

- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – comments incorporated.
- Finance
- Other Chief Officers
- District Councils Rugby Borough Council – No objection.
- Health Authority
- Police
- Other Bodies/Individuals Dunchurch Parish Council – No comments received.
Long Lawford Parish Council - No comments received.
Environment Agency – Awaiting final comments regarding additional drainage details that demonstrate provision for climate change and storm events.

FINAL DECISION **YES/NO** (If 'No' complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 8th May 2007

Rugby Western Relief Road - Balancing Pond

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for a balancing pond, outfall works, access track and extension of the highway boundary on land adjacent to the proposed Rugby Western Relief Road, subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

- Application No: R1442/07CC009.
- Submitted by: The Strategic Director for Environment and Economy on behalf of Cabinet.
- Received by: The Strategic Director for Environment and Economy on 13/2/2007.
- Advertised Date: 21st February 2007.
- The Proposal: Balancing pond, outfall works, access track and highway boundary on land adjacent to the proposed Rugby Western Relief Road [submitted under Regulation 3 of the Town and Country Planning Regulations 1992.]
- Site and Location: 0.926 ha of land at land west of the dismantled railway, approximately 1km north of Potford's Dam on the A4071, Cawston, Warwickshire, [Grid ref: 466.737].
- See plan in **Appendix A**.

1. Application Details

- 1.1 This application seeks consent for a balancing pond to serve the approved Rugby Western Relief Road, along with various ancillary works including an access track required for the maintenance of the pond. The submitted details include drainage calculations as well as section drawings of the pond.

- 1.2 The total area of the application site including all the proposed works is 0.926 hectares. The proposed pond is intended to replace a previously planned pond that has now been removed from the relief road scheme, at the request of the landowner. The new pond would be of greater benefit for the landowner as its location lies at the extreme southern end of his holding and as such is less likely to interfere with the remaining use of the land.
- 1.3 The land in question is outside the approved area of the planning permission for the relief road (ref R1442/02CC093), and the current Compulsory Purchase Order. Therefore, a separate planning application is required along with agreement from the landowner.
- 1.4 The pond would take surface runoff from the relief road and would control the discharge to Lawford Brook. At its widest points it is approximately 60 metres long by 45 metres wide. Plants in the pond will be used to remove contaminants and make the area more attractive to wildlife.
- 1.5 The access track from the relief road to the pond would be 3.5 metres in width with a turning head. Other works include the replacement of an existing drain from the dismantled railway line to the Lawford Brook. This drain is blocked and causes flooding to the landowners field.
- 1.6 The pond and track has also been designed to avoid the 100 year flood plain level. Thereby reducing any impacts on the Lawford Brook floodplain.

2. Consultations

- 2.1 **Rugby Borough Council (Planning)** – No objections.
- 2.2 **Dunchurch Parish Council** – No comments received.
- 2.3 **Rugby Borough Council (Environmental Health)** - No comments received.
- 2.4 **Councillor T Cavanagh** - No comments received as at 24th April 2007.
- 2.5 **Councillor G Collett** - No comments received as at 24th April 2007.
- 2.6 **Councillor B Levy** - No comments received as at 24th April 2007.
- 2.7 **Long Lawford Parish Council** - No comments received.
- 2.8 **Libraries, Adult Learning and Culture** - No comments received.
- 2.9 **Environment Agency** – Awaiting final comments regarding additional drainage details that demonstrate provision for climate change and storm events.

3. Representations

- 3.1 None.

4. Observations

Site and Situation

- 4.1 The pond is located between the route of the relief road and Lawford Brook, in the Lawford Brook valley. This site lies within the open countryside adjacent to the dismantled railway, Lawford Brook and large pond approximately 930 metres north of Potford's Dam junction.

