

09/02/2016

Item **1.3**

Reg. No. **9/2015/1030/BME**

Applicant:
Drakelow Developments Ltd
& E.ON UK PLC
c/o Agent

Agent:
Mr David Smith
Turley
9 Colmore Row
Birmingham
B3 2BJ

Proposal: **THE VARIATION OF CONDITION 47 OF PLANNING**
PERMISSION REF: 9/2009/0341 (RELATING TO A
HYBRID PLANNING APPLICATION WITH ALL MATTERS
RESERVED FOR UP TO 2,239 DWELLINGS INCLUDING
A RETIREMENT VILLAGE; AN EMPLOYMENT PARK;
TWO LOCAL CENTRES COMPRISING RETAIL,
SERVICES, LEISURE, EMPLOYMENT AND COMMUNITY
USES; PUBLIC OPEN SPACES; A NEW PRIMARY
SCHOOL; ASSOCIATED LANDSCAPE AND
INFRASTRUCTURE, INCLUDING CAR PARKING, ROAD
AND DRAINAGE MEASURES; AND THE
REFURBISHMENT OF THE LISTED STABLES AND
COTTAGES (WITH FULL DETAILS- COMPRISING
CHANGE OF USE AND REPAIR OF THE BUILDING) ON
LAND AT SK2420 2230 DRAKELOW PARK WALTON
ROAD DRAKELOW SWADLINCOTE

Ward: **LINTON**

Valid Date: **02/11/2015**

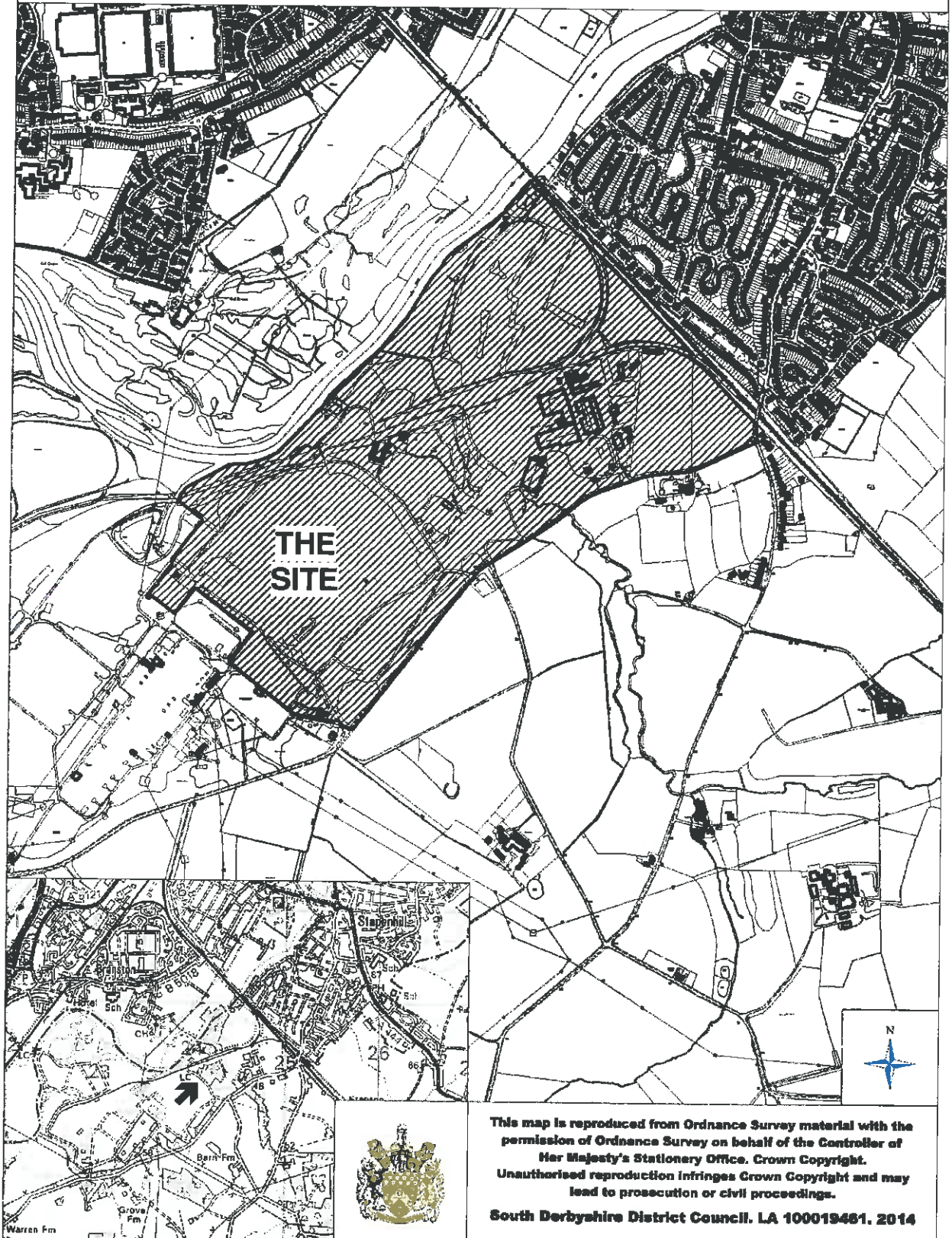
Reason for committee determination

The item is presented to Committee as it is a major application contrary to the Development Plan and subject to more than 2 objections; and at the discretion of the Planning Services Manager, given the Committee's determination of the original application and the associated update to the Section 106 Agreement.

