

Should the Inspector be minded to allow this Appeal, the Council and Appellant agree that the conditions listed below are appropriate (save for where track changes or comments made by the Appellant) and would enable the Council to manage the impacts of the Appeal Proposal:

1. Application for the approval of reserved matters shall be made within 18 months (2 years) from the date of this permission and the development shall be begun not later than one year (two years) from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. 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:

a - Layout,

b - Scale,

c - Appearance,

d - Landscaping &

e - Access (excluding the vehicular access into the site from Rugby Road as shown on plan Proposed Site Access Junction – Dwg T21542 001 Rev D received by the Local Planning Authority on 21/11/2025).

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

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

- Location Plan – Dwg P10-001 Rev E
- Land Use and Access Parameter Plan – Dwg SK-02 Rev G
- Proposed Site Access Junction – Dwg T21542 001 Rev D

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).

4. No above ground development shall commence unless and until details of all proposed walls, fences, railings 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: 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).

5. No above ground works shall commence unless and until full details of finished floor levels of all buildings and ground levels of all access roads, parking areas and footways 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 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).

6. 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).

7. 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).

8. The development shall consist of no more than 160 dwellings with a housing mix in accordance with the requirements of policies H1 and H2 of the Local Plan (2019).

REASON: To deliver a wide choice of high quality market housing in line with policy H1 and H2 of The Local Plan (2019).

9. 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).

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

11. The landscaping scheme required by condition 2d, 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).

12. The development shall be built in general accordance with the approved Flood Risk Assessment and Drainage Strategy (as detailed below) and in particular the following mitigation measures detailed:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus climate change) critical rain storm to the QBAR Greenfield runoff rate of 4.3l/s/ha.
2. Implementation of the proposed surface water drainage strategy including at minimum, attenuation basins and swales.

REASON: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

13. No development 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. 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 4.3l/s/ha for the site in line with the approved Sustainable Drainage Statement (revision P03 dated 11.07.25).
2. 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.
3. Provide detail drawings including cross sections, of proposed features such as 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.
4. 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, including 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.

5. Provide plans such as external levels plans, supporting the exceedance and overland flow routing information 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).

14. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the detailed surface water drainage scheme approved under condition 13 has been submitted to 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).

15. No occupation and subsequent use of the development shall take place until a detailed, site specific surface water drainage maintenance plan is provided to the Local Planning Authority. 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 each surface water 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).

16. The development shall not be occupied until the applicant has provided Residential Travel Packs (or Warwickshire Welcome Packs) for each individual household. This document shall 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).

17. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until condition (a) to (c) 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) 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 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.

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

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
  - Including a site-specific dust management plan incorporating highly recommended mitigation measures detailed in Appendix E of the BWB Air Quality Assessment report reference 244849\_AQA
- measures to reduce mud deposition offsite from vehicles leaving the site.
- a piling risk assessment if such works are to take place.
- The routing and parking of vehicles of HGVs, site operatives and visitors
- Hours of work
- Loading and onloading of plant/materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- A scheme for recycling/disposing of waste resulting from construction works
- Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority. Reference may be had to BS5228:2009+A1:2014, and the Environmental Good Practice on Site Guide (fifth edition) (C811)

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

19. Prior to or alongside the submission of any reserved matters application for layout and appearance, a detailed Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by an approved noise assessment and shall demonstrate how internal noise levels will comply with the guidance in BS8233:2014 and WHO Guidelines for Community Noise, specifically:

- Bedrooms:  $\leq 30$  dB LAeq,8hr (23:00–07:00) and LAmax  $\leq 45$  dB not to be exceeded more than 10 times per night;
- Living rooms:  $\leq 35$  dB LAeq,16hr (07:00–23:00).

The scheme shall include:

- Details of building fabric and glazing performance;
- A ventilation and overheating strategy that achieves the above internal noise levels without reliance on open windows;
- Any external noise barriers or landscaping measures where relevant.

No dwelling shall be occupied until the approved measures have been installed and a verification report, has been submitted to and approved in writing by the Local Planning Authority confirming that the development achieves the required internal noise levels. The approved measures shall thereafter be retained in perpetuity.

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)

20. The 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, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development.

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).

21. No development shall take place until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This shall detail a strategy to mitigate the archaeological impact of the proposed development and shall be informed by the results of the archaeological work previously undertaken across the application site.

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

REASON: In the interest of archaeology and in accordance with Policy SDC3 of the Local Plan (2019)

22. No dwelling shall be first occupied unless and until on-site vehicle parking and secure and sheltered cycle storage for that dwelling have been provided.

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

23. 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).

24. The development hereby permitted shall not commence until a detailed schedule of badger mitigation measures (to include timing of works, ecologist supervision of destructive works, toolbox talk, procedure if badger are found, replacement sett details, including location and timetable for installation, monitoring and further survey if necessary) has been submitted to and approved by the Local Planning Authority. The approved mitigation measures shall thereafter be implemented in full and maintained in perpetuity.

REASON: To ensure protected, important and priority species and their habitats are not harmed by the development.

25. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the HMMP 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 annual work plan capable of rolling 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) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile, and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP 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 mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy NE1.

26. 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 nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, 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 shall 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 site and to ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

27. Prior to the commencement of development, excluding demolition, full details of the Sports facilities including two tennis courts, bin and cycle stores and car parking shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) The siting, design and materials of the proposed bin and cycle stores
- b) The design and full specification details of the macadem tennis courts
- c) Layout of the car park associated with the tennis courts
- d) Boundary treatments details
- e) Floodlighting design and full specification

The Sports facilities shall then be constructed in accordance with the approved details and made available for use prior to occupation of the 75th dwelling.

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).

28. The tennis courts shall not be used any later than 21:30 hours and the lighting for the courts shall be turned off 30 minutes afterwards.

REASON: To protect the amenity of nearby properties in accordance with Policy SDC1 of the Local Plan (2019).

29. Prior to occupation of the first dwelling, a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

REASON: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with SDC1 of the Local Plan (2019).

30. No development shall commence unless and until a Soil Resource Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall confirm the different soil types; the most appropriate re-use for the different types of soils; and the proposed methods for handling, storing and replacing soils on-site. Development shall not be carried out other than in accordance with the approved plan.

REASON: To ensure materials waste management and in accordance with paragraph 187 of the NPPF (2024)

31. The development shall not be occupied until the existing Newall Close bellmouth access has been remodelled to provide access to the site in general accordance with approved plan T21542 001 Rev D and has been constructed in accordance with the Highway Authority's specifications.

REASON: In the interest of highway safety

32. The development shall not be occupied until all parts of the existing access(es) within the public highway not included in the permitted means of access have been closed and the

(footway/verge) has been reinstated in accordance with the standard specification of the Highway Authority.

REASON: In the interest of highway safety.

33. No development shall commence until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing a detailed traffic calming scheme on Rugby Road. Such plans shall include for all features to be installed, existing features to be retained, signage, lining, Stage 1 RSA and all associated plans. The development shall not be occupied until such scheme as approved has been constructed and laid out in accordance with those plans and in accordance with the Highway Authority's specifications

REASON: In the interest of highway safety.

34. The development shall not be occupied until the bus stop improvement works have been laid out and constructed in general accordance with the approved plan T25501 004. Notwithstanding the plans submitted the improvements works shall also include:

- Raised bus boarding/hard standing with specialised paving
- Bus stops clearway markings
- Flag/pole with timetable info
- Real time information

REASON: In the interest of highway safety

35. No development shall commence until detailed plans have been submitted to and approved in writing by the Local Planning Authority, showing a detailed active travel improvement scheme on Rugby Road. Such details shall include for footway widening on Rugby Road between the proposed bus stop works and Butlers Leap to 2m where possible, provision of a cycle link to Newall Close to the west and alterations to the proposed bridge works (indicatively shown on plan T25501 003) to improve cycle provision. The development shall not be occupied until the approved details have been constructed and laid out in accordance with those approved plans and in accordance with the Highway Authority's specifications.

REASON: In the interest of highway safety

#### DEEMED CONDITION:

In accordance with the Environmental Act 2021, Schedule 14, paragraph 13 and the Town and Country Planning Act 1990 Schedule 7A, paragraph 13:

the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rugby Borough Council.

## Proposed condition by Appellant

Any application for reserved matters relating to Layout shall be accompanied by details of suitable pedestrian and cycle access point(s) up to the northern boundary of the application site with the Recreation Ground. Thereafter the site shall be developed in full accordance with the approved details.

