**Allerdale Borough Council**  
**Planning Application 2/2016/0294**

**Proposed Development:** Removal of conditions 9, 13, and 30 (as duplicated conditions) and variation of conditions 1, 2, 3, 14, 20, 25 and 29 and regarding reserved matters, access and layout, open space, landscaping and drainage of outline consent 2/2012/0784 for residential development. The application also proposes a revision of the Section 106 Agreement regarding the approved off-site drainage proposals (2/2016/0311) and to remove financial contributions to Cumbria County Council with regard to the financial viability of the development.

**Location:** Kirk Cross Quarry  
Low Road  
Brigham  
Cockermouth

**Applicant:** Mr Nick Bailey  
Kirkcross Developments Ltd

**Recommendation:** APPROVE

**Summary/Key Issues**

<table>
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<th>Issue</th>
<th>Conclusion</th>
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<td>Principle of development</td>
<td>Established at outline stage with extant consent 2/2012/0784 for 50 dwellings subject to a Section 106 Agreement for 30% affordable housing (12 dwellings) and contributions to education and transport. The site is classed as a 'commitment' within the Preferred Options document associated with Part 2 of the Allerdale Local Plan. Brigham as a settlement is categorised as a Local Service Centre. Villages within that part of the settlement hierarchy are expected to in combination, achieve 20% of the housing growth for the district.</td>
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| Variation of outline consent | This application seeks a variation of the original outline consent to reduce the site capacity to 40 dwellings with an amended drainage strategy providing off-site drainage that will benefit the local area. The layout is no longer a reserved matter.  

The applicant also seeks a variation of the Section 106 regarding a reduced number of affordable housing (8 dwellings) being a 20% provision. Contributions to education and transport are also to be omitted and deemed unnecessary by the County Council. A Financial Viability Assessment has been provided and assessed by the Council’s consultant to justify matters in favour of the applicant’s proposals. |
The application now commits to a layout of 40 dwellings that is acceptable in all respects and includes appropriate levels of open space and parking provision to meet Highway Authority parking standards.

A comprehensive attenuated drainage strategy has been provided with an outfall to Kirkcross Quarry Pond and onward to the River Derwent. The off-site drainage solution offered by the applicant takes surface water from lower Brigham via the Lime Kiln pond known as ‘The Cut’ and combined with the development site drainage. This brings significant community benefits, helps to safeguard the development itself from flooding and is the key factor regarding the planning balance against providing alternative benefits of, education and transport contributions.

The outline approval will trigger the reserved matters application currently under consideration by the Council regarding precise design and appearance of the house types. An indicative schedule of house types has been provided that are considered satisfactory in all respects and achievable at this site.

Proposal

Removal of conditions 9, 13, and 30 (as duplicated conditions) and variation of conditions 1, 2, 3, 14, 20, 25 and 29 and regarding reserved matters, access and layout, open space, landscaping and drainage of outline consent 2/2012/0784 for residential development. The application also proposes a revision of the Section 106 Agreement to remove financial contributions to Cumbria County Council with regard to the financial viability of the development.

Site

The site comprises land within Kirkcross Quarry in Lower Brigham

Kirkcross Quarry is a disused quarry with boundary woodland and with extant outline consent for housing development of 50 dwellings ref. 2/2012/0784. This varied outline application will trigger the determination of a reserved matters application 2/2016/0285 that is also under consideration regarding final design and appearance of house types.

Relevant Policies

NPPF

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities
**Allerdale Local Plan Part 1 Adopted 2014**

Policy DM14 - Standards of Good Design  
Policy DM17 - Trees, hedgerows and woodland  
Policy S1 - Presumption in favour of sustainable development  
Policy S2 - Sustainable development principles  
Policy S21 - Developer contributions (excluding viability)  
Policy S22 - Transport principles  
Policy S29 - Flood Risk and Surface Water Drainage  
Policy S3 - Spatial Strategy and Growth  
Policy S30 - Reuse of Land  
Policy S32 - Safeguarding amenity  
Policy S33 - Landscape  
Policy S35 - Protecting and enhancing biodiversity and geodiversity  
Policy S4 - Design principles  
Policy S5 - Development Principles  
Policy S7 - A mixed and balanced housing market  
Policy S8 - Affordable Housing

**Relevant Planning History**

2/2012/0784. Extant outline consent for 50 dwellings  
2/2016/0285. Reserved matters application regarding design of house types undetermined  

**Representations**

**Parish Council** – Original concerns over surface water drainage withdrawn following meeting of stakeholders and additional information provided.

