

# MINUTES OF PLANNING COMMITTEE

2ND JULY 2014

## PRESENT:

Councillors Ms Robbins (Chairman), H Avis, Mrs Avis, Buckley, Butlin, G Francis, Gillias, Lewis, Pacey-Day, Sandison, Mrs Simpson-Vince and Helen Walton.

## 9. MINUTES

The minutes of the meeting held on 11<sup>th</sup> June 2014 were approved and signed by the Chairman subject to the list of those present at the meeting being amended to show Councillor Mrs Garcia as a substitute for Councillor G Francis and Councillor Mrs New as a substitute for Councillor Lewis. Both Councillors G Francis and Lewis had submitted their apologies and were not present.

## 10. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land off Snellsdale Road, Snellsdale Road, Coton Park East, Rugby (R10/0905) – Councillor Mrs Simpson-Vince (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Chair of Coton Forward).

Item 4 of Part 1 – Land off Long Hassocks, Long Hassocks, Coton Park East, Rugby (R10/1708) - Councillor Mrs Simpson-Vince (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Chair of Coton Forward).

## 11. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 4).

All the representations received prior to the preparation of the agenda and considered by the Committee were referred to in the individual reports.

Subsequent representations also considered by the Committee related to the following application.

(a) Parish Councils

None

(b) Third Parties

R14/0500 – additional comments relating to:- impact on residential amenity; highways safety; querying the exact use; preventing the use of sonic fireworks; highlighting that the property hasn't been in commercial use for ten years; the continued marketing of the property for other uses; the need for advance notification of events to neighbours.

At the meeting, the following representations were made under the Council's public speaking procedure in respect of the following application.

(i) R14/0196 – Cromwell House, Fosse Way, Princethorpe

Mr N Fraser (applicant)

(ii) R14/0391 – 5 Helmdon Close, Rugby

Mrs H Chahal (applicant)

(iii) R14/0500 – Dunsmore House, Lilbourne Road, Clifton-upon-Dunsmore

Mr J Herman (objector)

**RESOLVED THAT** – the Head of Planning and Culture be authorised to issue decision notices as indicated in relation to the applications below.

- (a) erection of a single storey extension (including demolition of existing extension, garage and workshop, amendments to planning permission reference R09/0033/HOUS dated 06/02/12) at Cromwell House, Fosse Way, Princethorpe, Rugby (R14/0196) – Councillor Helen Walton moved and Councillor Sandison seconded that the Head of Planning and Culture be authorised to refuse planning permission for the reason stated in the report .
- (b) change of use of dwelling to a house in multiple occupation and extension of hard surfacing to front (part-retrospective) at 5 Helmdon Close, Rugby (R14/0391) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to refuse planning permission for the reason stated in the report with the replacement of the word 'fairly' with 'relatively' in the reason for refusal.
- (c) creation of an additional 6 pitches and construction of amenity blocks, together with associated works (variation of condition 7 of planning permission R14/0067 dated 12/3/14) to reword the original wording of the condition to restrict the number of caravans to be sited on each pitch in accordance with drawing no (00)001) at Woodside Caravan Park, Oxford Road, Ryton-on-Dunsmore, Coventry (R14/0969) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to grant planning permission (variation of condition 7 of planning permission R14/0067 dated 12/3/14) subject to the conditions in the report.
- (d) change of use of building from industrial/warehouse (Classes B1/B2) to gymnasium (Use Class D2) at 20 Paynes Lane, Rugby (R14/0903) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report.
- (e) change of use of existing A1 (retail) unit to a mixed use of A1 (retail) and A2 (Financial and Professional Service) at Spar Stores, 256 Hillmorton Road, Rugby (R14/0935) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report.

