

Application No: [W 20 / 1642](#)

Town/Parish Council: Bishops Tachbrook

Case Officer: Gary Fisher

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Registration Date: 13/10/20

Expiry Date: 12/01/21

**Asps Farm, Banbury Road, Bishops Tachbrook, Leamington Spa, CV34
6SS**

Variation of conditions 1, 2, 5, 9, 10 and 18 and removal of conditions 19 and 21 of planning permission W/14/0300 (Outline planning application with all matters reserved except access for the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces together with associated infrastructure, landscaping and open space).

FOR BSL II LLP

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to the conditions set out in the report and the completion of a Section 106 Agreement duplicating the requirements of the agreements completed in connection with planning permission reference W/14/0300 and the revisions identified in this report.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2021, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This application seeks to update outline planning permission reference W/14/0300 which was granted on appeal in January 2016 particularly in respect of highways and related matters.

The substantive proposal remains as originally approved for a residential development of up to 900 dwellings, a primary school, local centre and a park and ride facility for up to 500 spaces with access from Europa Way and Banbury Road, areas of public open space, landscaping enhancements and archaeological mitigation, on land at The Asps bound by Europa Way (A452) to the east and Banbury Road (A425) to the west.

Outline planning permission was originally granted subject to 26 conditions and 2 Section 106 Agreements, the latter to deliver a range of infrastructure including the provision of a park and ride facility.

This application does not propose any changes to the substantive scheme in itself but rather seeks to:-

- i. Vary conditions 1, 2, 5 and 9 to reflect the submission and approval of some Reserved Matters and the discharge of some conditions since the original grant of permission.
- ii. Update condition 10 which requires the submission of a Construction Management Plan to allow for the construction of a temporary construction access.

Note: this application does not propose any details or the location of that temporary access but rather introduces a mechanism to enable it to be brought forward.

- iii. Following discussions with the Highways Authority, vary condition 18 to revise the triggers for the timing and delivery of the highway works thereby enabling the phased delivery of the required supporting highway infrastructure .
- iv. Again following discussions with the Highways Authority, remove condition 19 which requires the submission and approval of road safety audits prior to the commencement of development. It is intended that the need for those audits will be controlled in connection with the proposed changes to condition 18.
- v. For clarity, focus the requirements relating to the provision of the Park and Ride facility into a revised Section 106 Agreement rather than as is currently the case splitting those requirements between planning conditions and that Agreement and revising the terms of the agreement to strengthen its proposals in respect of the park and ride facility.

Doing so will enable the removal of condition 21 which sets out the further details of the Park and Ride to be submitted and which will be incorporated into the Agreement taking account of ongoing discussions concerning the manner in which that facility will be provided.

- vi. Facilitate the transfer of a portion of the on-site public open space area to the ownership of the District Council in connection with the delivery of strategic green space within the area.

Should Planning Committee resolve to grant planning permission, the decision notice will repeat all of the conditions originally imposed on the outline planning permission and the revised Section 106 agreement will repeat all of the requirements included in the original documents save for the revisions proposed by and linked to this revised application.

THE SITE AND ITS LOCATION

The application site comprises agricultural land which is bounded by Europa Way to the east and Banbury Road to the west which meet at its southern end.

The Tach Brook is located to the north side of the site where there are a number of trees. The area immediately adjacent to the brook is located within Flood Zone 2 and 3, with the remaining part of the site is located within Flood Zone 1.

In view of its location, there are a number of significant Heritage Assets located adjacent to or in close proximity to the application site.

KEY PLANNING HISTORY

W/14/0300: Outline application with all matters reserved apart from access for residential development; primary school; local centre; park and ride facility; associated infrastructure, landscaping and open space. Refused May 2014 and granted on appeal in January 2016.

W/14/0300: Part discharge of condition 5 (phasing) in relation to parts i), ii), iii), iv), vi) and vii) of the condition. Granted December 2018.

W/14/0300: Discharge of condition 9 (Design Code). Granted December 2018.

W/18/2336: Reserved matters approval for the appearance, landscaping, layout, and scale of the advanced planting phase of development relating to outline planning permission W/14/0300. Granted May 2019.

W/19/0229: Reserved matters approval pursuant to condition 1 of planning permission W/14/0300 for details of appearance, landscaping, layout, and scale of 65 dwellings constituting sub-phase 1a. Granted October 2019.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS2 - Providing the Homes the District Needs
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- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- HS8 - Protecting Community Facilities
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - July 2020)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Response anticipated and to be reported via the Committee Update report.