**Highway Authority** – No objections subject to conditions. Financial contribution required at original outline stage for research into highway improvements not requested as implementation of off-site drainage considered more beneficial.

**Local Lead Flood Authority** – No objections with support for off-site drainage proposals.

**County Planning** – No objections and confirmation that financial contribution to education not required with adequate school capacity.

**Environment Agency** – No objection

**Environmental Health** – No objections

**United Utilities** – No objections

**Allerdale Housing Services** – No objections and accept the reduced level of housing provision at 20% with appropriate house types and tenure. Benefits with all affordable housing as 3 bedrooms meeting demand.
The application has been advertised on site and in the local press. Two letters of objection have been received challenging the surface water drainage strategy. Such objection was not repeated following the stakeholder meeting.

Assessment

Introduction

The site is classed as a ‘commitment’ within the Preferred Options document associated with Part 2 of the Allerdale Local Plan. Brigham as a settlement is categorised as a Local Service Centre. Villages within that part of the settlement hierarchy are expected to in combination, achieve 20% of the housing growth for the district.

The proposed variation comprises a revised development of 40 dwellings rather than 50 and the applicant has now committed to a layout at this outline stage with indicative house types. This allows assessment of the number, siting and type of affordable houses offered.

A financial viability assessment (FVA) has been provided that attempts to demonstrate that a lower percentage of affordable housing is required to make the development commercially viable. This is reported in more detail below.

The extant outline approval is conditioned with substantial reference to on-site drainage that attenuates surface water to Kirkcross Quarry Pond and onward to the River Derwent via watercourse. Engineering details including outfalls and headwall improvements have been provided.

The applicant has enhanced the residential scheme already approved with a commitment to a drainage system including off-site drainage subject of a separate planning application already approved under delegated powers (2/2016/0311). This off-site drainage brings substantial community benefits and has significance for the financial viability.

Variation of Conditions

The conditions on the extant consent therefore require some variation in order to take account of the revised scheme and to trigger the reserved matters application currently under consideration ref 2/2016/0285.

It is evident that the conditions on the extant consent are no longer fully applicable and in some cases repetitive. The conditions are to be varied with some removed as unnecessary and repetitive as follows.

Conditions 4-8, 10-12, 15-19, 21-24 and 26-28 are to remain unaltered. Conditions 1, 2, 3, 14, 20, 25 and 29 require variation and conditions 9, 13 and 30 are to be removed as duplicates. The matters are considered as follows.

Condition 1. Precise house design and appearance is now the only reserved matter and the wording is changed accordingly.
Condition 2. This regards the approved plans at the outline stage. The variation makes reference to the amended layout plans, drainage plans and supporting strategy that supersedes that previously approved.

Condition 3. Regarding time limits on commencement of development and the submission of reserved matters. This requires variation to reflect the reserved matters application 2/2016/0285 already submitted that will be triggered by this varied outline consent. This is considered acceptable procedurally.

Condition 14. This condition embraces all the necessary additional drainage details to be provided prior to development commencing and includes the safeguarding of implementation and maintenance before any dwelling is occupied. The condition secures the implementation of the off-site drainage scheme at the Lime Kiln pond which is integral to this varied consent as it brings the community benefits that are considered to outweigh the financial contributions of the previous consent.

The condition is to be reworded as follows.

Prior to the commencement of development, further details of the surface water and foul water drainage systems (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the drainage statement RO/11058.6 version 9 (including off-site drainage improvements approved under ref 2/2016/0311); proposing surface water from the site discharging into the ponds and demonstrating a volumetric betterment by disconnecting highway drainage at High Brigham from the combined sewer and redirecting it into the surface water culverts. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Condition 20. This is to be varied regarding further details of landscaping and its implementation and retention. An illustrative plan of new planting and retained trees has been provided.

Condition 25. Regarding public open space. This is to be varied to secure details of play equipment as the outline application has now committed to the location of the open space.

Condition 29 regarding contamination and pollution, requires a minor variation to be more precise and reasonable to reflect the drainage details submitted.

Conditions 9, 13 and 30 are to be removed as duplicate conditions regarding details of foul and surface water drainage details. The matter is safeguarded within condition 14. The duplication occurred for procedural reasons as the Development Panel decision approved the extant outline consent subject to a response from the Environment Agency (EA). That response was received that duplicated some of the Officers’ conditions. Procedure dictated that the EA conditions had to be added.
Such removal and variation of conditions will trigger a re-ordering of condition numbers.