Green Belt

- 4.2 The application site is set within the Green Belt as defined by the adopted local plan. Therefore, there is a general presumption against inappropriate development in the Green Belt as defined by Planning Policy Guidance Note (PPG) 2 and Policy E2 of the local plan. However, the proposals are engineering works and as such should be assessed against paragraph 3.12 of PPG2 which states "the carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt".
- 4.3 It is considered that the pond would represent an open water feature that would not harm the openness of the Green Belt or the purposes of including land within the Green Belt. An access track would be hard surfaced for the first 3.5 metres off the relief road with the remainder being made up of 300mm thick granular construction. The use of softer materials would ensure that the access track would reflect the rural and Green Belt setting, which would not harm the openness of the Green Belt or the purposes of including land within the Green Belt. As such the proposals would not represent inappropriate development within the Green Belt.
- 4.4 In addition, the local plan identifies the route of the road as well as a sizeable buffer to either side. This designation includes the area of the site covered by the pond and access and is safeguarded under policy T9 of the adopted plan for relief road purposes. Therefore the principle of the relief road development in this particular part of the Green Belt is accepted.

Visual Amenity

- 4.5 The nearest viewpoint from the public domain would be from the public footpath running from Lawford Heath Lane to the Coventry Road (A4071). This point is located at least 170 metres to the south of the pond. The isolated rural location also means that the impacts on the amenities enjoyed by residential properties within the area would be unaffected.
- 4.6 The pond would be planted with both marginal and aquatic plants of various species including reeds. These would enable the pond to soften into the surrounding valley landscape. The access track construction would also mean that it would not be so obtrusive on the landscape especially when its position adjacent to the embankment of the relief road is considered.

- 4.7 The addition of a water body within this area would not look out of place due to other water features within the vicinity. It is located adjacent to the Lawford Brook and a 270 metre long pond to the far side of the brook only 35 metres away. When this is considered the impacts on visual amenity would fit into the surrounding landscape. As such the proposals would accord with the adopted local plan.

Water Storage Capacity and Hydrological Issues

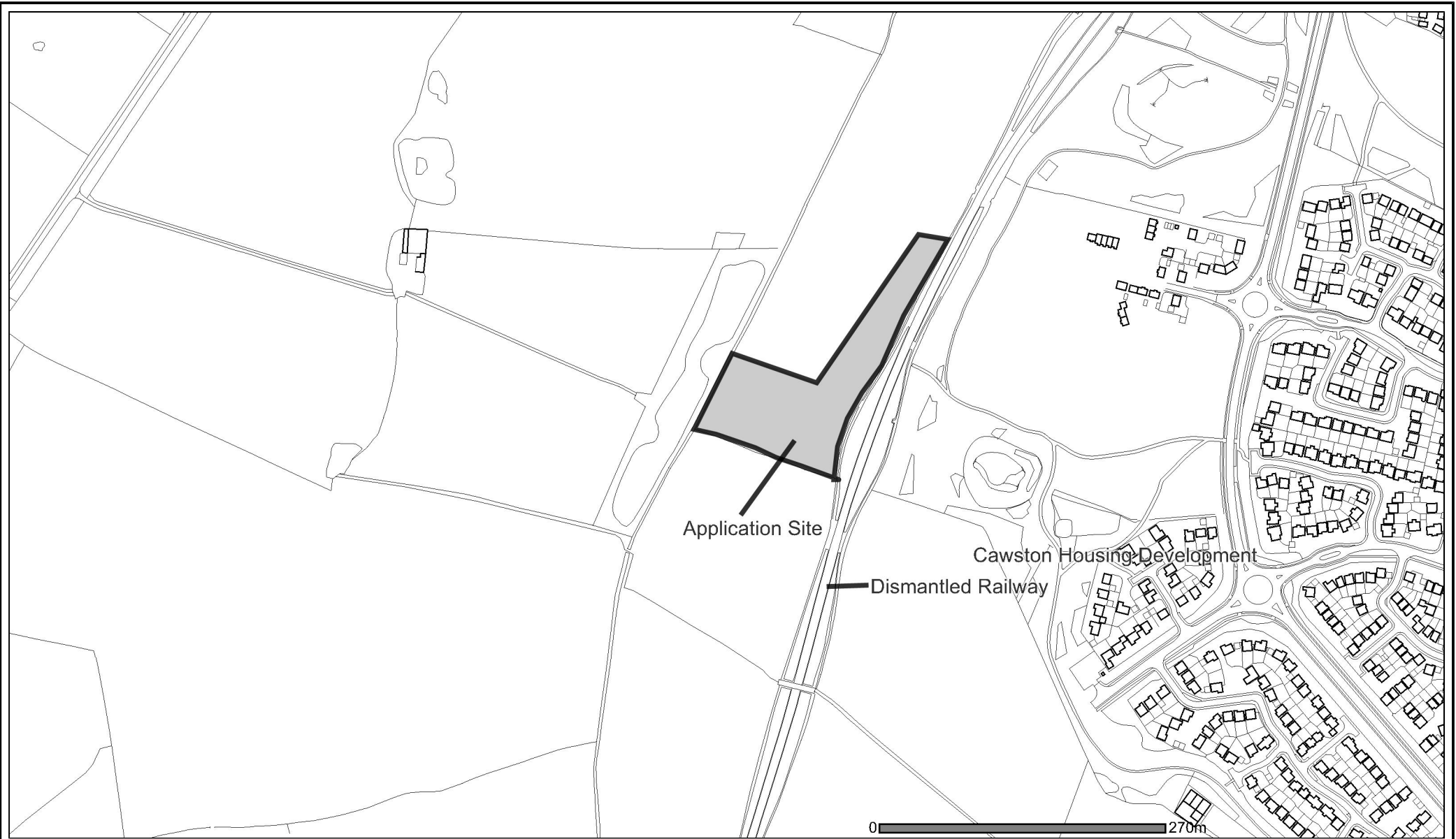
- 4.8 The balancing pond has been designed in order to cope with a 1 in 100 storm event. However, the Environment Agency are concerned that it has not been demonstrated that a climate change allowance has been made. Further confirmation has been requested regarding capacity allowance for climate change and maximum outflows from the pond for both the 1 in 100 storm event and increased rainfall due to climate change. Further information has been submitted to the Environment Agency and their view will be reported verbally.
- 4.9 Policy GP10 – Flooding and surface water drainage of the local plan requires surface water drainage arising from development to be dealt with in a sustainable way. The balancing pond provides for surface water drainage for the relief road to be dealt with in such a way.

