe photomontages. Furthermore, they show how breaks in the built form could reduce the visual impact of the proposed development.

Conclusion

- 20.11. The documentation submitted with this application acknowledges that the proposed scheme would have some impact upon heritage assets within the vicinity. The applicants have assessed this level of harm as being minor. This identified harm has been further minimised by the proposed landscaping and external lighting schemes. Nonetheless, as harm would arise it is judged that the proposal would result in a 'less than substantial' harm to these assets. This 'less than substantial' harm, does not result in a 'less than substantial' objection and attracts considerable importance and weight, as clarified in the Barnwell judgement of February 2014. Paragraph 196 of the Framework states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. This needs to be considered within the overall planning balance.

21. Air Quality

- 21.1. Paragraph 181 of the Framework and policy HS5 of the Local Plan set out the need to consider the impact of the proposed development on air quality. The Council published a consultation draft Air Quality SPD in February 2020. Although this has not been adopted by the Council it can be afforded some weight in decision making.

- 21.2. An Air Quality Assessment (AQA) and Air Quality Assessment - Technical Note has been submitted with the application. They identify that the site is located outside the Rugby Air Quality Management Area (AQMA) but is in close proximity to the Coventry City-Wide AQMA. It therefore notes that elevated pollutant concentrations may be experienced at this location. Furthermore, it indicates that the site is in an area where air quality is mainly influenced by road traffic emissions along the local road network. The development consequently has the potential to cause adverse impacts to existing pollution levels at nearby sensitive receptors.
- 21.3. The AQA considers the potential impact at existing sensitive receptors within the vicinity of the site and at proposed receptors within the site. It demonstrates that the proposed development would cause a negligible increase in concentrations of nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}). Importantly, it would not result in exceedance of national air quality strategy objectives. The residual effects are consequently not deemed to be significant.
- 21.4. Potential construction phase air quality impacts from fugitive dust and fine particulate matter emissions were also assessed. The AQA identifies that these could be mitigated through a range of good practice control measures. Condition 18 requires the submission of a Construction and Environmental Management Plan incorporating these measures to ensure that the mitigation would be achieved.
- 21.5. In line with policy HS5 of the Local Plan, development must achieve or exceed air quality neutral standards. Air quality neutral is defined in the Local Plan as being “emissions from the development proposal being no worse, if not better, than those associated with the previous use.” The Draft Air Quality SPD expands upon this and clarifies that if a development is not air quality neutral it must provide appropriate mitigation. The SPD sets out a methodology for calculating the costs associated with the impact on air quality which can be used when assessing mitigation.
- 21.6. In this case it is necessary to take account of the history of the application site which was occupied and used intensively by Rolls-Royce for a number of decades. It is estimated that the land subject of this application (i.e. excluding 8-shop) site had a combined floorspace of approximately 76,000 square metres accommodating some 2,400 employees at its peak in 2001. The proposed redevelopment of the site is for up to 164,750 square metres of floorspace. This could result in the employment of up to 5,000 people depending on the final use classes and size of buildings.
- 21.7. It is consequently reasonable to conclude that the traffic movements associated with the proposed development would be greater than what previously occurred. An Air Quality Neutral Assessment is therefore required to understand whether it is possible for the development to be air quality neutral or if mitigation is required. Condition 8 is therefore proposed requiring a site wide Air Quality Neutral Assessment prior to the approval of the first reserved matters application. This would need to outline details of any required mitigation. Condition 10 would then ensure that this mitigation is incorporated into all relevant development brought forward on the site.
- 21.8. Rugby Borough Council and Coventry City Council's Environmental Health Teams are satisfied with the conclusions reached within the AQA and AQA Technical Note, i.e. that the proposed development would not have an overall significant effect on local air quality. Rugby Borough Council's Environmental Health Team are also satisfied that conditions 8 and 10 would ensure that emissions from the proposed development would be no worse than those associated with the previous use of the site. As a result, the proposal complies with the Framework and policy HS5.

22. Noise

- 22.1. Paragraph 170 and 180 of the Framework and policies HS5 and SDC1 of the Local Plan set out the need to ensure that noise arising from the proposed development would not adversely impact on the amenity of nearby noise-sensitive receptors.
- 22.2. A Noise Impact Assessment has been submitted with the application which considers the impact of plant noise associated with the development on the closest residential dwellings to the site and proposed hotel. To ensure that there would not be a significant and detrimental impact to these properties and the proposed hotel it is proposed that limits would be placed on plant noise emissions for daytime and night-time periods. This would ensure that the noise level impact at the closest residential dwelling and proposed hotel would be negligible.
- 22.3. The Noise Impact Assessment also considers the impact of the retained Rolls-Royce operations upon the proposed hotel. This assessment concludes that the level of noise falls below the typical background sound level and as such no noise mitigation measures are warranted. However, recent approved development within the vicinity of the site and changes to the noise environment within the ten years to seek reserved matters approval means that an updated Noise Impact Assessment specifically for the hotel would be required. Furthermore, the updated Noise Impact Assessment would need to take account of the potential impact that could arise if existing businesses in the area started to operate more intensively. Importantly, it would need to ensure that the hotel would not result in pressure on businesses to curtail their activities. Details of any required mitigation would consequently need to be included within the assessment to ensure that it takes account of these issues. Condition 17 is imposed to require with this.
- 22.4. Environmental Health has considered the submitted noise assessment and are satisfied that the proposed development would not have an adverse impact subject to condition 10. As a result, the proposal complies with the Framework and policies HS5 and SDC1.

23. Contamination

- 23.1. Paragraphs 170, 178 and 179 of the Framework sets out the need to ensure a site is suitable for its proposed use taking account of risks arising from contamination.
- 23.2. A Ground Investigation Statement and Strategy has been submitted with this application. This makes reference to the site wide desk study and site-specific investigation which was produced and submitted as part of planning application R17/1829. The Ground Investigation Statement and Strategy confirms that the previous report remains 'fit-for-purpose' as a basis for this proposed outline application. It identifies a number of areas of potential ground and water contamination and highlights a number of areas that require further investigation.
- 23.3. Environmental Health has considered this assessment and raised no objection to the proposed development subject condition 20. This would require the submission of an investigation and risk assessment including a remediation scheme and measures to report unexpected contamination found on the site. It is therefore considered that this would ensure that contaminated land does not affect the health of the future occupiers of the proposed development. As a result, the proposal complies with the Framework.

24. Light

- 24.1. Paragraph 180 of the Framework sets out the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. National Planning Practice Guidance also expands on this. It indicates that getting the design and

setting right is important as artificial lighting can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky.

- 24.2. An External Lighting Statement has been submitted with the application. This shows that the proposed lighting has been designed in line with national lighting guidance and industry standards. It indicates that lighting would be provided to minimise upward light spill, glare and backwards light spillage. A key component of this would be ensuring all lighting has a zero degree tilt angle. They would also be controlled by a photocell and time clock. This would collectively reduce light spill and limit the impact of sky glow. Environmental Health are therefore satisfied that the proposed lighting would be acceptable. Condition 10 requires details of all external lighting to ensure that the impact arising from each development is acceptable and in general accordance with the External Lighting Statement. As a result, the proposal complies with the Framework.

25. Residential Amenity (Light, Aspect and Privacy)

- 25.1. Policy SDC1 of the Local Plan sets out that proposals for new development should ensure the living conditions of existing and future neighbouring occupiers are safeguarded.
- 25.2. The closest residential property is Fair View on Peter Hall Lane which is located approximately 150 metres from the site (core development area) to the east. Hill Fields Farm is located approximately 190 metres from the site (core development area) to the west. Sparrow Hall Cottages on Combe Fields Road are located approximately 330 metres from the site (core development area) to the northeast. The distance from these properties to the proposed buildings is such that this would not give rise to significant and detrimental impacts on light, aspect and privacy. The impact on residential amenity would therefore be acceptable. As a result, the proposal complies with policy SDC1.

26. Carbon Emissions, Sustainable Design and Construction

- 26.1. Policies SDC1 and SDC4 of the Local Plan sets out support for the enhanced energy efficiency of buildings and need to achieve a BREEAM very good sustainability rating. This is consistent with section 14 of the Framework which indicates a need for the planning system to support the transition to a low carbon future to help tackle climate change. Rugby Borough Council also declared a climate emergency in July 2019.
- 26.2. BREEAM standards represent best practice in the sustainable design of non-residential buildings.
- 26.3. The Design and Access Statement submitted states that the development would be designed to achieve BREEAM “Very Good” sustainability rating. Condition 10 requires details of measures to ensure this is achieved and implemented.
- 26.4. The Environmental Statement further sets out a commitment to undertake Dynamic Simulation Modelling to establish compliance with current building regulations and quantify the reduction in energy demand and associated carbon dioxide emissions arising from the introduction of energy efficiency measures. Condition 10 requires the submission of this model.
- 26.5. The Design and Access Statement also sets out that a significant provision of photo voltaic panels would be provided through the development. This provision is not required by policies in the Local Plan and is therefore a material benefit which would help to tackle climate change. Condition 10 requires the submission of a detailed Development Statement to demonstrate compliance with the approved Design and Access Statement. It is consequently expected that

development should comply with the commitment to provide photo voltaic panels unless sufficiently justified.

26.6. As a result, the proposal complies with the Framework and policies SDC1 and SDC4.

27. Health

27.1. Section 8 of the Framework and policies HS1 and HS2 of the Local Plan set out the need to achieve healthy places and ensure development would not have a significant adverse impact on wellbeing.

27.2. The Health Impact Assessment submitted with the application concludes that the impact on health arising from the proposal would be neutral and positive. As a result, the proposal complies with the Framework and policies HS1 and HS2.

28. Broadband

28.1. Policy SDC9 of the Local Plan sets out the need for new developments to facilitate and contribute towards the provision of broadband infrastructure.

28.2. The Utility Statement submitted with the application indicates that cable ducts are located within existing highways to the site and link into BT openreach telecoms infrastructure. The applicant would be responsible for ordering a telecoms service to meet their needs. As a result, the proposal complies with policy SDC9.

29. Planning Balance and Sustainability of Development

29.1. 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. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is therefore considered to be an up-to-date development plan.

29.2. In this case the application site is located in the Green Belt. Policy GP2 of the Local Plan is therefore relevant and sets out that development will be resisted in such areas unless permitted by national policy on Green Belts. In this case, it has been found that the proposed development would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 144 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. In this case it was identified that there would be harm by reason of inappropriateness, the impact on openness and the impact on two purposes of including land in the Green Belt. This harm must be given substantial weight in accordance with paragraph 144 of the Framework. Very special circumstances will not exist unless that harm is clearly outweighed by other considerations. In order to determine this, it is consequently necessary to have regard to the economic, social and environmental impact which the proposal would have.

Economic

29.3. From an economic perspective, the proposed development represents a substantial investment in the Borough at a time where there is a great deal of economic uncertainty. Indeed, the proposal represents a unique opportunity to build upon the success of Ansty Park which has seen the establishment of high technology industries in this area. In particular, it

would afford new businesses with the chance to co-locate with like-minded businesses to create a combined prime employment hub in the centre of the country. In doing so this would create new synergies which would give rise to further investment, skills and expertise that would drive innovation and a shift to clean technology.

- 29.4. In turn, the proposed development would have a significant, positive and direct impact on the local and regional economy. This is entirely consistent with the designation of this site as an Existing Strategically Significant Employment Site. Indeed, policy ED1 of the Local Plan sets out that such sites should be protected and retained for employment purposes. It also supports the complete redevelopment of such sites where potential impacts, including to the Green Belt, allow. Furthermore, the redevelopment and intensification of this Rolls-Royce site would help to ensure the Council meets its employment land targets as outlined in policy DS1 of the Local Plan.
- 29.5. The wider economic benefits would further have a direct and positive impact on creating new employment opportunities. The exact number of new jobs would depend upon the size and type of development which is brought forward under reserved matters applications. However, calculations have been undertaken which indicate that this could create up to 5,000 new jobs. Other economic benefits would include: safeguarding of construction jobs; associated in-direct jobs and businesses being supported; potential new construction employment opportunities; and support of businesses and jobs who provide services to the facility.
- 29.6. If this application is not approved the economic benefits described above would not be realised. Many of the former buildings on the Rolls-Royce site have already been demolished with just the floor slab remaining. The site would consequently remain vacant and economically unproductive contrary to its designation as a Strategically Significant Employment Site.
- 29.7. It is considered that the clear economic benefits outlined above should carry very substantial weight in favour of the proposed development.

Social

- 29.8. From a social perspective, it is important to recognise that many of the original Rolls-Royce buildings on the site have been demolished resulting in a loss of employment opportunities. The proposed redevelopment of this site would consequently bring the land back into active economic use and in turn provide up to 5,000 jobs. This would therefore create opportunities for new employment. 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.
- 29.9. It is considered that the clear social benefits outlined above should carry very substantial weight in favour of the proposed development.

Environmental

- 29.10. From an environmental perspective, the potential adverse impacts of the proposed development in relation to landscape, visual appearance, trees, hedgerows, ecology, highway safety, traffic flows, flood risk, drainage, archaeology, air quality, noise, contamination, light, residential amenity and carbon emissions have all been considered. The assessment has subsequently shown that there would be no adverse impacts in some instances. However, in other instances where potential adverse impacts are identified, it would be possible to mitigate against this impact through a number of different measures and strategies. This mitigation could be secured through conditions to ensure that this is delivered.

- 29.11. In regard to designated heritage assets, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to give special regard to the desirability of preserving a listed building and its setting. Section 72 of the same Act places a duty on the decision maker to give special attention to the desirability of preserving and enhancing the character of a Conservation Area. In this case it has been found that the proposal would give rise to some unavoidable harm to Coombe Abbey Conservation Area and the Grade II* registered park of Coombe Country and listed buildings contained within it (most notably the Grade I listed Coombe Abbey). This harm would arise from the intrusion and visual impact caused by the location and scale of the proposed buildings. The extent of this harm would be tempered by woodland and structural planting around the southern and western boundaries of the site. It is therefore considered that the proposal would result in 'less than substantial' harm to these heritage assets.
- 29.12. In accordance with policy SDC3 of the Local Plan and paragraph 196 of the Framework, this identified harm should be weighed against the public benefits of the proposal. Paragraph 193 of the Framework states that "great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". This gives rise to a strong presumption against planning permission being granted. However, on balance, it is considered that whilst having regard to Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, policy SDC3 of the Local Plan, and the Framework, the benefits of the scheme, as described above, are sufficient to clearly and demonstrably outweigh the harm to the identified designated heritage assets.
- 29.13. Aside from the impacts described above, the scheme includes provisions for landscape planting and biodiversity mitigation which would result in a net biodiversity gain. Although this is a requirement of the Local Plan it is considered that this would be a benefit which should be given limited weight in favour of the application.

Conclusion

- 29.14. On balance, it is concluded that the benefits of the proposed development are such that they clearly outweigh the definitional harm and other identified harm to the Green Belt in this case. Very special circumstances do therefore exist which would justify development in the Green Belt. Accordingly, the proposal would not conflict with policy GP2 of the Local Plan and Green Belt policy in Section 13 of the Framework.
- 29.15. In view of the above, 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. Indeed, the proposal would result in a number of positive economic, social and environmental benefits. These benefits would consequently outweigh the identified harm to the Green Belt. The proposal would also not result in any other significant and detrimental environmental harm. Having regard to national policy and the presumption in favour of sustainable development it is therefore considered that the proposal would comply with policy GP1.
- 29.16. 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 the application should be approved subject to conditions and informatives.

30. Recommendation:

- 30.1. Planning application R19/1540 to be granted subject to:

- a. The conditions and informatives set out in the draft decision notice appended to this report; and
- b. Referral to the Ministry of Housing, Communities and Local Government's Planning Casework Unit.

DRAFT DECISION

REFERENCE NO:
R19/1540

DATE APPLICATION VALID:
24-Dec-2019

APPLICANT:

Manse Opus (Ansty) LLP & Rolls-Royce Plc, Opus Studios, 5-7 High Street, Henley-in-Arden, B95 5AA

AGENT:

David Lock Associates, 50 North Thirteenth Street, Central Milton Keynes, MK9 3BP

ADDRESS OF DEVELOPMENT:

Rolls-Royce, Combe Fields Road, Coventry, CV7 9JR

APPLICATION DESCRIPTION:

Outline planning application for a new employment area (Prospero Ansty) including the redundant/surplus parts of the Rolls-Royce Ansty manufacturing and testing site, comprising B1a, B1b, B1c & B2 floorspace (up to 160,000 m², of which no more than 20,000 m² is for B1a and/or B1b), hotel (C1) (up to 4,500 m²), retail (A1/A3) (up to 250 m²); including car and cycle parking, structural landscaping, new access roads, any necessary demolition (including demolition of "4 shop"), ground remodelling, drainage infrastructure, provision and replacement of utilities and service infrastructure and other associated works

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

Application for approval of the reserved matters specified in condition 9 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

REASON:

To comply with 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 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 3:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the development shall comply with the following requirements:

- a. Up to 160,000 square metres of gross external floorspace within Class B1(a) (offices), Class B1(b) (research and development of products or processes), Class B1(c) (industrial processes) and B2 (general industrial) of The Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 20,000 square metres of gross external floorspace shall be for Class B1(a) and Class B1(b);
- b. Up to 4,500 square metres of gross external floorspace within Class C1 (hotel) of The Town and Country Planning (Use Classes) Order 1987 (as amended); and

- c. Up to 250 square metres of gross external floorspace within Class A1 (shops) and Class A3 (food and drink) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON:

To protect the Green Belt from inappropriate development and in the interests of visual amenity, heritage, traffic flows and highway safety.

CONDITION 4:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the development hereby approved shall not be carried out other than in accordance with the plans and documents detailed below and in accordance with any variations approved in accordance with the details required by condition.

<u>Plan Description</u>	<u>Plan No.</u>	<u>Date Received</u>
Site Location Plan	30948-PL-201-G	24-12-2019
Development Parameters Plan	30948-PL-202-T	10-02-2021
Landscape Parameters Plan	1912-18-03-F	10-02-2021
Highway General Arrangement	IPD-19-486-150	24-12-2019
Highway Layout 1 of 2	IPD-19-486-151	24-12-2019
Highway Layout 2 of 2	IPD-19-486-152	24-12-2019

<u>Report Description</u>	<u>Report No.</u>	<u>Date Received</u>
Air Quality Assessment - Technical Note	19-2346-01-1	10-11-2020
Air Quality Assessment	19-2004-01 2	24-12-2019
Framework Construction Environmental Management Plan	IPD-19-486 004 A	24-12-2019
Design and Access Statement	30948 Rev A	24-12-2019
Environmental Statement Addendum – Non-Technical Summary	30948 RP 009	10-11-2020
Environmental Statement Addendum	30948 RP 010	10-11-2020
ES Vol 1 Non-Technical Summary	30948 RP 002	24-12-2019
ES Vol 2 Main Report	30948 RP 003	24-12-2019
ES Vol 3 General Appendices and Figures	30948 RP 004	24-12-2019
ES Vol 4 Ecology Appendices and Figures	30948 RP 005	24-12-2019
ES Vol 5 LVIA Appendices and Figures	30948 RP 006	24/12-2019
ES Vol 6 Heritage and Climate Change - Appendices and Figures	30948 RP 007	24-12-2019
ES Vol 7 Confidential Badger Appendix	30948 RP 008	24-12-2019
External Lighting Statement	180100 Rev A	24-12-2019
Flood Risk Assessment	IPD-19-486 R-005	24-12-2019
Framework Travel Plan	IPD-19-486 R.002a	24-12-2019
Freight Management Plan	IPD-19-486 R003a	24-12-2019
Ground Investigation Statement & Strategy	19016J-LO003	24-12-2019
Land Contamination Review	Geo Phase 1	24-12-2019
Noise Impact Assessment	19-2004 02	24-12-2019
Rapid Health Impact Assessment Matrix		24-12-2019
Transport Assessment	IPD-19-486 R001a	24-12-2019
Utilities Report	180100 Rev B	24-12-2019

REASON:

To ensure that the details of the development of the site are acceptable to the Local Planning Authority and the site development parameters are not exceeded.

CONDITION 5:

Prior to the approval of any reserved matters applications, a Development Implementation and Phasing Plan (DIPP) shall be submitted to and approved in writing by the Local Planning Authority. The DIPP shall provide details of the strategy, sequence and timing of development across the entire site (as defined by phases and plots) and broad locations of key infrastructure and land uses, including:

- a. Demolition works;
- b. Earthworks, grading, re-profiling of site and enabling works;
- c. Infrastructure including new accesses, roads, footways and cycleways;
- d. Balancing ponds and surface water drainage systems;
- e. Woodland and structural planting;
- f. Ecology mitigation and management works; and
- g. Development of buildings within the use classes as defined in condition 3.

The development shall not be carried out other than in accordance with the approved DIPP unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To ensure the proper and comprehensive development of the site. To ensure necessary mitigation is delivered when required. In the interests of visual amenity, heritage, traffic flows and highway safety.

CONDITION 6:

Prior to the approval of reserved matters for any phase as approved by condition 5, full details of earthworks (including cut and fill, and the removal and/or redistribution of existing stock piles of earth and rubble on the site), the grading and re-profiling of that phase, and the finished plateaux levels for the development plot, shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall further include levels of adjoining buildings, land and roads together with a schedule of implementation and full details of any retaining walls. Measures for the reuse of existing topsoil and subsoil, to include details of the movement, storage and re-distribution of the topsoil and subsoil shall also be provided in line with the mitigation measures set out within the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019). Development shall not be carried out other than in accordance with the approved details unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To ensure the proper and comprehensive development of the site. To reduce the impact on the Green Belt. In the interests of visual amenity, heritage, traffic flows and highway safety.