Layout and Access

The layout and access to the site is considered at this outline stage.

The access from the public highway is acceptable in all respects to the Highway Authority with appropriate visibility splays. The layout of the site provides for an average of 3 allocated parking spaces per dwelling with 15 additional communal/visitor spaces. Integral garages are also provided for most house type with some detached garages for the larger dwellings adding to the total provision. On this basis, the parking provision is therefore considered acceptable; meeting and exceeding the minimum parking standards of Cumbria County Council. There is no reliance on the smaller integral garages to meet the requirement.

The plot layouts are arranged in a pleasing manner with adequate outside space and inward looking to the estate road. The frontage of the site to Low Road retains a belt of existing trees with a significant amount of additional planting across the site to add rural character at this edge of settlement location. A condition can be used to secure and retain the landscaping.

Two areas of open space are provided. One area close to the Kirkcross Quarry Pond and another in the corner of the site near to the pedestrian link that exits the site. The Council’s planning guidance has been met in terms of open space. The applicant has offered the provision of play equipment to satisfy policy that can be conditioned for implementation on occupancy of the sixteenth dwelling.

Section 106 Agreement

As part of this varied outline application, the applicant has provided a FVA regarding the cost of implementing the development, taking into account the off-site drainage works that will improve a longstanding flooding and drainage problem in the lower part of the village.

The applicant proposes that these drainage improvements outweigh the commuted financial sums for education and transport that are secured on the original outline consent.

The FVA concludes that only 8 affordable houses can be offered being 20% of the 40 units. The FVA states that the previous agreement of 30% is not commercially viable taking developer profit below the agreed threshold. In any case the 30% previously approved was over and above the policy requirement of 25%.

In short, the applicant proposes a 20% level of affordable housing and considerable off-site drainage improvements to the benefit of the wider community. The planning balance is therefore on the provision of off-site drainage against reduced affordable housing (2 fewer dwellings) and the omission of contributions to transport research and education.

On this basis Cumbria County Council has reviewed the need and level of such commuted sums and has commented as follows.
The County Council has been in discussion with the applicant and Allerdale Borough Council in relation to a site that was granted outline planning permission in 2013. There is a signed S106 for the site which includes a highways contribution of £39,546 to be used to investigate and implement measures to alleviate traffic and non-motorised movements through Brigham; along with an education contribution of either £72,306 to be used to provide additional school places at St Bridget’s Primary School, Brigham or £79,800 made up of £76,000 plus £3,800 administration costs to be used to transport pupils from the catchment area of St Bridget’s Primary School, Brigham to the nearest alternative school with available capacity.

It is noted that the applicant has submitted a scheme that would allow surface water from Low Brigham, in storm water conditions, to discharge under the public highway and the application site into Kirkcross Pond. The works, at the point where the surface water drain is proposed to cross under the public highway, will include the reconstruction of the public highway to an improved design/standard than at present. The County Council is supportive of the submitted drainage scheme as it will assist in dealing with flooding issues for the area.

The applicant has submitted a viability assessment to support the application and it is noted that the cost to achieve this solution for the surface water drainage works which should resolve the sites surface water issues as well as Low Brigham’s will result in a viability issue for the site. A significant amount of time has passed since the County Council responded to the original application in 2013, the County Council has reassessed the previously requested contributions and taking into account the significant benefit that the proposed drainage system and that there is now capacity in St Bridget’s, the County Council will remove the previously requested contributions for education / school transport and highways.

To clarify the County Council recognises and welcomes the off-site drainage works as a significant benefit that outweighs the need for a transport contribution or an education contribution where the school capacity for additional pupils exists. A small contribution of £6600 for a Travel Plan and sustainable transport monitoring is still required.

Financial Viability Assessment

The LPA has commissioned a third party consultant to assess the FVA and the executive summary quoted below concludes in favour of the applicant regarding financial viability. Full details of the financial viability are available to Members under a separate confidential document.

A summary of our Financial Appraisal for the revised scheme is contained at Appendix 4. The appraisal includes the full planning contribution requirements. In line with Appendix 5 and 6 of our original report the appraisal has been prepared so that the costs of the development including a normal developer’s profit return are deducted from the total revenues (GDV) to leave a residual land value which is then considered in the context of an appropriate site value.