Site Description

The site measures over 100 hectares in size, comprising a mix of uses including brownfield land formerly occupied by the Drakelow Power Station and more recently

9/2015/1030 - Land at SK2420 2230 Drakelow Park, Walton Road,
Drakelow, Burton on Trent DE15 9UA



by Roger Bullivant Limited for a variety of industrial and storage activities. The site is located immediately south west of Burton and is bounded by the River Trent to the north, beyond which lies Branston Golf and Country Club. To the south the site is bounded by the southern edge of Walton Road and open countryside. The National Forest railway line adjoins the east and to the west is a National Grid substation. There are two existing vehicular access points into the site from Walton Road with additionally there are two pedestrian connection points linking the site to Stapenhill, across the National Forest Line – an underpass next to the River Trent and a footbridge joining with Cumberland Road.

For the avoidance of doubt, the area subject to this application is identical to that of the previous submission in 2009. Part of the site is presently being developed pursuant to that permission to provide 99 dwellings.

Proposal

It is proposed to vary condition 47 of the 2009 permission under Section 73 of the 1990 Act. Condition 47 relates to the number of dwellings that can be occupied prior to the widening of the Walton Road and provision of the bridge across the River Trent towards the A38 junction near Walton ('the bypass'). It reads as follows:

"No more than 100 dwellings shall be occupied on the site until the widening of the Walton on Trent Bypass has been implemented generally in accordance with drawing no 07-0297 100 but more specifically in accordance with detailed designs first submitted to an approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt the developer will be required to enter into a S278 Agreement with the Highway Authority in order to comply with the requirement of this condition".

It is proposed to vary the opening limb of the condition to:

"No more than 400 dwellings shall be occupied on the site..."

Applicant's supporting information

A Planning Statement confirms that the overall quantum of development and the proposed mix of uses remain unchanged from that granted outline permission in 2012 and that pre-application discussions have been pursued with both County Highway Authorities to agree the scope of further highways assessments. The Statement carries an overview of relevant extant and emerging planning policy, and notes that Drakelow Park has a committed level of development to come forward over the new Local Plan period. It is advanced that the consideration of this application therefore needs to balance the benefits of further development coming forward before the implementation of the Walton bypass, with any negative impacts arising from this scenario in terms of additional traffic movements. There is an immediate need to deliver more housing on the site and assessment reveals that the increase of 300 units has little impact in terms of additional flows through Walton-on-Trent in the context of the existing flows in the peak hour. In particular, approval of the application would enable the delivery of further housing and investment on the

site in the short term without being constrained by the securing of necessary funding to enable the Walton bypass scheme to proceed.

The Transport Statement notes that the original 100 unit threshold was not derived from detailed modelling or impact assessment at the time of the original application, and therefore there was no quantitative justification for the limit other than the fact that assessments were based on the bypass being in place. Monitoring requirements and the Travel Plan would remain unaltered such that assessment should focus on whether allowing an additional 300 houses to be constructed in advance of the bypass being completed would have any effect or impact on the overall existing agreed position. Peak flows through Walton are likely to rise by around 25 to 30 vehicles, but this in the context of some 1,400 peak hour movements across the existing bailey bridge. Changes on routes to north would also be modest, with a very minor increase of around 12 vehicles in the afternoon peak. There would be no significant change in flows in the built up area of Burton on Trent. A review of the accident records has also been undertaken and within the study period only two accidents have occurred along Walton Road – one slight in severity, the other serious but involving only a single vehicle and linked to speed and losing control on a bend. The Statement concludes there would be no harm in changing the trigger and the development would still accord with Transport Policy 6. The development would also comply with paragraph 32 of the NPPF in that it would meet all three tests for appropriate development.

As the application falls under Schedule 2, categories 10a and 10b of the Environmental Impact Assessment (EIA) Regulations 2011 (as amended) an EIA has been carried out and an Environmental Statement (ES) provided. This ES remains the same as that submitted in 2009 save for updates to the Planning and Transport Statements as outlined above following a Screening Opinion that concluded that matters covered by the ES would not have materially altered since its preparation. The ES includes the remaining relevant documents:

- A Design and Access Statement setting out the design and layout concept for the site and how the development would connect with the wider area;
- A Statement of Community Engagement outlining the stages of public consultation prior to the submission of the application;
- A Sustainability Statement including the approach, policy objectives and framework;
- A Flood Risk Assessment;
- A Viability Overview Report (from 2009) updated with letters, the last being July 2010 examining the viability of the project taking into account all the costs associated with the development, the income generated, profits and the residual sum that would be available to provide for affordable housing and other infrastructure contributions;
- The original Transport Assessment and Addendum;
- A Travel Plan;
- An Ecological Appraisal and detailed Phase 2 Ecology Survey and Assessment;
- An Arboricultural Appraisal;
- A Culvert Survey and Report;

- An Interaction Statement describing the combined potential impact and interaction between the proposed development and the forthcoming power station on the adjoining site;
- An Agricultural Assessment; and
- Illustrative master plan and drawings.

These documents can be viewed online as part of the current submission.

Planning History

- 9/2014/1105: Variation of condition 10 of planning permission 9/2014/0363 (phase 1) to allow a safe access and egress from site while the access road is constructed – Approved January 2015
- 9/2014/0363: Approval of reserved matters for phase 1 (99 dwellings) of previously approved outline permission 9/2009/0341 – Approved June 2014
- 9/2009/0350: The construction of a pedestrian and cycle bridge across the River Trent – Withdrawn August 2009
- 9/2009/0342: Repair and refurbishment of the Grade II listed stable block – Approved July 2009
- 9/2009/0341: Hybrid scheme with all matters reserved for up to 2,239 dwellings including a retirement village; an employment park; two local centres comprising retail, services, leisure, employment and community uses; public open spaces; a new primary school; associated landscape and infrastructure including car parking, roads and drainage measures; and the refurbishment of the Listed stables and cottages – Approved February 2012
- 9/2003/1525: The formation of the Walton Bypass including a bridge over the River Trent – Approved May 2005 and subsequently varied in May 2007 (9/2006/0973) to allow for the works to commence prior to the stopping up of the access to Barr Hall.