WCC Highways: No objection

Public Response:

1 third party letter received neither objecting nor supporting, and raising the following comments:-

- No objection in principle to a large building development because homes are needed.
- However, there is concern about water supply because there is no mains water.
- How will development be facilitated without potentially cutting off the water source to the existing properties?

ASSESSMENT

The main issues relevant to the consideration of this application are:

- The scope of this proposal.
- The variation and updating of conditions 1,2,5 and 9 to reflect submissions that have been made since the original grant of planning permission.
- The desirability or otherwise of the provision of a temporary construction access on highway safety grounds.
- Ensuring that all appropriate highway improvements and infrastructure to serve the development continue to be delivered and that the timing of their delivery is acceptable in the interests of highway safety and the effectiveness of the highway network.
- Ensuring that the proposals for the park and ride facility and their timing are delivered as intended at the time of the original appeal decision.

The Scope of this Application

For the purposes of clarity and the avoidance of doubt, it is important to note that the proposals the subject of this application are intended to assist in the bringing forward of this development in as effective and timely a manner as possible.

This application does not propose any revisions to the substantive proposal or indeed to the overall purposes of, and level of control exerted by the original planning conditions or section 106 Agreement.

Rather, it proposes revisions to a small number of those conditions and elements of the agreement to rationalise the mechanisms by which the required infrastructure (now including a temporary construction access) will be delivered to serve this development and wider area.

The scope of the assessment of this application is therefore focussed on those matters.

Variation of Conditions

Condition no. 1 of the extant planning permission requires the submission of the reserved matters for each phase of the development detailing the appearance; landscaping; layout and scale of that element.

The application proposes that the wording of that condition be amended to reflect the submission and approval of 2 Reserved Matters applications relating to advanced planting and sub-phase 1a for 65 dwellings.

Condition no. 2 of that permission requires that the first reserved matters application be submitted within 3 years of the grant of outline planning permission and that the remainder shall be submitted within 10 years of the commencement of development.

Those first reserved matters (relating to the advanced planting phase) were submitted within that timescale and subsequently approved.

The proposed variation of those conditions is incidental to the main purposes of this application, comprises good practice; in itself raises no further issues and it is therefore proposed that they be revised to reflect those further submissions.

Condition no. 5 of the extant planning permission requires the submission of a phasing plan for the construction and delivery of the development covering the following matters:-

- i. each phase of housing within the site;
- ii. the local centre;
- iii. the shelter belt facing the Banbury Road;
- iv. the Banbury Road and Europa Way site accesses;
- v. the Highways Works identified in condition 18 below;
- vi. the on-site public open space, to include (but not confined to) sports pitches, a community orchard, allotments and play areas;
- vii. the Park and Ride car park.

The proposal to vary that condition arises from the previous submission of a phasing plan and discharge of that condition in all respects apart from bullet point 5 which in itself relates to the phasing of the following highway improvements: -

- Europa Way Access Interim Signal;
- Banbury Road Access Indicative Design;
- Gallows Hill Roundabout Potential Mitigation Scheme
- Banbury Road/Myton Road Potential Mitigation Scheme;
- Greys Mallory Roundabout Potential Mitigation Scheme;
- Banbury Road/Gallows Hill Potential Mitigation Scheme;
- Europa Way Corridor Potential Mitigation Scheme.

By way of proposed revisions to Condition 18 (see below), the timing of those improvements is now proposed to be expressed relative to the occupation of dwellings within the site rather than by means of a phasing plan.

On the basis that such an approach is considered to be acceptable (again see below), the inclusion of that bullet point within revised condition 5 is unnecessary.

Condition 5 is therefore proposed to be varied to reflect i. the submission and approval of a phasing plan covering all of the above aspects with the exception of bullet point 5, and ii. the removal of said bullet point.

In so doing, condition 5 becomes a compliance condition requiring the development to be delivered in accordance with the approved phasing plan.

In view of the timing of the highway improvements listed above now being proposed to be delivered through revised condition 18 rather than this condition, there are no highways concerns about the revision of condition 5 in this manner which is therefore considered to be acceptable.

Condition no. 9 requires the submission of a site-wide design code to guide and inform the development of the site. That code was submitted and approved by the Council in 2018 thereby discharging this condition which is therefore proposed to be revised to require that the development is completed in accordance with that approved code.

Temporary Construction Access

This application proposes to introduce a mechanism via the revision of condition 10 whereby a temporary construction access could be brought into use to assist with the development of this site. At this stage, no details of the location or configuration of any such access have been proposed – those would come forward at a later date. Rather, this application purely relates to the introduction of a mechanism to enable such an access to be considered.