CONDITION 7:

Notwithstanding the plans and documents hereby approved, prior to the approval of reserved matters for any phase, a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, the approved Site-Wide Flood Risk Assessment (IPD-19-486 R-005, 24-12-2019), and an assessment of the hydrological and hydrogeological context of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall:

- a. Detail the results of infiltration testing carried out in accordance with the BRE 365 guidance to clarify whether or not a partial infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;
- c. 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 specified rates

for each catchment outlined in the approved Site-Wide Flood Risk Assessment (IPD-19-486 R-005, 24-12-2019);

- d. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- f. Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event;
- g. Provide evidence to show the proposed outfall location are in sufficient condition to convey flows from the development site where relevant;
- h. Demonstrate how the on-site surface water drainage scheme enhances biodiversity;
- i. Provide details of how pollutant levels expected in the surface water run-off will be cleaned to environmentally appropriate levels in accordance with CIRIA guidance (as required by section 7.643 of the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019)) and controlled to ensure there is no adverse impact on the downstream Site of Special Scientific Interest (SSSI); and
- j. Provide a detailed maintenance plan giving details on how surface water systems shall be maintained and managed in perpetuity for the lifetime of the development. The details within the plan shall include the name of the party responsible, a contact name and contact details.

The scheme and maintenance plan shall subsequently be implemented in accordance with the approved details before first occupation of the buildings within that phase unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality and to improve habitats and in the interests of visual amenity.

CONDITION 8:

Prior to the approval of reserved matters for any phase, a Site-Wide Air Quality Neutral Assessment (SWLQNA) shall be submitted to and approved in writing by the Local Planning Authority. The SWLQNA shall include details of emissions from the previous use of the site and worse-case scenario for emissions from the development hereby approved. Full details of any required mitigation measures to achieve air quality neutral standards should be provided. Any approved mitigation measures shall then be implemented in accordance with the approved details and maintained in perpetuity.

REASON:

In the interests of air quality.

CONDITION 9:

Details of the following reserved matters for each plot/phase shall be submitted to and approved in writing by the Local Planning Authority 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. Access;
- b. Appearance;
- c. Landscaping;

- d. Layout; and
- e. Scale.

The details required by condition 9(e) shall be in strict accordance with the maximum building heights and maximum building ridge height levels above ordnance datum outlined within the Development Parameters Plan (30948-PL-202-T, 10-02-21) and Landscape Parameters Plan (1912-18-03-H, 10-02-21).

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority. To reduce the impact on the Green Belt. In the interests of visual amenity and heritage.

CONDITION 10:

Details of the following additional matters shall, where relevant, concurrently with the submission of each reserved matters application, be submitted to and approved in writing by the Local Planning Authority before development of any part of the site to which the submitted details relate is commenced. The development shall be implemented in accordance with the details so approved prior to that part of the development being occupied or brought into use.

- a. A detailed Development Statement to demonstrate compliance with the approved Design and Access Statement (30948-A, 24-12-2019) and sections 7.673, 7.683, 8.241 and 8.242 of the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019).
- b. Existing and proposed ground levels and finished floor levels for all new buildings (including associated access, parking, service and landscaping areas), and their relationships with adjoining land and buildings. To be in strict accordance with the maximum finished floor levels outlined within the Landscape Parameters Plan (1912-18-03-H, 10-02-21).
- c. Layout, dimensions, levels, drainage and surfacing of all roads, pedestrian crossings, footways, cycleways, verges, parking areas, early arrival/rest bays for HGVs and hardstandings. This shall include swept path tracking and a drawing showing all visibility splays at the accesses to the plot and turning/manoeuvring areas within the plot. A Stage Two Road Safety Audit should also be provided where relevant.
- d. Location and type of wildlife kerbs and drop kerbs to be installed within areas of operational infrastructure located immediately adjacent to suitable amphibian habitat within the west of Parcel 1 as identified within the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019).
- e. Extent of accommodation for car, cycle, motorcycle and HGV parking and the loading and unloading of vehicles. This shall include full details of covered cycle stores.
- f. On-site changing and showering facilities to be incorporated into the building design in accordance with the Framework Travel Plan (IPD-19-486 R.002a, 24-12-2019) and Rapid Health Impact Assessment Matrix (24-12-2019).
- g. Full details of the colour, finish and texture of all new materials, together with samples where appropriate, to be used in the external surfaces of the proposed buildings and structures.
- h. Siting, height and design of all boundary treatments, including gates, fences and walls.

- i. Foul and surface water drainage proposals in accordance with the Site-Wide Flood Risk Assessment (IPD-19-486 R-005, 24-12-2019). To include detailed permeability testing and detailed designs incorporating soakaways where appropriate.
- j. Location of air handling plant, flues or any other equipment located on the roof of any building or externally on site, to include measures for acoustically treating such equipment.
- k. Extent and position of the floorspace devoted to the proposed employment uses hereby permitted.
- l. Provision of refuse storage facilities and utilities infrastructure including generators.
- m. A scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation (having regard to the details approved by condition 8).
- n. Electric vehicle charging points. Including location, design, make and model.
- a. Dynamic Simulation Model to establish compliance with current building regulations and quantify the reduction in energy demand and associated carbon dioxide emissions arising from the introduction of energy efficiency measures.
- o. Measures demonstrating that the building achieves a BREEAM very good standard or above in terms of carbon reduction.
- p. Measures to reduce summer overheating in buildings.
- q. Details of all external light fittings and external light columns including a lux levels plan and measures to minimise light spillage. Such measures include the use of sodium/low LED lights or other UV-filtered lights, lighting hoods, zero tilt angles and photocell controls with a time switch override. The submitted details shall be in general accordance with the External Lighting Statement (180100-A, 24-12-2019) and achieve a sensitive lighting regime with dark corridors as required by section 7.653 of the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019).
- r. A scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes.
- s. Noise assessment together with any required mitigation to ensure the development does not exceed the noise limits set out within Noise Impact Assessment (19-2004 02, 10-12-2019).

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority. To reduce the impact on the Green Belt. In the interests of visual amenity, heritage, ecology, traffic flows, highway safety, flood risk, drainage, amenity, safety, air quality reducing carbon emissions and tackling climate change.

CONDITION 11:

Prior to the approval of any reserved matters applications, a Woodland and Structural Landscaping Plan (WSLP) relating to the Woodland and Structural Planting shown on the Landscape Parameters Plan (1912-18-03-H, 10-02-21) shall be submitted to and approved in writing by the Local Planning Authority. The WSLP shall include planting plans with written specifications and details of: the quantity, size, species, position and source of all new planting including trees, hedgerows and shrubs; maintenance of all new planting; how all new planting will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement); a timetable for the implementation of all of the works, planting and enhancement/creation measures; and a scheme securing future maintenance and retention. The WSLP shall have full regard for how it relates to the principles and strategies for the long-term management of the wider site set out within the 30-year Landscape and Ecological Management Plan (Appendix 8.6 of the Environmental Statement, Volume 5 Landscape and Visual Appendices (30948-RP-006, 24-12-2019). The approved WSLP and associated measures shall be implemented in full in accordance with the approved timetable.

If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow 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 non-material variations which do not give rise to additional or different likely significant effects.

REASON:

To reduce the impact on the Green Belt. To ensure a net biodiversity gain in accordance with NPPF. In the interests of visual amenity, heritage, ecology and the protection of landscape.

CONDITION 12:

Concurrent with the submission of the first reserved matters application, a Biodiversity Management Plan (BMP) relating to Parcel 1 and Parcel 2 locations shown in figure 7.2 of the Environmental Statement, Volume 4 Ecology Appendices and Figures (30948-RP-005, 24-12-2019) shall be submitted to the Local Planning Authority for approval in writing by the Local Planning Authority. No reserved matters application shall be implemented until the BMP has first been approved in writing by the Local Planning Authority. The BMP shall have regard to the:

- Landscape Parameters Plan (1912-18-03-H, 10-02-21);
- Draft Indicative Strategy for Habitat Enhancement Parcel 1 Land (1921-18-01-Parameters-Plan-dwg, received 05-01-2021);
- Landscape Concept Plan Parcel 2, 1921-18-05 Parcel 2 plan.dwg, received 17-03-2021);
- Mitigation measures outlined within the Environmental Statement, Volume 1 Main Report (30948-RP-003, 24-12-2019); and
- 30-year Landscape and Ecological Management Plan outlined with Appendix 8.6 of the Environmental Statement, Volume 5 Landscape and Visual Appendices (30948-RP-006, 24-12-2019).

The BMP shall include details of 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, including timetable, for the implementation and delivery of the plan in Parcel 1 and Parcel 2;
- h. Revised site-wide Biodiversity Impact Assessment calculation in accordance with the current DEFRA metrics applied locally to demonstrate that no net loss to biodiversity will be achieved unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority; and
- i. Management and Implementation Schedule (MIS) which shall include details of a long-term management plan of no less than 30 years, the body/organisation responsible for the implementation of the plan together with relevant legal and funding mechanisms, details and timings of maintenance, provisions for ongoing monitoring and remedial measures.

The approved BMP, including associated measures and MIS, shall be implemented in accordance with the work schedule for the implementation of the plan as required by condition 12(g).

REASON:

To protect and enhance biodiversity, to ensure that protected species are not harmed by the development and in the interests of visual amenity.

CONDITION 13:

A Biodiversity Impact Assessment (BIA) and Biodiversity Mitigation Scheme (BMS) shall be submitted as part of each plot/phase reserved matters application for approval in writing by the Local Planning Authority. The BIA and BMS shall demonstrate that there would be no net biodiversity loss as a result of the reserved matters development (having regard to the delivery of ecological mitigation measures secured by condition 12). The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time. The BMS shall include:

- a. Proposals for on-site mitigation and/or for off-site offsetting;
- b. A methodology for the identification of any receptor site(s) for offsetting measures;
- c. The identification of any such receptor site(s);
- d. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
- e. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

In the event that the BIA and BMS indicate that there would be a net biodiversity loss which cannot be compensated for through on-site mitigation and/or the ecological mitigation measures secured by condition 12, then prior to the implementation of the reserved matters application, an appropriate biodiversity offsetting scheme or biodiversity offsetting contribution shall be secured by way of a legal agreement with the Local Planning Authority.

No development approved by the reserved matters application shall commence until the BIA and BMS has first been approved in writing by the Local Planning Authority. The approved BMS and associated measures shall be implemented in full in accordance with the details approved under condition 13(d).

REASON:

To protect and enhance biodiversity, to ensure that protected species are not harmed by the development and in the interests of visual amenity.

CONDITION 14:

A Landscape and Ecological Management Plan (LEMP) shall accompany each relevant reserved matters application for the approval of landscaping details required by condition 9(c). The LEMP shall include planting plans with written specifications and details of: the quantity,

size, species, position and source of all new planting including trees, hedgerows and shrubs; maintenance of all new planting; how all new planting will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance; habitat enhancement/creation measures and management (such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement); provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, and location of hibernacula); a timetable for the implementation of all of the works and ecological and landscape enhancement/creation measures; and a scheme securing future maintenance and retention. The LEMP shall have full regard for how it relates to the principles and strategies for the long-term management of the wider site set out within the 30-year Landscape and Ecological Management Plan (Appendix 8.6 of the Environmental Statement, Volume 5 Landscape and Visual Appendices (30948-RP-006, 24-12-2019). The approved LEMP and associated measures shall be implemented in full.

All landscaping, planting and habitat details approved under condition 9(c) and contained within the approved LEMP shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow 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 non-material variations which do not give rise to additional or different likely significant effects.

REASON:

To reduce the impact on the Green Belt. To ensure a net biodiversity gain in accordance with NPPF. In the interests of visual amenity, heritage, ecology and the protection of landscape.

CONDITION 15:

An Arboricultural Report shall be submitted as part of each relevant reserved matters application showing details of all existing trees and hedgerows within and adjoining the reserved matters application site, any to be retained, and measures for their protection in the course of the development, in accordance with BS5837: 2012 'Trees in relation to Design, Demolition and Construction'. The approved development shall not be carried out other than in accordance with the approved Arboricultural Report. Any approved measures for protection shall be erected prior to the commencement of any works, including site clearance, and shall thereafter be retained for the duration of the works on site. No tree or hedgerow other than so agreed shall be removed, and no works or development shall commence, unless the approved measures for the protection of those to be retained have been provided and are maintained during the course of development.

REASON:

In the interests of visual amenity, ecology and the protection of landscape.

CONDITION 16:

Concurrent with the submission of the reserved matters application relating to the Class A1 (shops) and Class A3 (food and drink) uses, details of the days and hours of use and for deliveries/servicing, shall be submitted to and approved in writing by the Local Planning Authority. The Class A1 (shops) and Class A3 (food and drink) uses shall not be opened for business and shall not have any deliveries/servicing other than in accordance with the approved details unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of amenity.

CONDITION 17:

Concurrent with the submission of the reserved matters application relating to the Class C1 (hotel), a Noise Impact Assessment with full details of any required mitigation, shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall consider the impact of existing and permitted employment uses in the area on the hotel users' living conditions. The Class C1 (hotel) use shall not be occupied until any required mitigation has first been provided in accordance with the approved details.

REASON:

In the interests of amenity.

CONDITION 18:

No development shall commence in any reserved matters area, including any groundworks, demolition, site clearance and construction work, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall have regard to the principles contained within the Framework Construction Environmental Management Plan (FCEMP) (IPD-19-486-004-A, 24-12-2019) and shall include details relating to:

- a. A CEMP Compliance Statement setting out how the CEMP complies with the FCEMP and mitigation measures set out within the Air Quality Assessment (19-2004-01-2, 24-12-2019 and section 7 (Ecology) of the Environmental Statement, Volume 2 Main Text (30948-RP-003, 24-12-2019);
- b. Measures to reduce mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase;
- c. Heavy goods vehicle and construction traffic routing plan (including details of any temporary signage);
- d. Timing of heavy goods vehicle movements during the construction phase;
- e. A named point of contact for overseeing construction works and their contact details;
- f. The location, layout and design of temporary site compounds (including areas for loading/unloading and storing plant, materials and deliveries used in constructing the development), temporary lighting and signage;
- g. Construction site access location, control and construction haul routes;
- h. The parking of vehicles of site operatives and visitors;
- i. Hours of work and deliveries;
- j. Temporary perimeter screen and protective fencing;
- k. The appointment of an Ecological Clerk of Works to oversee all ecological aspects during the development process;
- l. Pre-commencement checks for reptiles, amphibians, badger, breeding birds, bats, otter, water vole, hedgehogs and brown hare;
- m. Manipulation exercise to encourage reptile species to leave construction areas and measures to encourage the dispersal of brown hare;
- n. Habitat and Species Mitigation Plans relating to the:
 - i. Protection of Hill Park Woodland LWS, Ansty Park Ponds pLWS, waterbodies and watercourses during development works, together with details of pollution avoidance measures and protective fencing;
 - ii. Protection of great crested newts and reptiles during works;
 - iii. Protection of nesting birds during vegetation removal;
 - iv. Protection of badgers during works;
 - v. Potential bat roosts in trees; and
 - vi. Protection of water voles and their habitat during works;
- o. Contingency/emergency measures for dealing with previously unrecorded protected species found during construction/implementation;
- p. Control of noise and vibration emissions from construction activities including ground works and the formation of infrastructure including arrangements to monitor noise

emissions from the development site during the demolition and construction phase;
and

- q. Control of dust, including arrangements to monitor dust emissions from the development site during the demolition and construction phase.

Development shall not be carried out other than in accordance with the approved CEMP unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of health and safety, amenities of the area, highway safety, traffic flows, air quality, heritage and visual amenities. To ensure the development does not have impacts off-site to flood risk and that the watercourse downstream can function as intended. To ensure that protected species and habitats are not harmed by the development. To reduce the impact on the Green Belt.

CONDITION 19:

No development shall commence on any plot/phase, including any groundworks, site clearance and construction work, until:

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

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

REASON:

To ensure the preservation of important archaeological remains and that any archaeological history of the site is recorded.

CONDITION 20:

No development other than that required to be carried out as part of an approved scheme of remediation shall commence on any plot/phase until condition (a) to (d) below have been complied with for that plot/phase. 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 21:

No part of the development constructed pursuant to this outline planning permission shall be occupied until full details of a mitigation scheme for works around M6 Junction 2, including a detailed design in general accordance with preliminary drawing number IDP-19-486-1052 Rev C, or an alternative scheme, has received technical approval from the relevant Highway Authority. No development constructed pursuant to this outline planning permission shall be occupied until the approved mitigation scheme has been implemented in accordance with the approved details unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of traffic flows and highway safety.

CONDITION 22:

No development shall be occupied until full details of the new access road and traffic signal junction onto Combe Fields Road has been submitted to and approved in writing by the Local

Planning Authority. Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, no development shall be occupied until the new access road and traffic signal junction onto Combe Fields Road has first been provided in accordance with the approved details.

REASON:

In the interests of traffic flows and highway safety.

CONDITION 23:

No development shall be occupied until full details showing how all parts of the existing northern Rolls-Royce access will be closed and the kerb and verge reinstated in accordance with the standard specification of the Highway Authority has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until the existing northern Rolls-Royce access has been closed and the kerb and verge reinstated in accordance with the approved details.

REASON:

In the interests of highway safety.

CONDITION 24:

No development shall be occupied until full details of the measures contained within the Freight Management Plan (IPD-19-486 R003a, 24-12-2019) has been submitted to and approved in writing by the Local Planning Authority. These details and measures shall include the establishment of a Transport Steering Group which shall monitor and manage the Freight Management Plan. It shall further stipulate that no HGV traffic generated by development within the application site shall use vehicular access points onto Combe Fields Road. No development shall be occupied until the approved measures have been implemented in full.

REASON:

In the interests of traffic flows, highway safety, residential amenity, air quality and heritage.

CONDITION 25:

No development shall be occupied until a Parking Management Strategy and Sustainable Transport Strategy (PMSSTS) has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location of any bus stops to be provided on the north/south spine road through the site, a timetable for their delivery and a timetable for bus services to be extended to serve the site. The PMSSTS shall be fully implemented in accordance with the approved details.

REASON:

In the interests of traffic flows and highway safety. To reduce carbon emissions and improve air quality.

CONDITION 26:

The Framework Travel Plan (IPD-19-486 R.002a, 24-12-2019) hereby approved shall be fully implemented in accordance with the details contained therein. Each occupier of the development hereby approved shall submit, and obtain the written approval of the Local Planning Authority, a Development Travel Plan (DTP) within three months of occupation of any part of their buildings. The DTP shall set out agreed mode share targets, measures to achieve the targets, and a programme of monitoring and review. The DTP shall be fully implemented in accordance with the approved details.

REASON:

In the interests of traffic flows and highway safety. To reduce carbon emissions and improve air quality.

CONDITION 27:

The Class A1 (shops) and Class A3 (food and drink) uses hereby approved shall not be occupied until full details of any kitchen extraction, odour and fume system, including how the design of the kitchen cooking equipment, any external ducting and flues, discharge points, discharge height and scheme for odour control, has first been submitted to and approved in writing by the Local Planning Authority. The Class A1 (shops) and Class A3 (food and drink) uses shall not be occupied until the kitchen extraction, odour and fume system has been installed in accordance with the approved details.

REASON:

In the interests of amenity.

CONDITION 28:

Notwithstanding the provisions of Class A1 (shops) and Class A3 (food and drink) of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development hereby approved shall not be used other than for a foodstore, convenience retail, the sale of cold foods for consumption off premises, a restaurant, or a café.

REASON:

In the interests of sustainable development, traffic movements and highway safety.

CONDITION 29:

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no change of use permitted from the use class approved under a reserved matters application to a different use class.

REASON:

In the interests of sustainable development, traffic movements and highway safety.

CONDITION 30:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant, equipment or development/extension shall be installed/undertaken that would increase the overall height of the building hereby permitted.

REASON:

To reduce the impact on the Green Belt. In the interests of visual amenity, heritage and landscape impact.

CONDITION 31:

No part of the application site, other than within approved buildings or as may be approved through reserved matters applications, shall be used for storage purposes unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of visual amenity.

INFORMATIVES:**INFORMATIVE 1:**

WCC Highways advise that the conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at

least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must 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:

WCC Highways advise that 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 discharge of planning conditions the applicant/developer is advised that an independent stage 2 safety audit of the proposals must be provided to satisfy the requirements of the Act.

INFORMATIVE 3:

WCC Highways advise that the County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement, issue of any licence, or permit which may be incurred as a result of the applicant/developer's failure to make an application for such an agreement/licence/permit sufficiently in advance of the works requiring to be executed or for any delays which may be incurred as a result of service or plant alterations required by the public utility companies.

INFORMATIVE 4:

WCC Highways advise that 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 5:

WCC Highways advise that prior to commencement of development, the applicant is required 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:

WCC Highways advise that should any trees or hedges within the adopted highway, not identified as being required for removal as part of the submitted information, but are

subsequently required to be removed in order to facilitate the approved development, an assessment will be carried out on behalf of the Highway Authority and a biodiversity offsetting contribution may be levied.

INFORMATIVE 7:

WCC Highways advise that no HGV movements during the construction phase should take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.

INFORMATIVE 8:

The woodland and structural landscaping required by condition 11 shall be planted prior to the first occupation of the development. The exception to this is the area around the testing facility where it shall be planted in the first planting season following the demolition of this facility.

INFORMATIVE 9:

For the avoidance of doubt, the calculation of gross external floorspace referred to in condition 3 shall not include the floorspace of multi-storey car parks, refuse stores and cycle stores.

INFORMATIVE 10:

WCC Ecology advise the applicant that a European protected species licence from Natural England is required to undertake the works. Further information about species licensing and legislation can be obtained from the Applicant's surveyor or the Species Licensing Service on 02080 261089.

INFORMATIVE 11:

Warwickshire Fire and Rescue Authority advise that the development needs 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. Where compliance cannot be met, please provide details of alternative measures you intend to put in place. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

INFORMATIVE 12:

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.