- (f) occasional use of Dunsmore House for weddings and wedding receptions – temporary period for 12 months including provision of new vehicular access, parking area and temporary siting marquees at Dunsmore House, Lilbourne Road, Clifton upon Dunsmore, CV23 0BB (R14/0500) - Councillor Butlin moved and Councillor Sandison seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report.
- (g) use of land for residential development comprising a maximum of 110 dwellings and associated open space and infrastructure at land off Snellsdale Road, Snellsdale Road, Coton Park East, Rugby (R10/0905) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report together with the conditions and informatives at Annex 1 to the minutes.
- (h) use of land for residential development comprising a maximum of 40 dwellings and associated open space and infrastructure at land off Long Hassocks, Long Hassocks, Coton Park East, Rugby (R10/1708) - Councillor Helen Walton moved and Councillor Butlin seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report together with the conditions and informatives at Annex 2 to the minutes.

## **12. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS**

The Committee considered advance notice of site visits submitted at the meeting.

**RESOLVED THAT** – site visits be held at the following locations at times and dates to be agreed.

- (i) Larkhill Farm, Oxford Road, Princethorpe (R14/0857)
- (ii) Church Farm House, Ryton-on-Dunsmore (R14/0970)

## **13. DELEGATED DECISIONS – 23<sup>RD</sup> MAY 2014 – 12<sup>TH</sup> JUNE 2014**

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 6) concerning decisions taken by her during the above period.

**RESOLVED THAT** – the report be noted.

**CHAIRMAN**

**APPLICATION NUMBER**

R10/0905

**DATE VALID**

17/12/2010

**ADDRESS OF DEVELOPMENT**

Land off Snellsdale Road  
Snellsdale Road  
Coton Park East  
RUGBY

**APPLICANT/AGENT**

Miss Hanna Mawson  
Pegasus Planning Group  
5 The Priory  
Canwell  
Sutton Coldfield  
West Midlands  
B75 5SH  
On behalf of , Persimmon Homes South  
Midlands

**APPLICATION DESCRIPTION**

Use of land for residential development comprising a maximum of 110 dwellings and associated open space and infrastructure.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION 1:**

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

**REASON**

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

**CONDITION 2:**

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

**REASON:**

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

**CONDITION 3:**

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority [for each plot/phase] before any part of the development [of that plot/phase] is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

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

**REASON:**

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

**CONDITION 4:**

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Location Plans numbered BIR.3222\_60-1 and BIR.3222\_47-1, Parameters Plan numbered BIR.3222\_22-2, Site Survey Drawing (Topographical Survey) numbered S123/EAST/05, Design and Access Statement, and Environmental Statement (3 Volumes) all submitted as part of the application received and validated by the Local Planning Authority on 17 December 2010; and

Topographical Survey Sheet 4 of 5 under Drawing number S123/East/04 submitted to and received by the Local Planning Authority on 19 January 2010; and

Environmental Statement Addendum dated December 2013, Environmental Statement Addendum Non-Technical Summary dated December 2013, Revised Phase B2 Planning Statement dated November 2013; and Public Right of Way Plan drawing numberedf BIR.4315\_71) all submitted to and received by the Local Planning Authority on 12 December 2013; and

Arboricultrual Report dated September 2013 submitted to and received by the Local Planning Authority on 25 February 2014.

**REASON:**

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

**CONDITION 5:**

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

**REASON:**

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

**CONDITION 6:**

Development shall not begin until details of the treatment of the site boundaries, including those of the individual plots, shall be submitted to and approved in writing by the Local Planning. The development shall be carried out in accordance with the approved details. The boundaries shall be retained thereafter and shall not be replaced at any time other than with boundaries of identical design, height, materials and finish.

**REASON:**

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

**CONDITION 7:**

Development shall not begin until details of existing and proposed site levels and their relationship with adjoining land and buildings and the finished ground floor levels of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:**

To ensure the proper development of the site.

**CONDITION 8:**

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION 9;**

The developer shall provide secure, well lit pedestrian links to the development parcel to the south of the site, shown in blue on figure 1 of the updated transport assessment in accordance with details to be submitted concurrently with those required by condition 3 above. Such details shall include a programme of implementation.

**REASON:**

In the interests of pedestrian safety.

**CONDITION 10;**

Prior to the commencement of the development, the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site in accordance with details including type, method of operation and control of use which shall be submitted for approval in writing to the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interests of highway safety.

