Planning Committee: 18 August 2015 **Item Number:**

Application No: W 15 / 0981

Registration Date: 15/06/15
Town/Parish Council: Warwick **Expiry Date:** 14/09/15
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land between Myton Road and Europa Way Warwick,
Revised application following planning permission no. W14/1076 to allow for a longer time limit for the commencement of the various phases of development. The development comprises the construction of up to 735 dwellings; a mixed use neighbourhood centre to include retail development (Use Classes A1, A2, A3, & A4 and/or community and health uses (Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, childrens and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycle ways and their connection to adjoining networks; ground remodelling; under grounding of overhead power lines including a new pylon to link to off site overhead lines; and formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts.
FOR The Europa Way Consortium

This application is being presented to Committee because it is recommended that planning permission is granted subject to a Section 106 agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 14 September 2015, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a revised application following planning permission no. W14/1076 to allow for a longer time limit for the commencement of the various phases of development. As this development has only very recently been granted planning permission, there are no grounds for reconsidering that previous decision. The consideration of the current application must focus on the merits of extending the time limit.

As with planning permission no. W14/1076 this is an outline application with all matters reserved apart from access. The proposed development remains the same, i.e. the erection of up to 735 dwellings together with a mixed-use neighbourhood centre and public open space and the safeguarding of land for educational use.

The applicant has agreed to sign up to a Section 106 agreement to include the same contributions and requirements as the Section 106 agreement associated with the existing planning permission.

THE SITE AND ITS LOCATION

The application site is situated adjacent to the southern edge of Warwick. The site measures 39 hectares and is currently in agricultural use. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grades 1 and 3 and unclassified land.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Draft Local Plan. This allocation includes health facilities, a local centre and other community facilities. The western part of the site is allocated for education use.

The site is situated within an area designated as an Area of Restraint in the current Local Plan.

The northern boundary of the site is formed by the footpath and cycleway that runs alongside the houses in Saumur Way and Aragon Drive, while the eastern boundary is formed by Europa Way. Leamington Shopping Park and the Tachbrook Park employment area are situated on the opposite side of Europa Way. The southern boundary of the site adjoins part of Warwick Technology Park and further agricultural land (also with outline planning permission for residential use and forming the balance of housing allocation H01). The western boundary of the site adjoins Round Oak School, the farmhouse and former farm buildings at Brook Farm (no longer in agricultural use) and houses in Brittain Lane, Myton Road, Myton Crescent and The Malins.

There are two farmhouses on the site, both with associated farm buildings. King Henry VIII Farm is located close to the northern boundary of the site, alongside the existing access from Saumur Way. This comprises an early 20th Century farmhouse together with traditional brick barns and modern metal framed and clad barns. Cottage Farm is located close to the eastern boundary of the site, alongside Europa Way. This comprises a Victorian farmhouse together with traditional brick barns and modern metal framed and clad barns. Some of the farm buildings adjacent to Brook Farm are also located within the application site.

Two overhead power lines cross the site; a 33kV line running from north to south through the centre of the site and a 132kV line running from north to south towards the eastern edge of the site.

PLANNING HISTORY

The current outline planning permission for residential development on this site was granted in December 2014 (Ref. W14/1076).

Prior to the above application there had been a number of previous planning applications relating to different parts of the application site. These are not relevant to the consideration of the current proposals.

Outline planning permission was granted for residential development on land adjoining the southern boundary of the site in April 2015 (Ref. W14/0967).

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- 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 Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Town Council: Comments awaited.

Public response: 3 objections have been received, raising the following concerns:

- the extension of time will put the development back so that the Council are unable to meet its requirement for a 5 year land supply, allowing this and other developers to land bank sites whilst applying for permissions on new sites;

- increased traffic congestion and pollution, particularly in the centre of Warwick and at Castle Bridge;
- the Saumur Way access should be limited to emergency use only;
- Myton Road cannot cope with any additional traffic;
- the access to the site from Saumur Way across the cycle path is unsafe due to conflict with between vehicles using the new access and cyclists and pedestrians using the cycle path;
- lack of school places; and
- harm to the character and appearance of the Warwick Conservation Area and other heritage assets such as the castle due to damage to the green approach from the south to the castle and increased traffic congestion.

Warwickshire Police: Request a contribution towards police infrastructure.

ASSESSMENT

The development proposed in the current application is the same as the scheme that was very recently granted planning permission. There has been no material change in circumstances since that previous decision was made to indicate that a different decision conclusion should be reached now in relation to the various material considerations. Therefore the assessment of the various issues remains as set out in the Committee Report and addendum report for application no. W14/1076 and will not be repeated here.

The key issue that needs to be considered in this report is the question of extending the time limit for the submission of the reserved matters applications. The conditions on the existing permission require all of the reserved matters to be submitted within 3 years of the date of the permission. The current application seeks to extend this time limit to 8 years, albeit the first reserved matters application would still be required to be submitted within 3 years.

The applicant argues that this increase in the time limit is required for the following reasons:

- this is a large development that will take longer to plan and build than smaller sites;
- undergrounding the overhead power lines adds time and uncertainty to the construction programme;
- relocating the great crested newts adds time and uncertainty to the construction programme; and
- other site specific infrastructure works add time to the construction programme, including opening up the culverted section of the Myton Brook and constructing a bridge over the Brook.

The applicant has submitted a detailed justification that sets out how the above factors will impact on the construction programme. This includes complications arising from the fact that certain infrastructure works cannot take place until the great crested newts are relocated, e.g. the undergrounding of the power lines. The developer faces further uncertainty because they are reliant on approval from third parties before they can undertake some of these pre-development works, i.e. Natural England in relation to the newts and Western Power Distribution in relation to the power lines.

In terms of the impact on the supply of housing on the site, the applicant advises that approximately 448 dwellings will be constructed during the next 5 years, comprising 72 private and 40 affordable dwellings per annum. This is in line with what the Council were expecting to be delivered on this site when calculating the 5 year supply of housing land within the District. In this regard, the Council can take comfort from the fact that the applicant is committed to submitting the first reserved matters application within 3 years. The amended condition would retain this time limit for the first reserved matters submission, with the 8 year time limit only applying to the subsequent reserved matters applications.

Having considered the case put forward by the applicant, it is clear that this particular site is subject to a number of constraints that are not present on the other sites nearby where large scale residential development has recently been approved. This site is also considerably larger than most of the other housing sites recently approved. Furthermore, the build programme proposed by the applicant would still deliver a significant proportion of the dwellings within 5 years. Therefore it is considered that in this case it would be appropriate for the time limit for submission of the reserved matters applications to be extended to 8 years. This would bring the site into line with the adjoining site to the south, which already has an 8 year time limit. That seems sensible, given that the two sites would share some key infrastructure, including the main spine road which would run through both sites.

The applicant has requested various minor changes to the other conditions. None of these changes would result in a significant change in the requirements of the relevant conditions. For example, most of the changes only provide for the condition in question to be discharged on a phased basis. Other changes, such as those related to the drainage condition (no. 26), have provided more clarity in the works that the developer is expected to undertake. Therefore it is considered that these changes would be appropriate and the amended conditions are listed below.

With the exception of the concerns relating to the extension of the time limit which are addressed above, the objections raised in the public responses all relate to matters that were considered by the Council when granting the previous permission. These matters are all addressed in detail in the previous Committee Report.

SUMMARY / CONCLUSION

In view of the scale of the development and the particular constraints affecting this site, it would be appropriate for the time limit for the submission of reserved matters to be increased. Therefore it is recommended that planning permission is granted subject to the revised conditions listed below.

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 the approval of reserved matters for the first phase of development shall be made to the local planning authority not later than 3 years from the date of this permission. Application for the approval of reserved matters for all subsequent phases of development shall be made to the local planning authority not later than 8 years from the date of this 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 approval of the first reserved matters application, 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 parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 15 June 2015. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative masterplan) and 26855-LEA206b (strategic masterplan) 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 DP1 and DP2 of the Warwick District Local Plan 1996-2011. 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 No more than 70 dwellings shall be occupied unless and until the access to Europa Way has been constructed in strict accordance with drawing no. 26855-L133e, submitted on 15 June 2015. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

6 No more than 70 dwellings shall be access via the proposed vehicular access from Saumur Way, which shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 15 June 2015. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

7 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with

the principles and parameters as set out within the Design and Access Statement, the plans listed 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, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

8 No reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and parameters plans listed 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 7.

The Site-wide 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, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

9 As part of the first reserved matters application a phasing plan for the whole site shall be submitted to the LPA for approval in writing. The phasing plan shall include details of the intended number of market and affordable dwellings for each phase of development together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, community facilities and access for pedestrians, cyclists, buses and vehicles. **REASON**: To ensure the proper phasing of the development.

10 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.

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 DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

11 No phase of development shall commence 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) a schedule of badger mitigation measures to include details of matters such as artificial sett creation, provision of sufficient foraging habitat on site and provision of ecological corridors facilitating movement between areas;

(b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and

(c) a schedule of great crested newt mitigation measures, to include further survey work if necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

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 DP3 of the Warwick District Local Plan.

12 The development hereby permitted (including demolition) shall not commence on any phase of development 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 in respect of that phase shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan.

13 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 should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as 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.

14 No development shall take place within 8m of the top of the bank of the Myton Brook until a scheme for the provision and management of the river corridor and a minimum 8m buffer zone alongside the Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **REASON :** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3.

15 No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources 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. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

16 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 DP14 of the Warwick District Local Plan.

17 Notwithstanding the details indicated on the Draft Tree Retention and Removal Plan submitted with the application, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained within the area to which that application relates 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 becoming, 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 for the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

18 No phase of development 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 within 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 DP3 of the Warwick District Local Plan 1996-2011.

19 No phase of 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 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 respect of that phase 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 in respect of that phase, 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) Each phase of development shall accord with the approved method statement for that phase.

(3) If during a phase of 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.

(4) Upon completion of the remediation detailed in the method statement for each phase of development 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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

20 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 at all times thereafter.
REASON: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with

Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

21 The development (including any works of demolition) in any phase shall proceed only in strict accordance with a construction method statement which shall have 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

22 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 DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

23 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. **REASON:** In the interests of fire safety.

24 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 across this site 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 were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

25 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works 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 DP11 of the Warwick District Local Plan 1996-2011.

26 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;
- details of drainage works within the application site to help alleviate existing surface water flooding problems affecting Myton School and dwellings in The Malins and Myton Gardens; 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 DP11 & DP3 of the Warwick District Local Plan 1996-2011.

27 No phase of development shall take place within 8m of the top of the bank of the Myton Brook until a scheme for the removal of the existing culverted section of the Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of the restoration to an open-channel, as detailed in the Flood Risk Assessment, and demonstrate that downstream flood risk is not increased. This shall also include details of timescales for the completion of these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **REASON :** To reduce flood risk, in accordance with the NPPF.

28 No construction work on any of the dwellings or spine road hereby permitted shall commence until details of a dedicated cycle path along the spine road to connect with the existing cycle path alongside Saumur Way 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 Policies DP6 & SC4 of the Warwick District Local Plan.

29 No construction work on any of the dwellings or spine road hereby permitted shall commence until details of a pedestrian and cycle link to Leamington Shopping Park have been submitted to and approved in writing by the local planning authority. No more than 400 dwellings shall be occupied before this pedestrian and cycle link has been constructed in strict accordance with the approved details. **REASON :** To ensure appropriate access to local facilities by walking and cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan.

30 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

31 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations

contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON**: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

32 An area of land measuring no less than 0.28 hectare shall be reserved for a neighbourhood centre to provide 500 sq m of A1, A2, A3, A4 and / or D1 floorspace. This area of land should broadly be in the location identified on drawing no. 26855-LEA282a. Any reserved matters proposals for development on this land must include at least 500 sq m of A1, A2, A3, A4 and / or D1 floorspace and associated off-street parking facilities. **REASON :** To ensure that supporting facilities are provided as part of this residential development, in the interests of creating a sustainable development, in accordance with the NPPF.

33 None of the commercial units hereby permitted shall be used for purposes falling within Use Classes A3 or A4 unless:

(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 shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To protect residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

34 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. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

35 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 15 June 2015, and the proposed flood mitigation

measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.

36 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 "Principal Vehicle Route" on drawing no. 26855-LEA282a), 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 Europa Way to the site's southern boundary. **REASON**: To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Europa Way to link up with any spine road to be constructed on the adjacent site to the south (identified as "Land North of Gallows Hill" on planning application no. W14/0967). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

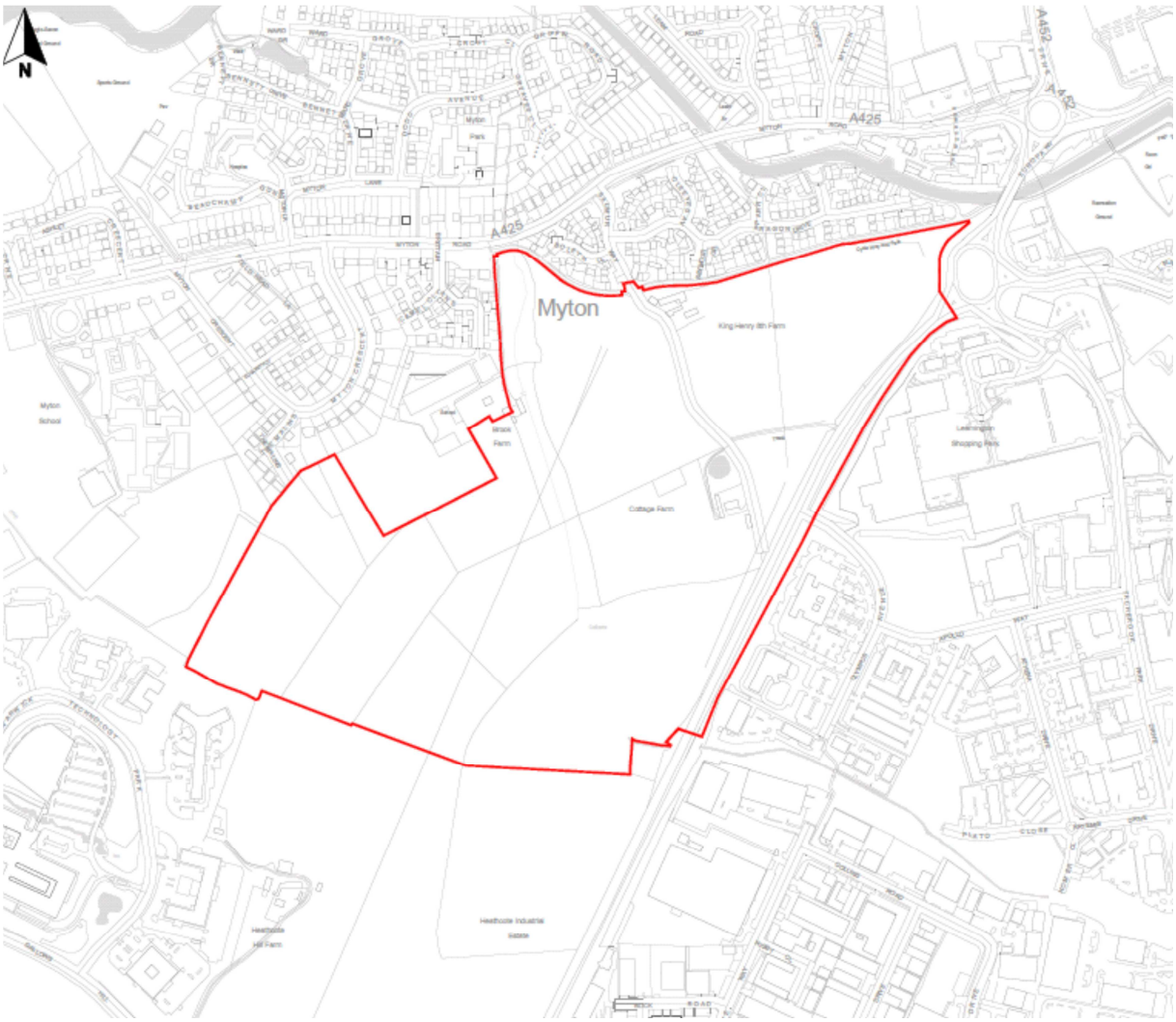
37 No dwelling hereby permitted shall be occupied unless and until:

(a) a scheme for rainwater harvesting 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 Draft Local Plan Policy CC1.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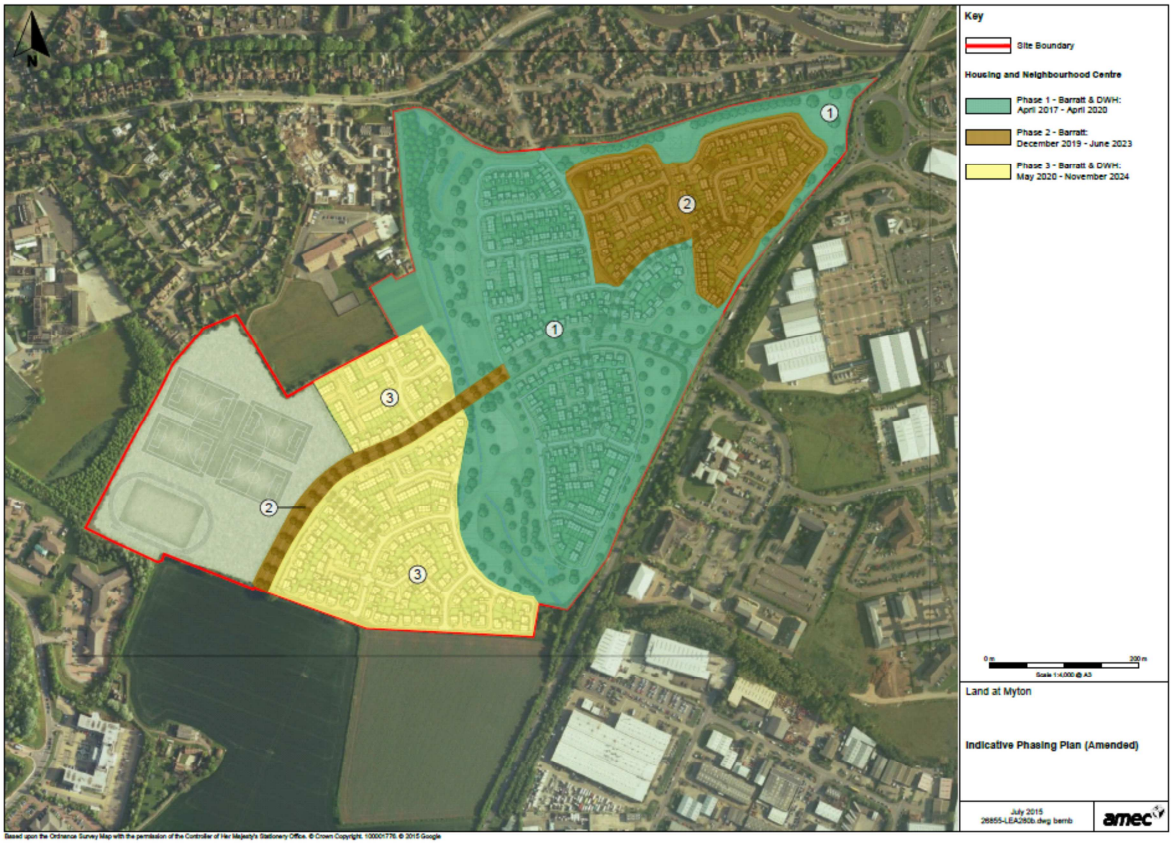
Key
Site Boundary
Housing and Neighbourhood Centre
Phase 1 - Barratt & DWH:
April 2017 - April 2020
Phase 2 - Barratt:
December 2019 - June 2023
Phase 3 - Barratt & DWH:
May 2020 - November 2024
0m
200m
Land at Myton
Indicative Phasing Plan (Amended)
July 2015
amec