Responses to Consultations

As the original application was accompanied by an Environmental Statement, the consultees as required by the EIA Regulations both then and now have been approached under this application alongside additional consultees now relevant.

The Highways Agency raises no objection.

The County Highway Authority notes that the Walton-on-Trent Bridge and Bypass was not itself proposed as part of the Drakelow Park proposal but had been consented some years previously, and the original Transport Assessment for Drakelow Park was predicated on the Bypass already being in place prior to commencement of the Drakelow Park development. However, this has proved not to be the case. Irrespective of the reasons for the delay, the new Transport Statement

is noted. For the avoidance of doubt, the County Highway Authority makes it clear that the content of the Transport Assessment is not specifically 'agreed', but providing that the conclusions are regarded as sound it is considered to be unreasonable to require an applicant to devote resources to amending the fine detail of a submission which would not affect the conclusion. In this case it is concluded that, in the context of paragraph 32 of the NPPF, there would be no material harm in changing the trigger for construction of the Walton on Trent Bypass. Further it considers that there is no evidential basis to contradict the conclusion or to justify refusing permission for reasons of impact of highway safety or operation of the highway network. Accordingly there is no objection to the granting of permission.

Staffordshire County Council Highway Authority raises no objection.

The National Planning Casework Unit acknowledges the application and wishes to make no further comment.

East Staffordshire Borough Council raises no objection.

Historic England raises no objection.

The Environment Agency raises no objection.

The County Council Flood Risk Team raises no objection.

Severn Trent Water Ltd confirms it wishes to see a condition attached as before.

Natural England wishes to make no comment.

Derbyshire Wildlife Trust raises no objection.

The Canal & River Trust wishes to make no comment.

Sport England wishes to make no comment.

The Environmental Health Officer raises no objection.

The Strategic Housing Manager has no comments to make.

Peak and Northern Footpaths raises no objection.

The Police Crime Prevention Design Advisor raises no objection.

Network Rail has no observations to make.

Responses to Publicity

Walton on Trent Parish Council raises concern at the level of traffic which would arise from the building of extra houses before the new bypass, with the original survey indicating that traffic through Walton would be a problem if more than 100 houses were built before the new road was made available; traffic now is very heavy

from as early as 7am. The bailey bridge is noted to presently struggle with capacity, so more houses would make the situation worse.

Drakelow Parish Meeting has no objection.

Three representations have been received raising the following concerns:

- a. the proposal would completely change existing communities and merge the village of Walton-on-Trent to Burton;
- b. promised infrastructure provision has not been delivered;
- c. Walton is serviced by a single track bridge which already sees the village at a standstill during morning and evening busy periods;
- d. the claim that quadrupling the houses allowed under the existing condition would only result in circa 40 additional traffic movements appears wildly optimistic;
- e. gravel pits and open mines, industrial estate development along the A38 and constantly stalling road development plans would inevitably bring more traffic to the village;
- f. concern for children walking the roads with increased traffic;
- g. concerned how this would impact the A38 with no room to build a third lane to service traffic;
- h. confused by the offer of employment parks as cannot imagine the unemployed would buy these houses;
- i. the village has been supportive of the solar farm application and would likely be supportive of any gas fired power station;
- j. impact on tourism and the environment;
- k. issues with existing works being left unattended to; and
- l. there has been no change in circumstances to warrant an amendment.

Development Plan Policies

The relevant policies are:

- Saved Local Plan 1998: Housing Policies 8, 11 and 14; Employment Policies 7 and 8; Environment Policies 1, 9, 10, 11, 13 and 14; Transport Policies 6, 7 and 8; Shopping Policies 2 and 3; Recreation and Tourism Policies 4 and 8; and Community Facilities Policy 1.

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Need), S5 (Employment Land Need); S6 (Sustainable Access), H1 (Settlement Hierarchy), H6 (Drakelow Park), H19 (Housing Balance), H20 (Affordable Housing), E1 (Strategic Employment Land Allocation), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Delivering Sustainable Water Supply, Drainage and Sewerage), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals

Safeguarding), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF6 (Community Facilities), INF7 (Green Infrastructure), INF8 (The National Forest) and INF9 (Open Space, Sport and Recreation).

National Guidance

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Local Guidance

- Housing Design and Layout SPG
- Better Design for South Derbyshire 2010
- Section 106 Agreements – A Guide for Developers 2010
- Industrial & Office Design and Layout SPG
- Trees and Development SPG
- Historic South Derbyshire SPG

Environmental Impact Assessment (EIA)

The PPG advises that a Section 73 application is considered to be a new application for planning permission under the 2011 Regulations. Where the development satisfies the criteria or thresholds set, the Council must carry out a new screening exercise and issue a Screening Opinion whether a fresh EIA is necessary. Where an EIA was carried out on the original application, it is necessary to consider if further information needs to be added to the original Environmental Statement (ES) to satisfy the requirements of the Regulations.

A fresh Screening Opinion was issued in October 2015 confirming that no further update to the previous ES was required as a consequence of the proposed variation, given it was considered that the change in itself would not bring about significant adverse effects on the environment in the context of the Regulations.