**CONDITION 11;**

The development hereby permitted shall not be commenced 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 be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

**REASON:**

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

**CONDITION 12;**

No development shall commence until an ecological enhancement and management scheme for the open space has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of habitats to be retained, species to be planted (including seed mixes with proportions), timings of works, locations and numbers of bat and bird boxes, reptile and amphibian refugia, details of lake / pond creation, programme of implementation and monitoring. The ecological enhancement and management scheme shall thereafter be carried out in accordance with the approved details.

**REASON;**

To protect / enhance the ecological character of the area in accordance with the NPPF and ODPM Circular 2005/06

**CONDITION 13;**

Prior to the commencement of development, a Construction and Environmental Management Plan to include details concerning pre-commencement checks for badgers, bats, other mammals and breeding birds as well as appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full in accordance with the approved details.

REASON;

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

CONDITION 14;

The development hereby approved shall not commence until a detailed schedule of Great Crested-Newt mitigation measures (to including timing of works, protection measures, enhancement details, monitoring and further survey if necessary) has been submitted to and approved in writing by the Local Planning Authority in-line with the recommendations made in paragraphs 5.5.4 and 5.5.5 of Aspect Ecology's 'Land at Coton Park East, Rugby, Protected Species Masterplan' Report dated November 2013 ECO1954.PM.vf. The development shall then be carried out in accordance with the approved details.

REASON;

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

CONDITION 15;

Prior to the commencement of development the site shall be surveyed for the presence of badgers. If any evidence of badgers is found a full badger survey of the site shall be undertaken with resultant report, to include mitigation where necessary, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON;

To ensure appropriate measures are taken in relation to protected species.

CONDITION 16;

The development hereby permitted shall only be carried out in accordance with the approved Environmental Statement including Chapter 12, Hydrology and Drainage FRA prepared by EWE Associates and dated November 2010 and the following mitigation measures details within the FRA;

- 1.No raising of ground levels within the area established in Section 4.2, Figure 4.4 of the FRA as liable to flooding;
2. Limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than the Greenfield runoff rate;
3. Provision of surface water attenuation on the total site to retain the 1:100 year (including 30% climate change allowance) flow event assuming the discharge rate above;
4. Demonstration that the detailed surface water drainage system proposed will also provide water quality improvements by implementing the SuDS methods outlined in the FRA; and
5. Details of how the entire surface water scheme shall be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

CONDITION 17;

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

1. The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise and vibration emissions from the site during the construction phase;
2. The control of dust including arrangements to monitor dust emissions from the site during the construction phase .

The development shall be carried out in compliance with the approved Construction Method Statement.

REASON;

In the interests of amenity and environmental protection.

CONDITION 18;

No construction work shall be carried out outside of the hours listed below (including construction traffic entering or leaving the site):

- Monday to Friday 07:30 am to 18:00 pm;
- Saturdays 08:30 am to 13:00 pm;
- No works on Sundays or Bank holidays.

REASON:

In the interest of residential amenity.

CONDITION 19;

No piling works shall be undertaken outside the following hours:

- Monday to Friday 08:30 am to 18:00 pm;
- Saturday 09:00 am to 13:00 pm;
- No Piling Permitted on Sundays or Bank holidays.

REASON:

In the interest of residential amenity.

CONDITION 20;

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul drainage including any pumping station have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON:

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

CONDITION 21;

Development shall not begin until details of the car parking, motor cycle and cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and those areas shall not thereafter be used for any purpose other than the parking of vehicles and cycles.

REASON;

To ensure sufficient parking provision and in the interests of highway and pedestrian safety.

CONDITION 22;



No dwelling shall be occupied until vehicular and pedestrian access to the property, parking provision required by condition 21 and boundary treatment required by condition 7 have been provided in accordance with the approved details.

**REASON;**

To ensure access, parking and boundary treatments are provided prior to occupation.

**CONDITION 23;**

The details required to be submitted in accordance with Condition 3 above shall include full details of both hard and soft landscape works, including the design and treatment of open spaces, planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, means of enclosure, paving and other surface treatments. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the Local Planning Authority. If within a period of five years from the date of planting any plant is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

**REASON;**

In the interests of visual amenity.