INFORMATIVE 13:

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 14:

Severn Trent Water advise that for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. Copies may be obtained of their current guidance notes and application form from either their website (www.stwater.co.uk) or by contacting their Developer Services Team (Tel: 0800 707 6600).

INFORMATIVE 15:

Severn Trent Water advise that although their 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 16:

Severn Trent Water advise that their records indicate a 180mm water main, 6 inch private main and wash out and 6 inch private operational non-domestic customer service pipe located within the application site. They advise that these pipes are not the responsibility of Severn Trent Water. It is further advised that the developer is required to maintain supply to the customer at all times, not to build over the pipes, and to make arrangements with the customer to divert the services and connect the private supply onto the new development/site water supply. The water pipes must not be damaged and supply must be maintained.

INFORMATIVE 17:

Highways England advise that the highway mitigation work associated with this permission involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with Highways England Section 278 Service Delivery Manager, Mary Otemu to discuss these matters at mary.otemu@highwaysengland.co.uk

INFORMATIVE 18:

For the avoidance of doubt, the plans listed in condition 4 of this decision notice supersede any previous versions of these plans contained within the reports listed in condition 4 of this decision notice.

INFORMATIVE 19:

Condition 8 sets out a requirement for 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-phytosensorfinal-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

STATEMENT OF POSITIVE ENGAGEMENT

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

Reference: R20/0415

Site Address: RUGBY TOWN FOOTBALL CLUB, KILSBY LANE, RUGBY, CV21 4PN

Description: Temporary consent for two years to use existing car park for car boot sales 14 times per year

Recommendation: Approval subject to conditions

This application is being reported to Planning Committee as the application site is over a 1000sq/m and considered a major application.

Description of site

The application site is located on the edge of the Rugby Urban Area within the open countryside. The site has an established use as a sports facility in connection with Rugby Town Football Club.

The site consists of an area approximately 18 hectares and currently comprises-

- 13 outdoor football pitches
- Three all-weather pitches
- A clubhouse
- Groundsman Store
- A 373 space car parking area; this includes a 200 space over-spill car parking area to the north of the site

Description of proposals

This application seeks the use of land for purposes not associated with the use of football pitches by Rugby Town FC for the holding of car boots for 14 days per calendar year. Car boots are proposed to be held between end of March and beginning of September during out of football season.

The proposed car boot stalls would be located to the east of the existing pavilion. The number of proposed stalls/pitches will be 30. There will be 83 parking spaces proposed for car boot visitors to the north and east along the internal access road leading towards the pavilion.

The car boots will be held on a Sunday 9am to 1pm
Stall Holders will set up at 8.30am
Car boot will finish and clear away by 2.30pm
There will be Marshalls on site from 9am to 1pm

The Town & Country Planning (General Permitted Development) Order 1995, as amended does allow the temporary use of land for a variety of purposes, including markets (car boots sales), subject to restrictions. One such restriction is that the land in question should not be a building or within the curtilage of a building. It is considered that the area where the proposed car boots are to be held is within the curtilage of the pavilion building and planning permission is required to hold any markets on the site.

Relevant information

The initial proposal was amended during the planning application process as the original scheme to allow a car boot sale to run for 28 days between March and September was considered excessive to occupiers within the nearby neighbouring properties adjoining the application site. The Council considered on balance that a reduced number of days in which the car boots are to be held to 14 days between May and September, outside of football season, would alleviate the noise and disturbance stemmed from the car boot sale. The applicant has also agreed to change the pitches from 50 to 30 as a suitable medium between what was initially submitted under the previous application R14/0288 and the parking spaces that has substantially increased over the years. The applicant agreed to these changes and has amended the scheme to reflect this. The amended proposal is to be considered.

Planning History

There as an exhaustive list of planning history. Planning applications relevant to the proposal are as follows:

R02/0487/5742/P	Construction and use of playing pitches, erection and use of pavilion and groundsman store and formation of new access road and car park	Approved 15.10.2004
R07/0997/PLN	Use of existing car park for car boot sales 28 times per year	Approved 12.09.07
R14/0288	Use of land for purposes not associated with the use of football pitches by Rugby Town Junior FC, to include the use for the holding of car boots for 14 days per calendar year, and the use for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year.	Refused 2.04.14
R18/1992	Installation of a turnstile, an outdoors grandstand seating, retention of two storage containers together with alterations to the roof of the main building.	Granted 29.05.19
R21/0196	Proposed Building which consists of a Ground floor Fitness Room and First floor Education Centre	Pending

Relevant Planning Policies

National Planning Policy Framework – 2019

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Local Plan (2011-2031) – June 2019:

Policy GP2: Settlement hierarchy

Policy D2: Parking facilities

Policy HS5: Traffic Generation and Air Quality

Policy HS3 Protection and Provision of Local Shops, Community Facilities and Services

Policy NE1: Protecting designated biodiversity and geodiversity assets

Policy SDC1: Sustainable design

Supplementary Planning Documents

Sustainable Design and Construction – 2012

Third party comments

Neighbours-
RBC Corporate Property

none received
comment, there is a restriction on the lease for the holding of market

Technical consultee comments

WCC Highways:

no objection subject to conditions relating to days and hours of operation, the car park to be marshalled at all times during the events and provision of on-site parking capacity and allocation to be provided for the car boot sales events.

RBC Environmental Services

no objection subject to a temporary two-year permission, subject to conditions relating to number of pitches, and days and hours of operation

WCC Ecology Unit

no objection

RBC Public Right of Way

no objection subject to the PROW being unobstructed at all times

Assessment of proposals

The main considerations in respect of this application are the principle of development, character and design and impact on neighbouring properties.

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. It states that the most sustainable locations are considered ahead of those further down the hierarchy. The proposed location is in the penultimate tier of the hierarchy and therefore there are two key considerations.
- 1.2. Whilst ordinarily market uses should be focused more towards a town centre location, it is considered that the use of the land for the holding of a car boot sales for 14 days would not impact upon the vitality and viability of the town centre in accordance with policy GP2.
- 1.3. It is considered that the proposed car boot area will provide a service within the immediate community providing a financial means for the football club as well as a means for community engagement which is much needed given the uncertain period arisen from COVID-19. It should also be noted that the car boot activity is concentrated within a small part of the overall site which does not extend or affect the existing pitches.
- 1.4. This application is therefore considered to comply with Policy GP2 and HS3 of the Local Plan.

2. Design and Appearance

- 2.1. Policy SDC1 of the Local Plan states that all development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of scale, density and design that responds to the character of the area in which they are situated.

- 2.2. The proposed car boots are to be undertaken on car park land sited close to the existing pavilion on a large car park in association with the authorised use of the site. When considering the visual amenity, there would have an increased visual impact on the area due to the increased levels of activity within the area by the introduction of a wide range of stalls and vehicles. However, given that the car boot sales will be limited to 14 days per year it is not considered that its impact would be so adverse to have a harmful impact upon the visual amenity of the area. As such from a visual amenity perspective the proposal would not conflict with policy SDC1.
- 2.3. It is considered that the use of the grass pitches for outdoor sports not in connection with RTFC would not have an adverse impact upon the visual amenity of the area.
3. Protecting amenity
 - 3.1. Policy SDC1 states that development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. Furthermore, within Section 12 of the NPPF, it states that developments will provide a high standard of amenity for existing and future users.
 - 3.2. There are neighbouring properties that back onto this site. The nearest property is located at least 250m from the main car boot area, discounting the over-spill football car parking area that runs to the north of the site. Environmental Services have made comments on the application and have no objection to a temporary permission subject to the addition of a condition including an hour's restriction.
 - 3.3. The case officer has considered the previous application that was refused under R14/0288 on residential amenity grounds. It is pertinent to compare both the previous and current application to consider the impact and ensure there is consistency when assessing the proposed development. The changes include the following: the current application has omitted the use of land for outdoor sports not in connection with Rugby Town Junior FC for 14 days per calendar year in tandem with the car boot sale, the times to be run will be from early morning 8.30am to 1pm, rather than from 1pm to 5pm and the car boot sale activity has been relocated further away from the neighbouring properties.
 - 3.4. It is recognised that neighbouring dwellings within the immediate vicinity enjoy a period of time throughout the year from May to September when the level of activities such as traffic movement, noise and other disturbance associated with the use of the application site are less outside of the footballing season. Whilst there is nothing in the way of planning conditions to prevent the applicant from using the football pitches during this period, the very nature of the sport means that the football pitches are used less frequently than not during this period.
 - 3.5. No comments were received from third parties, nevertheless, consideration has been pulled from the previous application and the merits of the proposed development.
 - 3.6. It is considered that whilst the immediate neighbours have been accustomed to a period of respite outside of the football season, the car boot sale would respect the amenities currently utilised by the occupiers within the vicinity. The car boot sale will be restricted to only 30 pitches on these days and is to run within a short period between 9am to 1pm, timing which is typical of the running of a market holding and would end by mid-day. This is a short period of noise and disturbance during the day. When considering the times in conjunction with the number of pitches proposed on site, it is envisaged that the noise and disturbance is modest in scale due to the footfall of numbers that is to be generated.

- 3.7. When considering the traffic movement, noise and other disturbance emulating from the holding of car boot sales in comparison to the use of the pitches for training purposes or holding of a competitive football match, the noise and disturbance associated with the holding of a car boot sale would be different deriving from the arrival of traders and the setting up of their sales pitches, and the continued comings and goings of customer's vehicles and holding of the event itself.
- 3.8. The car boot is to sit on a lower part of the site at the edge of the car park away from the neighbouring properties within in a concentrated location immediately adjacent the existing pavilion. Given that there is substantial distance to adjacent neighbours (nearest neighbour located least 250m from the car boot area), it is considered that the proposed development is unlikely to create any overlooking, overbearing issues arisen by the proposed activity.
- 3.9. Furthermore, conditions can be imposed to limit the noise and distance to nearby occupiers of the neighbour residential properties in the means of restricted hours (Condition 4). The applicant has shown intent, as will be conditioned, to provide marshals to help control vehicles should alleviate the traffic flow that is expected of. Condition 5 will be attached to the decision notice to ensure the car park will be marshalled at all times during the events such that cars do not queue back onto Kilsby Lane, to the detriment of the safety of the users of the public highway.
- 3.10. The proposed development is under a temporary consent of two years. Whilst the introduction of an activity will extend the use of the land for a longer period within the year, the temporary consent will provide sufficient time for the Council to assess the impact of the car boot sale on noise and disturbance. Therefore, it is an opportunity to review the operational experience following the end of the two-year period and reconsider the stance on extending this period and pitches. Condition 3 will be attached to the decision notice reflecting the temporary nature of the proposed development.
- 3.11. In view of the above, the proposed car boot sale is of modest scale that would run within a short period of the day and is located within an area to not cause adverse harm in terms of noise and disturbance to immediate neighbouring properties. This application is therefore considered to be in accordance with Policy SDC1 of the Local Plan.

4. Ecological Considerations

- 4.1. Policy NE1 states that the Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Section 15 of the NPPF states that the planning system should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.
- 4.2. Warwickshire County Council Ecological Services department has raised no objection
- 4.3. It is therefore considered that this proposal will not have an adverse impact on biodiversity. This application is considered in accordance with Policy NE1 of the Local Plan and Section 15 of the NPPF.

5. Air Quality:

- 5.1. Policy HS5 states that development throughout the Borough of more than 1,000sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area

that would generate any new floor space must address the impacts of poor air quality and introduce measure to mitigate against it.

5.2. The site is within the Rugby air Quality Management Area. Environmental Health have considered it unnecessary to recommend air quality assessment conditions. The proposal is considered to provide no additional impacts on the air quality management zone, over and above the existing use of the site and as a result is considered air quality neutral. Therefore, it is deemed unnecessary to impose any mitigation methods on the proposed development.

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

6. Parking facilities

6.1. Policy D2 states that planning permission will only be granted for development which incorporates satisfactory parking facilities.

6.2. Whilst are present it would be considered that the existing car parking is capable of supporting the activities of a car boot. Nevertheless, a condition will be added to the decision notice ensuring that the allocated parking for the car boot sale will be as shown on the amended plan, see **Condition 6**.

6.3. The scheme is accordance with the guidance set out within the D2 car parking standards and is to the satisfaction of WCC Highways.

7. Highway safety

7.1. Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Warwickshire County Council Highways Department is of a position of no objection.

7.2. Following consultation with Warwickshire County Council, no objection has been raised with regards to highway safety subject to conditions relating to the use being for a temporary period of 2 years and restricting the number of pitches permitted.

7.3. This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy D2 of the Local Plan.

8. Other matters

8.1. The applicant has recently submitted an application for the erection of a building within the grounds of the site as a means of providing a fitness area for individuals interested in the sports. At this time, the application is currently in the early stages of the planning process and cannot be considered in tandem with this application. However, the case officer will consider the planning merits of the proposed building against the use of the car boot sale and associated use of the land as a material consideration.

8.2. Consideration has been given to the restrictive covenant between the Council and the club to not use the premises for any auction sale or car boot sale. Whilst this application is considered by the Council, the application is to be considered against the planning merits by the Planning department rather than the legalities set out in the lease which is immaterial to the assessment and a separate legal matter.

9. Recommendation:

Approve subject to condition

DRAFT DECISION

REFERENCE NO:
R20/0415

DATE APPLICATION VALID:
03-Feb-2021

APPLICANT:
Mr Steve Turner 5, GERARD ROW, RUGBY, CV22 7FZ

AGENT:
Mr Shane Quinn 41, QN Design, Dunton Road, Broughton Astley, LE9 6NA

ADDRESS OF DEVELOPMENT:
RUGBY TOWN FOOTBALL CLUB, KILSBY LANE, RUGBY, CV21 4PN

APPLICATION DESCRIPTION:
Temporary consent for two years to use existing car park for car boot sales 14 times per year

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:
This permission shall be deemed to have taken effect on 31st March 2021.

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

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

CONDITION 2:
Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:
Drawing no NSRTFC002 Location. Scale 1:2500. Received on 28/01/21
Drawing no P01B Proposed Carboot Site Plan. Scale 1:1000. Received on 17/03/20
Drawing no P02 Proposed Carboot Site Plan. Scale 1:1000. Received on 21/12/20
Supporting information. Received on 18/03/21

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

CONDITION 3:
This permission shall be for a period expiring on 9th September 2022 on or before which date the use hereby permitted shall be discontinued and determined and all fixtures, fittings and equipment installed or used in connection therewith shall be removed and the land reinstated to enable its former use to be resumed unless the further permission of the Local Planning Authority has been obtained to continue the use.

REASON:

To ensure that the development is acceptable, in the interest of residential amenity and allow the Local Planning Authority to have the opportunity to reassess the proposal in the light of operational experience (in the interests of preserving the character of the countryside).

CONDITION 4:

The car boot sales shall only be held between 09:00-13:00 hours on Sundays 14 times of the year between May and September, with access for setting up from 08:30 hours. The site shall be cleared of car boot buyers and sellers by 14:30 hours. The organiser is required to log the dates of which the car boot sales are to be held for monitoring purposes.

REASON:

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

CONDITION 5:

The car park will be marshalled at all times during the events such that cars do not queue back onto Kilsby Lane, to the detriment of the safety of the users of the public highway.

REASON:

In the interest of highway safety

CONDITION 6:

No parking associated with the car boot sales shall occur outside of the allocated parking spaces as shown on plan P01B Proposed Carboot Site Plan. Scale 1:1000. Received on 17/03/20

REASON:

In the interest of residential amenity and highway safety

Reference: R20/0422

Site Address: LAND SOUTH OF A5 (WATLING STREET) ADJACENT TO M69 Junction 1

Description: Full application for erection of a roadside services facility comprising a petrol filling station, drive through restaurant (class A1/A3/A5) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping and other associated infrastructure. Outline application for erection of class B1 and flexible B1/B2/B8 units with access via A5 (Watling Street) together with the construction of internal roads, vehicle and cycle parking, drainage works, earthworks landscaping and other associated infrastructure.

1.0 Background

Recommendation

1. Planning application R20/0422 be granted subject to:
 - a. The conditions and informatives set out in the draft decision notice appended to this report;
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or other planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or other planning obligations outlined in the head of terms within this report.

- 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 Proposals

- 2.1 This application comprises a hybrid application which comprises both a full application and an outline application on different parts of the site. The full application seeks permission for a roadside services facility, comprising a Petrol Filling station with retail convenience element - 484.8m² (in the same building to purchase food and drink and associated vehicle maintenance products) – (Sui Generis), with forecourt, canopy and HGV facilities, a Starbucks Drive Through coffee shop facility (A1/A3/A5 - 171.3m²), car parking (54 spaces), 1 coach parking space, 6 HGV parking spaces and landscaping.
- 2.2 The outline application (Phase 2) is for a mixed-use development providing B1, B2 and B8 employment. The illustrative masterplan for the outline element shows a B2/B8 unit 1858.1m², a three storey office B1(a) unit (3302.07m²) and three two storey office pavilions B1(a) (2369m²) with 196 car parking spaces.
- 2.3 The site is to be accessed from the A5 with a new signalised road junction. The existing junction between the A5 and Wolvey Road is also proposed to be improved as part of the works.

2.4 The hybrid application is also split geographically between two local planning authorities, Rugby Borough Council and Hinckley & Bosworth Borough Council. The boundary within Hinckley extends from the A5 southwards and incorporates the Wolvey Road access and the residential housing development, and Rugby's portion is the remainder of the site incorporating most of the western and southern boundary. Most of the buildings would be within Rugby but the access to the site would be within Hinckley. A duplicate planning application has been submitted to Hinckley and is due to be determined in April 2021.

3.0 Description of Site

3.1 The site is known as Stretton Point and is situated halfway between Coventry and Leicester, on the southern edge of Hinckley and Burbage. It is immediately to the Northwest of Junction 1 of the M69 where it joins the A5, Watling Street. The site is 5.25 hectares in area, comprising vacant land with high voltage electricity cables crossing overhead with a pylon situated within it. The land to the North of the application site has been developed as five residential properties and falls within Hinckley & Bosworth Borough Council. The site is classified as a Local Wildlife Site.

3.2 The majority of the site is grassland bounded by hedgerows, with the southern boundary of the site having the Soar Brook watercourse adjacent to the M69 motorway. The Northern boundary is defined by housing development and woodland and the eastern boundary is formed by the A5 Watling Street.

4.0 Planning History

4.1 R11/0239 –This proposed a mixed-use development comprising a restaurant, offices, a hotel and a leisure unit together with associated car parking and landscaping with vehicular and pedestrian access proposed via Wolvey Road to the north which involved alterations and improvements to the Wolvey Road/A5 junction.

4.2 The planning application was called in by the Secretary of State (SoS) pursuant to Section 77 of the Town and Country Planning Act 1990 for his own determination rather than be determined by Rugby Borough Council. The Secretary of State granted planning permission subject to conditions and planning obligations in August 2013 following a public inquiry.

4.3 Reserved matters relating to the C1 hotel with ancillary A3 restaurant, B1 offices and D2 leisure under reference R16/1255 were approved in October 2016. A non-material amendment to the outline planning permission was submitted to Rugby Borough Council in July 2018 that sought to amend the wording of all of the pre-commencement conditions to enable development of initial drainage works on the site without breaching these conditions. This non-material amendment was subsequently approved and constitutes a material operation that commenced the development having regard to Section 56 of the Town and Country Planning Act 1990. This began implementing planning permission.

4.4 No further works have since taken place on the site but, subject to discharge of the outstanding pre-commencement conditions attached to planning permission R11/0239 and fulfilment of planning obligations, this approved development can continue to be built out and occupied. The existence of this extant planning permission is a significant material consideration and establishes the principle of development.

5.0 Technical consultation responses

Environment Agency	No objection subject to conditions
Natural England	No comment
UHCW NHS Trust	No comment
RBC Environmental Health	No objection subject to conditions
RBC Trees and Landscaping	Objection due to loss of trees
Warwickshire Fire & Rescue	No objection subject to conditions/informatives
Warwickshire Police	Wanted securing fencing around HGV park, landscaping should not hinder natural surveillance, trees should have crowns lowered, CCTV layout should be taken into account. Outline should adopt 'secured by design' principles.
WCC Archaeology	No objection subject to conditions
WCC Flood Risk Management	No objection subject to conditions
WCC Fire Safety	No objections subject to conditions and informatives
Highways England	No objection subject to conditions, informatives and S278 agreement
WCC Highways	No objection but concerns over future A5 widening, and Stage 2 Safety audit
Highways England	No objection subject to imposition of their conditions
WCC Ecology	No objection subject to LEMP and S106 to control aspects associated with biodiversity.

6.0 Third Party Consultation Responses:

6.1 Wolvey Parish Council – objects to the proposal on the grounds of overdevelopment of the site, highway safety concerns due to the size of the development generating additional traffic and its close proximity to the M69 junction and the increase in traffic generated from the development will have a detrimental impact on surrounding villages.

Hinckley Council have not commented formally on the application but informal discussions between officers have taken place.

The Chairman of Burton Hastings and Stretton Baskerville village meeting object to any scheme that increases noise/pollution, nuisance for residents of Stretton Baskerville

6.2 Local residents raise some of all of the following objections:

- not be in keeping with the rural character of the area,
- intolerable strain on the local road network
- not consistent with reducing greenhouse gases
- Magna Park expansion would place greater strain on local road network
- A5 overstretched, bottleneck where single carriageway
- pleased the access has been moved to the A5.
- concern about noise and pollution caused by a facility used by transient traffic

- HGVs habitually leave engines running and often have chiller units running regardless of the time of day. Services should not allow HGV traffic.
- light pollution on the adjacent residential properties from the services/restaurant and the vehicle headlights. Lighting should be at low level to limit pollution into the neighbouring residential properties.
- retaining wall planned to the north side could be changed to a sound barrier to mitigate the headlight issue. It should be 8 feet tall. Restaurant should not be permitted to operate 24 hours a day.
- Concerns about vehicles using Wolvey Road as a parking facility after using the restaurant. Want gated access to Wolvey Road. This is not a council maintained road.
- Concerns about access and exit onto the old Wolvey Road during construction and when operational.
- Wishes to be assured that height of buildings will be maintained at current levels.
- no rationale for petrol filling station when one already present nearby
- excessive development, noise
- concerns in impact of local wildlife, buzzard, woodpecker, Muntjac, badger, fox,
- traffic concerns
- light pollution, increase in litter
- plans look excellent, make good use of waste land area, concerns about road layout and path outside property, need safe access to house
- object to principle, loss of hotel and leisure from scheme, failure to undertake site sequential assessment, absence of Retail Impact Assessment, highway issues, inability to promote sustainable transport, impact on ecology and habitats, failure to request EIA screening opinion.

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
- DS1: Overall Employment Needs
- HS5: Traffic Generation and Air Quality, Noise and Vibration
- NE1: Protecting Designated Biodiversity and Geodiversity Assets
- NE2: Strategic Green and Blue Infrastructure
- NE3: Landscape Protection and Enhancement
- SDC1: Residential Amenity
- SDC2: Landscaping
- SDC4: Sustainable Buildings
- SDC5: Flood Risk Management
- SDC6: Sustainable Drainage
- SDC9: Broadband and Mobile Internet
- D1: Transport
- D2: Parking facilities
- D4: Planning Obligations

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 9 Principle of Development
 Section 10 Economic Development and Town Centres
 Section 11 Transport
 Section 13 Trees
 Section 14 Biodiversity

9.0 Principle of development

9.1 The hierarchy in Policy GP2 provides a sequential approach to sustainable development. The site is in the countryside. In accordance with policy GP2 new development in the countryside is normally resisted, being at the lower end of the hierarchy. An objection exists which wants significant weight afforded to its countryside location.

9.2 The supporting text to GP2 acknowledges there are locations that are excluded from this hierarchy which could be considered accessible locations for development. The site is near the boundary with Hinckley, and close to Burbage. Development within the borough that relates to these urban areas remains contrary to the Local Plan, even if they can be considered sustainable to these locations, because the Rugby Local Plan has an emphasis on Rugby and the Main Rural Settlements. However, it remains the case that the site could be interpreted as being more related to these urban areas rather than being situated in the countryside without any urban context at all.

9.3 Outline planning permission exists on this site for a mixed-use commercial development comprising A3, B1, C1 and D2 uses (R11/0239), granted by the Secretary of State, with reserved matters approved in 2016 (R16/1255). The subsequent non-material amendment approved in August 2018 allowed surface water drainage works which triggered the implementation of the scheme. Whilst materially different, R11/0239 grants permission for 3,716m² of B1 use (66% of that now proposed), 3,252m² of Class D2 and a hotel of 2,787m². As a result, the principle of development of this site has been established and the extant permission is a significant material consideration weighing in favour of the proposal.

9.4 The commercial development market has changed since 2013 and the applicant is now seeking to adapt the scheme to suit business needs and potential occupiers, so different commercial uses are proposed. Below is a table showing the differences between the approved and proposed scheme:

	Approved Scheme	Proposed Scheme	Difference
Size in Hectares	3.05	5.25	+2.2
Total Floorspace	9,215 m ²	8,186 m ²	-1,029m ²
Site Access	Wolvey Road	A5 (Watling Street)	
Biodiversity Impact	13.82 unit loss	11.19 unit loss	Net gain of 2.62 units
Jobs	255 full and p/t jobs	333 full and p/t jobs	+78 jobs

Sustainability	No standard	BREEAM very good	Increased sustainability measures
B1 use (office)	Up to 2,787m ²	Up to 5,670m ²	+2883m ²
B2/B8 (industrial & Warehouse)	0m ²	1858m ²	+1858m ²
Roadside Services (Sui Generis)	0m ²	656m ²	+656m ²
D2 (leisure)	3252m ²	0m ²	-3252m ²
C1 (hotel)	2787m ²	0m ²	-2887m ²

- 9.5 The applicant would build out R11/0239 if permission were refused for this because he has to secure a return on the investment; this scheme is preferred due to it aligning better with the current economic climate.
- 9.6 The current scheme secures more jobs, with less impact on amenity as it re-locates the access from Wolvey Road (away from nearby residential properties in Stretton Croft) to the A5. It seeks to improve its sustainability credentials by adhering to BREEAM 'very good' standards (including photovoltaics) (not present in the approved scheme). It seeks biodiversity benefits by ensuring that at least 50% of the outline element (Phase 2) is occupied by green infrastructure, be it green roofs, grasscrete type parking or landscaping, 48% of which would be sown with a wildflower mix replicating the on-site conditions.
- 9.7 One objector claims the changes to the scheme make it unacceptable; that the hotel and leisure elements were fundamental in the extant scheme along with the business park, whereas the proposed uses change the nature of the scheme because the phases are not inextricably linked. The uses differ from the extant scheme. The site area has expanded, but the total floorspace is nearly 12% smaller than the extant scheme. The 'roadside services facility' is new, the B1 office use elements are increased, with flexible B1/B2/B8 elements in place of the hotel and leisure elements. The reduced overall floorspace is a material consideration.
- 10.0 Town Centres and Economic Development
- 10.1 Paragraph 80 of the NPPF states that the planning decisions should help create the conditions in which businesses can invest, expand and adapt, and significant weight is placed on the need to support economic growth, building a strong, responsive and competitive economy. The phase 1 operator (Eurogarages) has locational requirements of needing to be near the strategic road network (the combination of being adjacent to the A5 and M69 is advantageous) particularly for the roadside services facility and the B8 use elements. They state other sites in nearby town centres do not fulfil this need (demonstrated by their impact assessment). They feel the site represents an immediately deliverable opportunity to provide local businesses with the scope to invest and expand and thus deliver economic growth and employment opportunities for the local area. Paragraph 82 of the NPPF states stresses the locational requirements of different sectors including storage and distribution at a variety of scales in suitably accessible locations should be recognised. This scheme also increases the number of jobs (+78) compared with the extant scheme.

Roadside Services Facility

- 10.2 The NPPF Footnote 42 states that “the primary function of roadside services should be to support the safety and welfare of the road user”. Objections cite the existence of existing petrol filling stations nearby questioning the need for this element. It is not the role of the planning system to interfere with competition, and in addition, the existing facilities do not provide lorry parking facilities, giving this proposal the ability to service HGVs.

Retail Element of Petrol Filling Station (PFS)

- 10.3 Policy TC2 of the Local Plan requires schemes in excess of 500m² to have a Retail Impact Assessment (RIA) outside of town centres. One objector states that the PFS comprises retail, and combined with the drive through restaurant, the total floorspace exceeds the threshold in TC2 requiring a RIA. They assert the lack of a (RIA) is contrary to policy and, as such, permission should be refused. The PFS has an *ancillary* convenience retail element forming part of the PFS building with a floorspace of 484.8m². It is “*principally for refuelling as opposed to retailing convenience goods.*” (Planning Supporting Statement, P.63) and “*would only sell a limited range of convenience goods. No alcohol will be sold and the range of products is limited which would not allow for a typical weekly shop.*” (Planning Supporting Statement, P.15). It is a fact that the lawful use of the PFS is Sui Generis and is not a town centre use requiring RIA as a result.

Drive through element

- 10.4 The drive-through (A1/A3/A5), (which is located outside of Rugby Borough’s administrative boundary), occupies a separate building to the PFS and has a gross internal area of 177m², which is below the threshold requiring RIA in policy TC2. The drive through element is not therefore in conflict with policy TC2 in this regard.

Sequential test

- 10.5 Policy TC2 requires a sequential test for town centre uses. Drive through facilities and B1 Offices are considered to be town centre uses according to this policy. One objector claims that the applicant has failed to properly consider and apply the sequential test and the potential for disaggregation, and that the two phases can operate independently. The agents defend this position by pointing out that the NPPF and PPG do not refer to disaggregation as part of applying a sequential test to main town centre uses, and that the two phases are related to each other.
- 10.6 Whilst paragraph 11 of the Planning Practice Guidance (PPG) (ID: 2b-011-20190722) states that failure to undertake a sequential assessment could in itself be a reason for refusal, the application of the test ‘will need to be proportionate and appropriate for the given proposal’. It is not considered unreasonable to view the drive through element as being part of the roadside services facility, which has specific locational requirements, in line with PPG paragraph 12 (ID: 2b-012-20190722). It states that ‘the use of the sequential test should recognise that certain town centre uses have particular market and locational requirements which means that they can only be accommodated in certain locations.’ The purpose of the drive through is to provide amenity to motorists using the A5 trunk road. Encouraging passing traffic into Burbage or Hinckley simply to access a services facility could result in travellers driving further. In this context disaggregation is not considered to be required.
- 10.7 In addition, the coffee shop is 2% of the total area of all cumulative floorspace on site. Its scale compared with the overall floorspace is minimal. The layout of the coffee shop is functionally related to the PFS. Whilst contrary to policy, it is considered reasonable to conclude that operationally the PFS and drive through will function as collective roadside

services facility that benefits from the strategic location on a trunk road, and likely to be used as a linked trip whilst purchasing fuel in the majority of cases. Given the overall small scale of the coffee shop, the need for proportionate consideration of the sequential test, compared with the scale of uses on site as a whole, its relationship with the PFS, its function contributing to the collective use of a roadside services facility, it is considered that refusing on the basis of failing to disaggregate the drive through from the PFS or refusal and conflict with the sequential test on this ground would be unreasonable.

- 10.8 A sequential site assessment was submitted for the whole scheme though applied flexibly in scale and format in accordance with paragraph 87 of the NPPF and the PPG to assess sequentially preferable alternatives. The Secretary of State in his consideration of the extant scheme, restricted the scope of the sequential site assessment to the Hinckley area. The analysis did not find suitable and available sites that could accommodate a development similar to that proposed.
- 10.9 It is acknowledged that there are substantial objections to the way the sequential test was undertaken, that the scheme was not disaggregated, and that Rugby sites were excluded which conflicts with policy TC2. However, it is a fact that the site is remote from Rugby. It is also open to question whether a sequential test would be wholly applicable given that 66% of the B1 element has been approved by the extant scheme. This could be reasonably viewed as an *extension* to the approved office element, given that the principle portion of B1 office has been accepted by the extant permission. Thus, it would only be the additional B1 floorspace that would require the sequential test. It is not considered reasonable to further disaggregate an office scheme into two parts; it has to be considered as a whole. Under these circumstances the deviance from TC2 is not considered to be so severe as to justify refusal given the remote location from Rugby and the extant permission.

Overall Employment Needs

- 10.10 The overall employment needs of the Borough up until the end of 2031 are stated in Local Plan policy DS1 (Overall Development Needs). DS1 confirms 208 hectares of employment land is to be provided (98 Ha of which is to meet Coventry's demand) in the plan period. Strategic sites where this development is to be delivered are identified in the plan in either existing designated sites or Local Plan allocations. The application site is not included in this list of strategic sites and is a major scheme.
- 10.11 The Employment Background Paper (LP15) confirms that land supply (208ha) provides additional flexibility over and above the land required purely based on quantitative need, to allow for further growth, not only in Rugby's local economy but also the sub-regional Coventry & Warwickshire economy. As such, in relation to Rugby Borough, the site would not contribute to meeting the Borough's needs in employment terms, and flexibility has already been provided in the overall supply to allow for employment growth. It needs to be noted, however, that the current pandemic does provide more uncertainty in economic terms compared with when the Local Plan was adopted.
- 10.12 The existing consent was assessed in relation to land supply as part of the Employment Land Study 2015 (LP12) as a 'Committed Site', which does mean that part of the approved element (66%) would have already been accounted for within strategic land supply figures. The individual assessment for the site notes that "the market for B1a floorspace at this location would be limited; but that modest provision of B1c floorspace (or B8 floorspace) would be feasible" (p.120). The assessment concludes "whilst potentially an attractive

location for B8 floorspace, this is not included within the current consent for mixed-use development. The use will serve and should relate principally to a Hinckley-focused market. (p.120)". The current proposal therefore updates the scheme to accord more with this appraisal, and in terms of compliance with policy, rather than the entire B1 office component being subject to policy appraisal, only the additional 34% being proposed in addition to that consented should be considered contrary to policy.

- 10.13 The additional 34% employment element of the site, together with the B8 element, would not be supported under the provisions of ED2 (Employment Development within Rugby Urban Area), ED3 (Employment Development outside Rugby Urban Area), nor would it be a form of development supported under ED4 (The Wider Urban and Rural Economy). This is in addition to the sequential test excluding Rugby Town as part of TC2 for the office element. Paragraph 20 of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for employment, retail, and other commercial development. Paragraph 23 of the NPPF confirms that strategic policies should provide a clear way of bringing sufficient land forward. As detailed above, the employment needs of Rugby and also some of the wider sub region are already met through Local Plan designations, which have been informed by supporting evidence and subject to examination, and set out in adopted policy.
- 10.14 Overall, in policy terms, the Rugby Borough Local Plan does not support the employment development in this location, in terms of those additional elements not subject to the previous consent, nor counted in the committed sites. It is noted, however, that the previous permission R11/0239 was approved by the Secretary of State and the decision refers to the principle of that development fulfilling a specific need of Hinckley ("office floorspace in the form of a business park"). Whilst this decision pre-dates the current Local Plan, the Core Strategy 2011 contained a similar settlement hierarchy, but the appeal decision does create a strong precedent for development and is a material consideration. The current scheme creates 78 more jobs, on a site which has 12% smaller footprint, and paragraph 80 and 82 stress the need to create conditions where businesses can invest, expand and adapt, and that locational requirements of different sectors including storage and distribution at a variety of scales in accessible locations should be recognised. This is particularly important during the economic uncertainty of the current Covid-19 pandemic.
- 11.0 Transport
- 11.1 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. One objector cites highways issues, the proposal's inability to promote sustainable transport as key reasons to refuse planning permission. Highways England does not object to the proposal subject to conditions. WCC Highways have expressed some concerns with the scheme in terms of its impact on the A5, and how this will limit potential future road widening.
- 11.2 The scheme proposes vehicular, pedestrian and cycle access to the development via a new signalised junction onto the A5. A Transport Assessment, Walking, Cycling and Horse Riding assessment and Review were submitted which included detailed junction design details, capacity assessments, and traffic modelling. In comparison with the extant scheme, which proposed access off Wolvey Road, the scheme is considered to be an improvement for local residents in transport amenity terms, as the extant scheme located the access to the site from the rear, passing residents of Stretton Croft, who

raised objections to that scheme at the time and do now. The provision of a roadside services facility, will principally be servicing motor vehicles, as would any other PFS in the vicinity. The proposal is, however, located on a very strategic highway network, and the proposal does make some attempt at promoting more sustainable forms of transport, including the provision of cycle parking and electric vehicle charging points. Compared with the undeveloped situation, developing the site will inevitably increase vehicular traffic on the A5, but the extant scheme will also do this to a greater degree, although peak usage will be different.

- 11.3 Highways England are the Highway Authority, traffic and street authority for the Strategic Road Network (SRN). They required a business case for the access, further traffic modelling assessing the impact of future development traffic on the highway network, and highway mitigation works at the Wolvey Road/A5 junction. They considered that revised trip proportions would reduce the level of development traffic passing through the M69 J1, and would be below the level that would have been generated by the previously approved development on the application site (ref. R11/0239). The revised assessment shows a betterment in the operation of the proposed site access when compared to the previous scheme. The A5/Wolvey Road junction, the proposed “crossroads” layout would provide a reasonable improvement to the junction. It was concluded that there would not be an unacceptable impact on the operation or safety of either the local or strategic highway network. Conditions 6-10 are suggested by them to cover various detailed highway matters.
- 11.4 Warwickshire County Council raise no objection not the scheme subject to conditions. However, they point out that there is a significant amount of discussion with Highways England, Midlands Connect, Leicestershire County Council and other stakeholders over proposals to improve the A5 Watling Street, and developing the site may constrain the scale of improvement that Highways England will be able to deliver for the A5 in the future, that could impact future development locally and regionally. Future dualling may require additional land, which could be either side of the existing road – but at present the exact extent has not been defined. A number of schemes are being worked up to submit regional funding bids to government to implement these aspirations, but none of them have actually resulted in successful funding bids being approved at the time of writing, and formal safeguarding proposals do not currently exist. The extant permission could proceed without the Highway Authority being able to prevent this which although had a wider landscaped area did not incorporate highway widening. The fact that there is no formal safeguarding in place, defining the required land take, means a safeguarding direction preventing development within the defined safeguarded area cannot be enacted. Had this been in place, safeguarding would have been a material consideration if a development such as this would prevent the implementation of a defined piece of infrastructure. However, since there is no agreed scheme, no funding agreement, and no safeguarding alignment, it is considered that permission cannot reasonably be refused as a result of this issue.
- 11.5 Whilst a Stage 1 Road Safety Audit (RSA) has been completed, WCC state that internal access roads will remain private, without any s278 or s38 agreements in place. They provided detailed comments on the layout which needs reviewing via a Stage 2 RSA. The Highways England Road Safety Team have also requested involvement with the Stage 2 RSA. **Condition 5** and Informative 10 control this aspect and satisfy the need to ensure that consultation takes place in relation to this.

- 11.6 Levels of parking within the roadside services facility align with minimum standards set out in DoT Circular 02/13 relating to trunk road service facilities. Electric vehicle charging points are proposed within the petrol filling station and with each building. **Condition 37** relates to electric charging points and general car and HGV parking for the reserved matters stage for phase 2 of the scheme which has not been finalised at this time. Further information is suggested in Informative 12.
- 11.7 In terms of transport impact, WCC comment that the consented use would generate 205 two way trips in the AM peak and 260 two-way trips in the PM peak. The current proposal would generate 333 two-way trips in the AM peak and 368 two-way trips in the PM peak. Whilst many of these trips will not be 'new' to the network, they will enter and exit at the proposed signalised junction. The traffic flow figures indicate that development traffic on the B4109 Hinckley Road at the M69 jct 1 would increase by an additional 5 two-way trips in each of the peak hours and this level of traffic is not considered to be sufficient to have a severe impact on the operation of the local highway network. There is potential for greater trips on the network depending on the level of B1 uses. **Condition 11** controls the proportions of uses on site and in addition a Travel Plan is recommended **condition 30**. 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 if the residual cumulative impacts on the road network would be severe'. Considering the extant scheme, it is considered that a severe highway impact or cumulative impact cannot be demonstrated in this case.
- 11.8 Taking account the above points, the impacts are not severe enough where a Highways objection can be sustained and as such the proposal is not in significant conflict with policy D1. The reserved matters stage would provide a suitable level of car parking, in accordance with the Parking Standards contained within Annex 5 of the Local Plan as well as minimum cycle parking. The proposal is therefore considered compliant with policy D2 of the Local Plan.
- 12.0 Design, Layout and Landscaping
- 12.1 For the outline (phase 2) element of the scheme, since all matters in relation to design and layout are to be determined at the reserved matters stage, the main issue to consider at this stage relates to landscaping providing an overall design framework. This is particularly important given the Local Wildlife Status of the site and issues associated with trees.
- 12.2 Policies SDC2 and NE3 of the Local Plan relate to Landscape Protection and Enhancement, and seek to integrate landscape planning into the design of the development at an early stage, consider landscape context, enhance key landscape features, address the importance of habitat biodiversity features ensuring their long term management and maintenance, and expanding these features through means such as buffering. Policy SDC2 specifically refers to the need to provide sufficient planting around the perimeter of the site to minimise visual intrusion on neighbouring uses or the countryside. This is amplified given the proximity with the Green Belt which is adjacent to the site.
- 12.3 The parameter plan shows linear landscaping along the western and southern parts of the site which conforms with policy SDC2. This is termed as an environmental protection zone which will not be built on, which can be reinforced by the S106 agreement by reserving these areas as being exempt from development. To supplement these areas,

- Condition 14** requires a Landscape and Ecological Management Plan that would include the need to ensure that these landscaping strips are managed in a way to benefit biodiversity, particularly as grass snakes have been found on site as well as the more general landscaping on site.
- 12.4 The proposed elevations of the petrol filling station, and drive through restaurant are considered acceptable in design terms, but details of the materials associated with the elevations need to be submitted to and approved by the Local Planning Authority, as would the outline elements of the scheme for the business units at reserved matters stage. **Condition 13** is suggested which deal with materials. Both phases of development are framed by landscaping which are interlinked with the need to enhance biodiversity. Other landscaping elements relate to supplementing the woodland to the north which has the advantage of providing further screening to the residential properties to the north. **Condition 16** relates to the need for the planting details for these elements.
- 12.5 The landscaping associated with the south of the site is considered to be an improvement on the existing situation. Currently the watercourse, the Soar, which traverses the site is in a poor state with rubbish and silt dominating it. Setting the Soar within a landscaped area will be an improvement in landscape and biodiversity terms.
- 12.6 It is considered that the proposal conforms with policies SD2 and NE3 of the Local Plan because it integrates landscape planning into the design and provides a context for the reserved matters, the Landscape and Ecological Management Plan will ensure key landscape biodiversity features are enhanced and managed.
- 13.0 Trees
- 13.1 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.
- 13.2 The part of the site within Rugby has group TPO's along the Soar Brook along the south and along the western boundary of the site. These would be retained as part of the development, and most will be incorporated into areas where no development will occur. There are other TPO's within the Hinckley side. An arboricultural assessment was submitted which outlines that there are 9 individual and 10 groups of category A trees, 4 individual and 9 category B trees, with 5 individual and 4 category C trees. Up to 39 trees will require removal to facilitate the construction of the access road and visibility splay. In particular, four larger oaks would be lost on the frontage of the site.
- 13.3 The trees will be lost as a result of the proposed new access directly off the A5. Its detailed design is a requirement of Highways England specifications. The access cannot be located further south to avoid the trees due to highway safety. The reason why an access is promoted directly off Wolvey Road, in comparison with the extant scheme, is to remove the need for significant intensification of vehicular traffic using Wolvey Road, which is in closer proximity to the residents of Stretton Croft. In residential amenity terms, a direct access off the A5 is preferable to using the access off Wolvey Road, but there are greater impacts on trees.
- 13.4 Some objectors cite the loss of significant trees in their objections to the scheme. The Tree Officer also objects to the scheme on the basis that there will be significant loss of mature tree cover adjacent to the A5 to form the new access. The existing tree cover

along the A5 forms a prominent landscape and visual amenity feature, as well as adding to biodiversity. This element is within Hinckley. This is a negative aspect weighing against the scheme as a result, but needs to be considered in the overall planning balance.

- 13.5 The applicant recognises the impact on trees, and as a result proposes new semi-mature replacement trees of the same species to help mitigate the impacts on visual amenity. Specifically the four significant category A trees are to be replaced with semi-mature oaks (at 5-9m tall) within an area of native tree planting away from the access. The planting ratio for replacing lost trees as a whole is at a ratio of 3:1. Additional planting will occur in line with the recommendations of the biodiversity mitigation strategy, principally in two areas – one area off Wolvey Road, and another area at the northern side of the proposed access. The native woodland planting would include a shrub layer and native ground flora. Whilst the loss of trees associated with the entrance is a negative aspect of the proposal, the replacement planting at a ratio of 3:1 with the four semi-mature oaks being replaced, with two areas of woodland planting within the overall planting regime being incorporated into a LEMP, controlled by **conditions 14 and 16** goes towards balancing the harm associated with the tree loss.
- 13.6 The updated parameters plan shows an environmental protection no build zone which is to be protected during construction. This will protect both trees with Herras Fencing and any species on site. **Condition 15** relates to tree protection and **condition 16** relates to the need for detailed specifications in relation to trees and their replacement should they be removed or damaged.
- 13.7 Trees and hedgerows capable of retention should also be managed in line with the LEMP. Whilst the formation of the access does result in harm to trees, and the removal of four significant category A trees, the proposed mitigation and their replacement at 3:1 is considered to balance that harm on this point where the conflict with policies NE3 or SDC2 of the Local Plan or the Framework is not considered significant enough to refuse on the basis of tree loss. It results in some harm, but that harm is mitigated.
- 14.0 Biodiversity
- 14.1 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.
- 14.2 The site was designated as a Local Wildlife Site (LWS) in 2011, and some objectors cite this as a result to object to the development, along with more general environmental and wildlife concerns. The planning application includes a Biodiversity Impact Assessment, species survey information, planting plans, and a revised Ecological Mitigation Plan. The survey information has discovered grass snakes on site.
- 14.3 Development on the LWS has been accepted in principle as part of the Secretary of State's decision subject to the important features and integrity of the LWS being protected and/or enhanced. Building on site will occur as a result of the extant permission, and would lead to a loss of biodiversity, regardless of the current scheme and its merits. However, the previously approved scheme required compensatory

measures for biodiversity in the form of a biodiversity offsetting payment, which was paid. The current scheme seeks to increase the biodiversity benefits in comparison with the extant scheme.

- 14.4 In the eastern portion of the site is a pylon which has marsh habitat surrounding it which needs to be retained and enhanced in line with the submitted Ecological Mitigation Strategy Plan. It is proposed to extend this area beneath the pylon and create an additional wet/damp area. To the north of this area, existing vegetation, close to the proposed entrance is to be retained, with existing native wildflowers translocated into these areas and managed to benefit reptiles. The swales as part of phase 1 are to be sown with water edge and marginal wildflower grass seed mixes. The Soar brook is to be cleaned out, with silt and rubbish removed, with wildflower areas to be created with a native species rich woodland edge wildflower seed mix to benefit reptiles.
- 14.5 Amended plans have been received which show an environmental protection area on the revised parameters plan. This needs to be retained in phase 2 and is proposed as such through **condition 34**, as it defines areas where no building would occur, retaining and enhancing the landscaping within it. These areas equate to environmental protection zones, including the Soar to the south, and boundary landscaping to the west and east. The Ecological Mitigation Plan which, although is indicative, shows 2.295m² of green roofs, 6,519m² of existing woodland, 1704m² of existing vegetation to be retained and enhanced, 539m² of swales and 2369m² of wildflower grassed areas. Of the 14,354m² of green infrastructure within the site, 6,883m² is proposed to be made up of a wildflower grass mix, which replicates the elements of the Local Wildlife Site which are the most valuable in biodiversity terms. Some of the wildflower elements would be as green roofs at height, which would benefit invertebrates, some incorporated into grasscrete areas (with a wildflower mix) of car parking along the west and north of the site, and some within other landscaped areas. As the reserved matters come forward, the proportion of green infrastructure needs to be maintained, together with the proportion of wildflower areas, in order to maintain the functionality of the Local Wildlife Site. This is to be controlled via the LEMP.
- 14.6 The Biodiversity Impact Assessment (BIA) establishes that as a result of the development there will be a net loss of 11.19 biodiversity credits. A payment has previously been made in relation to the extant scheme which resulted in the loss of 13.82 biodiversity credits resulting in payment of £18,000 to Warwickshire County Council. This means that in relative terms an overpayment in terms biodiversity offsetting has been made. The overpayment will not be claimed back by the applicant and as a result it is not considered that a further payment for Biodiversity Offsetting is necessary, unless Phase 2 details radically alter the scheme. This can be safeguarded, however, in the S106 agreement.
- 14.7 A condition retaining the proportions of Green Infrastructure for phase 2 is suggested in **condition 35** which seeks to retain the current proportion, and the level of wildflower mix as part of the green infrastructure, when reserved matters come forward. **Condition 14** relates to a Landscape and Ecological Management Plan (LEMP). A lighting strategy that has regard to LEMP is suggested in **condition 17**, and a Construction and Environmental Management Plan (CEMP) with an emphasis on biodiversity is suggested in **condition 18**.

- 14.8 One objector claims that the scheme represents EIA development, and that the scheme is different to the extant one. The extant scheme was found to be not EIA development by the Secretary of State. Both Rugby and Hinckley Councils have undertaken screening opinions on the current proposals that conclude that whilst the proposals would amount to Schedule 2 development for the purposes of the EIA Regulations 2017 (as amended), the proposals would not likely to have significant effects on the environment, and therefore there is no requirement to submit an Environmental Statement. The objector considers that the impacts upon ecology and habitats means the scheme should be refused. Given the above mitigations, especially in relation to the extant scheme, it is considered that there is no evidence that refusal on biodiversity/ecology could reasonably be substantiated.
- 14.9 Subject to the above, it is considered that the proposal would have an acceptable impact on habitats and species and provide a biodiversity net gain. As a result, the proposal complies with the Framework and policy NE1.
- 15.0 Impact on amenity
- 15.1 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. Compared with the extant scheme, the major benefit in terms of residential amenity is associated with the change to the access from off Wolvey Road to one directly off the A5. This means development traffic will not circle residents in Stretton Croft, although there will be some disruption to residential properties along the A5, one resident of which is concerned with the loss of trees and as a result of highway changes which may affect trees on her property. It should be noted that this aspect is not within the red line boundary and not within Rugby Borough, but nevertheless, it is an impact, but not significant enough to warrant refusal.
- 15.2 For the outline element of the scheme, the layout plan is indicative, and not being considered in detail at this stage. It is considered that a scheme within the developable area is capable of being provided with sufficient separation from properties to the north of the application site, particularly as woodland surrounding the development in Stretton Croft is being retained and strengthened. At the reserved matters stage, the impact in relation to light, privacy and amenity would be looked at in detail, but at this stage it is considered that the impacts would be resolvable.
- 15.3 For the detailed element of the scheme, the overall height and scale of the petrol filling station canopy and buildings are not considered to directly impact residential properties nearby, given that they are situated in the south east of the site away the properties in Stretton Croft. The distance is not considered to result in significant loss of light or outlook, particularly with enhanced landscaping taking place. Similarly, properties opposite the site would be separated by the A5, and are considered to be far enough away not to be significantly affected by the development.
- 15.4 Environmental Health recommend a noise assessment is undertaken to ensure noise is controlled as per **condition 24**. This is particularly important given that residents have raised concerns over noise issues.
- 15.5 In terms of the outline element, it is considered that a scheme could be designed that would not have a detrimental impact on residential amenity or noise. For the detailed phase 1 element, the proposed impacts are not considered to be significantly detrimental

to warrant refusal subject to various conditions associated with lighting, noise, and landscaping. The proposal is not therefore considered to conflict with SDC1.

16.0 Drainage and Flooding

16.1 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. Policy SDC5 requires the submission of a Flood Risk Assessment for sites over 1 hectare in Flood Zone 1. 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.

16.2 The Local Lead Flood Risk Authority (LLFA) objected to the scheme initially which then resulted in further information being submitted. Upon its receipt, they now raise no objection subject to conditions.

16.3 **Condition 20** prevents development until a detailed surface water drainage scheme is produced on sustainable drainage principles with an assessment of the hydrological and hydrogeological context of the development. Highways England suggested amendments to this condition. Details should demonstrate systems and discharges are designed to current standards, demonstrate attenuation and outfall arrangements, including calculations, exceedance flow and overland routing to reduce the impact of an exceedance event. **Condition 21** includes a requirement for a detailed maintenance plan relating to maintaining the surface water drainage systems for the lifetime of the development and **condition 22** requires an easement to the Soar Brook is maintained.

16.4 In the absence of an objection from the Local Lead Flood Authority, and subject to the imposition of conditions, it is considered that in the event of an approval, the conditions will control surface water drainage and mitigate the impacts of the proposal in terms of flooding.

17.0 Air Quality and Sustainable Buildings

17.1 Policy SDC4 refers to the need for non-residential buildings over 1000 sqm should aim to achieve as a minimum BREEAM standard 'very good' unless it can be demonstrated that it is financially unviable. SuDS and energy efficiency measures have been incorporated into the scheme with all buildings proposed to achieve BREEAM 'Very Good' standard and incorporate a combination of green roofs and solar PVs. This is controlled by **condition 26**.

17.2 Policy HS5 seeks to address air quality. The scheme incorporates electric vehicle charging points, car reduction proposals in the travel plan, on-site green infrastructure, cycle parking, and footway/cycleway access to the site. The site is not close to sources of exceedances in air quality terms to justify an air quality assessment. Environmental Health raise no objection to the scheme subject to **condition 26** and informative 5 which relate to air quality matters. As a result, it is considered that the scheme is therefore policy compliant with HS5.

18. Archaeology

- 18.1 Paragraph 189 of the NPPF relates to the significance of heritage assets, and their setting. An archaeological desk-based assessment was submitted with the application which highlights that there is potential for there to be archaeological deposits dating from the prehistoric and Roman periods. The proposed development lies within an area of significant archaeological potential as a result, adjacent to the line of the A5/Watling Street Roman Road. A possible ring ditch of Neolithic or Bronze Age date is located towards the northern end of the site and there is a site of a possible pit alignment approximately 250m to the south of the proposed development. WCC Archaeology do not object to the proposal subject to the imposition of **condition 23** which requires a written scheme of investigation, including evaluative fieldwork trial trenching and mitigation in relation to archaeological matters as a pre-commencement condition. This condition has been agreed as being appropriate by the agent. As a result, this aspect of the proposal is considered acceptable.

- 19.0 Fire and Rescue and Broadband
- 19.1 Warwickshire Fire and Rescue have requested **condition 27** and informative 5 associated with compliance with Building Regulations in terms of Fire Hydrants, both of which are considered reasonable.

- 19.2 Policy SDC 9 relates to the need to ensure new development facilitates and contributes to the provision of broadband infrastructure. **Condition 28** ensures the development at the detailed matters stage complies with policy SDC9.

- 20.0 Planning Conditions and Obligations
- 20.1 Policy D4 relates to planning obligations which reflects paragraphs 54, 56 and 57 of the Framework, which collectively set out the need to consider whether financial contributions and planning obligations could be sought to mitigate the impact of development and make otherwise unacceptable development acceptable.

- 20.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) clarifies that obligations should only be sought when they are: (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; (c) fairly and reasonably related in scale and kind to the development. If a requested planning obligation does not comply with all of these tests, then it is not possible for the Council to require it. It is within this context that the Council has made and received requests for planning obligations as detailed below. It is considered that these requests meet the necessary tests and are therefore CIL compliant:

Obligation	Requirement	Trigger
Environmental Mitigation Zones protected	Environmental protection zones where no development shall occur to run with the land.	Prior to commencement
Biodiversity Offsetting	Revised BIA upon receipt of phase 2 details. Revised BIA payment using standard wording should details result in loss of biodiversity credits.	Upon Phase 2 reserved matters submission details.
Car and HGV Parking for Phase 2	Ensure that car and HGV parking for phase 2 (as part of condition 37) does not undermine overall proportions of green infrastructure within phase 2	Prior to construction of Phase 2

21.0 Planning Balance and Conclusion

21.1 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. Paragraph 11 of the Framework sets out that for decision-taking this has two parts. The first part (paragraph 11(c)) outlines that this means “approving development proposals that accord with an up-to-date development plan without delay”. The Local Plan was adopted in June 2019 and is up to date. The principle of development was established as a result of the approval on appeal of the previous planning application.

Planning Balance

21.2 To determine whether the development accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

Economic

21.3 The fact that the sequential did not relate to sites in Rugby conflicts with policy TC2 and weighs against the proposal. Counter to this argument is the fact that the site is remote from Rugby Town so the actual impact upon the town centre is questionable in terms of town centre uses. No suitable sites were found in Hinckley. The PFS is not retail. The drive through does not require a RIA, and its scale and ancillary nature to the PFS suggests disaggregation is not considered to be necessary in this case.

21.4 The fact that the employment uses of the scheme are over and above the strategic allocations and quantum as part of the Local Plan, with the scheme not being in a defined employment area or a strategic site weighs against the proposal. However this is balanced by the fact that as a partially committed site, it has 66% B1 offices already consented and accounted for within committed sites, and only 34% is additional floorspace for offices. It is in effect, therefore, an extension which does not normally require additional sequential testing. Weighing further in favour of the scheme, the development as a whole represents an economic investment at a time of significant economic uncertainty with the potential for economic stagnation being a real possibility due to Covid-19 and Brexit. Investment benefits are likely to arise from money being invested in construction in terms of jobs, materials and longer term economic benefits from economic activity from the uses once constructed. The proposal compared with the extant scheme creates 78 more full and part time jobs which weighs significantly in favour of the scheme. The proposed uses are more suited to today’s economic climate and the strategic location of the site making it more likely to result in an investment, especially as Eurogarages have been identified as being a likely end user. These factors weigh heavily in favour of the proposal and would have a positive impact on the local economy. Overall, it is considered that the economic benefits, and the material consideration of the extant permission weigh more heavily in favour of the proposal than the conflict with policy.

Social

21.5 From a social perspective, the scheme will have a positive benefit in terms of the provision of jobs for the local economy which weighs in favour of the proposal. The relocation of the access away from residents in Stretton Croft weighs in favour of the proposal. Whilst noise has been raised it is felt this can be mitigated.

Environmental

21.6 As the scheme is situated in the countryside, on a Local Wildlife Site, and there is an impact upon significant trees, these weigh against the proposal. However, replacement

trees are proposed on a 3:1 replacement ratio, and this scheme has less biodiversity impact than the extant scheme and whilst disperses buildings more widely across the site, has a reduced footprint. At least 50% of the site is proposed to be green infrastructure, with 48% of the green infrastructure is proposed to be a wildflower mix replicating the existing wildflowers on site. If managed in accordance with a LEMP, the development will have a positive impact compared with the extant scheme in biodiversity terms weighing in favour of the proposal. In countryside terms, the impact is neutral given the extant scheme.

- 21.7 The potential adverse impacts in relation to amenity, highway safety, traffic, parking, air quality, noise, landscape and biodiversity, flood risk, drainage, archaeology, broadband, fire safety and other matters raised in this report have all been considered. Where potential impacts are identified, these can be mitigated through conditions which weigh in favour of the proposal as these matters are capable of being mitigated.

Conclusion

- 21.8 On balance, it is concluded that the benefits of the proposed development are sufficient to clearly and demonstrably outweigh the harm. 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 the application should be approved without delay in accordance with paragraph 11 (c) of the Framework.

Recommendation

1. Planning application R20/0422 be granted subject to:
 - a. The conditions and informatives set out in the draft decision notice appended to this report; and
 - b. The completion of a legal agreement to secure the necessary financial contributions and/or other planning obligations as indicatively outlined in the heads of terms within this report.
2. The Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or other planning obligations outlined in the heads of terms within the report.

DRAFT DECISION

REFERENCE NO:
R20/0422

DATE APPLICATION VALID: 03/06/20

APPLICANT: Stretton Point Developments Ltd

AGENT: Brackley Investments Ltd

ADDRESS OF DEVELOPMENT: Land south of A5 (Watling Street) adjacent to M69 J1

APPLICATION DESCRIPTION:

LAND AT STRETTON CROFT, A5 A ROAD, WATLING STREET, WOLVEY, LE10 3JA - FULL APPLICATION FOR ERECTION OF A ROADSIDE SERVICES FACILITY COMPRISING A PETROL FILLING STATION, DRIVE THROUGH RESTAURANT (CLASS A1/A3/A5) WITH NEW VEHICULAR ACCESS (VIA A5 WATLING STREET), TOGETHER WITH INTERNAL ROADS, CAR/CYCLE PARKING, DRAINAGE WORKS, EARTHWORKS, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE. OUTLINE APPLICATION FOR ERECTION OF CLASS B1 AND FLEXIBLE CLASS B1/B2/B8 UNITS WITH ACCESS VIA THE A5 (WATLING STREET) TOGETHER WITH THE CONSTRUCTION OF INTERNAL ROADS, VEHICLE AND CYCLE PARKING, DRAINAGE WORKS, EARTHWORKS, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION 1:

The development to which the FULL planning permission relates (Phase 1) must not be begun later than the expiration of three years from the date of this permission.

REASON:

To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

CONDITION 2:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the development to which the FULL planning permission relates (Phase 1) shall be carried out in accordance with the plans and documents detailed below:

Document Description:	Reference:	Date Received:
Site Location Plan – Full Application	14140-SGP-XX-XX-DR-A-131100	3 June 2020
Site Location Plan	14140- SGP-XX-XX-131100 Rev A	3 June 2020
Site Plan – Application Boundaries	14140 – SGP-XX-XX-DR-A-131101 Rev A	3 June 2020
Full Planning Application Forms	Standard Forms	3 June 2020
Scheme Layout	1415 Dwg 4a	3 June 2020
Scheme Layout	1415 Dwg 4b	3 June 2020

Petrol Filling Station Plans and Elevations, Typical Building Information	1415 Dwg 6	3 June 2020
Drive Through Coffee Shop Plans and Elevations	1415 Dwg 7a	3 June 2020
Petrol & HGV Canopies – typical Building Information	1415 Dwg 8a	3 June 2020
Proposed Side Elevations	1415 Dwg 9	3 June 2020
Indicative Masterplan	14140-SGP-XX-XX-DR-A-131102 Rev B	3 June 2020
Ecological Mitigation Strategy Plan	E.C.H. 20-25-01 Revision K	9 December 2020
Planting Plan Sheet 1/3	20-25-02 Rev C	9 December 2020
Planting Plan Sheet 2/3	20-25-03 Rev E	9 December 2020
Planting Plan Sheet 3/3	20-25-04 Rev D	9 December 2020
Parameters Plan	14140 – SGP-XX-XX-DR-A-131103 Rev C	9 December 2020
Indicative Green Infrastructure Schedule	Revision H	9 December 2020
Proposed Site Layout	1415 Dwg 5	18 December 2020
Highway Vehicle Tracking	STP-BWB-HGT-XX-DR-D-0110 – Status S1 Revision P3	10 February 2021
Highway General Arrangement	STP-BWB-HGT-XX-DR-D-0100 – Status S1 – Revision P3	10 February 2021

Supporting Statements/Strategies:

Document Description:	Reference/Author:	Date Received:
Air Quality Assessment	NTH2414	3 June 2020
Archaeology Assessment	Uni Leicester	3 June 2020
Arboricultural Impact Assessment	BWB	3 June 2020
Design and Access Statement	Stephen George & Ptners	3 June 2020
Flood Risk Assessment	BWB	3 June 2020
Sustainable Drainage Statement	BWB	3 June 2020
Drainage Strategy Part 2	STP-BWB-DGT-XX-DR-D-500 Status S1 Revision P2	3 June 2020
Landscape Management Plan	2025/EH/LMP001	3 June 2020
Noise Impact Assessment	NTH2414	3 June 2020
Planning Supporting Statement	Brackley Devts	3 June 2020
Site Levels Strategy	STP-BWB-DGT-XX-DR-D-0600 Status S1 Revision P3	3 June 2020

Proposed Earthworks Strategy	STP-BWB-DGT-XX-DR-D-0630 Status S1 Revision P6	3 June 2020
Economic Assessment	WYG	3 June 2020
Remediation Strategy	BWB	3 June 2020
Town Centre Planning Statement	Brackley & WYG	3 June 2020
Framework Travel Plan	Dynamic Transport Planning 3705019	3 June 2020
Strategic Outline Business Case	Dynamic Transport Planning 3705019	3 June 2020
Transport Assessment	Dynamic Transport Planning 3705019	3 June 2020
Walking, Cycling & Horse-Riding Assessment Report	Dynamic Transport Planning 3705019	3 June 2020
RSA Stage 1 – Final Report	TBL 19/142	3 June 2020
Road Safety Audit – Designers Response Form	3705019/RSA	3 June 2020
DEFRA BNG	BWB	19 June 2020
Reptile Report	BWB	19 June 2020
Preliminary Ecological Appraisal	BWB	19 June 2020
Biodiversity Net Gain and Ecological Mitigation	BWB	19 June 2020
Assessment of Potential Impacts on Stretton Croft Local Wildlife Site	NTH2414_LWS	4 January 2021

REASON:

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

CONDITION 3:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority, prior to occupation of the Full (Phase 1) development, the cycle parking as shown on drawing reference: 1415 Dwg 5 as submitted on 18 December 2020 shall be provided in accordance with the approved details prior to occupation of the development and retained thereafter.