Planning Considerations

The main issues central to the determination of this application are:

- The Principle of Development;
- Highway Impacts; and
- Section 106 Agreement and Conditions

Planning Assessment

The Principle of Development

The site is not allocated in the saved Local Plan although it forms a strategic allocation in the emerging Plan. There has been no material change in these

circumstances since the 2012 approval other than the advancement of the Part 1 Plan and the changes to regional and national planning policy (the NPPF). The NPPF sets out a presumption in favour of sustainable development, in particular affording weight to significantly boosting housing delivery and economic development. The emerging Plan relies on the housing and employment provision arising from this site and has already been considered as sustainable in the round given the provision of facilities and services on site to support these provisions.

As a Section 73 application, Members should not reconsider the principle of development – instead focus on the effects of the proposed variation of condition. With all other matters remaining materially consistent with the decision made in 2012, such as ecology, flood risk, heritage impacts and so forth, those matters are not discussed further and determination turns on whether the resulting impacts on the highway network would constitute a severe cumulative impact in line with paragraph 32 of the NPPF and contravene saved and emerging Development Plan policies.

Members should also be aware that the site has the potential to supporting the funding of the off-site highway works, bearing in mind that project pre-dates the Drakelow Park development by a number of years and has progressed independently of the development both financially and in the context of mitigation required. Whilst funding has now been secured to bring forward the completion of the off-site works in the next year or so, the economic benefits of the proposal cannot be ignored – helping to advance and secure the off-site works in a timely fashion, assist in securing investment in other forms of development on site (such as the employment provision), as well as sustain wider economic benefits associated with continued delivery of housing beyond 99 dwellings. It should also be further considered that the emerging Plan relies on continued delivery from this site as part of the 5 year housing supply, whilst at the same time the balance of the 400 dwellings limit now proposed, and yet to be delivered, would be take some 4 years to construct.

Highway impacts

Preliminary earthworks have been undertaken on the bypass such that the completion of the bypass in a relatively short timeframe is feasible. Members will be aware that the previous approval was predicated on the basis that additional traffic generated by the development as a whole, both domestic and commercial, could be catered for by provision of this new river crossing. The impact of the proposed variation would be to sustain additional domestic traffic in the main until the crossing is completed, given it is not anticipated much of, if any, of the employment phase would come forward prior to 400 dwellings being provided. It is also noted that the original 100 unit threshold was set as an outcome of discussions and negotiations at the time of the consent being granted. It was not derived from detailed modelling or impact assessment, and therefore there was no quantitative justification at the time for the limit other than the fact that assessments assumed that the bypass would be place.

The modelling outlined in the Transport Assessment above indicates the bypass has very little impact on the peak hour flows of traffic from the site. To the north there is a

minimal increase (circa 12 during peak hour) and this must be measured in the context of daily flows through Burton. An additional 25 to 30 vehicles are expected through the village in peak hours, but this should be put in the context of a base flow of around 1,400 peak hour movements across the existing Walton Bridge. This level of increase is just 2% and, in itself, not considered to be demonstrable in terms of capacity or amenity impact on routes through the village.

A review of accident records (where personal injury was caused) on Walton Road between the Rosliston Road South junction and Walton itself has been conducted. Only 2 reported accidents have occurred in the last 3 years – one was classified as slight in severity and one classified as serious, this involving a single vehicle travelling too fast and losing control on a bend. On this basis there is no grounds for withholding permission on safety grounds, given there are no pre-existing safety issues which could be exacerbated by the proposal.

The responses of the Highway Authorities support the above discussion and in this light the cumulative impact is not a severe one and the variation can be supported under paragraph 32 of the NPPF and saved policy T6.

Section 106 agreement and conditions

None of the wider transport mitigation package and financial contributions secured through the current agreement and/or planning conditions would be changed save for updating conditions to respond to current the current policy context and development having commenced in part. The monitoring requirements and Travel Plan would remain unaltered.

The Section 106 agreement signed in February 2012 contained a myriad of provisions extending to 11 separate schedules, as might be expected on a scheme of this magnitude. This application does not propose to change those provisions in principle ensuring that the essential public benefits and effects are the same. The current application does however offer an opportunity to update the agreement brought about by the current proposal and replace it to:

- Ensure that the provisions are compliant with the latest CIL Regulations
- Take account of the fact that the first phase has commenced which changes some of the provisions which were predicated on the commencement of development and/or progress through the development. To this end it is proposed to exclude the phase one site in the new agreement. Separate liabilities for the phase one development have been calculated and agreed by the parties and the site would only be excluded and the triggers reduced by 99 in the new agreement, on the basis that that liability is met in full by the current developers. All of the current liabilities relate to County Council services in Derbyshire and Staffordshire and both have been consulted.
- 'Tidy up' the agreement and make limited changes to methodologies to secure collection of various provisions and contributions more appropriate to current practice.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

- A. That the Committee authorise the Planning Services Manager to complete a replacement agreement under Section 106 of the 1990 Act in line with that described above;
- B. Subject to A, **GRANT** permission subject to the following conditions:

Valid period of permission & submission of reserved matters

1. The next phase of the development hereby permitted within the land edged red on Plan ref. RBL001-101 shall be begun either on or before 28 February 2017, or before the expiration of 3 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Application for approval of the reserved matters for all remaining phases, namely access, layout, scale, appearance and landscaping, shall be made to the Local Planning Authority on or before the 29 February 2032.

Reason: The application is expressed to be in outline only. The Local Planning Authority considers it appropriate under Section 92(4) of the Town and Country Planning Act, 1990 due to the size and nature of the development to allow for the reserved matters to be submitted for an extended period.

3. Unless required by conditions of this permission, the reserved matters submitted in accordance with conditions 2 and 6 and details submitted in accordance with any other condition of this planning permission shall broadly accord with the phasing masterplan approved pursuant to Condition 4 below.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

Phasing

4. Unless otherwise required by conditions on this permission, the development shall be carried out in accordance with the phasing arrangements shown on drawings A-L015 Rev A, A-L-010 Rev A, A-L-021 Rev A, A-L-022 Rev, A-L-023 Rev A, A-L-024 Rev A, A-L-025, Rev A, A-L-026 Rev A, A-L-027 Rev A, A-L-028 Rev A, approved on 9 July 2014 (pursuant to condition 4 of planning permission ref. 9/2009/0341) (or such other replacement phasing arrangements which may be submitted to and approved in writing by the Local Planning Authority as a non-material amendment to this planning permission, or as updated phasing arrangements accompanying an application for a reserved matters approval).

Reason: For the avoidance of doubt and to ensure acceptable impacts during the course of the delivery of the site as a whole.

5. For the purposes of this planning permission all references to a 'phase' shall be interpreted as being a reference to a 'phase' as defined on the phasing masterplan and programme referenced in or subsequently approved pursuant to Condition 4.

Reason: For the avoidance of doubt.

6. Each reserved matters submission shall be accompanied by a statement demonstrating how the phase relates to the Design & Access Statement submitted alongside application ref: 9/2009/0341. Development of each phase shall be carried out in accordance with the approved plans and details.

Reason: The application is expressed to be in outline only and the Local Authority has to ensure that the details are satisfactory.

Landscaping/Public Open Space

7. No development shall commence in a phase until an Open Space Strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Open Space Strategy for each phase shall broadly accord with the phasing masterplan and public open space drawing as detailed in Condition 4 above (A-L-015 Rev A or as subsequently amended) and shall set out the proposals for the location, provision, programme of phasing, timing of submission of specifications, arrangements to secure public access and arrangements for short and long term management and maintenance (including funding arrangements) of all areas of open space within that phase including the following where applicable to each particular phase:

- a) The Woodland as shown indicatively on the Illustrative Masterplan (Plan ref: RBL001-018 Rev N (April 2009);
- b) The proposed sports pitch and associated changing facilities (as shown indicatively on the Green Infrastructure Plan Ref: RBL001-106-J;
- c) The Sunken Gardens (as shown indicatively on the Green Infrastructure Plan Ref: RBL001-106-J);
- d) Children's Play Areas (having regard to the fact that such areas will be the subject of detailed design pursuant to Conditions 6, 8, 9, 10 and 11); and
- e) Any remaining areas of open space within the site.

The Open Space Strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority or required by the conditions of this permission.

Reason: In the interests of the appearance of the area and to ensure sustainable provision of public open space and recreation facilities as the wider development progresses, noting that works to establish the layout of the phase require this detail to be approved first.

8. The hard and soft landscape details submitted pursuant to condition 2 shall include trees to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; street furniture; play equipment; refuse or other storage units; and retained historic landscape features and proposals for restoration.

Reason: In the interests of the appearance of the area and to ensure a high quality of design across the development.

9. Soft landscape details to be submitted and approved pursuant to Condition 8 shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure an appropriate standard of landscaping in a National Forest location, in the interests of the appearance of the area and the development itself.

10. All hard and soft landscape works submitted and approved for a phase pursuant to Condition 8 shall be carried out in accordance with the approved details and shall be finished not later than the first planting season following completion of the relevant phase of the development to which they relate.

Reason: In the interests of the appearance of the area and the development itself.

11. For each phase a landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission in accordance with conditions 2 and 6. The landscape management plan shall broadly accord with the Open Space Strategy approved pursuant to Condition 7 for the phase under consideration and shall be implemented as approved.

Reason: In the interests of the long term appearance of the development.

12. Any tree or shrub within a phase which forms part of the approved landscaping scheme for that phase which within a period of five years from planting (ten years for trees) fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

Reason: In the interests of the long term appearance of the development and to provide sufficient protection for vegetation to establish.

13. None of the existing trees or hedgerows indicated as existing on the master plan drawing number E6484-103-GR-PPW-Existing March 2010 (as referred to in the more detailed ES plans 2155/11a (June 2008) and 2155/10b (June 2008)) shall be cut down, uprooted or destroyed, nor shall be topped or lopped without the prior written approval of the Local Planning Authority upon an application pursuant to discharging the requirements of condition 8. If any of the existing

trees or hedgerows to be retained are removed or, uprooted or destroyed or dies, a replacement shall be planted in the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority and thereafter be subject to the same period of protection as afforded under condition 12.

Reason: In the interests of the long term appearance of the area and the development itself.

14. No site clearance works or development of a phase shall take place until the boundary with the trees and hedgerow to be retained have been fenced off with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed.

Reason: In the interest of the health and safety of the trees and hedgerows.

15. The area surrounding trees or hedgerows within the protective fencing erected pursuant to condition 14 shall remain undisturbed during the course of the works, and in particular in these areas:
- a) There shall be no changes in ground levels;
 - b) No material or plant shall be stored;
 - c) No buildings or temporary buildings shall be erected or stationed;
 - d) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow; and
 - e) No drain runs or other trenches shall be dug or otherwise created;
- unless alternative details have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the trees/landscape areas from undue disturbance in accordance.

Boundary Treatments

16. The boundary treatments approved pursuant to condition 8 shall be completed prior to first use or occupation of the building, space or area they enclose or in accordance with a timetable which shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

17. Prior to the occupation of a dwelling comprising a phase adjoining the existing railway line, details of a 1.8 metre high boundary fence to be provided adjacent to this existing railway boundary to a standard to acceptably mitigate noise from the railway for occupiers of the development, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be subsequently retained and maintained to the same standard thereafter.

Reason: To protect the amenities of adjoining properties and the locality generally.

Materials

18. No construction of any dwelling or hard surface shall commence until details of the materials proposed to be used on the surfaces of the roads, footpaths, private and shared driveways, car parking areas and courtyards along with samples of the materials to be used on the external surfaces of the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out using the approved materials.

Reason: In the interests of the appearance of the area and the built environment.

Sustainability

19. Any application for approval of reserved matters relating to provision of dwellings shall be accompanied by a statement which assesses the phase(s) against the outgoing Code for Sustainable Homes demonstrating what measures are being implemented to carry forward the requirements of Code Level 3 as far as is practicable. The development of phase(s) shall be carried out in accordance with the approved statement.

Reason: In the interests of achieving a sustainable development which reduces its reliance on and consumption of natural resources.

Disturbance (noise, vibration, odour, light – during construction & when occupied)

20. No development of any phase shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority that specifies the provision to be made for dust mitigation measures and the control of noise and vibration emanating from the site during the period of construction of the phase. The approved measures shall be implemented throughout the construction period of the phase.

Reason: To protect the amenities of adjoining properties and the locality generally, recognising that initial works have the potential to cause unacceptable impacts.

21. During the period of construction of any phase of the development which abuts any occupied dwelling within the site, no construction work shall take place outside the following times: 0730 – 1900 hours Monday to Friday and 0730 – 1330 hours on Saturdays and at any time on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of adjoining properties and the locality generally.

22. Before use of the non-residential uses hereby permitted commence, a scheme designed to protect the living conditions of occupants of nearby buildings from

noise, vibration and odours from the air ventilation and extraction system, including the methods of treatment of the emissions and the external ducting, shall be submitted to and approved in writing by the Local Planning Authority. Before the non-residential uses commence, the measures approved under the scheme shall be installed and brought into use. Thereafter the approved measures shall be retained, operated and maintained in accordance with the manufacturer's specifications.

Reason: To protect the amenities of adjoining properties and the locality generally.

23. No deliveries shall be taken in or dispatched from the proposed local centre outside the following times: 0700 hours to 1900 hours Monday to Saturday and at any time on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of adjoining properties and the locality generally.

24. Before use commences of any building for retail or commercial use (within Use Class A1-A5) or of the proposed community centre, details of all external lighting equipment associated with the proposed use of that building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and no other external lighting equipment may then be installed on or around that building except with the prior approval of the Local Planning Authority on an application made in that regard.

Reason: To protect the amenities of adjoining properties and the locality generally.

25. Prior to the commencement of any phase of the development the developer shall submit a scheme highlighting details of the likely resultant noise levels from activities during the construction phase of that phase at the nearest noise sensitive premises. The investigation shall address the impact that the activities will have, in terms of noise, on nearby residential properties. This assessment and mitigation measures shall be submitted for the approval of the Local Planning Authority prior to commencement of the development of that phase. Once agreed, all identified noise control measures shall be implemented and thereafter retained during the construction phase of the relevant phase.

Reason: To protect the amenities of adjoining properties and the locality generally.

26. As part of the submission of reserved matters details required under Condition 6 for each phase, the applicant shall submit for written approval an assessment of noise likely to affect the future occupiers of the phase. This assessment should follow relevant guidelines for assessing the noise from the surrounding road network and any other local noise sources that the evidence deems significant to the site. The assessment shall identify all noise attenuation measures that may be determined appropriate to reduce the impact of noise on the residential

properties on the site and achieve the requirements of BS:8233 (or any Standard which replaces it) for internal noise levels. Consideration shall also be given to achieving adequate summer cooling and, if deemed necessary, alternative ventilation measures shall be identified and incorporated into the noise assessment report. Details of any necessary mitigation measures shall be submitted with the reserved matters. Once agreed, all identified noise control measures shall be implemented and thereafter retained within the phase in accordance with the approved document(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

Flood Risk & Drainage

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D dated 9 November 2009 received under planning permission ref. 9/2009/0341, undertaken by THDA, and the following mitigation measures detailed within the FRA:

- a) (Paragraph 9.6) Limiting the surface water run-off generated by all events up to the 100 year plus 20 % commercial (for climate change), 30% residential (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and 30% less than the existing Brownfield site, and not increase the risk of flooding off-site.
- b) (Paragraph 9.1) Improvement/protection and maintenance of the existing Darklands Brook.
- c) (Paragraph 8.5) Finished floor levels are set no lower than 600mm above the 100 year plus 20% for climate change flood level, or 150mm above proposed external ground levels or the adjacent highway (whichever is the greater) applicable to each phase of the site.
- d) (Paragraph 9.11) no raising of ground levels within the 100-year flood plain of the Darklands Brook.
- e) (Paragraph 7.14.4) Provision of suitable security/trash screens to both ends of the existing culverts.
- f) (Paragraph 7.14.5) Provision of Structural repairs to Culvert 2, in accordance with the time scales detailed within the supplementary culvert report.

Reason: In the interests of flood protection both on and off site.

28. Development of each phase shall not begin until a surface water drainage scheme for that phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, including roof drainage and sealed at ground level, has been submitted to and approved in writing by the Local Planning Authority. Each phase of development shall subsequently be implemented in accordance with the approved details before the development is completed unless an alternative timetable is approved as part of the drainage scheme submitted. The scheme shall also include:

- a) Limiting the surface water run-off generated by all events up to the 100

year plus 20 % commercial (for climate change), 30% residential (for climate change) critical rain storm in accordance with paragraph 7.4 and tables 7.4, 7.7 and 7.9 of the approved FRA.

- b) Provision of a minimum of surface water run-off attenuation storage on the site in accordance with paragraphs 7.8 and 7.9 and tables 7.7 and 7.9 of the approved FRA.
- c) Details of how the scheme shall be maintained and managed after completion

Reason: In the interests of flood protection both on and off site.

29. The development of the Leased/Hatched area shown on Drawing No. 06-0297/114 received under planning permission ref. 9/2009/0341 shall not be commenced until such time as a detailed design of the Culvert 1 Replacement Scheme as outlined on Drawing No. 110 Revision B (also received under planning permission ref. 9/2009/0341), has been submitted to and approved in writing by the Local Planning Authority. Implementation of the Culvert 1 Replacement Scheme shall be undertaken during the ground works phase of the development of the Leased/Hatched area shown on Drawing No. 06-0297/114 received under planning permission ref. 9/2009/0341 and be fully operational prior to the first occupation of new dwellings within this area of the site.

Reason: To secure the implementation of the replacement of Culvert 1 within the site and to reduce the impact and risk of flooding overall.

30. Prior to the commencement of development within the Leased/Hatched area shown on Drawing No. 06/0297/114 received under planning permission ref. 9/2009/0341, a working method statement to cover all works involved in the construction of the Culvert 1 Replacement Scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved designs and method statement for the Culvert 1 Replacement Scheme. The working method statement shall include details on the following:

- a) Time programme for the works;
- b) Methods used for all channel and bank-side/water margin works;
- c) Machinery to be used;
- d) Location and storage of plant, materials and fuel;
- e) Access routes to the works, access to the banks of the watercourses;
- f) Method of protection of areas of ecological sensitivity and importance;
- g) Site supervision; and
- h) Location of site office, compounds and welfare facilities.

Reason: In the interests of flood protection.

31. The construction of any building, hard surface or road within a phase shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority for disposal of foul water from that phase. The development of each phase shall be carried out in accordance with the approved details.

Reason: In the interests of flood protecting and pollution control.

32. The construction of any hard surface or road within a phase shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority to install oil and petrol separators in that phase. The development of the phase shall be carried out in accordance with the approved details.

Reason: In the interests of pollution control.

Archaeology

33. a) No demolition/development shall commence in each phase until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing for that phase. The scheme shall include an assessment of significance and research questions; and
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No demolition/development shall take place within a phase other than in accordance with the Written Scheme of Investigation approved under condition (a).
- c) The development within a phase shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- d) Unless otherwise agreed in writing with the Local Planning Authority any historic or archaeological features not previously identified which are revealed within a phase when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within two working days. Works shall be halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible, noting initial groundworks could lead to the irrevocable loss of items of archaeological interest.

Crime Prevention

34. Prior to the first occupation of the each phase of the development hereby permitted, measures to minimise the risk of crime to meet the specific security

needs of the phase shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000.

Contamination

35. a) No phase of development shall be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters within that phase has been submitted to, and approved in writing by, the Local Planning Authority; and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- b) Prior to occupation of the phase (or, if agreed with the Local Planning Authority, parts thereof) an independent verification report shall be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- c) In the event that it is proposed to import soil onto site in connection with the phase, this shall be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- d) Unless otherwise agreed with the Local Planning Authority, no development shall take place within a phase until monitoring at the site for the presence of ground/landfill gas within the phase and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3, 1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it, noting initial groundworks could open up a pathway to a receptor.

36. If during development of a phase any contamination or evidence of likely contamination is identified within that phase that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

Ecology

37. Prior to the commencement of development in each phase, details of a programme of further survey work for that phase (beyond that having taken place for the Environmental Impact Assessment) relating to great crested newts, bats, breeding birds, slow worm, common lizard and grass snakes shall first be submitted to and approved in writing by the Local Planning Authority. Details of any required conservation measures and proposed habitats (including the creation of brown roofs and/or wildlife gardens where such features are to be provided in accordance with Condition 40) and implementation, management and maintenance proposals shall be included in the report ("the Ecological Management Plan"). Development of that phase shall be implemented in accordance with the approved details.

Reason: To ensure protected species and species of interest along with the habitats are not unacceptably impacted upon, noting initial groundworks and site clearance could lead to the net loss of biodiversity.

38. The Bat Mitigation Strategy (dated 10 November 2008 and submitted to the Local Planning Authority as part of planning application ref. 9/2009/0341) shall be implemented, where applicable to a particular phase, in accordance with a programme for that relevant phase to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard European protected species and to satisfy the Council's requirements under the Habitat Regulations.

39. Notwithstanding the submitted details, a scheme for the retention or the translocation of the onsite railway ballast habitat, as shown on the Green Infrastructure Plan submitted with application ref: 9/2009/0341, shall be submitted to and approved in writing by the Local Planning Authority. Alternatively any such habitat lost shall be compensated through the creation of brown roofs and/or wildlife garden (as described in the Ecological Management Plan submitted with application ref: 9/2009/0341) in accordance with details first submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that as much of the biodiversity of the site as possible is retained.

40. Any measures set out in the Ecological Management Plan which are applicable to a particular phase shall be implemented in accordance with a programme for that phase which has been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development of that phase.

Reason: To ensure that as much of the biodiversity of the site as possible is retained and/or enhanced.

Highways

41. Before any other operations are commenced in each phase, a scheme shall be submitted to the Local Planning Authority for that phase for written approval indicating the proposed temporary means of construction access, site accommodation, storage of plant and materials, and areas for parking and manoeuvring of site operatives and visitors vehicles and loading, unloading and manoeuvring of goods vehicles.

Reason: In the interests of highway safety, noting that initial works on site could lead to unacceptable impacts.

42. Before any other operations are commenced within a phase, excluding demolition and site clearance, the access and on-site facilities the subject of condition 41 above shall be laid out and constructed in accordance with the approved scheme and retained throughout the construction period free from any impediment to their designated use.

Reason: In the interests of highway safety.

43. Notwithstanding the submitted information, any reserved matters submission involving the creation or opening of an access between Walton Road and the development shall be accompanied by details of the traffic counting/monitoring equipment to be provided at the accesses in accordance with paragraphs 7.1.6 and 8.2.3 of the Framework Travel Plan dated 27 September 2011 submitted as part of application ref: 9/2009/0341).

Reason: In the interests of highway safety and to enable monitoring of Travel Plan objectives.

44. No more than 400 dwellings shall be occupied on the site until the widening of the Walton Road carriageway to 6.75m minimum between the site and the proposed Walton on Trent Bypass has been implemented generally in accordance with drawing no. 07-0297 100 submitted under application ref: 9/2009/0341, but more specifically in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure that sufficient mitigation is in place to assimilate the development in to the adjoining highway network.

45. Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of highway safety.

46. No development or combination of development shall be occupied that would result in trip generation exceeding 426 vehicle trips in the AM peak or 380 vehicle trips in the PM peak (based on the trip rates set out below) unless and until road schemes broadly in accordance with Infrastructure Planning and Design Limited layout drawings IPaD-09-104-P-110 Rev D, IPaD-09-104-P-111 Rev D, and IPaD-09-104-P-112 Rev D (submitted under application ref: 9/2009/0341) have been submitted to and approved in writing by the Local Planning Authority, implemented in full and opened to traffic. The vehicular trip rates to be applied are as follows:
- Residential (per dwelling): AM Peak 0.37, PM Peak 0.335
 - Employment (per 100sqm): AM Peak 0.87, PM Peak 0.76

Reason: In the interests of highway safety and to ensure that sufficient mitigation is in place to assimilate the development in to the adjoining highway network.

Informatives:

- a. Method statements are required to be submitted to Network Rail's Territory Outside Parties Engineer for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
- b. Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway might result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- c. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail would wish to be involved in the approval of any landscaping scheme adjacent to the railway.
- d. Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the

location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

- e. Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank, or the flood plain of the River Trent, and the Darklands Brook, both designated a 'main river'.
- f. The Environment Agency recommends that developers should:
 - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - ii) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
 - iii) Refer to their website at www.gov.uk/environment-agency for more information.
- g. The Environment Agency actively encourages the use of SUDs at new developments. However it should be noted that the preliminary risk assessment indicates the potential for contamination to be present on the site. Drainage of surface or roof water through any contamination could act to mobilise it therefore posing a risk to 'Controlled Waters' receptors. Consequently proposals for the drainage of surface or roof water into the ground will need to be taken into account if contamination is found during the site investigation as the subsequent risk assessment will need to consider the additional infiltration from the surface and roof water system(s).
- h. The Environment Agency notes that there may be a requirement for water to be used for dust/dirt control measures such as damping down, water sprays and wheel washes. If water is abstracted from a watercourse or well or borehole for these purposes and more than 20 cubic metres per day is abstracted, an abstraction licence will be required.
- i. The Environment Agency has a river flow gauging station at SK 2391 2039. This site is an important part of their flood-forecasting network and vehicular access is required 24 hours a day 7 days a week.
- j. The proposal shows high density housing adjacent to the employment area (which includes B2 usage). The potential for noise disturbance to future residents is high and the applicant should contact the Environmental Protection Section to discuss this issue prior to submission of any reserved matters application.
- k. All archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor. The Development Control Archaeologist at Derbyshire County Council should be contacted in the first instance for a

written brief from which the WSI may be developed.

- l. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of Derbyshire County Council. Prior to any Agreement being entered into the Council will require engineering designs of all proposed highway works, which will be subject to a construction approval process. Advice regarding the technical, legal, financial and administrative processes connected with Section 278 Agreements may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538582). The applicant is advised to allow at least 12 weeks in any programme of works to obtain Section 278 approval.
- m. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538582) before works commence on the temporary construction access.
- n. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must ensure that mud or other extraneous material is not carried from the site and deposited on the highway. If this does occur the applicant must take all reasonable steps to ensure that the surrounding streets are cleaned. The Highway Authority reserves the right to undertake street cleansing on the applicant's behalf should this be deemed necessary and recharge the applicant for the work.
- o. The applicant is advised that where development related highway works engender the re-routing or other changes to bus services, the developer will be expected to meet all of the costs involved in modifying the public transport routes/services for the duration of the works.
- p. The supporting documents submitted with the planning application identify Derbyshire County Council's Landscape Character Types in the baseline information but fails to make the link to the use of landscape character type key characteristics to landscape mitigation proposals. This should be addressed fully in the landscape scheme and in particular species selected should reflect local landscape character, especially the new woodland planting. The landscape scheme should recognise the local landscape character of the surrounding countryside and identify how the development will be incorporated into it. Further advice can be obtained from www.derbyshire.gov.uk/environment/conservation/landscape.
- q. Derbyshire County Council's Greenways Officer from time to time should as far as possible be consulted on the design, creation and construction of the greenway/bridleways that will serve and cross the application site. Contact Derbyshire County Council on 01629 539653 or at: countrysideservice@derbyshire.gov.uk.
- r. The proposed development lies within a coal mining area which may contain

unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

- s. This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990.
- t. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, meetings and negotiations and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.