**CONDITION 24;**

All development shall achieve as a minimum an energy efficiency of 10% above the Building Regulations standard in place at the time of the reserved matters submission unless this requires a zero carbon development.

**REASON;**

To ensure a reduction in carbon emissions in-line with adopted policy.

**CONDITION 25;**

The Sustainable Transport Package ref PJ/EON/ed/JNY8027-03A dated 13 November 2013 and the Residential Travel Plan ref PJ/EON/ed/JNY8027/02A dated 18 November 2013 both contained in Chapter 11, Appendix A of the Environmental Statement Addendum shall be implemented in accordance with the detailed and timetable contained therein and results of monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period.

**REASON;**

In the interest of sustainable development.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**ENVIRONMENTAL STATEMENT:**

The information contained within the Environmental Statement submitted under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as part of this planning application has been taken into account in the assessment, consideration and determination of the application by the Local Planning Authority.

**INFORMATIVE 1;**

This permission is subject to a Section 106 Legal Agreement.

**INFORMATIVE 2;**

The applicant and agent are advised that in the reserved matters submission connections to existing highway and adjacent parcels of land shall be located and laid out in general accordance with the principles as shown on drawing BIR.3222\_69-1.

INFORMATIVE 3;

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant / developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's / developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 4;

Public footpaths R104 and R110 must remain open and available for public use at all times.

INFORMATIVE 5;

If it is necessary to close any public right of way for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

INFORMATIVE 6;

Any disturbance or alteration to the surface of a public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.

INFORMATIVE 7;

The applicant is advised that care should be taken when clearing the ground prior to development and storing materials on site. If evidence of specifically protected reptile species is found (grass snake, common lizard or slow-worm) work should stop while WCC Ecological Services or Natural England is contacted. Reptiles are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000.

INFORMATIVE 8;

If mature trees are likely to be affected by the development (e.g. by felling or lopping work) it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protect Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used.

INFORMATIVE 9;

The applicant is advised that the site should be surveyed for the presence of badgers prior to the submission of the reserved matters in order that, if found, they can be taken in to account during the detailed design stage. This is in addition to that required by condition 15 above.

INFORMATIVE 10;

The applicant / agent is advised that the development should either

- a) Be timetabled and be carried out to avoid the bird breeding season of March to September inclusive to prevent possible disturbance to nesting birds; or
- b) Be carried out in the presence of a qualified ecologist to inspect the building / vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not be able to proceed in that area until outside the nesting season or until the young have fledged as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble / rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

INFORMATIVE 11;

The applicant should give due regard to the advice contained in BS5228:2008 'Noise and Vibration Control on Construction and Open Site'. This Authority wishes to draw your attention to the Considerate Contractors Scheme. This is a voluntary Code of Practice driven by the construction industry which seeks to :-

- Minimise disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;
- Eradicate offensive behaviour and language on construction sites; and
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

For further information contact: Considerate Constructors Scheme, PO Box 75, Ware, SG12 9LN. Tel 0800 783 1423 or online [www.considerateconstructors.co.uk](http://www.considerateconstructors.co.uk) The applicants is advised that compliance with planning conditions does not prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisances actionable under the Environmental Protection 1990 Act or any other statutory provisions.

**INFORMATIVE 12;**

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposal. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

**INFORMATIVE 13;**

The applicant / agent is advised that the details, layout and arrangements shown in the Illustrative Layout plans numbered BIR.3222\_24-2 and Landscape Masterplan drawing numbered BIR.3222\_59, received by the Local Planning Authority on 17 December 2010, Illustrative Layout plans for both phases B1 and B2 under drawing numbers Bir.3222\_69-1 A, Bir.3222\_68-1 and Bir.3222\_67-1 submitted to and received by the Local Planning Authority on 19 January 2010; and Illustrative Layout drawing numbered BIR.3222\_24-2 A (B2) submitted to and received by the Local Planning Authority on 29 May 2014 are considered to potentially be acceptable and appropriate for use / to be reflected in the reserved matters submission.

**INFORMATIVE 14;**

The applicant / agent is advised that the reserved matters details relating to the balancing pond are expected to include cross sections of the pond.