REASON:

In the interest of visual amenity and to promote more sustainable transport.

CONDITION 4:

No occupation of the FULL (Phase 1) development shall take place until the electric vehicle charging points as shown on drawing reference: 1415 Dwg 5 as submitted on 18 December 2020 have been provided and made available in accordance for use in accordance with the approved details. The electric vehicle charging points shall be permanently retained and made available for the charging of vehicles unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To ensure the proper development of the site, to reduce air pollution, to lower carbon emissions and in the interests of visual amenity.

CONDITION 5:

No above ground works (other than site clearance operations) shall commence unless and until full details of a Stage 2 Road Safety Audit of the internal layout of the development within the FULL (Phase 1) part of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interests of Highway Safety.

CONDITIONS APPLYING TO BOTH THE FULL (Phase 1) AND OUTLINE/RESERVED MATTERS (Phase 2) ELEMENTS:

CONDITION 6:

Prior to the first occupation of the development, full details of the A5 site access as generally illustrated on the Potential Site Access Arrangement – 04 Swept Path analysis 16.5m Articulated Vehicle (as shown in Drawing DTP/3702718/SK004/C (or as amended by a Road Safety Audit or Detailed Design) including provision for a hardwired communications link into the existing signals at M69 J1, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England, and implemented in full and open to traffic. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges (DMRB) as required by Highways England, including those relating to the Road Safety Audit (RSA) and the Walking, Cycling and Horse-Riding Assessment and Review (WCHAR).

REASON:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 7:

Prior to the first occupation of the development, the replacement HGV parking bays as shown on the Site Location Plan – Full Application (drawing no:14140-SGP-XX-XX-DR-A-131102 Rev B) shall be completed and made available for use. An access strategy and management plan detailing the operation of the HGV parking bays within the site, ensuring that a least 2 HGV bays will provide unlimited and free parking to replicate the existing A5 provision, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England prior to the implementation of the HGV parking spaces. The approved access strategy and management plan shall be implemented and maintained in perpetuity thereafter.

REASON:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways

Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 8:

No built development or permanent engineering operations shall commence unless and until a sign review and strategy for all new, modified or re-located signs on the A5 Trunk Road is submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The signage related to the development is to be installed in accordance with the approved strategy.

REASON:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 9:

No built development or permanent engineering operations shall commence unless and until geotechnical details for the land adjacent to the A5 Trunk Road and M69 Motorway inside the red line boundary of the application, as shown in the Site Location Plan – Full Application (Drawing 14140-SGP-XX-XX-DR-A-131102 Rev B) are submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The applicant shall undertake a certification process for the management of geotechnical risks in line with requirements and procedures of the Design Manual for Roads and Bridges (DMRB) CD 622. The approved geotechnical details shall be implemented thereafter.

REASON:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 10:

No built development or permanent engineering operations shall commence unless and until full details of the boundary treatment adjacent to the A5 Trunk Road and M69 Motorway boundaries are submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. This shall include but not be limited to:

- A Road Restraints Risk Assessment Process (RRRAP) to determine whether any safety fencing is required on the A5 verges and linking the safety fence on the M69 J1.
- Should a safety fence be required, evidence shall be provided to demonstrate that this can be installed on site, in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) CD 377
- If trees are proposed to be removed purely as risk mitigation measures because of RRRAP, then Highways England's VRS asset manager should be consulted beforehand to agree a risk-based approach. In addition, the Tree Officer at the Local Planning Authority should be consulted.
- Requirements for road restraint systems. If trees are proposed to be removed purely as risk mitigation measures because of RRRAP, then Highways England's VRS asset manager should be consulted beforehand to agree a risk-based approach.

- Details of anti-dazzle fencing or planting to be provided in areas where traffic movements might cause dazzle
- Details of suitable boundary treatment (fencing or planting) to be provided to restrict movement of pets and/or children from accessing the Trunk Road.

The details shall have regard to the Landscape and Ecological Mitigation Plan and include elevations, plans, position, materials and height. No building shall be occupied until the approved boundary treatments have first been provided in accordance with the approved details and they shall be constructed in accordance with the approved plans and maintained in perpetuity thereafter.

REASON:

To ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 11:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the development, which includes both Phase 1 (FULL) and Phase 2 (OUTLINE/RESERVED MATTERS) shall consist of no more than 5,670m² of B1 floorspace, 1858m² of B1/B2/B8 floorspace, 171m² of A3/A5, 485m² of Sui Generis Petrol Filling Station (including any mezzanine floorspace). Individual units with the development shall not be used for any uses other than those described, and for no other uses within The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020, including any other uses within Class E or any order subsequently revoking or re-enacting those Orders, nor shall the floorspace thresholds be exceeded.

REASON:

To prevent over-development of the site, to maintain landscaping/green infrastructure and to prevent biodiversity loss.

CONDITION 12:

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, other than that permitted by Reserved Matters submissions pursuant to this permission, shall be carried out which comes within Schedule 2 Part 7, Classes A, F, G, H, I, J and K without the prior written permission of the Local Planning Authority.

REASON:

In the interest of amenity, and to ensure that the green infrastructure on site remains within the proportions of the agreed Landscape and Ecological Management Plan to enable the Local Wildlife Site to remain functional.

CONDITION 13:

No above ground development shall commence on site unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces, internal roads, paved areas, parking areas, boundary walls/fencing together with samples of the facing materials, roof treatment of buildings within either the FULL (Phase 1) development or the

OUTLINE/RESERVED MATTERS (Phase 2) development has been submitted to and approved in writing by the Local Planning Authority. The development within each phase 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 14:

Unless non-material variations are which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, no above ground development within either phase (the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority (with advice from WCC Ecological Services) for that phase of development. The content of the LEMP shall set out detailed scaled plans and shall include the following and be in force for no less than 30 years:

- 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 a timetable for implementation of all the planting, works and ecological and landscape enhancement/creation measures and an annual work plan capable of being rolled forward over a five-year period.
- g) a scheme for dark corridors for biodiversity protection to work in combination with an approved lighting strategy as part of condition 17;
- h) a scheme securing future maintenance, ongoing monitoring, management, remediation measures and retention
- i) an amphibian/reptile-friendly kerbs/drainage scheme and measures to protect hedgehogs
- j) The LEMP shall also include 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.
- k) 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 LEMP shall be implemented within that phase in accordance with the approved details no later than the first planting season following first occupation of that phase of development. If within a period of 30 years from the date of planting, any planting/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another shrub/hedgerow/planting of the same species and size originally planted shall be planted at the same place, unless, non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, in consultation with WCC Ecology.

REASON:

To maintain and enhance important features of nature conservation interest, protected species, the functionality of the Local Wildlife Site and deliver a biodiversity net gain.

CONDITION 15:

Prior to the commencement of development within either phase (the FULL (Phase 1) development and the OUTLINE/RESERVED Matters (Phase 2) development), a final arboricultural method statement and Tree and Hedgerow Protection Plan for the protection of retained trees (sections 5.5 & 6.1, BS5837:2012 Trees in relation to design, demolition and construction – Recommendations) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Protective fencing must remain in place until the completion of construction works for each phase. Development shall not be carried out other than in accordance with the approved plan(s) and method statement(s). No retained tree or hedgerow 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, and/or in line with the Landscape and Ecological Management Plan (LEMP) and/or the LEMP's future maintenance and management scheme without the prior written approval of the Local Planning Authority. A pre-commencement site meeting must be arranged with the applicant, Local Planning Authority Tree Officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

REASON:

In the interest of visual amenity and to protect trees and hedgerows worthy of retention in the scheme.

CONDITION 16:

No development within a phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall occur until a specification of all proposed tree planting has been submitted to and 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 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 non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity and visual amenity.

CONDITION 17:

Prior to the installation of any lighting (other than temporary lighting for construction) within each phase of development, no occupation of development (either the FULL (Phase 1) development or the OUTLINE/RESERVED Matters (Phase 2) development) shall occur until full details of all external lighting within that specific phase, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of the type, design, location, angle, fall, spread and intensity of the lighting together with a lighting assessment which sets out a strategy and measures to minimise the impact of lighting, particularly on residents to the north of the site and wildlife, informed by the Landscape and Ecological Management Plan, to minimise the impact of lighting to sensitive receptors and

measures to prevent light spillage. The lighting shall be implemented and maintained in perpetuity in that phase in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance, in the interests of the visual amenities of the locality, and to protect biodiversity of the defined landscaping areas.

CONDITION 18:

Prior to the commencement of any phase of development, a Construction Environmental Management Plan (CEMP: Biodiversity) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England for that phase of development. The CEMP: Biodiversity shall include details relating to:

- (1) Risk assessment of potentially damaging construction activities in biodiversity terms;
- (2) Identification of “biodiversity protection zones”, management prescriptions and timings of habitat protection
- (3) Practical measures (both physical measures, sensitive/appropriate working practices and safeguards for wildlife) to avoid or reduce impacts for biodiversity during construction to be employed whilst works are taking place on site (may be provided as a set of method statements)
- (4) The location and timing of sensitive works to avoid harm to biodiversity features
- (5) The times during construction when specialist ecologists need to be present on site to oversee works including pre-commencement checks for protected species including reptiles, nesting birds, badger and hedgehogs;
- (6) A point of contact for site management and their contact details (including out of hours), list of responsible persons and lines of communication
- (7) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- (8) Measures to protect hedgehogs.
- (9) Use of protective fences, exclusion barriers and warning signs
- (10) Days and hours of construction and deliveries, details of points of access from the public highway
- (11) The control of noise and vibration from construction activities including groundworks, plant/generators and the formation of infrastructure as well as arrangements to monitor noise emissions from the development site during the construction phase;
- (12) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase;
- (13) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
- (14) The parking of vehicles of site operatives, layout of compound, contractors and visitors during the construction phase,
- (15) Measures (including type, method of operation and control of use) to prevent deleterious material being carried onto the highway network including mud deposition, debris and obstacles offsite and on the highway from vehicles leaving the site during the construction phase and wheel washing facilities;
- (16) Timing of heavy goods vehicle movements during the construction phase, temporary signage and its location, a routing plan, swept path analysis for HGV turning within the site;
- (17) Construction Site Access Control;
- (18) Storage of Plant and materials used in constructing the development;
- (19) A construction phasing plan

The approved CEMP shall be adhered to and implemented throughout the construction period of both phases strictly in accordance with the approved details, unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the local planning authority in consultation with Highways England.

REASON:

In the interests of health and safety, the amenities of the area and to protect, maintain and enhance important features of nature conservation interest, protected species and the functionality of the Local Wildlife Site and to ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 19:

No above ground works (other than site clearance) within a phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) shall commence unless and until full details of the finished floor levels of all buildings and ground levels with that phase of all access roads, parking areas and footways have been submitted to and approved in writing by the Local Planning Authority. Development within that phase shall not be carried out other than in accordance with the approved details.

REASON:

To ensure the proper development of the site and in the interests of visual amenity

CONDITION 20:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority no built development or permanent engineering operations shall commence unless and until full details of a detailed surface water drainage scheme/strategy (including demonstration of the suitability of using permeable paving for any paved areas of the site and ensuring there is no direct or indirect connection to the A5 Trunk Road drainage system) 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 Local Lead Flood Authority and with Highways England. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity. 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 11.1 l/s for the entire development.
- 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, 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.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network (if applicable).

REASON:

To prevent the increased risk of flooding; to improve and protect water quality, to improve habitat & amenity and to ensure that the A5 Trunk Road and M69 Motorway continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from traffic entering and emerging from the application site and in the interests of road safety.

CONDITION 21:

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, in accordance with CIRIA C753, giving details of how surface water drainage systems shall be maintained and managed for the lifetime of the development, which includes the name of the party responsible for surface water maintenance, shall be submitted to and approved by the Local Planning Authority. The scheme hereby permitted shall be implemented and maintained in perpetuity in accordance with the approved details unless non-material variations are which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To ensure the future maintenance of the sustainable drainage structures.

CONDITION 22:

No built development or other obstruction shall be placed within 5m of the Soar Brook (as measured from the top of the riverbank perpendicular to the direction of flow) which shall be kept free in perpetuity of any development or obstructions unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To prevent the increased risk of flooding and to ensure future access for maintenance purposes.

CONDITION 23:

No development shall take place unless and until:

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

the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON:

In the interest of archaeology.

CONDITION 24:

Notwithstanding the noise assessment as submitted (BWB Environmental Noise Impact Assessment NTH2414 May 2020 rev 1.1, dated 27/05/2020) prior to commencement of development within either phase (either the FULL (Phase 1) element or the OUTLINE/RESERVED MATTERS (Phase 2) development), a supplementary noise assessment for that phase shall be undertaken by a suitably qualified person to include modelling of the predicted effects of LAFmax dB sound pressure levels to identify the potential auditory impact on noise sensitive receptors from short duration activities such as the impulsive impact of vehicle doors, horns etc during the day and night. The supplementary assessment should utilise modelling to determine whether noise effects are different to first and second floor receptors. Any recommended works shall be completed in accordance with the approved details prior to the first occupation of the development within that phase unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interest of amenity of nearby residential occupiers with regards to noise.

CONDITION 25:

The remediation measures identified in section 4 for the construction phase of the BWB Environment Remediation Strategy dated February 2020, reference STP-BWB-ZZ-XX-RP-YE-0002_RS Revision P1 status 'Final' shall be implemented.

The remedial measures of relocating site topsoil, supplemented where necessary by imported topsoil, for landscaped areas to mitigate against any remedial risks to the end users from loose asbestos fibres identified within made ground shall be implemented. Testing of stockpiles shall be undertaken prior to their reuse on site, or their removal from site. The remediation measures relating to relocating topsoil shall be completed prior to occupation.

The Local Planning Authority shall be given two weeks written notice of commencement of the remediation of site 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. The verification report shall provide details as identified in section 6 of the BWB Environmental Remediation Strategy February 2020, STP-BWB-ZZ-XX-RP-YE-0002_RS Revision P1 status 'Final'.

In the event that contamination is found at any time when carrying out the approved development hereby permitted, it shall be reported in writing immediately to the Local Planning Authority. Each of the following subsections (a) to (c) shall be subject to submission and approval in writing by the Local Planning Authority.

- (a) An investigation and risk assessment shall be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site
- (b) Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared.
- (c) Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and submitted to the Local Planning Authority.

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 26:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the proposed on-site air quality mitigation measures outlined in the Air Quality Assessment dated May 2020, together with the installation of ultra-low emission boilers or alternative technology (including: all electric water/general heating systems, or ground or air source heat pumps) to meet a minimum standard of below 40mgNO_x/kWh in all buildings on site, as confirmed in the email from the agent dated 15 January 2021 shall be implemented in the FULL (Phase 1) development, and the OUTLINE/RESERVED MATTERS (Phase 2) development prior to occupation within that phase. The mitigation measures shall be implemented in accordance with those details and maintained in both phases in perpetuity.

REASON:

In the interests of air quality.

CONDITION 27:

A scheme for the provision of adequate water supplies and fire hydrants within each phase (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) necessary for firefighting purposes at the site shall be submitted to and approved in writing by the Local Planning Authority. The development within that phase shall not be occupied until the approved scheme has been implemented and maintained in perpetuity in that phase unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority.

REASON:

In the interest of fire safety.

CONDITION 28:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, no building shall be occupied within either phase of the development (i.e. the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) until broadband infrastructure at a minimum standard of superfast speed has first been installed to all buildings within that phase and made available and made available in perpetuity for use by site operators.

REASON:

To ensure an up-to-date communication system fit for the digital age is in place in accordance with policy SDC9 of the Local Plan for each phase.

CONDITION 29:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, no building shall be occupied in any phase of development (either the FULL (Phase 1) development or the OUTLINE/RESERVED MATTERS (Phase 2) development) until all buildings are constructed in that phase so that it is in full compliance with BREEAM 'Very Good' standards and incorporates the energy and thermal efficiencies beyond building regulations standards (as of March 2021), including the installation of photo-voltaics, as stated within 'The Planning Supporting Statement' dated May 2020. The buildings shall be maintained to such standards thereafter.

REASON:

To reduce carbon emissions.

CONDITION 30:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, within 6 months of the occupation of the FULL (Phase 1) development and within 6 months from the occupation of the OUTLINE/RESERVED MATTERS (Phase 2) development a Travel Plan for each phase to promote sustainable transport choices shall be submitted to and approved by the Local Planning Authority. The measures so approved shall continue to be implemented in full at all times. The plan shall:

- a) Specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared/electric vehicles and other modes of transport which reduce emissions and use non-renewable fuels, based on up to date surveys;
- b) Include measures to promote home working or shift patterns that promote sustainable transport modes or reducing the need to travel;
- c) Set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- d) Explain and justify the targets set based on survey information;
- 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, development and review
- f) Include a scheme of wayfinding between the site and public transport services, within walking distance of 1km using footpaths, footways and walking routes and sustainable travel promotion.
- g) 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.

REASON:

To ensure phase 2 is developed in a manner which maximises sustainable transport modes.

OUTLINE PLANNING CONDITIONS

CONDITION 31:

The development to which the OUTLINE element relates (Phase 2) 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 32:

Application for approval of the reserved matters specified in Condition 33 below, associated with the OUTLINE element (Phase 2) 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 33:

Details of the following reserved matters associated with the OUTLINE (Phase 2) element 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 - Appearance
- c - Scale
- d - Landscaping with reference to the Landscape and Ecological Management Plan

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority. Supporting Statements/Strategies:

CONDITION 34:

Unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority, the reserved matters submitted under condition 33 (for Phase 2) shall be in general accordance with the following:

Document Description:	Reference:	Date Received:
Outline Planning Application Forms	Standard Forms	3 June 2020
Site Location Plan: Outline Application	14140-SGP-XX-XX-DR-A-131101	3 June 2020
Site Location Plan	14140-SGP-XX-Xx-DR-A-131100 Rev A	3 June 2020
Site Plan Application Boundaries	14140-SGP-XX-XX-DR-A-131101 Rev A	3 June 2020
Parameters Plan	14140-SGP-XX-XX-DR-A-131103c	9 December 2020
Supporting Statements/Strategies	As listed in condition 2	-

The Environmental Protection Zone described and detailed in the Parameters Plan reference: 14140-SGP-XX-XX-DR-A-131103c submitted to the Local Planning Authority on 9 December 2020 distinguishes between areas of landscape/biodiversity and developable areas, and shall not include development, access roads, footways, parking or any buildings within it and shall act as permanent landscaped/biodiversity zone and shall be maintained as such in perpetuity.

REASON:

To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of landscape and biodiversity.

CONDITION 35:

No development shall take place within Phase 2 (The OUTLINE/RESERVED Matters development) until a scheme showing how 14,354 square metres of green infrastructure is to be achieved across Phase 2 as indicated by the Ecological Mitigation Plan reference: 20-25-01 Rev J, the Green Infrastructure Schedule as submitted on 9 December 2020 and as contained within the final Landscape and Ecological Management Plan has been submitted to and approved by the Local Planning Authority. Of the total proportion of green infrastructure shown as part of Phase 2, not less than 6883 square metres (48%) must either be a wildflower species-rich grassland and/or wildflower species-rich marshy grassland, and/or wildflower sown green roofs, and/or wildflower sown grasscrete (or similar). The scheme shall be implemented in accordance with the approved details and maintained in perpetuity unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

To maintain and enhance important features of nature conservation interest, protected species, the functionality of the Local Wildlife Site and deliver a biodiversity net gain.

CONDITION 36:

No development shall be occupied within Phase 2 (the OUTLINE/RESERVED MATTERS development) until full details of the siting, design and materials of the proposed refuse storage and covered and secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The bin and covered cycle parking shall be provided in accordance with the approved details before the first occupation of the development of Phase 2 and retained as such thereafter unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

REASON:

In the interest of amenity and more sustainable forms of transport.

CONDITION 37:

No above ground development within the car parking areas in Phase 2 (the OUTLINE/RESERVED MATTERS development) shall commence until details of the electric vehicle charging points, including the location, make and model, have been submitted to and approved in writing by the Local Planning Authority, having regard to Appendix 5 of the Rugby Local Plan. The development shall not be carried out other than in accordance with the approved details. No building within Phase 2 shall be occupied until the associated electrical vehicle charging points have first been provided and made available for use in accordance with the approved details. The electric vehicle charging points shall thereafter be permanently maintained and made available for the charging of vehicles.

REASON:

To ensure the proper development of the site, to reduce air pollution and to lower carbon emissions.

INFORMATIVES TO BE APPLIED TO BOTH THE FULL (Phase 1) Element and OUTLINE/RESERVED MATTERS Element (Phase 2)

INFORMATIVE 1:

This development is subject to a s106 legal agreement.

INFORMATIVE 2:

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.

INFORMATIVE 3:

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 4:

Warwickshire Fire and Rescue Authority draws your attention to the need for the development 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. Further information can be found at: www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning

Where compliance cannot be met, please provide details of alternative measures to put in place directly to them. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles. 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. Warwickshire Fire and Rescue Authority asks to ensure that access to the site, during construction and upon completion, is maintained free from obstructions such as parked vehicles, to allow emergency service vehicle access.