5. Environmental Implications

- 5.1 The pond would represent a feature that with time would fully integrate into the surrounding rural area. In addition, the pond would help to prevent localised flooding resulting from surface run off from the Rugby Western Relief Road.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

23rd April 2007



Scale 1: 5000

Ref No. R1442/07CC009

Drawn Richard Forbes

Regulatory Committee - 8 May 2007

Subject

Rugby Western Relief Road - Balancing Pond

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Regulatory Committee - 8th May 2007

Rugby Western Relief Road - Balancing Pond

Application No: R1442/07CC009

Commencement Date

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

General Operations

2. Except as otherwise required or allowed by any condition attached to this planning permission the development hereby permitted shall be carried out in accordance with drawing numbers H/A426-31/882A, H/A426-31/893 and in accordance with the details submitted as part of application reference W399/06CC036, including the Planning Application supporting statement, attached drainage details and further drainage details relating to simulation W.10.4 dated 05/04/07.

Reason: To ensure development is carried out in accordance with the planning permission hereby granted.

3. Within 3 months of the commencement of development a schedule for the planting shown in Drawing Number H/A426-31-893 including the number of plants, plant sizes and their specification shall be submitted to the County Planning Authority. Once approved, the planting shall be implemented during the first available planting season following the commencement of the development. Any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the County Planning Authority.

Reason: In the interests of the residential and visual amenities of the area.

Development Plan Policies Relevant to this Decision

Rugby Borough Local Plan, July 2006.

Policy E2 – Green Belt.

Policy GP1 – Appearance and design of development.

Policy E5 – Landscape and settlement character.

Policy GP10 – Flooding and surface water drainage.

Policy T9 – Safeguarding the route of the Rugby Western Relief Road.

Reasons for the Decision to Grant Permission

The provision of the pond would help to facilitate the effective management of surface water drainage resulting from the Rugby Western Relief in a sustainable manner, as required by policy GP10 of the local plan. The development is located within the area allocated for safeguarding the route of the Rugby Western Relief Road under policy T9 and would constitute appropriate development that would not harm the openness of the Green Belt.