**APPLICATION NUMBER**

R10/1708

**DATE VALID**

17/12/2010

**ADDRESS OF DEVELOPMENT**

Land off Long Hassocks  
Long Hassocks  
Coton Park East  
RUGBY

**APPLICANT/AGENT**

Miss Hanna Mawson  
Pegasus Planning Group  
5 The Priory  
Canwell  
Sutton Coldfield  
West Midlands  
B75 5SH  
On behalf of , Persimmon Homes South  
Midlands

**APPLICATION DESCRIPTION**

Use of land for residential development comprising a maximum of 40 dwellings and associated open space and infrastructure.

**CONDITIONS, REASONS & RELEVANT DEVELOPMENT PLAN POLICIES**

**CONDITION 1:**

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

**REASON**

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

**CONDITION 2:**

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

**REASON:**

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

**CONDITION 3:**

Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority [for each plot/phase] before any part of the development [of that plot/phase] is commenced and shall be implemented as approved to the satisfaction of the Local Planning Authority:

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

**REASON:**

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

**CONDITION 4:**

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Location Plans numbered BIR.3222\_61-1 and BIR.3222\_48-1, Parameters Plan numbered BIR.3222\_22-2, Site Survey Drawing (Topographical Survey) numbered S123/EAST/03, Design and Access Statement, and Environmental Statement (3 Volumes) all submitted as part of the application received and validated by the Local Planning Authority on 17 December 2010;

Site Location Plan numbered BIR.3222\_48-1 dated 19th November 2010 and Site 2 Location Plan numbered BIR3222\_61-1 dated November 2010 both received by the Local Planning Authority on 7 December 2014; and

Topographical Survey Sheet 4 of 5 under Drawing number S123/East/04 submitted to and received by the Local Planning Authority on 19 January 2010; and

Environmental Statement Addendum dated December 2013, Environmental Statement Addendum Non-Technical Summary dated December 2013, Revised Phase B2 Planning Statement dated November 2013; and Public Right of Way Plan drawing numbered BIR.4315\_71) all submitted to and received by the Local Planning Authority on 12 December 2013; and

Arboricultural Report dated September 2013 submitted to and received by the Local Planning Authority on 25 February 2014.

**REASON:**

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

**CONDITION 5:**

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

**REASON:**

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

**CONDITION 6:**

Development shall not begin until details of the treatment of the site boundaries, including those of the individual plots, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The boundaries shall be retained thereafter and shall not be replaced at any time other than with boundaries of identical design, height, materials and finish.

**REASON:**

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

**CONDITION 7:**

Development shall not begin until details of existing and proposed site levels and their relationship with adjoining land and buildings and the finished ground floor levels of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:**

To ensure the proper development of the site.

**CONDITION 8:**

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

**REASON:**

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

**CONDITION 9;**

The developer shall provide secure, well lit pedestrian links to the development parcel to the south of the site when Phase B1 is implemented, shown in blue on figure 1 of the updated transport assessment in accordance with details to be submitted concurrently with those required by condition 3 above. Such details shall include a programme of implementation.

**REASON:**

In the interests of pedestrian safety.

**CONDITION 10;**

Prior to the commencement of the development, the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site in accordance with details including type, method of operation and control of use which shall be submitted for approval in writing to the Local Planning Authority in consultation with the Highway Authority.

**REASON:**

In the interests of highway safety.

**CONDITION 11;**

The development hereby permitted shall not be commenced 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 be carried out in accordance with the approved detailed to the satisfaction of the Local Planning Authority.

**REASON:**

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

**CONDITION 12;**

No development shall commence until an ecological enhancement and management scheme for the open space has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of habitats to be retained, species to be planted (including seed mixes with proportions), timings of works, locations and numbers of bat and bird boxes, reptile and amphibian refugia, details of lake / pond creation, programme of implementation and monitoring. The ecological enhancement and management scheme shall thereafter be carried out in accordance with the approved details.