INFORMATIVE 5:

Condition 26 requires mitigation measures in order to comply with policy HS5 of the Local Plan. Measures to assist in reducing the development's impact upon Air Quality Management include the installation of an ultra-low emission boilers (<40mg/kWh), ground source heat pumps or all electric water and heating systems, increased tree planting/landscaping, solar thermal panels, green walls and roofs, and the incorporation of electric vehicle charging points within car parking

areas. 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 Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE 6:

The following requirements apply in relation to the public right of way U70 in Leicestershire which abuts onto the northern corner of the site where it joins Wolvey Road:

- Public footpath U70/R6 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.

INFORMATIVE 7:

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

INFORMATIVE 8:

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

INFORMATIVE 9:

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

INFORMATIVE 10:

1. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Service Delivery Manager David Stevenson to discuss these matters on David.Steventon@highwaysengland.co.uk.

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is: Area7networkoccupancy@highwaysengland.co.uk

2. A traffic signs agreement will be required for installing Services signs on the trunk road.

3. We understand that the proposed Roadside Facilities are only intended to be signed from the A5. Should the applicant wish to sign the Roadside Facilities also from the motorway or motorway slip-roads, the proposal will need to comply with the minimum requirements to be

eligible for signing from the motorway, as set out in DfT Circular 02/2013 – Annex B: Roadside Facilities for Road Users on Motorways and All-Purpose Trunk Roads in England.

4. Highways England should be consulted should the developer seek to rearrange internal routes within the site in the future.

5. The Highways England Road Safety Team would like to be invited to the Stage 2 RSA as this will be involve reviewing the detailed design and how it interacts with the SRN. Condition 5 also relates to this requirement which also requires liaison with Warwickshire County Council Highway Authority.

INFORMATIVE 11

Condition 36 needs to have regard to Appendix 5 of the Rugby Local Plan which relates to minimum cycle parking for commercial uses. The cycle parking should be covered and secure and the design needs to reflect this. Cycle parking should not be provided in landscaped areas which undermine condition 34 which relates to the overall green infrastructure provided across the site.

INFORMATIVE 12

Condition 37 needs to have regard to policy HS5 and Appendix 5 of the Rugby Local Plan which relates to air quality and the provision of electric vehicle charging points.

INFORMATIVE 13

Condition 14 will have implications on the Biodiversity Offsetting schedule(s) within the section 106 agreement and the ability to deliver a Biodiversity Net Gain in accordance with the Landscape and Ecological Management Plan to maintain the functionality of the Local Wildlife Site.

INFORMATIVE 14

Notes on BWB Environment Remediation Strategy February 2020, STP-BWB-ZZ-XX-RP-YE-0002 RS Revision P1 status Final.

Table 3.1 notes that 'It is understood that the top layer of grasslands/roots/soils on site are to translocated to protect the biodiversity that has established by self-seeding. It is likely that there will be residual topsoil on site for use in landscaped areas although it is possible that some importation may be needed if there is a deficit.'

Section 4 construction phase remediation measures to be implemented.

Validation report to demonstrate remediation measures followed. This will have to include details of translocation of topsoil, any importation of clean topsoil to site and testing of stockpiles as noted within section 6.

Notes on BWB Environment Phase 2 Geo-Environmental Assessment February 2020 document number SPH-BWB-ZZ-00-RP-YE-0001-PH2 P2 BWB reference NTH2414 status Final report.

It is noted within Section 4.12 that the stockpiles in the north of the site were not excavated or investigated.

Remediation works are referred to in order to mitigate residual risk to end users of the site from the loose asbestos fibres identified during the assessment.

It is noted that loose asbestos fibres were identified within shallow made ground. Heavy metals were identified however deemed following assessment as a low risk.

There is a proposed remediation plan of importation of a clean soil cover system in landscaped areas above existing made ground. The report referenced in section 1.4 was not submitted to the Local Planning Authority.

It is noted within Section 4.12 that the stockpiles in the north of the site were not excavated or investigated. Should these be used on site then testing and analysis will be necessary, as noted within the report.

With regard to Section 7 regarding hazardous ground gas: only one month of monitoring comprising four visits was completed, however, in light of Fairhurst 2018 assessment and site works, report CS1 is accepted.

The following sections are copied from the report with regard to remedial and further works:

Section 8 human health risk assessment

Asbestos risk mitigated by (executive summary) proposed remediation

Section 10 environmental risk assessment – table 10.1 preliminary site model notes that ‘It is understood that the top layer of soils on site are to be removed from site to protect the biodiversity that has self-seeded. Therefore a clean soil will need to be import in areas of soft landscaping, this will break the pathway between the asbestos fibres and future site users.’

Section 13.5 ‘The environmental risk assessment has identified limited sources of contamination that represent a risk to human health. Loose Asbestos fibres have been recorded with the shallow Made Ground deposits encountered, however asbestos quantification analysis has not identified a risk to human health. The requirement to import a clean soil cover to replace the removed soils will likely mitigate against any residual risks to the end site users.’

Recommendations

13.14 Construction staff should remain vigilant for the presence of asbestos materials when excavating the Made Ground materials across the site. An asbestos risk assessment and plan of work should be in place prior to the works commencing.

13.15 It is possible that the Made Ground could be excavated and used elsewhere on site as part of an earthworks scheme. If this is the case then the material will need to be tracked so the appropriate clean soil cover is provided, or it is placed beneath hard stand to mitigate the risk of asbestos fibre inhalation. A Material Management Plan and CL:AIRE DoW:CoP declaration represents best practice for such an operation. A Remediation Strategy will be required to detail mitigation requirements, material management expectations and contingency measures.

INFORMATIVE 15

Conditions 1 to 5 relate to the FULL (Phase 1) scheme only, conditions 6 to 30 relate to both the outline and the full application, conditions 31 to 37 relate only to the OUTLINE/Reserved matters element. Details for conditions 6 to 30 can be discharged separately for each phase to enable Phase 1 to proceed, but may also need a separate discharge process for Phase 2. This will be indicated in the discharge letter accordingly.

AGENDA MANAGEMENT SHEET

Report Title: Delegated Decisions - 14 January 2021 to 10 March 2021

Name of Committee: Planning Committee

Date of Meeting: 31 March 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)

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

Planning Committee - 31 March 2021

Delegated Decisions - 14 January 2021 to 10 March 2021

Public Report of the Head of Growth and Investment

Recommendation

The report be noted.

Name of Meeting: Planning Committee

Date of Meeting: 31 March 2021

Subject Matter: Delegated Decisions - 14 January 2021 to 10 March 2021

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

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:

Doc No	Relevant Paragraph of Schedule 12A

DECISIONS TAKEN BY THE HEAD OF GROWTH AND INVESTMENT UNDER DELEGATED POWERS

Report Run From 14/01/2021 To 10/03/2021

Appendix

Delegated

8 Weeks PA Applications

Applications Refused

R20/1071 8 Weeks PA Refusal 04/02/2021	22 LANGTON ROAD, RUGBY, CV21 3UA	PROPOSED TWO STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION AND PORCH TO DWELLING
R20/0160 8 Weeks PA Refusal 05/02/2021	BARN MEADOW FARM, CALCUTT LANE, STOCKTON, RUGBY, CV23 8HY	Conversion of existing building to residential accommodation together with the realignment of the existing drive and, resiting and change of use of the two existing timer structures to use as holiday lets
R20/1089 8 Weeks PA Refusal 10/02/2021	GRANGE FARM, BRANDON LANE, BRANDON, COVENTRY, CV3 3GU	Proposed bungalow and detached single car garage
R20/0260 8 Weeks PA Refusal 02/03/2021	41A, KENSINGTON, PARK ROAD, RUGBY, CV21 2QU	Proposed first floor extension to the dwelling house approved under R15/1703

Delegated

8 Weeks PA Applications

Applications Approved

R20/0970 8 Weeks PA Approval 14/01/2021	77 OVERSLADE LANE, RUGBY, CV22 6EE	Proposed second storey side and front extension above garage.
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R20/0520 8 Weeks PA Approval 15/01/2021	IVY HOUSE, MAIN STREET, FRANKTON, RUGBY, CV23 9PB	Proposed extensions and alterations to existing dwelling.
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R20/0785 8 Weeks PA Approval 18/01/2021	12, WESTFIELD ROAD, RUGBY, CV22 6AS	Demolish existing conservatory and part of lean-to extension to make way for new rear extension. Construction of a detached new hobby room.
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R20/1020 8 Weeks PA Approval 18/01/2021	54, PERCIVAL ROAD, RUGBY, CV22 5JT	Demolition of single storey side & rear attached structures and porch and the erection of a two- storey side extension, alterations to existing single storey rear extensions roof and erection of canopy to front elevation.
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R20/1021 8 Weeks PA Approval 18/01/2021	54, PERCIVAL ROAD, RUGBY, CV22 5JT	Demolition of single storey side & rear attached structures and the erection of a single-storey side extension, alterations to existing single storey rear extensions
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Delegated

8 Weeks PA Applications Applications Approved

roof.

R20/0659
8 Weeks PA
Approval
19/01/2021

74 NATIONWIDE HOUSE,
SOMERS ROAD, RUGBY, CV22
7DH

External alterations to part of the
building

R20/0922
8 Weeks PA
Approval
19/01/2021

THE MANOR HOUSE,
BIRDINGBURY ROAD,
LEAMINGTON HASTINGS,
RUGBY, CV23 8EB

External repairs and alterations to
Grade II Listed Old Brew House,
including replacement roof
structure, windows and doors,
opening up of bricked up door
and insertion of glazed door,
reconstruction of existing
dormers, erection of an external
staircase, cleaning/re-
pointing/replacing existing finish
elements
(limestone/brick/render/plaster)
and renewal of rainwater goods

R20/0809
8 Weeks PA
Approval
20/01/2021

WILLEY FIELDS FARM,
WATLING STREET, MONKS
KIRBY, RUGBY, CV23 0SQ

Change of use of 2no. redundant
poultry sheds for use for vehicle
storage as part of the current
vehicle preparation centre.

R20/1016
8 Weeks PA
Approval

103, OVERSLADE LANE,
RUGBY, CV22 6EE

SITING OF TIMBER FRAMED
GARDEN BUILDING FOR USE
AS HOME GYM

Delegated

8 Weeks PA Applications

Applications Approved

20/01/2021

R20/0619 8 Weeks PA Approval 22/01/2021	THE ORCHARD, CHURCH HILL, FLECKNOE, RUGBY, CV23 8AU	Erection of a two storey front extension, alteration to ground and first floor layout
R20/0933 8 Weeks PA Approval 22/01/2021	Land adj April Cottages, 2 Railway Street, Long Lawford, Rugby, CV23 9BA	Erection of a pair of 2 bedroom semi-detached dwellings
R20/1028 8 Weeks PA Approval 22/01/2021	44 , Kingsley Avenue, Hillmorton, Rugby, CV21 4JY	Erection of Single storey rear and side extensions with Canopy Led Lights to the rear
R20/0594 8 Weeks PA Approval 26/01/2021	THE COTTAGE, 110, COVENTRY ROAD, RUGBY, RUGBY, CV22 7RY	PROPOSED SINGLE STOREY SIDE AND TWO STOREY REAR EXTENSION TO DWELLING TOGETHER WITH GRANNY ANNEX IN THE GARDEN
R20/0947 8 Weeks PA Approval 26/01/2021	1, MEADOW CLOSE, STRETTON-ON-DUNSMORE, RUGBY, CV23 9NL	Erection of single storey rear extension and conversion of existing garage

Delegated

8 Weeks PA Applications

Applications Approved

R20/0384

8 Weeks PA

Approval

28/01/2021

Access track and land adjacent to Black Spinney, A5 Watling Street, Churchover, Rugby, Warwickshire

Construction of permanent access track, improvements and alterations to existing access track and temporary change of use of agricultural land for use as a construction compound in connection with a development of up to 12MWp ground mounted solar PV park approved under reference R13/1401

R20/0675

8 Weeks PA

Approval

28/01/2021

46 , Stanley Road, Rugby, CV21 3UE

Erection of a single storey rear extension

R20/1010

8 Weeks PA

Approval

28/01/2021

15 , Warren Road, Rugby, CV22 5LQ

Proposal for a single storey rear extension replacing the existing conservatory, garage & shed to provide the homeowners with a larger dwelling. A car port will also be added to the side.

R20/0656

8 Weeks PA

Approval

ASHTON LODGE HOTEL,
WITHYBROOK ROAD, STREET
ASHTON, RUGBY, CV23 0PJ

Continuation of use of temporary marquee

Delegated

8 Weeks PA Applications

Applications Approved

29/01/2021

R20/0847 8 Weeks PA Approval 29/01/2021	1, LOWER STREET, RUGBY, CV21 4NP	Erection of a single storey side/part rear extension.
R20/1049 8 Weeks PA Approval 29/01/2021	98, GROVE ROAD, ANSTY, COVENTRY, CV7 9JE	Erection of a single storey side and rear extension and new porch
R19/1246 8 Weeks PA Approval 31/01/2021	MARANTHA, COVENTRY ROAD, RUGBY, CV22 7RY	Erection of four dwellings (existing dwelling to be demolished) (outline application to include layout with appearance, landscaping, access and scale reserved)
R20/0857 8 Weeks PA Approval 31/01/2021	43 EDYVEAN CLOSE, RUGBY, CV22 6LD	PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO DWELLING
R20/0513 8 Weeks PA Approval 01/02/2021	WILLOWBROOK, HEATH LANE, BRINKLOW, RUGBY, CV23 0NX	Erection of storage/stable building

Delegated

8 Weeks PA Applications Applications Approved

THE RANGE, UNIT 2-3
JUNCTION ONE, LEICESTER
ROAD, RUGBY, CV21 1RW

R20/0942
8 Weeks PA
Approval
01/02/2021

Variation of Condition 5 of outline
planning permission No.
R/94/0718/19723/OP dated 7th
November 1994 to enable The
Range to sell a limited range of
food and drink goods for
consumption off the premises.

R20/0983
8 Weeks PA
Approval
01/02/2021

11, KINGSWAY, RUGBY, CV22
5PA

Single storey rear and side
extension

R20/1001
8 Weeks PA
Approval
01/02/2021

12, BROAD STREET,
BRINKLOW, RUGBY, CV23 0LN

Erection of a single storey side/
rear extension

R20/1056
8 Weeks PA
Approval
01/02/2021

Haul Y Bryn, 30 , Pipers End,
Wolvey, LE10 3LQ

Erection of a single storey side
and rear extension

R20/1096
8 Weeks PA
Approval

41, CATESBY ROAD, RUGBY,
RUGBY, CV22 5JJ

Proposed single storey side and
rear extension with the addition of
skylights in roof.

Delegated

8 Weeks PA Applications

Applications Approved

01/02/2021

R21/0001 8 Weeks PA Approval 01/02/2021	11, FERN CLOSE, RUGBY, CV23 0UQ	Rear extension to the property to create an Orangery.
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R20/0775 8 Weeks PA Approval 02/02/2021	24, WARING WAY, DUNCHURCH, RUGBY, CV22 6PH	Erection of a first-floor side extension above existing utility room
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R20/0995 8 Weeks PA Approval 02/02/2021	LUCAS HOUSE, 2A, CRAVEN ROAD, RUGBY, RUGBY, CV21 3HY	Replacement of uPVC windows at first and second floor level and replacement of ground floor front, rear and bin store doors.
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R20/1042 8 Weeks PA Approval 02/02/2021	4, BIRCHWOOD ROAD, BINLEY WOODS, COVENTRY, CV3 2JG	Erection of a a single storey rear extension
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R20/1061 8 Weeks PA Approval 02/02/2021	BRAMBLE OAKS, 1 AIKMAN GREEN, GRANDBOROUGH, CV23 8DR	Erection of a two storey front extension
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Delegated

8 Weeks PA Applications Applications Approved

R20/1068 8 Weeks PA Approval 02/02/2021	16 , Shakespeare Gardens, Overslade, Rugby, CV22 6HH	PROPOSED SECOND STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO DWELLING
R20/0988 8 Weeks PA Approval 03/02/2021	39, DEEPMORE ROAD, RUGBY, CV22 7PY	Demolition of single storey outbuilding and erection of two story side and rear extension
R20/1011 8 Weeks PA Approval 03/02/2021	7, COVENTRY ROAD, BRINKLOW, RUGBY, CV23 0NE	Erection of a Single storey rear extension, internal alterations and new patio
R20/0834 8 Weeks PA Approval 04/02/2021	THE OLD WELL, DUNSMORE COTTAGES, 1, CHERRY TREE LANE, BOURTON-ON- DUNSMORE, RUGBY, CV23 9QL	Construction of an oak frame 2 car bay car port, with gable ends and front opening on land to front of Dunsmore Cottages.
R20/0873 8 Weeks PA Approval 04/02/2021	17, SOMERS ROAD, RUGBY, RUGBY, CV22 7DG	Erection of single storey front infill extension to existing industrial unit for the purpose of display/show room.

Delegated

8 Weeks PA Applications Applications Approved

R20/1048 8 Weeks PA Approval 04/02/2021	29, ALWYN ROAD, RUGBY, CV22 7QU	Erection of a two storey side extension, single storey rear extension and garage extension (re-submission of R20/0623)
R21/0016 8 Weeks PA Approval 04/02/2021	231, RUGBY ROAD, BINLEY WOODS, COVENTRY, CV3 2BB	Proposed two storey front and rear extension and single storey side extension and raising of the roof ridge
R20/0758 8 Weeks PA Approval 05/02/2021	SPRINGFIELD, CAWSTON LANE, DUNCHURCH, RUGBY, CV22 7RX	Demolition of existing structures and erection of 2 no. detached dwellings (Resubmission of previously approved scheme R19/0212 dated 19/06/2019).
R20/0940 8 Weeks PA Approval 05/02/2021	SAINSBURY'S SUPERMARKET 385, DUNCHURCH ROAD, RUGBY, CV22 6HU	The proposed expansion of a 'Groceries Online' (GOL) distribution hub, the creation of a new compound, 'Click and Collect' layby and erection of a 'Click & Collect' canopy and alterations to the store car park.
R20/1072 8 Weeks PA Approval	28 , Paradise Street, Rugby, CV21 3SZ	

Delegated

8 Weeks PA Applications Applications Approved

05/02/2021

Single storey rear extension measuring across by 4.583m with an eaves height of 2.5m and 3.463m in total.

R20/0905
8 Weeks PA
Approval
09/02/2021

29 SPICER PLACE, BILTON,
RUGBY, CV22 7EA

Proposed addition of light coloured render to front lower part of dwellinghouse and garage with garage door alterations.

R20/0975
8 Weeks PA
Approval
09/02/2021

16, SCHOOL LANE, STRETTON-
ON-DUNSMORE, RUGBY, CV23
9ND

Erection of a side/ rear extension

R20/1050
8 Weeks PA
Approval
09/02/2021

SHILTON HOUSE COTTAGE,
18, LEICESTER ROAD,
SHILTON, COVENTRY, CV7
9HT

Installation of a portable single storey garden studio room

R20/1079
8 Weeks PA
Approval
09/02/2021

CLOUDESLEY FARM, FOSSE
WAY, MONKS KIRBY, RUGBY,
CV23 0RP

Installation of a 500kw biomass woodchip boiler and associated plant room and equipment within an existing agricultural building, together with associated works

5, 5b and 6 MARKET PLACE,

Delegated

8 Weeks PA Applications Applications Approved

RUGBY, CV21 3DY

R20/0043
8 Weeks PA
Approval
10/02/2021

Proposed Change of Use of First Floor of 5, 5b and 6 Market Place from Takeaway seating area in Unit 5, and shop storage in units 5b and 6, retention of shop storage at second floor level, installation of a separate pedestrian entrance to and installation of stair case and alterations of the front of number 6 Market Place, insertion of new windows into the first floor flank elevation of number 5 Market Place, insertion of roof lights and glass roof element to second floor, erection of glass covering to proposed stair access to the second floor, rear covered cycle parking, reorganisation of bin stores.

R20/0911
8 Weeks PA
Approval
10/02/2021

Fields Farm, Flecknoe Road,
Broadwell, CV23 8HS

Erection of agricultural building for storage of fodder and agricultural equipment.

R20/0944
8 Weeks PA
Approval
15/02/2021

56, FLEET CRESCENT, RUGBY,
RUGBY, CV21 4BG

Erection of a two storey side and rear extension with external alteration from red brick to through coloured render to the rear.

Delegated

8 Weeks PA Applications Applications Approved

R20/0948 8 Weeks PA Approval 15/02/2021	99 , Shakespeare Gardens, Overslade, Rugby, CV22 6EY	Erection of first floor level side extension to include garage conversion.
R21/0010 8 Weeks PA Approval 15/02/2021	108, EASTLANDS ROAD, RUGBY, CV21 3RR	Provision of a decking platform to the rear of the property, with associated alterations to the adjacent fencing to maintain privacy.
R20/0869 8 Weeks PA Approval 16/02/2021	177 , Alwyn Road, Bilton, Rugby, CV22 7RD	Proposed two storey side and rear extension together with single storey front and rear extension
R20/0943 8 Weeks PA Approval 16/02/2021	48, BROWNING ROAD, RUGBY, CV21 4BU	Removal of existing conservatory and erection of two storey side and single storey rear extensions and hard surfacing to the front of the property.
R20/1005 8 Weeks PA Approval 16/02/2021	39 WHEATFIELD ROAD, BILTON, RUGBY, CV22 7LN	PROPOSED SECOND STOREY SIDE AND REAR EXTENSION (PREVIOUSLY APPROVED R05/0146)

Delegated

8 Weeks PA Applications Applications Approved

The Waterside Pub and Carvery,
Crick Road, Rugby, CV21 4PW

R20/0459
8 Weeks PA
Approval
17/02/2021

Installation of a 25m slimline lattice tower supporting 6no antenna apertures & 4no 600mm dishes; plus the installation of 9no ground-based equipment cabinets within a secure, fenced compound, and ancillary development thereto including access (Amended Plans)

R20/0897
8 Weeks PA
Approval
17/02/2021

3, WOODLANDS ROAD, BINLEY
WOODS, COVENTRY, CV3 2DA

Erection of a two storey rear extension and a front porch (partially retrospective).
Extension of the existing off-street parking area.

