

Application No: [W 19 / 0360](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 12/03/19
Expiry Date: 11/06/19

Land North of, Gallows Hill, Warwick CV34 6SJ

Application for Variation of Condition 5 (access) 11 (lighting scheme) and 22 (fire hydrants) of planning permission W18/1619 FOR Galliford Try Partnerships West Midlands

The application is being referred to Committee as Warwick District Council have an interest in the land.

RECOMMENDATION

That the Variation of Conditions application is GRANTED.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land subject to revised condition wording.

In deciding an application under Section 73, the Local Planning Authority must only consider the conditions that are the subject of the application and it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of 3 conditions through the use of a Section 73 application

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of conditions 5, 11 and 22 that relate to the access onto Europa Way, details of lighting and details of fire hydrants. The key change to Condition 5 (access) is to omit the reference to the plan for the access as this is currently subject to amendments in consultation with the County Highways Authority.

The changes to conditions 11 and 22 relate to the trigger point for the provision of the details of the lighting and hydrant positions. There is no change to the requirement to submit details for approval, it is merely the point at which the details are to be submitted. It is requested that these details be provided prior to first occupation rather than prior to commencement.

THE SITE AND ITS LOCATION

The application site is situated adjacent to the edge of the urban area of Warwick. The site measures 24 hectares and is currently in agricultural use.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Local Plan together with a further, roughly triangular shaped parcel of agricultural land and further land to the north that forms the overall H01 housing allocation in the Local Plan.

The eastern boundary is formed partly by Europa Way, with the Tachbrook Park employment area situated on the opposite side of Europa Way. The southern boundary of the site adjoins Gallows Hill, with further residential development land beyond. The western boundary of the site adjoins Warwick Technology Park and the dwelling at Heathcote Hill Farmhouse, a Grade II Listed Building.

PLANNING HISTORY

W/19/0346 - Reserved Matters application for the development of 375 dwellings, green spaces, road, footways and ancillary works in pursuance of outline planning permission W/14/0967 (outline for up to 425 Residential dwellings, varied by W/18/1619) – **Pending Consideration**

W/18/1619 - Variation of conditions 6, 7, 8, 10, 11, 12, 15, 16, 17, 19, 22, 23, 30 and 31 attached to planning permission W/17/0988 to allow for conditions to be discharged for separate phases of development across the site – **GRANTED 23.11.2018**

W/17/0988 - Variation of Condition 5 (Access) and 13 (energy statement submission) of planning permission W/14/0967 to allow the site access from Gallows Hill to be as drawing number C17165/700/P1 and to exclude the need for an energy assessment to demonstrate 10% renewable energy resources – **GRANTED 25.08.2017.**

W/14/0967 - Development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access) – **GRANTED 03.04.2015.**

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)

Guidance Documents

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Warwickshire Fire and Rescue: No objection.

ASSESSMENT

History/Background

As the principle of residential development on this site has been established under W/14/0967 and the later variation of condition applications (reference W/17/0988 and W/18/1619) the permission is extant, there is no requirement to re-assess the principle for this proposal.

Consideration of proposed variations

The current condition 5 (access) states;

"The vehicular access from Europa Way shall be constructed in strict accordance with drawing no. 32662-LEA122b, submitted on 20 June 2014. The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017."

The revised condition is proposed to read;

"The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017. No works shall take place on the vehicular access from Europa Way until a detailed plan has

been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council Highways."

The predominant requirement for varying the condition is to provide flexibility for the provision of the proposed access detail onto Europa Way. The current scheme references a specific plan but this is currently subject to separate negotiation with the County Highways Authority and is therefore likely to be amended.

The omission of the plan reference number would allow flexibility in submitted the final design without having to vary the condition again once the final scheme is finalised with the County Highways Authority.

Officers are therefore satisfied that as the scheme is being designed in conjunction with the County Highways Team, the final plan would not be subject to any highway safety implications. It is also noted that the final plan would still need to be signed off by the County Highways Officer in order to formally discharge the planning condition.

Condition 11 (lighting scheme) currently reads;

"No phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;*
- (b) the brightness of lights should be as low as legally possible;*
- (c) lighting should be timed to provide some dark periods; and*
- (d) connections to areas important for foraging should contain unlit stretches.*

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details."

The revised condition is proposed to read;

"No dwellings on any phase of development shall be occupied until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;*
- (b) the brightness of lights should be as low as legally possible;*
- (c) lighting should be timed to provide some dark periods; and*

(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details."

Condition 22 (hydrants) currently reads;

"No phase of development shall commence under any reserved matters consent until a scheme for that phase 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 not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority."

The revised condition is proposed to read;

"No dwelling shall be occupied on any phase of development until a scheme for that phase 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 not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority"

The only change to Conditions 11 and 22 is the trigger point. The current requirement is to submit the details prior to commencement. However, the final scheme is currently being designed. The revised trigger point would be to provide the details prior to the first occupation of any dwellings. This would allow works to be carried out and the scheme designed around the dwellings. The proposed revision would still require a fully detailed scheme and would not dilute or diminish the schemes to be submitted which would be subject to assessment by the relevant bodies before approval.

The revisions to the conditions would not alter the required information to be submitted in pursuance of the application, it would just be purely to allow the delivery of the site to come forward in an appropriate manner to avoid delays.

The reasons for the conditions would remain as originally imposed.