**REASON;**

To protect / enhance the ecological character of the area in accordance with the NPPF and ODPM Circular 2005/06

**CONDITION 13;**

Prior to the commencement of development, a Construction and Environmental Management Plan to include details concerning pre-commencement checks for badgers, bats, other mammals and breeding birds as well as appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full in accordance with the approved details.

**REASON;**

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

**CONDITION 14;**

The development hereby approved shall not commence until a detailed schedule of Great Crested-Newt mitigation measures (to including timing of works, protection measures, enhancement details, monitoring and further survey if necessary) has been submitted to and approved in writing by the Local Planning Authority in-line with the recommendations made in paragraphs 5.5.4 and 5.5.5 of Aspect Ecology's 'Land at Coton Park East, Rugby, Protected Species Masterplan' Report dated November 2013 ECO1954.PM.vf. The development shall then be carried out in accordance with the approved details.

**REASON;**

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

**CONDITION 15;**

Prior to the commencement of development the site shall be surveyed for the presence of badgers. If any evidence of badgers is found a full badger survey of the site shall be undertaken with resultant report, to include mitigation where necessary, submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**REASON;**

To ensure appropriate measures are taken in relation to protected species.

**CONDITION 16;**

The development hereby permitted shall only be carried out in accordance with the approved Environmental Statement including Chapter 12, Hydrology and Drainage FRA prepared by EWE Associates and dated November 2010 and the following mitigation measures details within the FRA;

- 1.No raising of ground levels within the area established in Section 4.2, Figure 4.4 of the FRA as liable to flooding;
2. Limiting the rate of surface water run-off generated by the site to discharge at a rate of not more than the Greenfield runoff rate;
3. Provision of surface water attenuation on the total site to retain the 1:100 year (including 30% climate change allowance) flow event assuming the discharge rate above;
4. Demonstration that the detailed surface water drainage system proposed will also provide water quality improvements by implementing the SuDS methods outlined in the FRA; and
5. Details of how the entire surface water scheme shall be maintained and managed after completion.

**REASON:**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

**CONDITION 17;**

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details relating to:

1. The control of noise and vibration emissions from construction activities including groundwork's and the formation of infrastructure including arrangements to monitor noise and vibration emissions from the site during the construction phase;
2. The control of dust including arrangements to monitor dust emissions from the site during the construction phase .

The development shall be carried out in compliance with the approved Construction Method Statement.

**REASON;**

In the interests of amenity and environmental protection.

**CONDITION 18;**

No construction work shall be carried out outside of the hours listed below (including construction traffic entering or leaving the site):

- Monday to Friday 07:30 am to 18:00 pm;
- Saturdays 08:30 am to 13:00 pm;
- No works on Sundays or Bank holidays.

**REASON:**

In the interest of residential amenity.

**CONDITION 19;**

No piling works shall be undertaken outside the following hours:

- Monday to Friday 08:30 am to 18:00 pm;
- Saturday 09:00 am to 13:00 pm;
- No Piling Permitted on Sundays or Bank holidays.

**REASON:**

In the interest of residential amenity.

**CONDITION 20;**

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul drainage including any pumping station have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details .

**REASON:**

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

**CONDITION 21;**

Development shall not begin until details of the car parking, motor cycle and cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and those areas shall not thereafter be used for any purpose other than the parking of vehicles and cycles.

**REASON;**

To ensure sufficient parking provision and in the interests of highway and pedestrian safety.



**CONDITION 22;**

No dwelling shall be occupied until vehicular and pedestrian access to the property, parking provision required by condition 21 and boundary treatment required by condition 7 have been provided in accordance with the approved details.

**REASON;**

To ensure access, parking and boundary treatments are provided prior to occupation.

**CONDITION 23;**

The details required to be submitted in accordance with Condition 3 above shall include full details of both hard and soft landscape works, including the design and treatment of open spaces, planting plans with written specifications, a schedule of plants noting species, plant sizes, numbers and density, means of enclosure, paving and other surface treatments. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the Local Planning Authority. If within a period of five years from the date of planting any plant is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

**REASON;**

In the interests of visual amenity.

**CONDITION 24;**

All development shall achieve as a minimum an energy efficiency of 10% above the Building Regulations standard in place at the time of the reserved matters submission unless this requires a zero carbon development.

