



Draft Statement of Common Ground

Land North of
Rounds Gardens, Rugby

On behalf of **St. Modwen Homes**

August 2025

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1. Introduction

- 1.1 This Section 78 appeal is brought by St. Modwen Homes (hereafter referred to as “the Appellant”) and relates to the decision of Rugby Borough Council to refuse full planning permission under application reference R24/0111 for development described as follows:

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

- 1.2 In accordance with the procedural guidance, this Statement of Common Ground (SoCG) has been prepared jointly by Cerda Planning Limited on behalf of St. Modwen Homes and agreed with Rugby Borough Council.

- 1.3 The appeal application was determined by Rugby Borough Council’s Planning Committee, which refused planning permission in accordance with the recommendation of its officers.

- 1.4 The appeal application was refused for six reasons, as set out in the Council’s decision notice dated 19 March 2025, as follows:

1. The sequential test for flood risk has not been applied properly and therefore has not been satisfied. It has therefore not been shown if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The development is therefore contrary to Policy SDC5 of the Local Plan (2019) and paragraph 174 of the National Planning Policy Framework (2024)
2. The mitigation proposed in relation to the football pitch, pavilion and associated car park is not considered to be detailed or the required level of mitigation needed in order to replace the lost provision ‘by equivalent or better provision in terms of quantity and quality in a suitable location’ under 104b. It is therefore considered that this proposal does not comply with Policy HS4(C)

of the Local Plan (2019) or paragraph 104 of the National Planning Policy Framework (2024).

3. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).
4. The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 115 and 116 of the National Planning Policy Framework (2024) and Policy D1 of the Local Plan (2019).
5. The proposals include the removal of T149-164 (high quality London Plane) which is a significant group and a prominent feature within the street scene which contributes positively. This would be detrimental to the character of the area alongside the loss of a further category A tree and 12 category B trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan (2019) and paragraph 136 of the National Planning Policy Framework (2024).
6. The proposed development does not provide a high-quality well-designed place. The development would not be visually attractive or provide a good architectural response to the site in relation to built form, layout and landscaping therefore having a detrimental adverse impact on the character of the area. The application is therefore contrary to Policies SDC1 and NE2 of the Local Plan (2019), Paragraph 130 and 135 of the National Planning Policy Framework (2024) and the National Design Guide (2021)

- 1.5 During the course of the application, and in response to consultee comments and further feedback from officers, a number of amendments were made, and additional technical information was submitted. The proposed number of dwellings was reduced from 134 to 115 units in order to address concerns relating to design, amenity, highways, and the retention of existing trees.
- 1.6 Additional supporting documents were also provided, including revised layout plans, house types, landscaping scheme and updated BNG calculations. These amendments and supplementary submissions were subject to re-consultation and formed the basis upon which the Council ultimately determined the application. The Appellant invites determination of the appeal on the basis of the final submitted scheme and supporting documentation.
- 1.7 This Statement sets out the matters of fact and position that are agreed between the Appellant and Rugby Borough Council in relation to this appeal, and it also identifies those matters which remain in dispute between the parties.

2. Site and Surroundings

- 2.1 The appeal site comprises vacant land; formerly a recreation ground (with tennis courts) for use by employees of the industrial premises (now known as General Electric Power) to the north. It contains a pavilion and a disused car park and located northwest of Rugby town centre within walking distance of Caldecott Park and other town centre amenities including the train station. Vehicular access into the development would be from Willans Place (to the west) and Princes Street (to the east).
- 2.2 The site is bound by the Army Reserve Centre and Indian Community Centre to the west, both of which are accessed from Edward Street, with existing residential development beyond, as well as further residential development accessed from York Street to the south-west, and from Essex Street, Princes Street, King Street and Hill Street to the east. To the north, the site is bound by the remaining General Electric Power facility; and to the south, it is adjoined by land owned by Rugby Borough Council, which until recently had contained a combination of high- and low-rise apartment blocks – these are all now demolished.
- 2.3 The entirety of the site falls within Flood Zone 1 but the maps for flooding suggest that the site experiences high levels of surface water flooding.
- 2.4 The site contains a number of trees, some of which are subject to Tree Preservation Orders (TPOs). The TPO is dated 25th January 2008 and modified on 18th June 2008. Schedule 1 identifies four groups comprising: G1- 11 Plane, G2- 42 Lime, G3- 6 Lime, G4- 13 Lime, 3 Birch.
- 2.5 The site benefits from a highly accessible location within walking distance of Rugby town centre, Caldecott Park, and local services and facilities. Rugby railway station is also within walking distance, and the area is well served by public transport routes.
- 2.6 Rugby town is at the top of the Council's settlement hierarchy where the Local Plan focuses the majority of all development. It has a wide range of services and facilities as well as excellent connections to public transport as would be expected in a large town such as Rugby.
- 2.7 The site is currently overgrown, unoccupied and unmanaged. There is a significant depression inside the site which was formally used as a sports pitch.

3. The Appeal Proposals

- 3.1 The appeal application was submitted to Rugby Borough Council on 01 February 2024 and validated on 09 February 2024 under planning application reference R24/0111. The originally submitted documents were as follows:

- Planning Statement (January 2024)
- Statement of Community Involvement (January 2024)
- Updated Site Walkover Statement (Ref. 80-671-L1-3)
- Preliminary Ecological Appraisal (Ref. 80-671-R1-4)
- Reptile Survey Report (Ref. 80-671-R2-3)
- Nocturnal Bat and Activity Survey Report (Ref. 80-671-R3-3)
- Badger Survey Report and Method Statement (Ref. 80-671-R4-4)
- Biodiversity Metric Report (4.0) (Ref. 80-671-R8-6)
- Biodiversity Metric Calculation Tool
- External Levels (Refs. R9112-PJA-23-XX-DR-C-0121-P1, R9112-PJA-23-XX-DR-C-0122-P1 and R9112-PJA-23-XX-DR-C-0123-P1)
- Planning Earthworks Appraisal (Ref. R9112-PJA-23-XX-DR-C-0145-P1)
- Arboricultural Impact Assessment (Ref. 80-671-R7-6)
- Tree Removal Plan (Ref. R9112-RLA-23-XX-DR-A-SK202 P03)
- Air Quality Assessment (Ref. 3422356-HLE-RP-AQ)
- Archaeology Desk-Based Assessment (Ref. September 2023, v1-0_LM_230124)
- Proposed Bin and Cycle Storage Details (Ref. R9112-RLA-23-XX-DR-A-3242)
- Proposed Materials Plan (Ref. R9112-RLA-23-XX-DR-A-3202)
- Proposed Boundaries Plan (Ref. R9112-RLA-23-XX-DR-A-3201)
- Proposed Heights Plan (Ref. R9112-RLA-23-XX-DR-A-3204)
- Proposed Garden Area Plan (Ref. R9112-RLA-23-XX-DR-A-3205)
- Existing Site Plan (Ref. R9112-RLA-23-XX-DR-A-3001)
- Proposed Unit Mix Plan (Ref. R9112-RLA-23-XX-DR-A-3206)
- Proposed Waste Management Plan (Ref. R9112-RLA-23-XX-DR-A-3530)
- Proposed Car Parking Plan (Ref. R9112-RLA-23-XX-DR-A-3570)
- Proposed PV Layout Plan (Ref. R9112-RLA-23-XX-DR-A-3580)
- Proposed Site Sections (Ref. R9112-RLA-23-XX-DR-A-3230)
- Existing Site Sections (Ref. R9112-RLA-23-XX-DR-A-3020)
- Proposed Street Elevations (Ref. R9112-RLA-23-XX-DR-A-3220)
- Design & Access Statement (Ref. 10689 V3)