Assessment of previously imposed conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if they remain relevant to the application. Any conditions considered still relevant shall be carried forward and amended if necessary to reflect the updated planning permission.

The remaining conditions have been subject to an earlier Section 73 application under reference W/18/1619.

Two conditions have been discharged namely the Design Code and Masterplan submissions for the land to the East of the Spine Road. These conditions have therefore been updated to be in accordance with the details submitted.

Due to the change in condition wording, the conditions in question have been amended within the list of conditions as the format of the decision notice is that pre-commencement conditions are listed first. Therefore, the following changes should be noted;

Condition 5 (access) as re-worded remains in situ.

Condition 6 (Design Code – East) has been discharged so becomes Condition 23.

Condition 8 (Masterplan – East) has been discharged so becomes Condition 24.

Condition 11 (lighting) becomes a pre-occupation condition so becomes Condition 25.

Condition 22 (hydrants) becomes a pre-occupation condition so becomes Condition 26.

All remaining conditions have been renumbered accordingly to account for these changes.

With regards to the outstanding conditions, there have been no material changes in circumstances since the grant of this application and all remaining conditions remain undischarged. Officers therefore recommend that the conditions be carried forward as originally imposed.

Other Matters

Section 106 Agreement

The existing Section 106 Agreement contains a clause that allows for Section 73 Variations without the need for a Deed of Variation to the existing Section 106 Agreement.

Conclusion

The proposal to vary the conditions has been discussed with the applicants to agree the general wording of the conditions to ensure that the development comes forward in an appropriate manner.

The revised wording of the conditions does not undermine or diminish the requirement of the conditions and the details will be provided accordingly.

No objection is therefore raised to the proposed variation of the conditions.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than eight years from 3 April 2015 as the date of the original permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.
- 5 The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017. No works shall take place on the vehicular access from Europa Way until a detailed plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council Highways **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2029.
- 6 No reserved matters application for any residential phase of the development to the western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Design Code for that phase of the approved development. Thereafter, should a scheme for residential development come forward on land to the west of the spine road, the development shall be in general accordance with any Design Code approved for the land to the east of the Spine Road unless otherwise agreed in writing.

This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance

entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- 7 No reserved matters application for any phase of the development to the western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Masterplan for that phase of the approved development. The Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved

- plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- No development for any phase of the development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **REASON:** To ensure the proper phasing of the development.
- No phase of development shall take place until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 10 No phase of development hereby permitted (including demolition) shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To meet the requirements of the NPPF in terms of biodiversity impact.
- 12 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.
- 13 No phase of development shall commence on any reserved matters consent for that phase until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained for that phase has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant

amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 14 No phase of the development hereby permitted shall be commenced 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 that phase has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to 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 local 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.
- 15 No phase of the development hereby permitted shall commence until: -
- (1) (a) A site investigation has been designed for that phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - an appropriate gas risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - refinement of the conceptual model; and
 - the development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how

the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development for that phase shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present within that phase then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3, NE4 & NE5 of the Warwick District Local Plan 2011-2029.

- 16 No phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 17 No phase of the development (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the

emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029.

- 18 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 19 The development of each phase shall be carried out in strict accordance with the details of surface and foul water drainage works for that phase that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 20 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
 - attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
 - further detail on the implementation of SUDS; and
 - a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029.

- 21 Prior to the submission of any Reserved Matters applications for any phase of development:
- (a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for that phase shall be 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;
 - (c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and
 - (d) an Archaeological Mitigation Strategy document 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. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.
- REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.
- 22 No development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **REASON :** To ensure adequate provision for cycling, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 23 All reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be carried out strictly in accordance with the Design Code Revision A Document submitted on 14 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Design Code document. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.
- 24 All reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be

carried out in general accordance with the Masterplan Drawing reference 3602/010 submitted on 6 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Masterplan document. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- 25 No dwellings on any phase of development shall be occupied until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 26 No dwelling shall be occupied on any phase of development until a scheme for that phase 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 not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of fire safety.

- 27 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All

hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 28 Should the Reserved Matters be submitted delivering 40% of the units as Affordable Housing for any phase of development, the market housing mix for that phase shall be in accordance with the Housing Mix as set out in the document titled Europa Way (ref GTP/WHG/01.11.18) received by the Local Planning Authority on 06.11.2018. Should the Reserved Matters be submitted for any phase of development delivering 35% of the units as Affordable Housing then the market housing mix for that phase shall be in accordance with the housing mix as defined within the most up to date SHMA. **REASON:** To ensure that the housing meets the needs of the District as required by the NPPF and Policy H4 of the Warwick District Local Plan 2011-2029.
- 29 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.
- 30 Within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **REASON:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.
- 31 No dwelling hereby permitted for each phase shall be occupied unless and until:
- (a) a scheme for rainwater harvesting for that phase has been submitted to and approved in writing by the local planning authority; and
 - (b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

REASON : To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Policy CC1 of the Warwick Local Plan 2011-2029.

- 32 Within two years of the first occupation of any of the dwellings within the residential phase adjoining Area 11 as shown on drawing no. 32662-LEA147e, design and construction details of a vehicular access between the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e) and the prospective residential development site identified as Area 11 shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings within that phase or prior to occupation of 65% of the dwellings, whichever is the sooner, the vehicular access shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the spine road to the boundary of Area 11.
- REASON:** In the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029
-