R20/0538
8 Weeks PA
Approval of Reserved
Matters
18/02/2021

LAND AT WHARF FARM, CRICK
ROAD, RUGBY

Erection of 2 dwellings with associated works and landscaping. (Approval of reserved matters in relation to outline planning permission R15/1702 dated 11/07/2017)

R21/0005
8 Weeks PA
Approval
18/02/2021

7, HEATH WAY, RUGBY, CV22
5JA

Removal of existing conservatory and construction of new first floor extension above kitchen to part of rear. A new front porch with further internal alterations.

Delegated

8 Weeks PA Applications Applications Approved

R21/0013 8 Weeks PA Approval 18/02/2021	10, HAREBELL WAY, RUGBY, CV23 0TT	First floor side extension.
R20/0863 8 Weeks PA Approval 19/02/2021	60 , Ambleside, Brownsver, Rugby, CV21 1QP	Single Storey Rear Extension and Erection of Front Porch
R20/0977 8 Weeks PA Approval 19/02/2021	62, CRICK ROAD, RUGBY, CV21 4DY	Erection of two storey side and rear extension and single storey rear extension
R20/1092 8 Weeks PA Approval 19/02/2021	7 & 8 , St Matthews Street, Rugby, CV21 3BY	Conversion of existing building to 5 apartments and extension to form 2 further apartments.
R21/0003 8 Weeks PA Approval 19/02/2021	Coldwell Court, Orbit Group, Rugby, CV22 6AW	Installation of air-conditioning unit
		Proposed front porch and two

Delegated

8 Weeks PA Applications Applications Approved

R20/0989 8 Weeks PA Approval 22/02/2021	GRENVILLE, 4, HIGH STREET, MARTON, RUGBY, CV23 9RR	storey rear extension
R20/1090 8 Weeks PA Approval 23/02/2021	4 , Westfield Road, Rugby, CV22 6AS	Two-Storey Side and Single- Storey Front and Rear Extension
R20/1093 8 Weeks PA Approval 23/02/2021	Unit 1, Midland Trading Estate, Consul Road, Brownsover, Rugby, CV21 1PB	Erection of a 2.4 metre high fence to the north of the existing fence running along the western boundary of the site
R20/1105 8 Weeks PA Approval 23/02/2021	5, THE SPINNEY, LONG LAWFORD, RUGBY, CV23 9SH	Erection of single storey front extension
R21/0004 8 Weeks PA Approval 24/02/2021	LEAMHAST, SOUTHAM ROAD, DUNCHURCH, RUGBY, CV22 6NW	Erection of a single storey rear and side extension
R20/0946 8 Weeks PA	51, HILLARY ROAD, RUGBY, CV22 6EU	Erection of two storey side extension.

Delegated

8 Weeks PA Applications

Applications Approved

Approval
25/02/2021

R20/1103
8 Weeks PA
Approval
25/02/2021

49 SIDNEY ROAD, RUGBY,
CV22 5LB

Erection of a two storey side and rear extension, plus new porch to front

R21/0020
8 Weeks PA
Approval
25/02/2021

4, THE STEEPLES,
GRANDBOROUGH, RUGBY,
CV23 8DP

Erection of a single storey side and rear extension

R21/0079
8 Weeks PA
Approval
26/02/2021

133, OVERSLADE LANE,
RUGBY, CV22 6EF

Erection of a rear Orangery.

R20/0645
8 Weeks PA
Approval
28/02/2021

THE COTTAGE, COVENTRY
ROAD, LONG LAWFORD, CV23
9BT

Relocation of an existing dropped kerb

R20/0708
8 Weeks PA
Approval
28/02/2021

72, PERCIVAL ROAD, RUGBY,
RUGBY, CV22 5JU

Erection of a two storey side extension and single storey front extension encompassing a porch

Delegated

8 Weeks PA Applications Applications Approved

R20/0904 8 Weeks PA Approval 28/02/2021	63, EDEN ROAD, RUGBY, CV21 4HT	Proposed single storey side and rear extension to dwelling (amended plans)
R20/1083 8 Weeks PA Approval 01/03/2021	123, DUNCHURCH ROAD, RUGBY, CV22 6BU	Erection of single storey rear/side extension and lowering of front driveway.
R21/0060 8 Weeks PA Approval 01/03/2021	38, FAREHAM AVENUE, RUGBY, CV22 5HS	Demolition of conservatory and erection of single storey rear extension
R19/1160 8 Weeks PA Approval 02/03/2021	11, ASHLAWN ROAD, RUGBY, CV22 5ET	Resiting of dropped kerb providing access to the front of dwelling house including parking
R20/1087 8 Weeks PA Approval 02/03/2021	UNIT 4, EUROPARK, WATLING STREET, NEWTON, RUGBY, CV23 0AL	Change of Use of Existing Under Croft Area (Below Existing First Floor Offices), From Use Class B8, To Use Class E
	26, CHURCH HILL, STRETTON-	Replacement front boundary wall

Delegated

8 Weeks PA Applications Applications Approved

ON-DUNSMORE, RUGBY, CV23
9NA

R21/0038
8 Weeks PA
Approval
03/03/2021

R21/0098
8 Weeks PA
Approval
03/03/2021

27, TOWER ROAD, RUGBY,
CV22 5NA

Proposed single storey side
extension to the property.

R20/0737
8 Weeks PA
Approval
04/03/2021

60 , Constable Road, Hillmorton,
Rugby, CV21 4DA

Demolition of conservatory and
erection of a single storey rear
extension, garage conversion
and first floor side extension

R20/0823
8 Weeks PA
Approval
04/03/2021

7 Overslade Lane, RUGBY,
CV22 6DU

Erection of an outbuilding
(garage), new access and wall
and entrance gates

R20/0951
8 Weeks PA
Approval
04/03/2021

ANNEXE TOFT COTTAGE,
SOUTHAM ROAD, TOFT,
RUGBY, CV22 6NR

Single storey rear extension and
formation of external balcony
area

Replacement car port and

Delegated

8 Weeks PA Applications Applications Approved

R21/0043 8 Weeks PA Approval 05/03/2021	58, RUGBY ROAD, DUNCHURCH, RUGBY, CV22 6PP	erection of garage and gazebo in rear garden
R21/0015 8 Weeks PA Approval 08/03/2021	3, COPPER BEECH MEWS, BEECH DRIVE, RUGBY, CV22 7ZW	Proposal for a new detached garage.
R21/0083 8 Weeks PA Approval 08/03/2021	HOSPITAL OF ST CROSS, BARBY ROAD, RUGBY, CV22 5PX	Construction of new twin operating theatre and recovery suite with associated works.
R21/0106 8 Weeks PA Approval 08/03/2021	8 SWEDISH HOUSES, BIRDINGBURY ROAD, HILL, CV23 8EA	Erection of a single storey side and rear extension, installation of 2no. rear dormer windows, demolition of detached single garage and erection of detached double garage
R20/0816 8 Weeks PA Approval 09/03/2021	7, BROCKHURST LANE, MONKS KIRBY, RUGBY, CV23 0RA	Two-storey and one-storey extension to rear elevations of dwelling house

Delegated

8 Weeks PA Applications Applications Approved

R20/1107 8 Weeks PA Approval 09/03/2021	38 SOUTH ROAD, RUGBY, CV23 0BZ	Erection of a two storey rear extension
R21/0033 8 Weeks PA Approval 09/03/2021	LAND ADJACENT 99, PYTCHLEY ROAD, RUGBY, CV22 5NG	PROPOSED NEW BUILD DWELLING
R20/0472 8 Weeks PA Approval 10/03/2021	RYTON LODGE, OXFORD ROAD, RYTON-ON- DUNSMORE, RUGBY, CV8 3EJ	Change of use of agricultural land to open storage associated with industrial use together with regrading of site levels and formation of swale
R21/0037 8 Weeks PA Approval 10/03/2021	7, CEDAR AVENUE, COVENTRY, CV8 3QB	Single storey rear extension, garage conversion and erection of single storey side extension to link garage main dwelling

Certificate of Lawfulness Applications Applications Refused

33, LIME TREE AVENUE,

Delegated

Certificate of Lawfulness Applications Applications Refused

RUGBY, RUGBY, CV22 7QT

R20/0959
Certificate of
Lawfulness
Refusal
04/03/2021

Certificate of Lawfulness for
proposed outbuilding for the
purpose of gym, office and tv
room.

Applications Approved

R20/1039
Certificate of
Lawfulness
Approval
21/01/2021

46, HEATHER ROAD, BINLEY
WOODS, COVENTRY, CV3 2DE

Certificate of Lawfulness for
proposed rear single storey
extension.

R20/1060
Certificate of
Lawfulness
Approval
22/01/2021

4, HOME FARM CLOSE,
PAILTON, RUGBY, CV23 0QQ

Certificate of Lawfulness for
erection of greenhouse.

R20/1076
Certificate of
Lawfulness
Approval
27/01/2021

SPRING SIDE, MAIN STREET,
BIRDINGBURY, RUGBY, CV23
8EL

Certificate of lawfulness for a
proposed outbuilding within 2m of
the boundary with eaves height
no higher than 2.3m and ridge
height of 2.5m

R20/1106
Certificate of

1 , King Edward Road, Rugby,
CV21 2TA

Delegated

Certificate of Lawfulness Applications Applications Approved

Lawfulness
Approval
02/02/2021

The proposed works fall under permitted development rights. The works include replacement of staircase, internal alterations to ground and first floor, and loft conversion. The loft conversion adds 28 cubic metres additional roof space with a flat roof rear dormer.

R21/0179 34, ROKEBY STREET, RUGBY,
Certificate of CV21 3RH
Lawfulness
Approval
09/03/2021

Proposed extension to rear.

R21/0112 24, EDYVEAN CLOSE, RUGBY,
Certificate of CV22 6LD
Lawfulness
Approval
10/03/2021

Lawful Development Certificate (proposed), Conversion of existing garage and internal alterations

Discharge of Conditions Applications Approved

Change of use to existing stables

Delegated

Discharge of Conditions Applications Approved

R19/1141	WILLOWBROOK, HEATH LANE, BRINKLOW, RUGBY, CV23 0NX	to form one holiday let
27/01/2021		
R14/2338	Land adjacent 15 Parkfield Road, Newbold, Rugby, CV21 1EN	Outline application for residential development of up to 14 houses (Discharge of conditions 26 and 27 of R14/2338)
19/02/2021		
R17/0899	THE OLD STABLES, WATLING STREET, RUGBY, CV23 0AQ	Change of use and operational works to convert part of the existing stable/ storage building to a dwelling
01/03/2021		

Listed Building Consent Applications Applications Approved

R20/0923	THE MANOR HOUSE, BIRDINGBURY ROAD, LEAMINGTON HASTINGS, RUGBY, CV23 8EB	Listed Building Consent for external repairs and alterations to Grade II Listed Old Brew House, including replacement roof structure, windows and doors, opening up of bricked up door and insertion of glazed door, reconstruction of existing dormers, erection of an external staircase, cleaning/re-
Listed Building Consent Approval 19/01/2021		

Delegated

Listed Building Consent Applications Applications Approved

pointing/replacing existing finish
elements
(limestone/brick/render/plaster)
and renewal of rainwater goods

R20/0985
Listed Building Consent
Approval
21/01/2021
CANAL COTTAGE, TOWN
THORNS CARE CENTRE,
BRINKLOW ROAD,
EASENHALL, RUGBY, CV23
0JE

Listed Building Consent for
internal alterations and
renovations; convert storage
space to habitable room and
replace windows.

R20/1067
Listed Building Consent
Approval
15/02/2021
ELMHURST, 42, HILLMORTON
ROAD, RUGBY, CV22 5AD

Listed Building Consent: Repairs
to the Grade II Listed building
Elmhurst's damaged Rear
Canopy. This will include removal
and replacement of 3x oak posts
and mid rail to match existing.
Replace coping stone to match
existing and rebuilding of dwarf
wall.

R21/0047
Listed Building Consent
Approval
05/03/2021
58, RUGBY ROAD,
DUNCHURCH, RUGBY, CV22
6PP

Listed building consent for
replacement car port and erection
of garage and gazebo in rear
garden

R20/1045
Listed Building Consent
Approval
BUS SHELTER, THE GREEN,
DUNCHURCH, RUGBY, CV22
6NX

Listed Building Consent to repair,
refurbish and re-thatching bus
shelter

Delegated

Listed Building Consent Applications

Applications Approved

09/03/2021

Non Material Amendment Applications

Applications Refused

R19/0986 35, CEDAR AVENUE,
COVENTRY, COVENTRY, CV8
Non-Material 3QB
Amendment agreed
04/03/2021

Erection of two storey side extension, part two storey part single storey rear extension and single storey front extension.

Applications Approved

R19/1467 APPLE TREE HOUSE, 10,
OXFORD ROAD, MARTON,
RUGBY, CV23 9RT
Non-Material
Amendment agreed
02/02/2021

Rear extension with minor alterations to front of existing dwelling, rear extension and addition of pitched roof to garage

R20/0633 12, COTON PARK DRIVE,
RUGBY, CV23 0WN
Non-Material
Amendment agreed
02/02/2021

Demolition of existing sun room and erection of a single storey rear extension

SHILTON HOUSE FARM, 15,
CHURCH ROAD, SHILTON,

Delegated

Non Material Amendment Applications Applications Approved

R19/0879	COVENTRY, CV7 9HX	Demolition of existing barns and erection of 6 dwelling houses, together with alterations to existing vehicular access and associated car parking and landscaping.
Non-Material Amendment agreed 15/02/2021		
R19/0901	7, BOUNDARY ROAD, RUGBY, CV21 3AA	Erection of a two storey and single storey rear extension
Non-Material Amendment agreed 18/02/2021		
R20/0508	16, BOW FELL, RUGBY, CV21 1JF	Single storey front extension with new garage roof.
Non-Material Amendment agreed 23/02/2021		
R20/0108	RUGBY RADIO STATION, WATLING STREET, CLIFTON UPON DUNSMORE, RUGBY, CV23 0AS	Key Phase 1 Parcel F - Submission of reserved matters comprising access, appearance, landscape, layout and scale for the erection of 27 dwellings together with garages, access roads, parking and associated works pursuant to outline planning permission ref.no R17/0022, dated 28th June 2017.
Non-Material Amendment agreed 26/02/2021		

Delegated

Non Material Amendment Applications Applications Approved

276, RUGBY ROAD, BINLEY
WOODS, COVENTRY, CV3 2BD

R19/1027

Non-Material
Amendment agreed
02/03/2021

Alterations to front elevation,
canopy porch, landscaping and
new gated entrance.

Prior Approval Applications

Prior Approval Applications

R20/1063 HOSPITAL OF ST CROSS,
Demolition Prior BARBY ROAD, RUGBY, CV22
Approval 5PX
Required and Approved
15/01/2021

Prior approval under Part 11
Class B of the Town and Country
Planning (General Permitted
Development) (England) Order
2015 for the demolition of Hoskyn
Ward building.

R20/1086 23, EASTLANDS PLACE,
Prior Approval RUGBY, CV21 3RS
Extension
Not Required
18/01/2021

A Prior Approval single storey
rear extension measuring out
from the rear elevation by 3.9m
with a height of 2.4m to eaves
and 3.8m at the highest point.

R20/0678 LIMESTONE HOUSE,
Agriculture Prior LIMESTONE HALL LANE,
Approval CHURCH LAWFORD, RUGBY,
Not Required CV23 9HD
19/01/2021

Prior approval for the erection of
a steel frame side extension.

Delegated

Prior Approval Applications

Prior Approval Applications

123, DUNCHURCH ROAD,
RUGBY, CV22 6BU

R20/1084
Prior Approval
Extension
Not Required
27/01/2021

Prior Approval application for a single storey rear extension projecting 8.0 metres from the original rear elevation of the dwelling, 2.608 metres to the eaves with a maximum height to the peak of the roof of 4.0 metres.

R20/1055
Agriculture Prior
Approval
Required and Approved
29/01/2021

CALCUTT ELMS FARM,
CALCUTT LANE, STOCKTON,
CV23 8HY

Agricultural prior approval for the construction of new road.

R20/1057
Prior Approval
Extension
Not Required
29/01/2021

97, GROSVENOR ROAD,
RUGBY, CV21 3LE

Prior Approval application for a single storey side/rear extension: projecting 1.5 metres widthways from the original side elevation of the dwelling, extends a length of 3.2 metres from the rear elevation, with a roof height of 3 metres.

R20/0955
Prior Approval change
of use
Not Required

The Hall, Priory Hill, Wolston,
CV8 3FZ

Prior approval for the Change of use from B1 office to a State-funded school

Delegated

Prior Approval Applications

Prior Approval Applications

01/02/2021

<p>R20/1075 Prior Approval change of use Required and Approved 04/02/2021</p>	<p>PARKFIELD, OFF MAIN STREET, BRANDON, COVENTRY, CV8 3FW</p>	<p>Prior approval for change of use of Agricultural building to 1 no.dwellinghouse (Class Q)</p>
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<p>R21/0048 Agriculture Prior Approval Not Required 09/02/2021</p>	<p>HOME FARM, HILLMORTON LANE, CLIFTON UPON DUNSMORE, RUGBY, CV23 0BL</p>	<p>Agricultural Prior Approval for the erection of an Agricultural steel framed portal building.</p>
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<p>R21/0063 Agriculture Prior Approval Not Required 09/02/2021</p>	<p>FLORIN FARM, FLORIN PLACE, RUGBY, CV21 4ED</p>	<p>Prior notification for the erection of an agricultural building and use as a machinery and feed store.</p>
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<p>R21/0153 Prior Approval Extension Approval 11/02/2021</p>	<p>8, ABBOTTS WALK, COVENTRY, CV3 2NL</p>	<p>Test Application</p>
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<p>ELMS FARM, OXFORD ROAD, MARTON, RUGBY, CV23 9RQ</p>	<p>Agricultural Prior Approval for erection of a steel framed general</p>
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Delegated

Prior Approval Applications

Prior Approval Applications

R21/0084
Agriculture Prior
Approval
Not Required
15/02/2021

purpose agricultural building.

R21/0052
Prior Approval
Extension
Not Required
17/02/2021

106, BALCOMBE ROAD,
RUGBY, CV22 5JD

PAX - Erection of a single storey flat roof extension projecting 6 metres from the original rear elevation of the dwelling, 2.5 metres to the eaves height, with a maximum height of 2.9 metres.

R21/0029
Agriculture Prior
Approval
Not Required
22/02/2021

HOME FARM, MAIN STREET,
BROADWELL, RUGBY, CV23
8HB

Erection of a new general purpose agricultural building to house equipment, livestock feed and bedding and agricultural sundries. measuring 30m x 9m and comprising an open fronted steel portal frame building with box profile cladding to the sides, rear and roof - Prior Notification.

R21/0025
Prior Approval
Extension
Not Required
01/03/2021

17, SHENSTONE AVENUE,
RUGBY, CV22 5BJ

Erection of a single storey flat roof extension through prior approval to rear of dwelling. Extension will measure out from the rear elevation by 6m and will contain a height of 3m to eaves

Delegated

Prior Approval Applications

Prior Approval Applications

and 3.4m in total.

R21/0150
Prior Approval change
of use
Required and Refused
01/03/2021

Springfield, Southam Road,
Broadwell, near Rugby, CV23
8EY

Agricultural Prior Notification for
the construction of an agricultural
barn for storage of hay/straw/
agricultural machinery and
livestock.

R21/0081
Prior Approval
Extension
Not Required
03/03/2021

13, RUGBY LANE, STRETTON-
ON-DUNSMORE, RUGBY, CV23
9JH

Prior approval for erection of a
single storey rear extension with
flat roof.

R21/0113
Agriculture Prior
Approval
Not Required
03/03/2021

GRANGE FARM, SAWBRIDGE
ROAD, GRANDBOROUGH,
RUGBY, CV23 8DN

Agricultural Prior Approval for the
erection of an agricultural
building.

R20/1074
Prior Approval change
of use
Required and Approved
04/03/2021

2, BAGSHAW CLOSE, RYTON-
ON-DUNSMORE, COVENTRY,
CV8 3EX

Prior approval for change of use
of the ground floor from former
Use Classes A1 (retail), A3 (on-
site consumption of hot food) and
A4 (drinking establishment) to
residential to enable the whole
building to be used as a single
dwellinghouse.

Delegated

Prior Approval Applications

Prior Approval Applications

R20/1085 Prior Approval Extension Not Required 08/03/2021	THE LATCH, COVENTRY ROAD, THURLASTON, RUGBY, CV23 9JR	Single storey rear extension
R21/0007 Telecoms Prior Approval Required and Approved 08/03/2021	ROOF OF OLD TELEPHONE EXCHANGE, THE OLD TELEPHONE EXCHANGE, ALBERT STREET, RUGBY, CV21 2RP	Removal of 3 no. antennas and installation of 3 no. antennas and associated apparatus and ancillary works
R21/0200 Prior Approval Extension Withdrawn by Applicant/Agent 08/03/2021	7, BOWEN ROAD, RUGBY, CV22 5LF	Prior Approval application for a single storey rear extension projecting 8.0 metres from the original rear elevation of the dwelling, 2.57 metres to the eaves with a maximum height to the peak of the roof of 4.0 metres.

Withdrawn Applications

Applications Withdrawn

R20/0835 8 Weeks PA Withdrawn by Applicant/Agent	Holly Tree House, Flecknoe Village Road, Flecknoe, CV23 8AT
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Delegated

Withdrawn Applications Applications Withdrawn

18/01/2021

Erection of single storey side and two storey rear extensions with the addition of a new detached bike/garden store/annex, new gates and hardstanding for parking