Condition no. 10 relates to the requirement for the submission of a construction method statement (CMP) to ensure that construction activities at the site are undertaken in an acceptable manner. A CMP for each phase of the development is to be submitted prior to the commencement of any development for that phase.

It is perfectly legitimate for a temporary construction access to be secured as part of a CMP as is proposed here.

It is considered that the introduction of the flexibility to provide a construction access on a temporary basis is an appropriate means of seeking to offer the most effective connection to the highway network for construction traffic and in so doing provide wider highway safety benefits during construction.

There is no objection from the highways authority in this regard and therefore this aspect of the proposal is considered to be acceptable in principle. The details of the siting and configuration of any such access will be considered at a later stage.

Highway infrastructure and Improvements

Condition no. 18 of the extant planning permission currently requires that the design, construction, completion and adoption of the highways works listed be secured through a Highways Agreement which is in place prior to the commencement of development.

The applicant has been in discussion with the Highways Authority about alternative means of ensuring that the required highways improvements can be delivered at the right point as the development progresses in a slightly more flexible manner.

The result of those discussions is that the following triggers have been agreed between the parties:-

- Completion of the access to the site from Banbury Road: prior to the occupation of any dwellings.
- Completion of the access to the site from Europa Way: prior to the occupation of 201 dwellings.
- Completion of the Europa Way Corridor Mitigation Scheme: prior to the occupation of 401 dwellings.
- Completion of the Banbury Road/Myton Road Junction Mitigation Scheme: prior to the occupation of 201 dwellings.
- Completion of the Banbury Road/Gallows Hill Junction Mitigation Scheme: prior to the occupation of 201 dwellings.
- Completion of the Greys Mallory Roundabout Mitigation Scheme: prior to the occupation of 401 dwellings.

All of those highways improvements remain subject to Highways Agreements to be completed in advance of the commencement of the works in question but not necessarily prior to the commencement of the whole development as originally required.

With regard to the Europa Way Interim Access signal, this is no longer needed due to the manner in which the works are now planned to be progressed.

As indicated above, the Highways Authority have been integral to the discussions with the applicant on these points. As part of this application, the applicant has submitted the appropriate traffic modelling analysis which has been fully considered and led the Highways Authority to the view that the revised arrangements are acceptable in highway management and safety terms and who therefore raise no objection to this element of the proposals.

On that basis, the proposed revisions to the condition 18 are considered to be acceptable.

Condition no. 19 of the extant planning permission is linked to the originally proposed condition no. 18 and requires the submission and approval of road safety audits prior to the commencement of any development.

Such audits are an integral part of the process of designing and adopting areas of public highway and therefore implicitly included in the revised requirements of condition 18.

That being the case, the applicant contends that condition 19 in itself is superfluous and no longer required, a view with which the Highway Authority concurs and raises no objection.

It is therefore considered that the proposed removal of condition 19 is acceptable.

Park and Ride Facility

Condition 21 of the extant planning permission requires that prior to the commencement of any development at the site, the specification for the Park and Ride shall be submitted to and approved by the Local Planning Authority.

The condition sets out that said specification shall include, but is not limited to the following:-

- the layout, surfacing and demarcation of a 500 space car park, to include disabled parking provision;
- any necessary supporting infrastructure including signage, ticket machines, toilets, shelters, lighting;
- marketing and branding, including creation and maintenance of a dedicated website;
- the contracted operator and the contract term; staffing and operational information; routing; timetable and operating days and hours to provide two services, one to Warwick running Monday to Friday 07:00 to 19:24 (except on public holidays) and Saturday 07:45 to 18:54, and the other to Leamington Spa Monday to Friday 07:00 to 19:25 (except on public holidays) and Saturday 07:30 to 18:55;
- maintenance standards;
- financial viability information;
- long term management of the Park and Ride, including flexibility to allow for the possibility of the District or County Council to operate the Park and Ride.

The Park and Ride section 106 agreement repeats the above requirements whilst also, amongst other matters requiring that:-

- no development shall commence until a bus operator has been secured to run a bus service between the application site and Leamington and Warwick with a 15 minute frequency (Monday to Saturday) for a 10-year period from the occupation of the 1st dwelling at the site;
- no dwelling shall be occupied until the park and ride facility is operational with 500 car spaces;
- a park and ride monitoring report shall be submitted to both the District and County Council on an annual basis;
- an offer is made for the park and ride facility to be transferred to the County Council.

The applicant is concerned that the existing obligations on the land owner to ensure the operation of the park and ride in an indefinite manner unintentionally extend to future households within the site, and insodoing may be viewed as unhelpful in securing the continued future operation of the facility.

For that reason, in order to seek to strengthen the obligations concerning the park and ride facility, discussions have been ongoing between the applicant along with the County and District Councils concerning the revision of the agreement to provide for the transfer of the constructed park and ride facility to the District Council along with a payment to the County Council to ensure the operation and maintenance of the facility for 10 years.

In connection with those proposals the section 106 agreement is being revised to require:-

- i. The delivery of the park and ride facility in accordance with the same specification requirements as originally intended;
- ii. The transfer of the physical park and ride asset to the District Council;
- iii. The provision, over a period of 10 years of a contribution of £3.5 million to the County Council for the maintenance and management of the facility over that period.

It is considered that the proposed revisions to the Section 106 agreement in respect of the park and ride facility introduce a robust mechanism for ensuring its delivery as originally envisaged and through the proposed involvement of both the District and County Council strengthen the requirement to do so.

As a consequence of the proposed revised requirement of the section 106 agreement, Officers concur that condition 21 becomes superfluous given that all of its requirements are proposed to be repeated in the agreement itself.

For those reasons, the revisions to the agreement and deletion of condition 21 are considered to be acceptable.

Miscellaneous Revisions to the Agreement

The proposal to transfer a proposed area of on-site public open space to the District Council is not considered to depart from the overriding purposes of providing such facilities and indeed would support and strengthen that approach.

Additional clauses are proposed to be added into the agreement to further strengthen the requirements relating to the delivery of open space more generally within the site.

Within the context of the consideration of this application, in response to requests from the Education Authority, the opportunity is being taken to slightly revise the terms of the agreement insofar as it relates to educational provision entirely in line with those requests.

Conclusion

It is considered that the proposed revisions set out above retain and strengthen the controls in place to ensure the delivery of the infrastructure required to service this development within the surrounding area and it is therefore recommended that planning permission be granted subject to the revised conditions and Section 106 Agreement proposed.

CONDITIONS

- 1 Details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.

The reserved matters for the advanced planting phase and sub-phase 1a for 65 dwellings shall be carried out in accordance with the details approved by planning permission references W/18/2336 and W/19/0229 respectively or in accordance with details approved under this condition.

- 2 Following the approval of the first reserved matters application which took place within three years from the date of the original permission, all outstanding reserved matters applications shall be submitted to the local planning authority for approval no later than ten years from the date of commencement of the development.
- 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 approval of the first application for reserved matters, whichever is the later.
- 4 Insofar as access is concerned, the development hereby permitted shall be carried out in accordance with the following plans: Europa Way Access Peter Brett Associates plan 28353/015/003 Rev A; and Banbury Road Access Peter Brett Associates plan 28353/015/004 Rev B.
- 5 The development shall be undertaken in accordance with the phasing plan submitted in accordance with condition no. 5 imposed on planning permission reference W/14/0300 and approved on 19th December 2018 and in the following documents:
 - Plan SK10 – Residential and Open Space Phasing (10/8/18) and letter dated 14th August 2018

- Email dated 19th December 2018 (which confirms that that the advanced planting stage would be completed before the occupation of the 100th dwelling)

or in accordance with any updated phasing plan which is subsequently submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

- 6 The development hereby permitted shall be carried out substantially in accordance with the details described on the following plans:

Site Location Plan EDP 1871/125
 Illustrative Masterplan EDP 1871/140a
 Parameters Plan: Land Use EDP 1871/116c
 Parameters Plan: Maximum Building Heights EDP 1871/117b
 Parameters Plan Advanced Planting EDP/1871/143

- 7 An area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan.

- 8 Prior to the commencement of development in any phase, details of the mix of type and size of market dwellings to be provided in that phase, informed by the most up to date version of the Council's *"Development Management Policy Guidance: Mix of Market Housing on New Development Sites"* shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 9 All reserved matters applications shall be informed by the Site Wide Design Code "The Asps Warwickshire Design Code" dated 18th December 2018, submitted in accordance with condition no. 9 imposed on planning permission reference W/14/0300 and approved on 20th December 2019 or with any revisions to that Design Code which shall first have been submitted to and approved in writing by the Local Planning Authority.

- 10 No phase of development 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 Construction Method Statement shall thereafter be adhered to throughout the construction period for that phase. The Construction Method Statement shall include, but is not limited to, the following matters:

- 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;
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
- 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;
- a scheme for recycling/disposing of waste resulting from construction works; and
- the positioning and alignment (both vertical and horizontal) of a temporary construction access road, the details of which shall be agreed in consultation with the Highways Authority.

11 No phase of development 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. The approved Construction and Environmental Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction and Environmental Management Plan shall address, but is not limited to, the following matters:

- pre-commencement checks for protected and notable species, with subsequent mitigation as deemed appropriate; and
- appropriate working practices and safeguards for other wildlife (dependent on further survey work) that are to be employed whilst works are taking place on site.

12 No phase of development shall commence until a detailed Landscape, Arboriculture and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include details of maintenance of all new planting. The plan shall also include details of habitat management, such as for pond, wildflower grasslands, and habitat for protected species. Development shall be carried out in accordance with the approved Plan.

13 No phase of development shall commence, nor shall any equipment machinery or materials for the purpose of the development hereby permitted be brought onto any phase, until all existing trees and hedges to be retained within that phase have been protected by fencing in line with *BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations*, pursuant to a scheme that shall

previously have been submitted to and approved in writing by the local planning authority.

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 protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority.

- 14 No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either:

a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources;

or

b) a scheme showing how at least 10% of the energy demand of the development and its CO₂ emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the local planning authority.

No dwelling within that phase shall be occupied until all the works within the scheme that relate to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications.

- 15 No phase of the development shall commence unless and until a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority in respect of that phase. Development shall be carried out in accordance with the approved scheme. The details to be submitted shall include provision to be made for publication and dissemination of the analysis and recording, and provision to be made for archive deposition of the analysis and records of the site investigation.

- 16 No phase of development shall commence until the following information has been submitted and approved by the local planning authority in respect of that phase: -

(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study as identified at Chapter 10 of the Environmental Statement and any diagrammatical representations (conceptual model). This should 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;
- 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) Development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is found to be present at the site 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.

- 17 No phase of development hereby permitted shall commence until details of surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority, demonstrating means of disposing of surface water and associated SUDS facilities from the development, that surface water runoff would not exceed runoff

from the undeveloped site and would not increase the risk of flooding off-site, in accordance with the Flood Risk Assessment dated November 2013 ref: 28353/019 and The Asps Hydraulic Modelling Report prepared by Peter Brett Associated Ref. 28353. The scheme to be submitted, which shall be based on an assessment of the hydrological and hydrogeological context of the site, shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to each phase of the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be installed in strict accordance with the approved details and timetable. It shall be retained thereafter and shall be managed and maintained in strict accordance with the approved details.

- 18
- a) No dwellings shall be occupied until the access to the site from Banbury Road has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-015-004 Rev B, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
 - b) No more than 200 dwellings shall be occupied until a Site access is provided to Europa Way. No more than 400 dwellings shall then be occupied until the Europa Way Corridor Potential Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-005, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
 - c) No more than 200 dwellings shall be occupied until the Banbury Road/Myton Road Junction Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-002 which secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
 - d) No more than 200 dwellings shall be occupied until the Banbury Road/Gallows Hill Junction Mitigation Scheme and no more than 400

dwellings shall be occupied until the Greys Mallory Roundabout (including section of Warwick bypass) have been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawings 28353-5501-003 and 28353-85501-004, which secures their subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

e) No more than 100 of the dwellings hereby permitted shall be occupied until the Europa Way/Gallows Hill/Heathcote Lane/Harbury Lane roundabout scheme is constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-001 which secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

- 20 Each phase of development hereby permitted shall be carried out in strict accordance with details of a scheme for the provision of onsite footpaths which link with the wider public rights of way network, that shall previously have been submitted to and approved in writing by the local planning authority in respect of that phase.
- 22 No phase of development shall commence until a detailed lighting scheme for public areas in that phase, including roads and footways, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 23 No phase of development shall commence until a scheme for that phase, detailing arrangements to protect future residents of the development hereby permitted from traffic noise, in accordance with the mitigation measures set out in Chapter 14 of the Environmental Statement, has been submitted to and approved in writing by the local planning authority. No dwelling within a phase shall be occupied until the commensurate noise mitigation measures have been implemented in accordance with the approved details, which measures shall be retained thereafter.
- 24 Noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

25 None of the commercial units hereby permitted shall be used as a restaurant; cafe or drinking establishment, i.e. for purposes falling within the former Use Class A3 and use Class A4 unless and until:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The odour mitigation measures installed and shall be retained thereafter and shall be operated and maintained in accordance with manufacturer's instructions.

26 No phase of the development shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes in that phase, has been submitted to and approved in writing by the local planning authority. That phase of development shall not then be occupied until the scheme has been implemented in accordance with the approved details.