- Drainage Layout (Refs. R9112-PJA-23-XX-DR-C-0124-P1, R9112-PJA-23-XX-DR-C-0125-P1, R9112-PJA-23-XX-DR-C-0126-P1, R9112-PJA-23-XX-DR-C-0127-P1 and R9112-PJA-23-XX-DR-C-0128-P1)
- Flood Exceedance (Ref. R9112-PJA-23-XX-DR-C-0128-P1)
- Surface Water Catchment Plan (Ref. R9112-PJA-23-XX-DR-C-0130-P1)
- Swale Sections & Permeable Paving and Gravel Margin Strip Details (Ref. R9112-PJA-23-XX-DR-C-0132-P0)
- Single Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3240)
- Double Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3241)
- Highways GA Plan (Ref. R9112-PJA-23-XX-DR-C-0135)
- Kerbing Plan (Ref. R9112-PJA-23-XX-DR-C-0136-P1)
- Visibility Splays (Ref. R9112-PJA-23-XX-DR-C-0137-P2)
- Vehicle Swept Path Analysis - Large Car (Ref. R9112-PJA-23-XX-DR-C-0138-P2)
- Vehicle Swept Path Analysis - Fire Tender (Ref. R9112-PJA-23-XX-DR-C-0139-P2)
- Vehicle Swept Path Analysis - Refuse Vehicle Eastern Section (Ref. R9112-PJA-23-XX-DR-C-0140-P2)
- Vehicle Swept Path Analysis - Refuse Vehicle Eastern Section (Ref. R9112-PJA-23-XX-DR-C-0140-P2)
- Vehicle Swept Path Analysis - Refuse Vehicle Private Drives (Ref. R9112-PJA-23-XX-DR-C-0142-P0)
- Housetype 569 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3250 C01)
- Housetype 569 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3250 C01)
- Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3252 C01)
- Housetype 800 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3253 C01)
- Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3254 C01)
- Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3255 C01)
- Housetype 814 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3256 C01)
- Housetype 777 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3257 C01)
- Housetype 932 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3258 C01)
- Housetype 932 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3259 C01)
- Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3260 C01)
- Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3261 C01)
- Housetype 974 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3262 C01)
- Housetype 1001 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3263 C01)

- Housetype 1001 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3264 C01)
- Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3265 C01)
- Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3266 C01)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3267 C01)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3268 C01)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3269 C01)
- Housetype 1206 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3270 C01)
- Housetype 1334 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3271 C01)
- Housetype 1334 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3272 C01)
- Housetype 1428 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3273 C01)
- Housetype 1428 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3274 C01)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3275 C01)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3276 C01)
- Housetype 758 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3277 C01)
- Housetype 800 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3278 C01)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3279 C01)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3280 C01)
- Housetype 814 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3281 C01)
- Housetype 777 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3282 C01)

- Housetype 932 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3283 C01)
- Housetype 932 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3284 C01)
- Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3285 C01)
- Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3286 C01)
- Housetype 1001 V1 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3287 C01)
- Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3288 C01)
- Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3289 C01)
- Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3290 C01)
- Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3291 C01)
- Housetype 1206 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3292 C01)
- Housetype 1334 V1 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3293 C01)
- Housetype 1334 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3294 C01)
- Housetype 1362 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3295 C01)
- Housetype 1428 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3296 C01)
- Housetype 1454 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3297 C01)
- Apartment 659-674 OPP Floor Plans (Ref. R9112-RLA-23-ZZ-DR-A-3298 C01)
- Apartment 659-674 OPP Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3299 C01)
- Demolition Specification (Ref. 05554-R-04-A)
- Flood Risk Assessment and Drainage Strategy (Ref. 05554-R-05-A)
- Health Impact Screening Report (January 2024)
- Sustainability Statement (Ref. STMZ3022, January 2024)
- Utilities Statement – New Connections

- Townscape and Visual Appraisal (January 2024)
- Construction Environmental Management Plan (January 2024)
- Planning Earthworks Appraisal (Ref. R9112-PJA-23-XX-DR-C-0145-P1)
- Landscape Masterplan (Ref. R9112-RL-XX-ZZ- DR-L-P8001-C01)
- Habitat Creation Plan (Ref. R9112-RL-XX-ZZ- DR-L-P8002-C01)
- Detailed POS Proposals (Ref. R9112-RL-XX-ZZ- DR-L-P8003-C01)
- On-Plot Planting Plans Sheets 1-5 (Refs. R9112-RLA-XX-ZZ- DR-L-P8301-P8305-C01)
- Tree Pit Details (Ref. R9112-RL-XX-ZZ- DR-L-P8004-C01)
- Landscape Management Plan (Ref. R9112-RL-XX-ZZ- RP-L-0001-C01)
- Site Location Plan (Ref. R9112-RLA-23-XX-DR-A-3000)
- Sports Mitigation Strategy (January 2024)
- Baseline Noise Assessment (Ref. REP-1015212-AM-20231120-Rev 1)
- Existing Pavilion Floor Plans (Ref. R9112-RLA-23-XX-DR-A-3030)
- Existing Pavilion Elevations (Ref. R9112-RLA-23-XX-DR-A-3040)
- Shadow Study - Proposed Plots 98-109 Shadow Study (Ref. R9112-RLA-23-XX-DR-A-3540)
- Topographical Survey (Ref. 0921-SMH-001-T Rev B)
- Travel Plan (Ref. 05554-R-02-B)
- Transport Assessment (Ref. 05554-R-01-B)
- Highway Improvement Works East Existing Traffic Regulation Orders (Ref. 05554-CI-F-0001-P03)
- Highway Improvement Works East Proposed Traffic Regulation Orders (Ref. 05554-CI-F-0002-P03)
- Highway Improvement Works East Revoked Traffic Regulation Orders (Ref. 05554-CI-F-0003-P03)
- Highway Improvement Works East Tracking Sheet 1 of 2 (Ref. 05554-CI-F-0010-P03)
- Highway Improvement Works East Tracking Sheet 2 of 2 (Ref. 05554-CI-F-0011-P03)
- Highway Improvement Works West General Arrangement (Ref. 05554-CI-F-0050-P03)
- Highway Improvement Works West Tracking Sheet 1 of 3 (Ref. 05554-CI-F-0060-P02)
- Highway Improvement Works West Tracking Sheet 2 of 3 (Ref. 05554-CI-F-0061-P02)

- Highway Improvement Works West Tracking Sheet 3 of 3 (Ref. 05554-CI-F-0062-P02)
- Financial Viability Assessment (January 2024)

3.2 The following plans and revised DAS were issued to the council on 8 February prior to validation:

- Design and Access Statement (Ref. 10689 V4)
- Housetype 569 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3250 C02)
- Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3252 C01)
- Housetype 814 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3256 C02)
- Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3260 C02)
- Housetype 1001 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3264 C02)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3268 C02)
- Housetype 1206 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3270 C02)
- Housetype 1428 V1 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3273 C02)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3275 C02)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3276 C02)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3279 C02)
- Housetype 814 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3281 C02)
- Housetype 1206 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3292 C02)
- Housetype 1428 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3296 C02)

3.3 Following feedback from the Council and consultees received during the statutory consultation period, and subsequent meetings, a revised pack of information was submitted to the Council which incorporated changes to the originally submitted appeal application. These changes sought to address officer's concerns over character of the

proposals and impact upon the surrounding area; tree retention supported by a revised Arboricultural Impact Assessment and a reduction in the number of dwellings to 115.