The appraisal that is contained at Appendix 4 results in a residual land value 35% below the land value benchmark for this site that we consider is appropriate and shows that on this basis the development is not sufficiently viable to support 30% affordable housing and the full S106 contributions.
We have undertaken further testing to ascertain what level of contributions the development can support. We have assessed the viability of the scheme based on 20% affordable housing (equivalent to 8 dwellings) and the full S106 contributions of £111,852. This also results in a land value that is below the benchmark land value for the site.

In short, to achieve a standard developer profit of 14%, the financial viability assessment concludes that the applicant’s offer of 8 affordable dwellings and a S106 payment of £7,500 it considered reasonable.

On this basis the Section 106 obligations can be varied to secure affordable housing, public open space management, Travel Plan contribution of £6600 and the implementation of off-site drainage already approved.

**Conclusion**

In conclusion, it is considered that the off-site drainage works (approved under ref 2/2016/031) that have the support of the community and the Local Lead Flood Authority (LLFA), provide substantial local benefits that outweigh financial contributions. The contribution to education applied to the original outline consent is now not considered necessary by the County Council.

The affordable housing is still offered at a reasonable 20% and to the requirements of Allerdale Housing Services. There is a benefit here in that the house types are all of three bedrooms addressing the demand. It is considered that the FVA has concluded matters satisfactorily supported by the Council’s independent assessor.

**Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act. There are matters regarding the New Homes Bonus Scheme and additional Council Tax to the Council. This has carried no weight in the determination.
Annex 1

Conditions

1. Before any works commence, details of the scale and appearance, (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.
   Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out solely in accordance with the following plans:
   - 11-18-01a - Site Location Plan
   - 1718-216A - Site Layout (26/10/2017)
   - Email dated 12/11/2012 Regarding revised proposal description confirming reserved matters
   - Environmental Risk Assessment EES09-29 dated 29/5/2009
   - Ground Gas Assessment EES09-29 dated 23/7/2009
   - Risk Management Strategy EES12-099 dated 19/9/2012
   - Noise Assessment Report KDL/KB/NA/10/12 dated 19/10/2012
   - Tree Survey EESS09-29 dated 29/5/2009
   - Phase 1 Habitat Survey EES09-29 dated 29/5/2009
   - Environmental Documents Updates Statement EES12-099 dated 19/9/2012
   - Transport Statement A078102 dated August 2012
   - Travel Plan A078102 dated September 2012
   - Technical Note A66 Junction Capacity Assessment A078102 dated December 2012 (amendment received 10/12/2012
   - Drainage Statement RO/11058.6 Version 9
   - 11058 001 B - Engineering layout
   - 11058 200 D - Proposed drainage layout sheet 1 of 2
   - 11058 201 B - Proposed drainage layout sheet 2 of 2
   - 11058 202 B - Adoptable manhole Schedule
   - 11058 203 A - Adoptable manhole 1:20 details sheet 1 of 2
   - 11058 204 A - Adoptable manhole 1:20 details Sheet 2 of 2
   - 11058 701 A - Proposed Drainage Construction details
   - 11058 208 Rev C Off Site Drainage Layout
   - 11058 C1001 Rev A Outfall Proposal
   - H40CA Proposed Headwall
   Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. The development shall begin no later than the expiration of two years from the approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.
   Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The carriageway, footways, footpaths, cycle ways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has
been approved. Any works so approved shall be constructed before the development is complete.
Reason: To ensure a minimum standard of construction in the interests of highway safety.

5. The development shall not commence until visibility splays providing clear visibility of 2.4m x 103m in a south westerly direction and 129m in a north easterly direction measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
Reason: In the interests of highway safety.

6. Details of the vehicular crossing over the footway, including the lowering of kerbs, shall be provided to the Local Planning Authority and approved in writing. The works shall be implemented as approved.
Reason: To ensure a suitable standard of crossing for pedestrian safety.

7. The surfacing of the access road shall extend for at least 10m inside the site, as measured from the highway boundary prior to the use first being commenced and shall be carried out in accordance with details of construction which shall be submitted to the Local Planning Authority.
Reason: In the interests of highway safety.

8. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.
Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

9. Before development commences, details of a suitably sited refuse bay on the surface road that serves numbers 25,26 and 27 shall be provided and approved by the Local Planning Authority in writing. The refuse bay shall be implemented before occupation of the relevant phase of development.
Reason: The carrying out of this development without the provision of these facilities likely to lead to inconvenience and danger to road users.

10. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority firstly reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works and secondly showing the construction vehicle routing to the site avoiding Brigham village centre.
Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

11. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the
prior consent of the Local Planning Authority.
Reason: To ensure a minimum standard of access provision when the development is brought into use.

12. **Within three months of the occupation of the first dwelling, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes, including targets and the appointment of a Travel Plan Co-ordinator. The Travel Plan shall be the subject of annual review for a period of five years following the occupation of the first dwelling.**
Reason: To aid in the delivery of sustainable transport objectives.

13. **Prior to the commencement of development, further details of the surface water and foul water drainage systems (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the drainage statement RO/11058.6 version 9 (including off-site drainage improvements approved under ref 2/2016/0311) ; proposing surface water from the site discharging into the ponds and demonstrating a volumetric betterment by disconnecting highway drainage at High Brigham from the combined sewer and redirecting it into the surface water culverts. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.**
Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment.

14. **No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
   (a) **Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;**
   (b) **Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445;**
   (c) **Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution;**
   (d) **A written procedure for dealing with complaints regarding the construction or demolition;**
   (e) **Measures to control the emissions of dust and dirt during construction and demolition;**
   (f) **Programme of work for Demolition and Construction phase;**
   (g) **Hours of working and deliveries;**
   (h) **Details of lighting to be used on site.**
Reason: In the interests of the amenity of the occupiers of neighbouring properties.
15. As part of the reserved matters required by Condition 1, full details of the proposed glazing of the dwellings is provided as specified in the noise assessment report (KDL/KB/NA/10/12) dated 19 October 2012. The glazing shall be installed as approved and retained thereafter.
Reason: To ensure a satisfactory standard of housing development safeguarding residential amenity.

16. No development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.
Reason: To minimise any risk arising from any possible contamination from the development to the local environment.

17. The approved remediation strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.
Reason: To minimise any risk arising from any possible contamination from the development to the local environment.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All work shall be undertaken in accordance with current UK guidance, particularly CLR11.
Reason: To minimise any risk arising from any possible contamination from the development to the local environment.

19. No part of the development hereby permitted shall be built above ground floor level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. Details of the proposed landscaping shall include species as recommended in the Environmental Updates Statement EES12-099 dated 19/9/2012. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality and to safeguard and promote biodiversity.

20. The development hereby approved shall be implemented in accordance with the mitigation measures as specified in the Phase 1 Habitat Survey EES09-29
Reason: In the interests of nature conservation and biodiversity.

21. The development hereby approved shall be implemented in accordance with the mitigation measures as specified in the Tree Survey EES09-29 dated 29/5/2009 and Environmental Updates Statement EES12-099 dated 19/9/2012.
Reason: In order to ensure that adequate protection is afforded to the existing trees to be retained on site.

22. The development hereby approved shall be implemented in accordance with the mitigation measures as specified in the Risk Management Strategy EES12-099 dated 19/9/2012 and Environmental Updates Statement EES12-099 dated 19/9/2012.
Reason: To minimise any environmental pollution from the development.

23. Before development commences, details of the siting, height and type of all means of enclosure (including acoustic wall/fencing to roadside plots as recommended in the Noise Assessment Report KDL/KB/NA/10/12 dated 19/10/2012 shall be submitted to and approved by the Local Planning Authority before development commences. Any such means of enclosure shall be constructed prior to the approved buildings being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area and in the interests of noise abatement and general residential amenity.

24. Full details of the siting of play equipment within the open space as shown on the approved plans shall be submitted to the Local Planning Authority and approved in writing. The play equipment as approved shall be implemented before the occupation of the sixteenth dwelling.
Reason: In order to provide an adequate provision of locally equipped play in the absence of any alternatives within the immediate locality.

25. No development, including any demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
(a) Timing of works;
(b) Methods used for all channel, bankside, water margin works;
(c) Protection of areas of ecological sensitivity and importance;
(d) The means of access for construction traffic;
(e) The loading and unloading of plant and materials;
(f) The storage of plant and materials used in constructing the development;
(g) Wheel washing facilities;
(h) Measures to control the emission of dust and dirt during construction;
(i) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
Reason: To minimise any environmental pollution from the development.
26. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason: To minimise any environmental pollution from the development.

27. No infiltration of surface water drainage into the ground on the footprint of the former landfill is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. Reason: To minimise any environmental pollution from the development.

28. Prior to each phase of development approved by this planning permission no development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
   a) A pollution remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
   b) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved. Reason: To minimise any environmental pollution from the development.

Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Notes to Applicant: