



THE RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING PERMISSION

Notice is hereby given that the Borough Council in pursuance of its powers under the above-mentioned Act, as amended and Rules, Orders and Regulations made there under, grants planning permission for the development referred to hereunder subject to the conditions also specified and in accordance with the plans and particulars submitted except insofar as may otherwise be required by the conditions.

REFERENCE NO:

R20/0172

DATE APPLICATION VALID

03-Mar-2020

APPLICANT:

c/o Agent Rosconn Strategic Land

AGENT:

Mark Rose, Define Planning & Design Ltd Define Planning & Design Ltd, Unit 6, 133-137 Newhall Street, Birmingham, B3 1SF

ADDRESS OF DEVELOPMENT:

WOLSTON ALLOTMENTS, STRETTON ROAD, WOLSTON

APPLICATION DESCRIPTION:

Reconfiguration of existing allotment plots including the demolition of the existing sheds and storage facilities, erection of a new allotment management and storage building along with enhanced access, parking and landscaping in association of 48 dwellings on Land South of Warwick Road.

CONDITIONS, REASONS AND INFORMATIVES:

CONDITION: 1

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

REASON: 1

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.

IMPORTANT – PLEASE READ THE NOTES ATTACHED TO THIS DECISION NOTICE

CONDITION: 2

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

- Site Location Plan, 3380-35;
- Allotment Site Plan, 3380-33K;
- Hardstanding and Boundaries, 3380-34E;
- Management and Storage Building, 3380-42B;
- Root Protection Areas Plan, WARPA-FEB20;
- Theoretical Shading Plan, WASH-FEB20;
- Tree Crowns Plan, WATR-FEB20;
- Tree Retention and Protection Plan, WATRP-25FEB20;
- Flood Risk Assessment Rev B, 20018;
- Flood Risk Assessment Rev B, Supporting Email dated 14th April 2020 11:04am;
- Historic Environment Desk-Based Assessment, February 2020;
- Preliminary Ecological Appraisal, January 2020; and
- Tree Constraints, Tree Impacts and Tree Protection Method Statement for reconfiguration; February 2020.

REASON: 2

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

CONDITION: 3

No above ground development shall commence unless and until full details of the colour, finish and texture of all new materials to be used on all external surfaces has 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: 3

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

CONDITION: 4

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:

- (a) Hours of demolition, construction and deliveries;
- (b) 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;
- (c) The control of dust including arrangements to monitor dust emissions from the development site during the construction/demolition phase;
- (d) Any temporary site compound, including buildings/structures, lighting, fencing and storage provision;
- (e) The parking of vehicles of site operatives and visitors during the demolition/construction phase;
- (f) Measures to prevent deleterious material being carried onto the highway network;
- (g) Heavy Goods Vehicle construction/demolition routing plan;
- (h) Pre-commencement checks for badgers, reptiles, amphibians, bats, nesting birds and hedgehogs;
- (i) Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including details of supervision by an Ecological Clerk of Works (ECoW); and
- (j) Details of measures to protect habitats, including the prevention of pollution.

Development shall not be carried out other than in accordance with the approved construction method statement / management plan.

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REASON: 4

In the interests of health and safety, amenities of the area, and to ensure that protected species are not harmed by the development.

CONDITION: 5

No burning of associated allotment waste on site shall be permitted.

REASON: 5

In the interest of residential amenity and air quality.

CONDITION: 6

The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON: 6

In the interest of highway safety.

CONDITION: 7

The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON: 7

In the interest of highway safety.

CONDITION: 8

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON: 8

In the interest of highway safety.

CONDITION: 9

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Provide Ground Investigation details and infiltration testing in accordance with the BRE 365 guidance to establish the feasibility of using infiltration to manage the surface water runoff from the site. Where infiltration is feasible this should be used as a primary means of outfall from the development site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate.

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- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network (if applicable).

REASON: 9

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

CONDITION: 10

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

REASON: 10

To ensure the future maintenance of the sustainable drainage structures.

CONDITION: 11

No above ground development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 10 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

REASON: 11

In the interests of biodiversity and visual amenity.

CONDITION: 12

All tree protection measures and tree works identified within the Arboricultural method statement and tree protection plan relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA including the erection of protective fencing. Protective measures must remain in place until the completion of all construction works. 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 LPA. Pre-commencement site meeting to be arranged with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures.

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REASON: 12

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

CONDITION: 13

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

REASON: 13

To ensure a net biodiversity gain in accordance with NPPF.

CONDITION: 14

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

REASON: 14

In the interest of visual amenity and crime prevention measures.

CONDITION: 15

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON: 15

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

CONDITION: 16

No development shall commence unless and until:

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

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

REASON: 16

In the interest of archaeology.

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STATEMENT OF POSITIVE ENGAGEMENT:

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

INFORMATIVE: 1

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk

INFORMATIVE: 2

Suitable drainage provision and method of foul sewage disposal should be applied during the design and construction phase.

The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition)- Drainage and Waste Disposal .

INFORMATIVE: 3

Environmental Services advise that in order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday - Friday - 7.30 a.m. - 18.00 p.m.,

Saturday - 8.30 a.m. - 13.00 p.m.

No work on Sundays & Bank Holidays.

If work at other times is required permission should be obtained from the Local Planning Authority.

INFORMATIVE: 4

Condition numbers 6 and 7 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

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

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

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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PLANNING DEPARTMENT,
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR



STEPHANIE GIBRAT
Head of Growth & Investment

DATE: 04-Nov-2020

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NOTES:

Other Legislation

This decision does not grant any right or approval under Building Regulations or any other legislation. You will have to apply separately for other consents and for consent to undertake works, or place scaffolds, hoardings or skips within the highway.

Important Information Regarding Conditions

Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

If you want to appeal against a decision to refuse planning permission for a householder application, you must do so using a Householder Planning Appeal Form within 12 weeks of the date of this notice, in all other cases you must do so within 6 months of the date of this notice, using a Planning Appeal Form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN, Tel: 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy it will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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