3.4 On 10 July 2024, the amended planning pack was submitted to the Council:

- Biodiversity Metric Report (4.0) (Ref. 80-671-R8-9)
- Ecology Response Letter Statement – June 2024 (Ref. 80-671-L2-1)
- Biodiversity Metric 4.0 Calculation Tool
- External Levels (Refs. R9112-PJA-23-XX-DR-C-0120-P4, R9112-PJA-23-XX-DR-C-0121-P4, R9112-PJA-23-XX-DR-C-0122-P4, R9112-PJA-23-XX-DR-C-0123-P4)
- External Levels (Overview) (Ref. R9112-PJA-23-XX-DR-C-0131-P4)
- Planning Earthworks Appraisal (Ref. R9112-PJA-23-XX-DR-C-0145-P2)
- Arboricultural Impact Assessment (Ref. 12078_AIA.001)
- Site Location Plan (Ref. R9112-RLA-23-XX-DR-A-3000)
- Proposed Site Plan (Ref. R9112-RLA-23-XX-DR-A-A3200 C02)
- Proposed Bin and Cycle Storage Details (Ref. R9112-RLA-23-XX-DR-A-3242 C02)
- Proposed Boundaries Plan (Ref. R9112-RLA-23-XX-DR-A-3201 C03)
- Proposed Materials Plan (Ref. R9112-RLA-23-XX-DR-A-3202 C02)
- Proposed Heights Plan (Ref. R9112-RLA-23-XX-DR-A-3204 C02)
- Proposed Garden Area Plan (Ref. R9112-RLA-23-XX-DR-A-3205 C02)
- Existing Site Plan (Ref. R9112-RLA-23-XX-DR-A-3001)
- Proposed Unit Mix Plan (Ref. R9112-RLA-23-XX-DR-A-3206 C02)
- Proposed Waste Management Plan (Ref. R9112-RLA-23-XX-DR-A-3530 C02)
- Proposed Car Parking Plan (Ref. R9112-RLA-23-XX-DR-A-3570 C02)
- Proposed PV Layout Plan (Ref. R9112-RLA-23-XX-DR-A-3580 C02)
- GE Boundary Treatment Plan (Ref. R9112-RLA-23-XX-DR-A-3590)
- Proposed Site Sections (Ref. R9112-RLA-23-XX-DR-A-3230 C02)
- Existing Site Sections (Ref. R9112-RLA-23-XX-DR-A-3020)
- Proposed Street Elevations (Ref. R9112-RLA-23-XX-DR-A-3220 C02)
- Existing Pavilion Floor Plans (Ref. R9112-RLA-23-XX-DR-A-3030)
- Existing Pavilion Elevations (Ref. R9112-RLA-23-XX-DR-A-3040)
- Single Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3240 C02)
- Double Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3241 C02)
- Design & Access Statement (Ref. 10689 V5)

- Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0124-P2 Sheet 1 of 4),
Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0125-P2, Sheet 2 of 4)
Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0126-P2, Sheet 3 of 4)
- Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0127-P2, Sheet 4 of 4)
- Drainage Layout (Overview) (Ref. R9112-PJA-23-XX-DR-C-0128-P2)
- Flood Exceedance (Ref. R9112-PJA-23-XX-DR-C-0129-P2)
- Surface Water Catchment Plan (Ref. R9112-PJA-23-XX-DR-C-0130-P2)
- Surface Water Network (Ref. 05554-B-CA-003-SWS-P1)
- Flow Control Chamber Details (Ref. R9112-PJA-23-XX-DR-C-0133-P0)
- Swale Sections & Permeable Paving and Gravel Margin Strip Details (Ref. R9112-PJA-23-XX-DR-C-0132-P1)
- Flood Storage Area Design (Ref. R9112-PJA-24-XX-DR-C-0150-P0)
- Flood Risk Assessment and Drainage Strategy (Ref. 05554/FRA/001 P2)
- Highways GA Plan (Ref. R9112-PJA-23-XX-DR-C-0135-P2)
- Kerbing Plan (Ref. R9112-PJA-23-XX-DR-C-0136-P2)
- Visibility Splays (Ref. R9112-PJA-23-XX-DR-C-0137-P4)
- Vehicle Swept Path Analysis - Large Car (Ref. R9112-PJA-23-XX-DR-C-0138-P5)
- Vehicle Swept Path Analysis - Fire Tender (Ref. R9112-PJA-23-XX-DR-C-0139-P5)
- Vehicle Swept Path Analysis - Refuse Vehicle Eastern Section (Ref. R9112-PJA-23-XX-DR-C-0140-P5)
- Vehicle Swept Path Analysis - Refuse Vehicle Western Section (Ref. R9112-PJA-23-XX-DR-C-0141-P5)
- Vehicle Swept Path Analysis - Refuse Vehicle Private Drives (Ref. R9112-PJA-23-XX-DR-C-0142-P5)
- Housetype 569 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3250 C02)
- Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3252 C02)
- Housetype C2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3253 C02)
- Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3254 C02)
- Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3255 C02)
- Housetype 814_V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3256 C03)
- Housetype 777 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3257 C02)
- Housetype 932 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3259 C02)
- Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3260 C03)
- Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3261 C02)

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- Housetype 1001 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3264 C03)
- Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3265 C02)
- Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3266 C02)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3267 C02)
- Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3268 C03)
- Housetype 1206 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3270 C03)
- Housetype 1428 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3273 C03)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3275 C03)
- Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3276 C03)
- Housetype C2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3278 C02)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3279 C03)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3280 C01)
- Housetype 814 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3281 C03)
- Housetype 932 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3284 C02)
- Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3285 C02)
- Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3286 C02)
- Housetype 1001 V1 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3287 C01)
- Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3288 C02)
- Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3289 C02)

- Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3290 C02)
- Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3291 C01)
- Housetype 1206 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3292 C03)
- Housetype 1362 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3295 C02)
- Housetype 1428 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3296 C03)
- Housetype 1454 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3297 C02)
- Housetype 1362 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3300 C01)
- Housetype 1362 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3301 C01)
- Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3302 C01)
- Housetype 974 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3303 C01)
- Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3304 C01)
- Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3305 C01)
- Housetype 814 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3306 C01)
- LVIA Officer Comment Rebuttal (Ref. 200624 – 00701 HTAL)
- Townscape and Visual Appraisal (June 2024)
- Landscape Management Plan (Ref. R9112-RL-XX-ZZ-RP-L-0001-C03)
- Landscape Masterplan (Ref. 10689_P8001_C04)
- Habitat Creation (Ref. 10689_P8002_C04)
- Detailed POS (Ref. 10689_P8003_C03)
- Rounds Gardens On-Plot Planting Plans Sheet 1-5 (Ref. 10689_P8301_C03, 10689_P8302_C03, 10689_P8303_C03, 10689_P8304_C03, and 10689_P8305_C04)
- Highway Improvement Works East Proposed Traffic Regulation Orders (Ref. 05554-CI-F-0002 P05)
- Highway Improvement Works East Revoked Traffic Regulation Orders (Ref. 05554-CI-F-0003 P04)

