

## Appendix B

### Re-grading of agricultural land, at land off Newton Lane, Coton Park Farm, Rugby, Warwickshire, CV23 0TB

#### RBC/20CM014

##### Planning Conditions.

1. The development hereby approved 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.

2. The development hereby approved shall be carried out in accordance with the planning application forms and the following plans and documents:
  - Location Plan – SHF.0135.002.PL.D.001,
  - Cut and Fill Exercise – SHF.0135.002 – 101 Issue P04,
  - Cut and Fill Sections – SHF.0135.002 – 102 Issue P01,
  - Planning statement Report No: SHF.0135.002 Final (version 2) prepared by Enzygo,
  - Transport Statement – prepared by Sustainable Development and Delivery, November 2020,
  - Construction Method Statement – SHF.0135.002.GE.R.001.B,
  - Ecological Impact Assessment – Land off Newton Lane, Rugby – SHF.0135.002.EC.R.001-Final-Rev A,
  - Historic Environment Assessment dated November 2020 prepared by Heritage Archaeology

and any other details or samples approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason:** In order to define the exact details of the planning application granted and to secure a satisfactory standard of development.

3. No development shall be undertaken on site in connection with the development hereby approved unless the County Planning Authority has first been advised in writing of the date of commencement.

**Reason:** In order to secure a timely completion of the works on the site to protect the amenities of the area and local residents.

4. The development hereby permitted shall be undertaken and completed using inert soils solely imported from The Fisheries, Watling Street, Clifton upon Dunsmore, Rugby, CV23 0AJ.

**Reason:** In the interests of highway safety and the amenity of the area.

5. The delivery of inert soils to the site and the distribution of those soils across the site shall cease no later than 2 years from the date of commencement.

**Reason:** In order to secure a timely completion of the works and restoration of the site to protect the amenities of the area and local residents.

6. All physical works associated with the removal of the site access and restoration of the site in accordance with drawing number SHF.0135.002-101 Issue P04 shall be completed no later than 2 years from the date of commencement.

**Reason:** In order to secure a timely restoration of the site.

7. The development hereby permitted shall not commence until the owner of the site provides the County Planning Authority with proof that a scheme of work has been agreed with the highway authority for the A5 which provides for the maintenance of the visibility splay to a distance of 215 metres in both directions at the A5 / Newton Lane junction, which shall be adhered to throughout the duration of the development.

**Reason:** To ensure that the A5 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from the works and in the interests of road safety.

8. No topsoil or other material to be used for the purpose of the development hereby permitted shall be delivered to the site at any time when any vegetation or other object within the visibility splay for a distance of 215 metres in both directions at the A5 / Newton Lane junction exceeds 0.6 metres in height.

**Reason:** To ensure that the A5 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the SRN resulting from the works and in the interests of road safety.

9. The development shall not be commenced until the existing vehicular access to the site has been remodelled in general accordance with drawing number WA5236PD-001, Appendix B of Transport Statement WA5236PD Newton Lane, Rugby dated November 2020.

**Reason:** In the interests of road safety.

10. Notwithstanding the details submitted with the application, the development shall not be commenced until the details of the construction and maintenance of the internal access road between the entrance to the site and the wheel wash have been submitted to and approved in writing. The access road shall be maintained in accordance with the approved details until completion of the approved development.

**Reason:** In the interests of road safety.

11. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site in accordance with drawing number WA5236PD-001, Appendix B of Transport Statement WA5236PD Newton Lane, Rugby dated November 2020. 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:** In the interests of road safety.

12. No more than 40 HGV movements (each entry or departure constituting one movement) shall take place per day during the operations permitted.

**Reason:** In the interests of highway safety and residential amenity

13. The development shall not be commenced until a turning area has been provided within the site so as to enable Heavy Goods Vehicles to leave and re-enter the public highway in a forward gear.

**Reason:** In the interests of road safety.

14. The development hereby permitted shall not be commenced until full details of the wheel wash have been submitted to and approved in writing by the County Planning Authority. The approved wheel wash shall be retained on site and in good working order for the duration of the development.

**Reason:** In order to protect the amenity of the area and nearby occupiers.

15. No soil or deleterious material shall be deposited on the public highway by vehicles associated with the regrading works.

**Reason:** In the interests of road safety; to ensure that the A5 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the Statutory Road Network resulting from the works and to protect the amenity of the area.

16. The internal access road between the wheel wash and the exit and the bell mouth shall be maintained in a clean condition at all times. In the event that material is inadvertently deposited on the 200-metre length of highway

between the entrance to the site and the junction of Newton Lane with Watling Street / A5 it shall be removed immediately.

**Reason:** In the interests of road safety and to protect the amenity of the area.

17. All loaded lorries entering and leaving the site shall be sheeted or netted as appropriate.

**Reason:** In order to protect the condition of the local highway network and in the interests of highway safety and the amenity of the area.

18. In order to minimise the raising of dust the following steps shall be taken:

- a) All importation and movement of soils shall be carried out only when the prevailing conditions are such that dust will not be carried beyond the boundaries of the site;
- b) Dust suppression equipment such as road washers and water bowsers shall be available to use on site for the duration of the re-grading operation.

**Reason:** In order to protect the amenity of the area and the nearby residents.

19. Except as may otherwise be agreed in writing by the County Planning Authority, the development shall take place only in compliance with Construction Method Statement SHF.0135.002.GE.R.001.B dated November 2020.

**Reason:** In the interests of road safety and residential amenity.

20. No Heavy goods vehicles associated with the development shall enter or exit the site unless via Newton Lane (C84) from its junction with the A5 Watling Street, turning right when entering and left when exiting the site, and not through the village of Newton. Signage shall be erected at the site entrance and maintained in place for the duration of the development permitted by this planning permission, advising that drivers of HGVs exiting the site are to turn left only out of the site.

**Reason:** In the interests of highway safety and residential amenity.

21. No vehicle or mobile plant used on site shall be operated unless they have been fitted with a broad band / white noise audible alarm or a non-audible reversing alarm system .

**Reason:** To ensure that, when reversing vehicles and plant do not emit a warning noise that would have an adverse impact on residential amenity.

22. Machinery and vehicles used on the site shall be maintained and silenced to comply with the best practicable standard.

**Reason:** To protect the amenity of the area and the nearby residents.

23. Except as may otherwise be agreed in writing by the County Planning Authority, work hereby permitted on site shall not occur outside the following hours: -

Monday – Friday 7.30 a.m. – 6.00 p.m.

Saturday 8.30 a.m. – 1.00 p.m.

No such work shall take place on Sundays or on Bank or Public Holidays.

**Reason:** in the interests of residential amenity and to ensure the details are acceptable to the County Planning Authority.

24. The development hereby permitted shall not commence and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in place. The scheme shall include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** To protect trees and other features on site during construction.

25. The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The agreed Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development. (In discharging this condition the County Planning Authority expect to see details concerning a mitigation plan for great crested newts, erection of heras fencing and signage, lighting, pre-commencement checks for badger, breeding birds, reptiles and amphibians and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site including covering of trenches and pipes overnight).

26. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The plan should include details of planting, re-planting including details of the re-

planting of the eastern boundary hedgerow on removal of the site access and maintenance of all new planting. Details of species used and sourcing of plants should be included. The agreed Plan shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF (The plan should also include details of habitat enhancement/creation measures and management including compensation for any biodiversity loss and creating field margins and enhancements along the river corridor, and for example native species planting, wildflower grassland creation, woodland and hedgerow 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)).

27. The site is to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert.

**Reason:** To ensure appropriate measures are taken in relation to protected species. (The results of any badger survey, and recommendations made relating to this are to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the Protection of Badgers Act 1992).

28. The development hereby permitted shall not commence until a fenceline to create a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development has been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to.

**Reason:** To ensure that there is no contamination of the watercourse either during or after development; to minimise detrimental run-off; to ensure no net biodiversity loss in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive. (The Environment Agency can provide further details if required).

29. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated on any part of the site, except in accordance with a detailed scheme (which shall provide for lighting that is low level, hooded and directional) which has been submitted to and approved in writing by the County Planning Authority. Any such scheme shall be implemented in accordance with the approved details and retained until the regrading operation works are completed. On completion of regrading any lighting installed should be removed.

**Reason:** In the interests of the amenity of the area and local residents and to protect the foraging habitat of protected species such as bats.

30. The development hereby permitted shall be implemented and maintained in accordance with the approved surface water drainage details:
- Flood Risk Assessment (ref. SHF.0135.002.HY.R.001.A) dated November 2020
  - Correspondence from D. Alstead (Enzygo) to J. Mahal (WCC), ref. SHF.135.002.HY.L.001 dated 23/03/2021
  - Correspondence from S. Panayi (WCC) to frmplanning (WCC) dated 21/04/2021
  - Drawing SHF.0135.002 – 109 P02 ‘Proposed Surface Water Swale Section Details’ dated 19/04/2021
  - Hydraulic Model Review (ref. 21-0389 Rev P01) by BSP Consulting
  - Technical Note ‘Newton Lane, Newton – HEC RAS Modelling for Channel/Culvert Capacity Assessment’ ref. SHF.0135.002.HY.N.001.B

### **Notes**

#### County Highway Authority:

- A. Condition numbers 9,10 and 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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.

Applications 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.

- B. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

## County Ecologist

### **Reptile note:**

In view of the nearby reptile records and composition of the surrounding habitat, care should be taken when clearing the ground prior to development and storing materials on site. If any evidence of specially protected species such as adder, grass snake, slow worm or common lizard is found, work should stop while WCC Ecological Services (01926 418060) or Natural England is contacted. Section 9 (part1) of the Wildlife and Countryside act 1981, makes it is an offence to intentionally or recklessly kill or injure adder, grass snake, slow worm or common lizard.

### **Development Plan Policies Relevant to the Decision.**

#### **Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028)**

Policy CS1: Waste Management Capacity

Policy CS5: Proposals for reuse, recycling, waste transfer/storage and composting

Policy CS7: Proposals for disposal facilities

Policy DM1: Protection and enhancement of the natural and built environment

Policy DM2: Managing Health and Amenity Impacts of Waste Development

Policy DM3: Sustainable Transportation

Policy DM6: Flood Risk and Water Quality

#### **Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)**

Policy GP1: Securing Sustainable Development

Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets

Policy NE3: Landscape Protection and Enhancement

Policy SDC3: Protecting and Enhancing the Historic Environment

Policy SDC5: Flood Risk Management

### **Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.