**REASON;**

To ensure a reduction in carbon emissions in-line with adopted policy.

**CONDITION 25;**

The Sustainable Transport Package ref PJ/EON/ed/JNY8027-03A dated 13 November 2013 and the Residential Travel Plan ref PJ/EON/ed/JNY8027/02A dated 18 November 2013 both contained in Chapter 11, Appendix A of the Environmental Statement Addendum shall be implemented in accordance with the detailed and timetable contained therein and results of monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period.

**REASON;**

In the interest of sustainable development.

**STATEMENT OF POSITIVE ENGAGEMENT:**

In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

**ENVIRONMENTAL STATEMENT:**

The information contained within the Environmental Statement submitted under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) as part of this planning application has been taken into account in the assessment, consideration and determination of the application by the Local Planning Authority.

**INFORMATIVE 1;**

This permission is subject to a Section 106 Legal Agreement.

INFORMATIVE 2;

The applicant and agent are advised that in the reserved matters submission connections to existing highway and adjacent parcels of land shall be located and laid out in general accordance with the principles as shown on drawing BIR.322\_69-1.

INFORMATIVE 3;

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant / developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's / developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

INFORMATIVE 4;

Public footpaths R104 and R110 must remain open and available for public use at all times.

INFORMATIVE 5;

If it is necessary to close any public right of way for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

INFORMATIVE 6;

Any disturbance or alteration to the surface of a public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.

INFORMATIVE 7;

The applicant is advised that care should be taken when clearing the ground prior to development and storing materials on site. If evidence of specifically protected reptile species is found (grass snake, common lizard or slow-worm) work should stop while WCC Ecological Services or Natural England is contacted. Reptiles are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000.

INFORMATIVE 8;

If mature trees are likely to be affected by the development (e.g. by felling or lopping work) it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, the latter of which deems them a European Protect Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used.

INFORMATIVE 9;

The applicant is advised that the site should be surveyed for the presence of badgers prior to the submission of the reserved matters in order that, if found, they can be taken in to account during the detailed design stage. This is in addition to that required by condition 15 above.

INFORMATIVE 10;

The applicant / agent is advised that the development should either

- a) Be timetabled and be carried out to avoid the bird breeding season of March to September inclusive to prevent possible disturbance to nesting birds; or
- b) Be carried out in the presence of a qualified ecologist to inspect the building / vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not be able to proceed in that area until outside the nesting season or until the young have fledged as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble / rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

INFORMATIVE 11;

The applicant should give due regard to the advice contained in BS5228:2008 'Noise and Vibration Control on Construction and Open Site'. This Authority wishes to draw your attention to the Considerate Contractors Scheme. This is a voluntary Code of Practice driven by the construction industry which seeks to :-

- Minimise disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;
- Eradicate offensive behaviour and language on construction sites; and
- Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

For further information contact: Considerate Constructors Scheme, PO Box 75, Ware, SG12 9LN. Tel 0800 783 1423 or online [www.considerateconstructors.co.uk](http://www.considerateconstructors.co.uk) The applicants is advised that compliance with planning conditions does not prevent action from being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisances actionable under the Environmental Protection 1990 Act or any other statutory provisions.

INFORMATIVE 12;

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposal. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

INFORMATIVE 13;

The applicant / agent is advised that the details, layout and arrangements shown in the Illustrative Layout plan numbered BIR.3222\_24-2 and Landscape Masterplan drawing numbered BIR.3222\_59 received by the Local Planning Authority on 17 December 2010, Illustrative Layout plans for both phases B1 and B2 under drawing numbers Bir.3222\_69-1 A, Bir.3222\_68-1 and Bir.3222\_67-1 submitted to and received by the Local Planning Authority on 19 January 2010; and Illustrative Layout drawing numbered BIR.3222\_24-2 A (B2) submitted to and received by the Local Planning Authority on 29 May 2014 are potentially appropriate for use and reflection in the reserved matters submission.

INFORMATIVE 14;

The applicant / agent is advised that the reserved matters details relating to the balancing pond are expected to include cross sections of the pond.