- Highway Improvement Works East Tracking (Ref. 05554-CI-F-0010 P04)
- Transport Assessment Addendum (Ref. 05554-TN-01-A)
- Viability Addendum Report (June 2024)

3.5 On 25 October 2024, the following documents were submitted to the Council:

- Arboricultural Technical Note (Ref. 12078_ TN.01)

3.6 The following additional documents were submitted to the Council on 31 October 2024:

- Detailed POS – Amended Tree Species Plan (Ref. 10689_P8003_C04)
- On-Plot Planting – Tree Canopy Overlay (Ref. 10689_P8302_C03 and 10689_P8304_C03)
- Habitat Creation Plan (Ref. 10689_P8002_C05)
- Biodiversity Metric Report (4.0) (Ref. 80-671-R8-10)
- Biodiversity Metric 4.0 Calculation Tool

3.7 The following amended landscape/habitat creation plans and BNG calculations were produced in February 2025 but not accepted by the Council at that time. The parties agree that these documents should also be considered during the appeal:

- Detailed POS – Amended Tree Species Plan (Ref. 10689_P8003_C04)
- On-Plot Planting Plan – Sheet 2 – Tree Canopy Overlay (Ref. 10689_P8302_C03)
- On-Plot Planting Plan – Sheet 4 – Tree Canopy Overlay (Ref. 10689_P8304_C03)
- Biodiversity Metric 4.0 Calculation Tool

3.8 A Transport Note (Ref. 12078_ TN.01) was submitted to the Council on the 17 February and also not accepted at that time. The parties agree that the Inspector should have regard to this Note in determining the Appeal.

3.9 Since the date of the decision, further plans have been shared with the Highway Authority which the Appellant also intends to rely on during the Appeal. Those plans are as follows:

- Highway Improvement Works West – General Arrangement (Ref. 05554-CI-F-0050 Rev P04)

- Highway Improvement Works East – Proposed Traffic Regulation Orders (Ref. 05554-CI-F-002 P08)
- Highway Improvement Works East – Vehicle Tracking – Sheet 1 (Ref. 05554-CI-F-0010 P07)
- Highway Improvement Works East – Vehicle Tracking – Sheet 2 (Ref. 05554-CI-F-0011 P08)

3.10 In summary, the changes made to the appeal application from submission in January 2024 to determination in March 2025 can be described as follows:

- Reduction in the number of units from 134 to 115
- Retention of a greater number of mature trees protected by TPO
- Changes to layout
- Amendments to the proposed scheme of off-site highway works
- Revised replacement tree planting scheme
- Recalculation of BNG as a result

The only changes arising from the plans considered by the Council prior to the decision being made and the latest versions listed above relate to changes to the proposed off-site highway works and amendments to the scheme of tree planting (species and numbers), respectively, the latter being made to try and overcome concerns in relation to ecology and BNG.

4. Planning Policy Context

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that, inter alia:

“In dealing with an application for planning permission ... the authority shall have regard to—

- (a) the provisions of the development plan, so far as material to the application,*
- (b) any other material considerations.”*

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

National Policy

- 4.3 The National Planning Policy Framework, (NPPF) (December 2024) states at paragraph 2:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.”

- 4.4 The NPPF makes provision for the application of the tilted balance, including in the case of housing proposals, where there is an inadequate supply of land.

The Development Plan

4.5 The Development Plan relevant to this appeal comprises the Rugby Borough Council Local Plan 2011–2031, adopted in June 2019.

4.6 The key policies cited in the Council’s decision notice include:

- SDC5 – Flood Risk Management
- HS4(C) – Open Space, Sports Facilities and Recreation
- D1 – Transport
- SDC2 – Landscaping
- SDC1- Sustainable Design
- NE2- Strategic Green and Blue Infrastructure

4.7 Supplementary guidance adopted by Rugby Borough Council which is relevant to residential development on the application is as follows:

- Planning Obligations SPD 2012
- Housing Needs SPD 2021
- Air Quality SPD 2021
- Climate Change and Sustainable Design Construction 2023

Emerging Local Plan

4.8 Rugby Borough Council is reviewing its Local Plan. A Preferred Option consultation was carried out, closing on 19 May 2025. The new plan is expected to guide development up to 2042. However, as the emerging plan is at a formative stage, it carries limited weight at this time in the determination of this appeal.

5. Matters Agreed between the Parties

- 5.1 The Council no longer relies on RFR1 (sequential test).
- 5.2 Subject to a financial contribution set out to the Highway Authority, the Council no longer relies on RFR3 and RFR4.
- 5.3 Part of the site constitutes previously developed land, and Policy GP3 encourages the use of such land.

Housing Land Supply

- 5.4 The Council is not able to demonstrate a 5-year housing land supply (5YHLS).

Compliance with the Development Plan

- 5.5 The site constitutes a windfall site and its development complies with Policies DS1 and HS1 which seeks to ensure that healthy, safe and inclusive communities are created within areas with good access to local shops, employment opportunities, services, schools and community facilities.
- 5.6 The tilted balance set out in NPPF paragraph 11(d) is engaged because the Council cannot demonstrate a 5-year supply of deliverable housing land.

Loss of Playing Pitch

- 5.7 The site contains a former football pitch and 3 tennis courts which are overgrown and have not been in use since approximately 2001/2.
- 5.8 The pavilion on site was last used as a cricket pavilion.
- 5.9 The playing field is identified as a lapsed facility within the Playing Pitch and Outdoor Sport Strategy (PP&OSS, 2023) which records that the site previously accommodated one youth 11v11 football pitch and that the pitch has always been in private use.
- 5.10 Sport England objects to the loss of the provision on site on a non-statutory basis as it does not consider that the proposal meets any of Sport England's Exception Policies, NPPF paragraph 104, or Local Plan Policy HS4C.

5.11 The areas on the site that were formally in use for sports and recreational purposes measured as follows:

- Sports pitch – 10,700.7 sqm
- Sports Pavilion -1,247.7 sqm
- Pavilion car park – 2155.2 sqm
- Tennis Courts – 1,901.9 sqm

5.12 The former football pitch use is lapsed and not classed as current provision. The former football pitch is acting as an attenuation pond for the wider area.

Safe and Suitable access (RFR No.3) and highway safety and congestion (RFR No.4)

5.13 The Appellant commissioned a Stage 1 RSA of the proposed site layout, access from Willans Place and the one-way system proposed around the residential streets to the east of the site. Following a review by the HA, the Appellant agreed to investigate changes to the proposed one-way system to alleviate safety concerns; this included traffic calming, physical measures to deter vehicles from contravening the one-way system. Further analysis of the operation of junctions between Newbold Road and Duke Street, St John Street and Hill Street were also undertaken. The HA considered it to be acceptable subject to detailed design being subject to a Stage 2 RSA.

5.14 The Appellant provided area wide traffic modelling using the Rugby Wide Area Model and the HA expressed concern over increased queuing and journey times in relation to the Rugby Gyratory; Evreux Way roundabout (on arm A, Newbold Road) during the peak hour; increase in journey time on Route 8, Section 2 WB at certain times and a queue increase on Route 8, Section 1 WB during the AM peak of 34% (115 seconds).

5.15 Further information was provided by the Appellant to determine the extent to which these increases could be attributed to the proposed development.

5.16 The HA analysed the additional information which confirmed that there were a number of statistically significant impacts occurring in the 2031 Reference Case scenario as a result of the development. It confirmed that the Rugby Gyratory experiences congestion during the PM peak hour and that the introduction of the development adds to this congestion and causes it longer to dissipate. The impacts also identified at the

Rugby Gyratory may also lead to wider congestion effects on the surrounding residential roads with traffic seeking to “rat run” to avoid congestion.

- 5.17 The HA confirmed that the cumulative impact on the Gyratory requires a mitigation package, but that no deliverable scheme had yet been identified and so requested a financial contribution from the appellant towards the funding of a detailed Feasibility Study to consider options for addressing these impacts. The Appellant is agreeable to contributing towards this via a S106 legal agreement.
- 5.18 The application site is located within the High Access Zone, which sets parking standards as 0.75 spaces for 2 bed units and 0.5 spaces for apartments, one space is required for 3 bed units and 1.5 for 4 bed units.

Loss of trees (RFR No 5)

- 5.19 Tree Preservation Order TR4.311 covers the extent of the site which protects 4 groups of trees. The Appellant is preparing a separate SoCG on Arboricultural matters to set out the number of trees, their category and whether or not they are covered by the TPO.
- 5.20 The proposal will result in the planting of 2 trees for every tree that is lost as a result of the development.

Layout and design (RFR No. 6)

- 5.21 An independently prepared Townscape and Visual Appraisal was submitted with the planning application.
- 5.22 The site is located within the strategic green infrastructure network and approximately two thirds of the site is within the existing green infrastructure network.
- 5.23 A landscape strategy has been produced to support the proposed layout.

Other issues

Housing Mix

- 5.24 The proposed housing mix is acceptable and in compliance with Policy H1 based on balance due to viability implications.

Viability

- 5.25 In accordance with Policy H2, robust financial viability evidence was provided to the Council and independently assessed in accordance with Policy H2. The Council accepts and agrees with the conclusions set out in the submitted viability report.

Climate Change and Sustainable Design

- 5.26 The application was accompanied by a Sustainability Checklist and Energy Statement which provided details of how the development will incorporate water efficiency, fabric first design, properties designed in accordance with Part O Overheating Building Regulations, overall design in accordance with the principles of passive solar design, appropriate material choices, active travel options, electric charging point provision and PV panels. This was considered acceptable and in compliance with Policy SDC4.

Residential Amenity

- 5.27 The proposed siting of dwellings accords with separation distances of 21 metres principal window to principal window and 14 metres window to blank elevation.
- 5.28 9% of the dwellings proposed do not comply with the Nationally Described Space Standards (NDSS).
- 5.29 Garden sizes and separation distances across the site comply with guidance and complaint with Policy SDC1.

Noise

- 5.30 Acoustic Baseline Noise Assessments have been undertaken to assess noise from the current and potential use of the GE Energy site. Rail and road have also been considered. The Environmental Health Officer raised no objection to the proposals subject to the mitigation measures set out in the report being carried out – (glazing and ventilation vents, fences providing noise barriers in rear gardens). The proposals comply with Policy HS5.

Ecology

- 5.31 The proposed reason for refusal on ecology reasons was withdrawn ahead of the application being presented to the Council's planning committee. However, any potential impact on species could be mitigated against through the use of planning conditions and gain for biodiversity needs to be secured offsite through S106, therefore complying with Policy NE1.
- 5.32 A separate Statement of Common Ground relating to ecology matters is being prepared by the Appellant.

Air Quality

- 5.33 An Air Quality Assessment was submitted with the planning application which concludes that there are no significant impacts, and the proposed mitigation should be implemented. (EV charging points, cycle parking spaces, solar panels, space and water heating using air source heat pumps, cycling, public transport initiatives). The Council considers that the package of measures secure compliance with Policy HS5.

Flood Risk and Drainage

- 5.34 A Flood Risk and Drainage Strategy (FRDS) was submitted to support the proposals. All of the proposed buildings would be within Flood Zone 1. Parts of the site are at low-high risk of surface water flooding associated with the sports pitch. Hydrological analysis has been undertaken and shows that the post-development results during the 100 year plus 40% climate change event demonstrates that no surface water ponding is identified to the north-west and south-east of the site in low lying topographical areas.
- 5.35 The proposed drainage strategy includes a swale which directs surface water to the central flood storage area, reprofiling of the existing topography, raised finished floor levels and steers development outside of areas affected by surface water flooding. The document concludes that the risk of pluvial flooding is low. The Lead Local Flood Authority (LLFA) is satisfied with the findings of the FRDS and agreed that the Applicant has demonstrated the principles of an acceptable surface water management strategy, subject to further details being submitted via condition.

Planning Obligations

A S106 legal agreement will be submitted to that allows for an early and late-stage viability review requiring submission of further viability assessments, which may secure additional contributions and/or affordable housing if financial viability is found to have improved during construction of the development. It will also include Monitoring Fee to contribute towards the cost of the Council of monitoring the implementation and compliance with the legal agreement.

5.36 A Unilateral Undertaking will be submitted to the Highway Authority making a contribution of

- £30,000 towards cost of a feasibility study into mitigation package to address the cumulative effects on the local transport network, including the Rugby Gyratory. £78,400 towards to cost of lighting, widening and surfacing improvements to paths between York Street and Dale Street. £10,000 towards the costs of consultation, amendment and implementation of the Traffic Regulation Order needed to implement the one-way system and associated pedestrian and cycle facilities and signage. It will also include a Monitoring Fee to contribute towards the cost of the County of monitoring the implementation and compliance with the legal agreement.

6. Issues in Dispute between the Parties

6.1 The matters in dispute are as follows:

- Whether NPPF paragraph 104 is engaged and/or breached;
- Whether Policy HS4(C) is engaged and/or breached, and if it is (a) whether this policy is consistent with the NPPF paragraph 104 and (b) the weight to be attached to its breach in the planning balance;
- Whether the proposal will result in the unacceptable loss of sporting and recreational buildings and land;
- The weight to be given to conflict with the policies of the development plan.
- Whether the proposed development will provide a high-quality, well-designed place which would not be visually unattractive or have a detrimental adverse impact on the character of the wider area but would instead respond well to its surroundings and make a positive impact in this location.
- The extent of 5-year housing land supply deficit
- The weight to be afforded to the benefits and harms associated with the development.
- Whether the BNG condition put forward by the Appellant is acceptable in all respects
- Warwickshire County Ecology do not agree to the biodiversity metric as submitted with the appeal, due to the inclusion of 'medium' trees

Parties

The SoCG is jointly agreed by

Signed:

C. Blair

Date: 22/12/2025

Name: C.Blair

On behalf of the Appellant

Signed:

L.Davison

Date:23/12/2025

Name: L. Davison

On behalf of Rugby Borough Council

Appendix 1 – Suggested Conditions

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.

2. The development shall be carried out in accordance with the plans and documents detailed below:

Air Quality Assessment (Ref. 3422356-HLE-RP-AQ)

Archaeology Desk-Based Assessment (Ref. September 2023, v1-0_LM_230124)

Updated Site Walkover Statement (Ref. 80-671-L1-4)

Preliminary Ecological Appraisal (Ref. 80-671-R1-5)

Reptile Survey Report (Ref. 80-671-R2-3)

Nocturnal Bat and Activity Survey Report (Ref. 80-671-R3-3)

Topographical Survey (Ref. 0921-SMH-001-T Rev B)

Existing Site Sections (Ref. R9112-RLA-23-XX-DR-A-3020)

Existing Pavilion Floor Plans (Ref. R9112-RLA-23-XX-DR-A-3030)

Existing Pavilion Elevations (Ref. R9112-RLA-23-XX-DR-A-3040)

Tree Pit Details (Ref. R9112-RL-XX-ZZ- DR-L-P8004-C01)

Site Location Plan (Ref. R9112-RLA-23-XX-DR-A-3000)

Baseline Noise Assessment (Ref. REP-1015212-AM-20231120-Rev 1)

Existing Site Plan (Ref. R9112-RLA-23-XX-DR-A-3001)

Demolition Specification (Ref. 05554-R-04-A)

Preliminary Ground Investigation Report (Ref. 0555-TN-001)

Construction Environmental Management Plan (January 2024)

Sports Mitigation Strategy (January 2024)

Health Impact Screening Report (January 2024)

Utilities Statement – New Connections

Statement of Community Involvement (January 2024)

Financial Viability Assessment (January 2024)

Townscape and Visual Appraisal (January 2024)

Transport Assessment (Ref. 05554-R-01-B)

Tree Removal Plan (Ref. R9112-RLA-23-XX-DR-A-SK202 P03)

Badger Survey Report and Method Statement (Ref. 80-671-R4-4)

Highway Improvement Works East Existing Traffic Regulation Orders (Ref. 05554-CI-F-0001-P03)

Highway Improvement Works West General Arrangement (Ref. 05554-CI-F-0050-P04)

Highway Improvement Works West Tracking Sheet 1 of 3 (Ref. 05554-CI-F-0060-P02)

Highway Improvement Works West Tracking Sheet 2 of 3 (Ref. 05554-CI-F-0061-P02)

Highway Improvement Works West Tracking Sheet 3 of 3 (Ref. 05554-CI-F-0062-P02)

Travel Plan (Ref. 05554-R-02-B)

Planning Statement (January 2024)

Sustainability Statement (Ref. STMZ3022, January 2024)

Housetype 569 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3250 C02)

Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3252 C01)

Housetype 800 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3253 C01)

Housetype 800 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3278 C01)

Housetype 1001 V1 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3287 C01)

Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3291 C01)

Design & Access Statement (Ref. 10689 V5)

Surface Water Network (Ref. 05554-B-CA-003-SWS-P1)

Flood Risk Assessment and Drainage Strategy (Ref. 05554/FRA/001 P2)

Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0124-P2 Sheet 1 of 4), Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0125-P2, Sheet 2 of 4) Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0126-P2, Sheet 3 of 4)

Drainage Layouts (Refs. R9112-PJA-23-XX-DR-C-0127-P2, Sheet 4 of 4)

Drainage Layout (Overview) (Ref. R9112-PJA-23-XX-DR-C-0128-P2)

Flood Exceedance (Ref. R9112-PJA-23-XX-DR-C-0129-P2)

Surface Water Catchment Plan (Ref. R9112-PJA-23-XX-DR-C-0130-P2)

Swale Sections & Permeable Paving and Gravel Margin Strip Details (Ref. R9112-PJA-23-XX-DR-C-0132-P1)

Flow Control Chamber Details (Ref. R9112-PJA-23-XX-DR-C-0133-P0)

Flood Storage Area Design (Ref. R9112-PJA-24-XX-DR-C-0150-P0)

Habitat Creation (Ref. 10689_P8002_C05)

Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3252 C02)

Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3254 C02)

Housetype 774 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3255 C02)

Housetype 814_V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3256 C03)

Housetype 777 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3257 C02)

Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3260 C03)

Housetype 933 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3261 C02)

Housetype 974 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3262 C02)

Housetype 1001 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3264 C03)

Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3265 C02)

Housetype 1001 V2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3266 C02)

Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3267 C02)

Housetype 1021 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3268 C03)

Housetype 1206 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3270 C03)

Housetype 1428 V1 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3273 C03)

Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3275 C03)

Housetype 1454 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3276 C03)

Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3279 C03)

Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3280 C01)

Housetype 814 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3281 C03)

Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3285 C02)

Housetype 933 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3286 C02)

Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3288 C02)

Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3289 C02)

Housetype 1021 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3290 C02)

Housetype 1206 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3292 C03)

Housetype 1362 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3295 C02)

Housetype 1428 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3296 C03)

Housetype 1454 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3297 C02)

Housetype 1362 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3300 C01)

Housetype 1362 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3301 C01)

Housetype 758 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3302 C01)

Housetype 974 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3303 C01)

Housetype 1001 V2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3304 C01)

Housetype 774 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3305 C01)

Housetype 814 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3306 C01)

Landscape Management Plan (Ref. R9112-RL-XX-ZZ-RP-L-0001-C03)

Landscape Masterplan (Ref. 10689_P8001_C04)

Detailed POS (Ref. 10689_P8003_C03)

Rounds Gardens On-Plot Planting Plans Sheet 1-5 (Ref. 10689_P8301_C03, 10689_P8302_C03, 10689_P8303_C03, 10689_P8304_C03, and 10689_P8305_C04)

External Levels Sheets 1-4 (Refs. R9112-PJA-23-XX-DR-C-0120-P4, R9112-PJA-23-XX-DR-C-0121-P4, R9112-PJA-23-XX-DR-C-0122-P4, R9112-PJA-23-XX-DR-C-0123-P4)

External Levels (Overview) (Ref. R9112-PJA-23-XX-DR-C-0131-P4)

Proposed Site Plan (Ref. R9112-RLA-23-XX-DR-A-A3200 C02)

Proposed Bin and Cycle Storage Details (Ref. R9112-RLA-23-XX-DR-A-3242 C02)

Proposed Boundaries Plan (Ref. R9112-RLA-23-XX-DR-A-3201 C03)

Proposed Materials Plan (Ref. R9112-RLA-23-XX-DR-A-3202 C02)

Proposed Heights Plan (Ref. R9112-RLA-23-XX-DR-A-3204 C02)

Proposed Garden Area Plan (Ref. R9112-RLA-23-XX-DR-A-3205 C02)

Proposed Unit Mix Plan (Ref. R9112-RLA-23-XX-DR-A-3206 C02)

Proposed Waste Management Plan (Ref. R9112-RLA-23-XX-DR-A-3530 C02)

Proposed Car Parking Plan (Ref. R9112-RLA-23-XX-DR-A-3570 C02)

Proposed PV Layout Plan (Ref. R9112-RLA-23-XX-DR-A-3580 C02)

GE Boundary Treatment Plan (Ref. R9112-RLA-23-XX-DR-A-3590)

Proposed Street Elevations (Ref. R9112-RLA-23-XX-DR-A-3220 C02)

Proposed Site Sections (Ref. R9112-RLA-23-XX-DR-A-3230 C02)

Single Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3240 C02)

Double Garage Plans and Elevations (Ref. R9112-RLA-23-XX-DR-A-3241 C02)

Housetype 932 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3259 C02)

Housetype 932 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3284 C02)

LVIA Officer Comment Rebuttal (Ref. 200624 – 00701 HTAL)

Transport Assessment Addendum (Ref. 05554-TN-01-A)

Arboricultural Impact Assessment (Ref. 12078_AIA.001)

Viability Addendum Report (June 2024)

Planning Earthworks Appraisal (Ref. R9112-PJA-23-XX-DR-C-0145-P2) 10th July

Highway Improvement Works East Proposed Traffic Regulation Orders (Ref. 05554-CI-F-0002 P08)

Highway Improvement Works East Revoked Traffic Regulation Orders (Ref. 05554-CI-F-0003 P04)

Highway Improvement Works East Tracking (Ref. 05554-CI-F-0010 P04)

Highways GA Plan (Ref. R9112-PJA-23-XX-DR-C-0135-P2)

Kerbing Plan (Ref. R9112-PJA-23-XX-DR-C-0136-P2)

Visibility Splays (Ref. R9112-PJA-23-XX-DR-C-0137-P4)

Vehicle Swept Path Analysis - Large Car (Ref. R9112-PJA-23-XX-DR-C-0138-P5)
 Vehicle Swept Path Analysis - Fire Tender (Ref. R9112-PJA-23-XX-DR-C-0139-P5)
 Vehicle Swept Path Analysis - Refuse Vehicle Eastern Section (Ref. R9112-PJA-23-XX-DR-C-0140-P5)
 Vehicle Swept Path Analysis - Refuse Vehicle Western Section (Ref. R9112-PJA-23-XX-DR-C-0141-P5)
 Vehicle Swept Path Analysis - Refuse Vehicle Private Drives (Ref. R9112-PJA-23-XX-DR-C-0142-P5)
 Housetype C2 AS Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3253 C02)
 Housetype C2 OPP Plans & Elevations (Ref. R9112-RLA-23-ZZ-DR-A-3278 C02)
 Highway Improvement Works East – Vehicle Tracking – Sheet 1 (Ref. 05554-CI-F-0010 P07)
 Highway Improvement Works East – Vehicle Tracking – Sheet 2 (Ref. 05554-CI-F-0011 P08)

REASON: To ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policies GP1 and SDC1 of the Local Plan (2019).

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 in accordance with Policy SDC1 of the Local Plan (2019).

4. Prior to the first occupation of each dwelling broadband infrastructure shall be provided to that dwelling to allow broadband services to be provided.

REASON: To provide broadband connectivity for future occupiers in accordance with Policy SDC9 of the Local Plan (2019).

5. 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 in accordance with Policy SDC4 of the Local Plan (2019)

6. Prior to the first occupation of each dwelling a passive electric vehicle charging point shall be provided to that dwelling.

REASON: To encourage the use of electric vehicles in the interest of sustainability in accordance with Policy D2 of the Local Plan (2019)

7. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) as updated 20th July 2023.

(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 in accordance with paragraph 187 of the National Planning Policy Framework (2024) and Policy SDC1 of the Local Plan (2019)

8. The boundary fences or walls shall be of solid construction, without gaps or holes to the sides or at the base. They shall have a minimum surface density of 10kg/m². If of a close boarded design they shall be of solid. Feather edged boarding shall not be used and if an overlapping construction is used, wide overlaps shall be used to ensure gaps do not develop.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority in accordance with Policy SDC1 of the Local Plan (2019).

9. 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;
- (viii) a piling risk assessment if such works are to take place.

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 in accordance with Policy SDC1 of the Local Plan (2019).

10. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of Public Safety from fire, to safeguard the living conditions of future occupiers and the protection of Emergency Fire Fighters in accordance with Policy SDC1 of the Local Plan (2019).

11. No development, excluding demolition, site investigations and site remediation works, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Undertake ground water monitoring in the location of the proposed flood storage area throughout the winter months to confirm if the drainage strategy is impacted by groundwater. Should the groundwater monitoring data indicate that changes to the approved drainage strategy are required, an updated strategy shall be provided demonstrating that the impacts of groundwater on site can be mitigated within the detailed drainage design.

2. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 5l/s/ha for the site in line with the approved surface water drainage strategy (ref:05554/FRA/001 , revision P2, dated July 2024).

3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage

system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include: a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant. b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period. d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should: a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk. b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels. c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies SDC1 and SDC5 of the Local Plan (2019).

12. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (05554/FRA/001/P2) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

REASON: To secure the satisfactory drainage of the site in accordance with the agreed strategy, in accordance with Policy SDC5 of the Local Plan (2019).

13. No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The approved maintenance plan shall be followed in perpetuity.

REASON: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy SDC5 of the Local Plan (2019).

14. Full details of the siting, design and materials of the proposed bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The bin and cycle stores shall be provided, in accordance with the approved details before the first occupation of any residential unit.

REASON: In the interest of visual and residential amenity in accordance with Policy SDC1 of the Local Plan (2019).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting that order, no wall, fence, gate or other means of enclosure shall be erected, constructed or placed in front of the dwellings.

REASON: In the interest of visual amenity in accordance with Policy SDC1 of the Local Plan (2019).

16. 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 and shall remain for the purposes of parking vehicles and storing bicycles.

REASON: In the interest of highway safety in accordance with Policy D2 of the Local Plan (2019).

17. Notwithstanding the provisions of Class F, Part 1 of the Schedule to The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 and Class B, Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting those Orders, no hard surface shall be constructed in front of, or to the side of the dwelling houses and no new means of vehicular or pedestrian access constructed to the adjoining public highway without the prior permission of the Local Planning Authority.

REASON: To ensure that the details of the development are acceptable to the Local Planning Authority and in the interests of the visual amenities of the locality in accordance with Policy SDC1 of the Local Plan (2019).

18. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development (or specified phase of development). The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Revised appropriate metric applied to the application site to demonstrate that no net loss to biodiversity will be achieved.
- j) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

REASON: To ensure a net biodiversity gain in accordance with NPPF and in accordance with Policy NE1 of the Local Plan (2019).

19. No development shall take place (including demolition, ground works and vegetation clearance) until a (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE1 of the Local Plan (2019).

20. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for all nocturnal species including boundary vegetation, retained and newly created habitat and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances will any other external lighting be installed without prior consent from the local planning authority.

REASON: In accordance with NPPF, ODPM Circular 06/2005 and in the interests of protecting the nature conservation value of the habitats on site.

21. The landscaping scheme, as detailed on the approved plans, 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.

REASON: To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy NE3 of the Local Plan (2019).

22. No works, demolition or development shall take place until a finalised arboricultural method statement and tree protection plan for the protection of the retained trees (such method statement and plan to be in accordance with sections 5.5 & 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) has been submitted to and approved in writing by the Local Planning Authority. This arboricultural method statement and tree protection plan must include details and positioning of tree protection fencing, any ground protection measures to create construction exclusion zones and an auditable system of monitoring. The approved arboricultural method statement and tree protection plan shall be implemented in full prior to any works, demolition or development taking place. Protective measures must remain in place until the completion of all construction works. During construction 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.

REASON: To ensure retained trees are not damaged during the construction phase in accordance with Policy NE3 of the Local Plan (2019).

23. A final specification of all proposed tree planting must be submitted 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 5 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 in accordance with Policy NE3 of the Local Plan (2019).

24. No dwelling shall be occupied until the associated and adjacent boundary treatment has been constructed in accordance with details shown on submitted Proposed Boundaries Plan (Ref. R9112-RLA-23-XX-DR-A-3201 C03) All boundary treatments shall thereafter be retained, in perpetuity.

REASON: To protect the amenities and privacy of occupiers of the adjoining property and visual impact of the development in accordance with Policy SDC1 of the Local Plan (2019).

25. No construction shall be undertaken until an updated Construction Management Plan is submitted to and approved by both the Planning and Highway Authorities and which should contain details of:

- The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by

which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies. Noting that no construction HGV or delivery traffic shall be permitted during the hours of 07:30-09:00 and 16:30-18:30 that route via Rugby Gyatory.

- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.
- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public highway) safely, in a forward gear and without obstructing the public highway, and if not, what safety precautions will be implemented.
- Suitable areas for the unloading and storage of materials off the public highway.

REASON: In the interests of the amenities of the area and Highway safety in accordance with Policies SDC1 and D1 of the Local Plan (2019).

26. The dwellings (plots 49-115, inclusive) shown on Drawing Number 3200, Rev C02, dated 10th June 2024 to be accessed off Princes Street (D3161) shall not be constructed unless and until the Traffic Regulation Orders required to implement the proposed one way system and associated pedestrian and cycle facilities and signage shown on drawing number 05554-CI-F-0002, Rev P08, dated 4th July 2025) are in force.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

27. No groundworks, remediation or built construction shall be undertaken until construction access points have been identified and submitted in writing for approval by the Local Planning Authority in consultation with the Highway Authority. Should a temporary construction access be required in close proximity to the main s278/s38 works for the permanent site accesses, then early discussions with the Highway Authority are advised as this could impact on the traffic management arrangements and delivery of the main s278/s38 works.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

28. The dwellings (plots 49-115, inclusive) shown on Drawing Number 3200, Rev C02, dated 10th June 2024 to be accessed off Princes Street (D3161) shall not be occupied

until the proposed one-way system, pedestrian and cycle facilities and signage have been implemented within the public highway in general accordance with Drawing Number 05554-CI-F-0002, Rev P08, dated 4th July 2025), subject to the necessary Traffic Regulation Orders being in force, Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit and shall be constructed in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policies D1, D2 and D3 of the Local Plan (2019).

29. The dwellings (plots 49-115, inclusive) shown on Drawing Number 3200, Rev C02, dated 10th June 2024 to be accessed off Princes Street (D3161) shall not be occupied until the access to the site for vehicles and suitable visibility splays have been provided in general accordance with Drawing Numbers 05554-CI-F-0010, Rev P07, dated 4th July 2025 and R9112-PJA-23-XX-DR-C-0137, Rev P4, dated 14th June 2024, subject to Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit and shall be constructed in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policy D1 and D3 of the Local Plan (2019).

30. The dwellings (plots 1-48, inclusive) shown on Drawing Number 3200, Rev C02, dated 10th June 2024 to be accessed off Willans Place (D7455) shall not be occupied until the access to the site for vehicles and suitable visibility splays have been provided in general accordance with Drawing Number 05554-CI-F-0050, Rev P03, dated 23rd January 2024 subject to Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit and shall be constructed in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policy D1 of the Local Plan (2019).

31. Prior to commencement of the development the applicant shall submit to and obtain approval in writing from the Local Planning Authority of details of a connection for pedestrians and cyclists between the site and Essex Street. The connection shall thereafter be provided in accordance with the approved details prior to the first occupation of plots 49-115, inclusive as shown on Drawing Number 3200, Rev C02, dated 10th June 2024.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

32. Prior to the first occupation of the development a signalised crossing of A426 Newbold Road for pedestrians and cyclists adjacent to Essex Street/Lancaster Road shall be provided in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme submission should include for Stage 1 and 2 Road Safety Audits.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

33. Prior to the first occupation of the development a scheme of improvements along or parallel to A426 Newbold Road between Essex Street and Wood Street to convert the existing footway to a shared pedestrian/cycle route shall be provided in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme submission should include for Stage 1 and 2 Road Safety Audits.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

34. Prior to the occupation of the 50th dwelling of the development a scheme of improvements to the existing bus stops on Newbold Road near junction with Avon Street such that they will meet Warwickshire Quality Bus Corridor (QBC) specification shall be provided in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme submission should include for Stage 1 and 2 Road Safety Audits.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

35. Prior to the first occupation of the development a scheme of improvements to the lighting, widening and surfacing of the pedestrian footpaths between York Street and Dale Street and dropped kerbs on York Street shall be provided in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme submission should include for Stage 1 and 2 Road Safety Audits.

REASON: In the interests of highway safety in accordance with Policies D1 and D3 of the Local Plan (2019).

36. Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the detailed design of the estate road layout serving the development [including footways, cyclepaths, verges, means of accessing individual plots, highway construction details, vertical alignment, surface water drainage details including the outfall and lighting] and Stage 2 Road Safety Audit.

Should the internal road layout be offered for adoption by the Highway Authority the applicant shall submit the detailed design of the estate roads serving the development [including footways, cyclepaths, verges, means of accessing individual plots, highway construction details, vertical alignment, surface water drainage details including the outfall and lighting] and Stage 2 Road Safety Audit to the Highway Authority for Technical Approval. The internal layout shall thereafter be provided in accordance with the approved details prior to the first occupation the development.

REASON: In the interests of highway safety in accordance with Policy D1 of the Local Plan (2019).

37. No dwelling shall be occupied until the vehicular accesses and internal roads and vehicle turning areas have been constructed so as to enable the largest vehicles expected to access the development to turn within the site such that they will leave and re-enter the public highway in a forward gear, in general accordance with Drawing Numbers R9112-PJA-23-XX-DR-C-0140, Rev P5 (dated 14th June 2024), R9112-PJA-23-XX-DR-C-0141, Rev P5 (dated 14th June 2024), R9112-PJA-23-XX-DR-C-0142, Rev P5 (dated 14th June 2024), R9112-PJA-23-XX-DR-C-0139, Rev P5 (dated 14th June 2024), R9112-PJA-23-XX-DR-C-0138, Rev P5 (dated 14th June 2024), 05554-CI-F-0060, Rev P02 (dated 23rd January 2024), 05554-CI-F-0061, Rev P02 (dated 23rd January 2024), 05554-CI-F-0062, Rev P02 (dated 23rd January 2024), 05554-CI-F-0010, Rev P07 (dated 4th July 2025) and 05554-CI-F-0011, Rev P07, (dated 4th July 2025),

REASON: In the interests of highway safety in accordance with Policy D1 of the Local Plan (2019).

38. No dwelling shall be occupied until secure and sheltered cycle storage and on-site vehicle parking for residents and visitors meeting in full RBC SPD standards in respect of capacity and design has been provided and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policies D1 and D2 of the Local Plan (2019).

39. The development shall not be occupied until the applicant has provided Residential Travel Packs (or Warwickshire Welcome Packs) for each individual household. This document should include (but not be limited to) details of and information on the opportunities for residents to use active travel (walk and cycle) and public transport modes of transport for journeys to/from the development and of the on-site facilities provided for the secure storage of bicycles.

REASON: In the interests of highway safety in accordance with Policy D1 of the Local Plan (2019).