

Recommendation

That the Council is minded to **GRANT** planning permission for the amended proposals subject to:

- i) The Warwickshire County Council as Highway Authority not objecting in principle and that any detailed access matters it raises can be dealt with through amended plans and/or planning conditions.
- ii) The completion of a Section 106 Agreement to include the matters outlined in this report together with others that might be raised by the Warwickshire County Council and are found to satisfy the statutory tests.
- iii) That the final Heads of Terms of this Agreement be referred back to the Board following further discussion with the applicant and that
- iv) The following conditions be attached to the grant of planning permission together with others that might be recommended by the Warwickshire Highway Authority.
- v) That the final schedule of planning conditions be delegated to the Head of Development Control.

Draft Schedule of Conditions

Standard Outline Conditions

1. Details of the appearance, layout, scale and landscaping (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be carried out in accordance with the details that have been approved.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. Application for the approval of first reserved matters application shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all reserved matters shall be made to the Local Planning Authority not later than 15 years from the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004 and to prevent the accumulation of unimplemented planning permissions.

3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) application to be approved.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004 and to prevent the accumulation of unimplemented planning permissions.

Defining Conditions

4. The development hereby permitted shall not be carried out except in accordance with the following approved plans and documents:

- a) The Site Location Plan numbered 6186/L/09F.
- b) The Parameters Plan numbered 6186/L/12Z.
- c).Access Plan numbers 15596/WIE/HGN/ZZ/DR/C/950106/P02; 950107/P03, 950101/P02, 950103/P02 and 950/102/P02. (To be updated if necessary, after WCC response.)

REASON

In order to define the extent and scope of this planning permission.

5. For the avoidance of doubt the development hereby permitted is for:

- a) No more than 1270 dwellings within Use Class C3.
- b) Residential accommodation for up to 100 units for the care of people and those in need of care within Use Classes C2/C3.
- c) A primary school together with its playing fields within Use Class F1 (a).
- d) A Community Hub comprising a combination of uses of up to 2250 square metres, within Use Classes E (a) to (f) inclusive; E(g)(i) and (ii), F2 (a) and (b) together with a drinking establishment and hot food takeaway.
- e) 32.28 hectares of green infrastructure including 2.34 hectares of Sports pitches.

REASON

In order to define the extent and scope of this planning permission

6. The finished floor level of all of the dwellings hereby approved shall be set at least 600mm above the modelled 1 in 100 year (plus 22% for climate change) fluvial flood.

REASON

In the interests of reducing the risk of flooding.

Pre-Reserved Matters Submission Conditions

7. The applications for each reserved matters application should be made in general accordance with the submitted Illustrative Master Plan numbered 6186/L/04Y unless a variation of this Master Plan is submitted to and approved in writing by the Local Planning Authority.

REASON

In order to define the implementation of the permission.

8. Notwithstanding the details shown on plan number 6186/l/17, and prior to the submission of the first application for reserved matters, a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include the phasing of:

- i) Residential parcels of land;
- ii) The Green Infrastructure including all open space and the sports pitches,
- iii) Access arrangements,
- iv) The Community Hub.

The development shall be carried out in accordance with the approved phasing plan unless a variation is first submitted to and approved in writing by the Local Planning Authority.

REASON

In order to define the implementation of the permission.

9. Prior to the submission of the first reserved matters application, a Landscape Strategy for the whole of the application site based on the Parameters Plan as approved under Condition 4(b), together with an overarching management strategy for the landscaped areas within the site, shall be submitted to and agreed in writing by the Local Planning Authority. The Landscape Strategy as approved, shall establish the principles for landscaping to be incorporated into the layout for each of the phases or sub-phases of the development.

REASON

In the interests of the visual amenities of the area and enhance the bio-diversity of the site.

10. No development shall take place on any phase or sub-phase of the development until a Landscape and Ecological Management Plan (LEMP) for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include:

- a) a description and evaluation of the features to be managed, together with how they are co-ordinated with other phases of the development;

- b) ecological trends and constraints on site that might influence management, including the possible effects on other phases of the development;
- c) the aims, objectives and targets for the management, including mitigation and enhancement of species identified on site;
- d) descriptions of the management operations for achieving the aims and objectives,
- e) prescriptions for management actions,
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the body(ies) or organisations(s) responsible for implementation and monitoring, along with their funding mechanism(s).
- j) Details of the ongoing mechanisms for monitoring and for identifying remedial measures to account for necessary changes in the work that monitoring shows that conservation aims and objectives of the LEMP are not being met.
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
 - l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
 - m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on each phase of the development of the site and it shall be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing, protecting and monitoring the bio-diversity value of the site.

11. The Landscape and Ecological Management Plan to be submitted and approved in writing by the Local Planning Authority under Condition 10, shall explicitly include a Section with reference to the landscaping and public open space shown on the Parameters Plan approved under Condition 4 (b) in the vicinity of Alvecote Wood. This Section can be submitted as a separate submission but must be so prior to the submission of the first reserved matters application.

REASON

In the interests of protecting the bio-diversity value of this Ancient Woodland

12. No phase of development shall commence under any reserved matters until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:
- Evidence in accordance with BRE365 guidance that infiltration testing has been undertaken to clarify whether or not an infiltration type drainage strategy is appropriate;
 - Evidence, where infiltration is not feasible, to show that the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus a 40% allowance for climate change) critical rain storm, is limited to the QBar Greenfield runoff rate for the site in line with the Flood Risk Assessment and Drainage Strategy.
 - Drawings and plans illustrating the proposed surface water drainage scheme.
 - Feature specific drawings and cross sections of all proposed features such as infiltration structures, attenuation features and outfall structures in line with “The SUDS Manual”, CIRIA Report C753,
 - Detailed network level calculations demonstrating the performance of the proposed system,
 - Plans and external levels plans detailing the exceedance and overland flow routeing on site.

REASON

In order to reduce the risk of flooding and to improve and protect water supply

13. A Written Scheme of Archaeological Investigation shall be submitted to and approved in writing by the Local Planning Authority prior to submission of the reserved matters application for each phase or sub-phase of the development. This shall include a detailed programme of archaeological works. An Evaluation Report shall then be submitted for approval with the subsequent application for reserved matters for that phase or sub-phase. The reserved matters application shall evidence how the proposed development has been informed by that Report and include any mitigation measures that are proportionate to the conclusions of that Report. The development shall then only proceed in full accordance with the mitigation measures as may have been approved.

REASON

In the interests of understanding the heritage value of the site.

14. Prior to the submission of any reserved matters application for each phase or sub-phase of the development, a Contaminated Land Investigation and Risk Assessment for that part of the site covered by that application, shall be submitted to and approved in writing by the Local Planning Authority. The submission shall identify and assess the nature and extent of any contamination on the land, whether it originates on the site or not. This shall include a survey of the extent, scale and nature of any contamination and an assessment of the potential risks to human health, property, adjoining land, ground and surface waters as well as ecological systems.

REASON

In the interests of reducing the risk of pollution.

15. Where the Assessment as submitted under Condition 14, identifies unacceptable levels of contamination or risks, a detailed remediation scheme to bring the land to a condition suitable for the intended use by removing unacceptable risks to human health, property, adjoining land, ground and surface waters as well as ecological systems, shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall also identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency emergency action. The scheme as approved shall then be implemented in full in accordance with an approved timetable.

REASON

In the interests of reducing the risk of pollution.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified under condition 14, it must be reported immediately in writing to the Local Planning Authority and all work shall cease on site. An investigation and risk assessment must be undertaken in accordance with Condition 14 and where remediation is necessary, a remediation strategy must be prepared in accordance with condition 15. The Assessment and the Strategy shall be submitted to the Local Planning Authority in writing. Work shall then only commence following written approval of any Remediation Strategy.

REASON

In the interests of reducing the risk of pollution.

17. Prior to the submission of the first reserved matters application, a Design Code covering the whole of the development shall be submitted to and approved in writing by the Local Planning Authority. The Design Code should clearly and concisely set out the principles for:
- Block layouts and massing; building frontages and set-backs;
 - The street hierarchy and design (including materials, the typical arrangement of street trees, cycle and pedestrian surfaces and cross sections showing the relationship with adjacent buildings and spaces),
 - Supporting local cycling and pedestrian routes to connect to the community hub and to the Primary School,
 - Parking solutions
 - Building types
 - Block Densities and Building Heights
 - Function and design of open spaces and landscaping as may have been approved under Condition 9.
 - Boundary treatments
 - Lighting
 - Any Landmark Buildings, structures, vistas and key corners within the site.

All subsequent applications for approval of reserved matters shall demonstrate that its proposed development is in conformity with the approved design code.

REASON

In the interests of the visual amenities of the area and to contribute towards “place-making”.

c) Reserved Matters Applications

18. The reserved matters application for each phase or sub-phase of the development shall include a detailed foul water drainage scheme for the development included in that application.

REASON

In the interests of reducing the risks of flooding and pollution.

19. The reserved matters application for each phase or sub-phase of the development shall include a Construction Environmental Management Plan (CEMP) for the development included in that application. This shall include:
- a) The parking of vehicles for site operatives and visitors.
 - b) The routing for vehicles accessing the site associated with the construction of the development and signage to identify the route.
 - c) The manoeuvring of vehicles within the site.
 - d) Loading and unloading of plant and materials used in the construction of the development, including top-soil.

- e) The location of the site compounds.
- f) Storage of plant and materials.
- g) The erection and maintenance of security hoarding fencing.
- h) Wheel washing facilities.
- i) Measures to control the emission of dust and dirt during construction.
- j) Measures to control and mitigate disturbance from noise.
- k) A scheme for the recycling/disposal of waste resulting from the construction works.
- l) Any on-site lighting as required during construction.
- m) Measures to protect existing trees and hedgerows proposed for retention.
- n) Delivery, demolition and construction working hours.
- o) The means by which the terms of the CEMP will be monitored including details of the procedure for reporting and resolving complaints as well as the details of the person or persons to contact in such circumstances.

The approved CEMP shall be adhered to at all times throughout the construction period of each phase of the development as approved under Condition 8.

REASON

In the interests of reducing potential harm to residential amenity and in the interests of highway safety.

20. The reserved matters application for each phase or sub-phase of the development shall include a Validation and Verification Report providing details of the data that has been collected to demonstrate that any remediation Scheme as approved under Condition 15 has been fully completed and any longer-term monitoring arrangements have been put in place, to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

21. The reserved matters application for each phase or sub-phase of the development shall include details of the design of any public open space within the site covered by that application. The submission shall include details of the layout, surfaces, landscaping boundary treatments, furniture and play equipment together with a timetable for implementation. The design shall also demonstrate conformity with the Design Code and Landscape Strategy as approved under Conditions 19 and 11. The public open space shall only be laid out and made available in accordance with the scheme as approved in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area and to ensure the well-being of future occupants.

22. The reserved matters application for each phase or sub-phase of the development shall include details of finished site and ground floor levels in relation to the existing site levels and adjoining land and also of the proposed grading and mounding of land areas, with cross sections to show the relationship with adjoining landform, within the site covered by the application. The development shall only proceed in accordance with the details as are approved in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

23. The reserved matters application for each phase or sub-phase of the development shall include details for the storage of household refuse and waste within the curtilage of the dwellings approved under this permission, for the site covered by the application. The development shall only proceed in accordance with the details as are approved in writing by the Local Planning Authority.

REASON

In the interests of sustainable development.

24. The reserved matters application for each phase or sub-phase of the development shall include details for the provision of vehicle electric charging points within the curtilage of the dwellings hereby approved under this permission, together with any communal or public car parking areas, for the site covered by the application. The development shall only proceed in accordance with the details as are approved in writing by the Local Planning Authority.

REASON

In the interests of sustainable development.

25. The reserved matters application for the phase or sub-phase of the development that adjoins the existing karting track shall include a Noise Impact Assessment undertaken in accordance with BS 7445:2003. The Assessment shall inform the specifications required for the noise attenuation measures to be included within the design of all of the new dwellings that might be affected in that phase or sub-phase, the subject of the reserved matters application.

REASON

In order to avoid significant adverse noise impacts on health and the quality of life of future occupants.

26. Prior to commencement of development on each phase or sub-phase, a badger survey will be submitted to and approved in writing by the Local Planning Authority. The badger survey will identify the potential of any new setts, and where required, propose suitable mitigation for that particular phase, including a timetable for implementation. The development shall be carried out in accordance with the approved details.

REASON

In the interests of this protected species.