



REGULATORY SERVICES COMMITTEE

19 June, 2014

REPORT

Subject Heading:

P0455.14 – Mardyke Farm, Dagenham Road

Variation of Conditions 1 and 8 of planning permission P0432.10 - extension of time for completion and reduction in the number of site access points following restoration

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Guidance**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the variation of planning conditions under the provisions of Section 73 of the Town and Country Planning Act 1990. Planning permission P0432.10 granted consent for the restoration, re-contouring and landscaping of land without complying with conditions 2 (time limit for completion), 9 (landscaping), 11 (phasing), 13 (drainage ditches), and 15 (clay cap) of planning permission P0186.93.

Planning permission P0432.10 allowed for a variation of the conditions attached to P0186.93 to allow for the continued restoration of the land, with amendments, to public open space. The application under consideration proposes variations to conditions 1 (time limit for completion) and 8 (landscaping arrangements), to allow for an additional three years to complete the development, and to reduce the number of public access points into the restored site from five to two.

The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, and access considerations. Officers are recommending that planning permission be granted, subject to conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended). The deed would vary the Section 106 planning obligations completed on 1st July, 2010 in respect of planning permission P0432.10, the planning conditions for which are annexed to this report, by substituting that planning permission reference with a new reference to reflect the new consent and to amend the approved landscaping plan to reflect the proposed number of access points, along with any consequential amendments to the definitions, recitals and clauses of the section 106 dated 1st July 2010.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 planning obligation dated 1st July 2010, all recitals, terms, covenants and obligations in the aforementioned Section 106 Agreement shall remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time Limit – With the exception of aftercare works, the development hereby approved, including the approved engineering operations and landscaping works, shall be completed by 11th April 2017.

Reason: In the interest of amenity and to ensure the full restoration of the site within a reasonable timescale.

2. Access Arrangements - All construction traffic shall continue to use the existing access onto Dagenham Road. There shall be no other vehicular access to the site.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

3. Working Hours - With the exception of after-care and tree planting the development hereby permitted shall only be carried out between 08.00 and 18.00 on weekdays, 08.00 and 13.00 on Saturdays and not at all on Sundays and public holidays.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

4. Noise - The development shall be undertaken in accordance with the noise controls approved under condition 4 of planning permission P0432.10.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

5. Noise - The monitoring of noise emissions from the development hereby permitted shall be undertaken in accordance with the scheme approved under condition 5 of planning permission P0432.10. Monitoring data shall be retained during the life of the operation and shall, be supplied to the local planning authority on request.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

6. Noise - All vehicles, plant and equipment used on the site shall be silenced, maintained and operated in accordance with the manufacturers specifications.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

7. Dust - The control and monitoring of dust emissions from the development hereby permitted shall be undertaken in accordance with the scheme approved under condition 7 of planning permission P0432.10 and shall be implemented for the life of the development.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

8. Landscaping and Restoration – The development shall be undertaken in accordance with the approved landscaping plans approved as part of condition 8 of planning permission P0432.10 except as amended by the approved plans referenced “96000-LANDSCAPE-001 VER D” and “Boundary Treatment Plan”, received on 29th May 2014 and 6th June 2014 respectively.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure the proper restoration of the site.

9. Aftercare - Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site.

10. Drainage - The development shall continue to be undertaken in accordance with the drainage scheme and any balancing ponds approved as part of condition 10 of planning permission P0432.10.

Reason:

To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

11. Restoration Materials - Only restoration soils that are in accordance with the site specific environmental permit and exemption issued by the Environment Agency will be imported onto the site and used for infilling.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to public amenity.

12. Soils - The final layer of covering material shall be at least 0.6m depth of topsoil or other soil-forming materials and this shall be increased to at least 1.5m depth in areas to be planted with trees and shrubs. Topsoil shall be graded to form the approved final contours and to provide an even surface for planting and grass sowing. The finished surface shall be ripped to disturb the whole soil profile to a depth of at least 0.4m in order to alleviate compaction. Soil material shall only be spread when friable in order to minimise compaction. Any soil or other material which is surplus to requirements shall be removed from the site within 1 month on completion of restoration.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site.

13. Stockpiles - Restoration materials shall not be stored in mounds exceeding 3m in height and all other materials shall be stored in mounds not exceeding 4m in height.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site.

14. Wheel Cleaning – The approved development shall continue to be undertaken in accordance with the wheel washing details approved as part of condition 14 of planning permission P0432.10.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and in order that the development accords with Policies DC61 and DC32 of the LDF Development Control Policies DPD.

15. Wheel Cleaning – All heavy goods vehicles that leave the site during the course of the approved engineering operations, shall be cleaned in accordance with the details approved as part of condition 14 above.

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and in order that the development accords with Policies DC61 and DC32 of the LDF Development Control Policies DPD.

16. Internal Roads - Internal haul roads shall be constructed in accordance with the plans and specifications approved under planning permission P0432.10. All vehicles and machinery shall travel to the individual phases of the development within the site on the designated haul roads. Any alterations or amendments to the haul roads location and/ or specifications shall be submitted to and approved in writing by the local planning authority prior to their implementation. Upon completion of the site restoration, the haul roads shall be broken up and removed and the site restored in accordance with the details approved under condition 8 above.

Reason:

In the interests of local amenity in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in the NPPF.

17. Perimeter Fencing - The site perimeter fencing approved under condition 16 of planning permission P0432.10 shall be retained for the duration of the restoration works. Lockable gates shall continue to be provided at the vehicular access to the land. The gate shall be kept locked at all times when the site is closed and the security fencing maintained throughout the construction period. Upon completion of the engineering operations, the perimeter fencing shall be removed or modified in accordance with the details approved as part of condition 8 above.

Reason:

For the purposes of this condition Engineering Operations means any phase of the development that has been completed and the final layer of topsoil spread made ready for planting/seeding.

18. Contaminated Land - The development hereby approved shall continue to be undertaken in accordance with the details approved as part of condition 17 of planning permission P0432.10, and shall continue to be undertaken in accordance with the requirements of that condition.

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

19. Ecology - The development hereby permitted shall continue to be undertaken in accordance with the ecological management plan and protected species management plan approved as part of condition 18 of planning permission P0432.10. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy PPS9 and LDF policies DC58 and DC59.

20. Invasive Species - The development shall continue to be undertaken in accordance with the details approved as part of condition 19 of planning permission P0432.10 for the removal or long-term management/eradication of Japanese knotweed, giant hogweed and New Zealand pygmyweed at the site.

Reason:

To ensure the site is restored for ecological enhancement in the interests of overall site enhancement and public amenity.

21. Notification – The local planning authority shall be notified in writing within 5 working days of the completion of the approved infilling of material and engineering operations, and within 5 working days of the completion of those landscaping and restoration works approved as part of condition 8 above.

22. Topographical Survey – A plan showing the final site levels (with contours at 1m intervals), shall be submitted for the approval in writing of the Local Planning Authority, within 1 month following the completion of the approved infilling of material and engineering operations. A further plan showing final site levels shall be submitted to the Local Planning Authority for its written approval within 1 month following the completion of the landscaping and restoration works approved as part of condition 8 above.

Reason:

In the interests of ensuring the development is completed in time and to establish the commencement date for the required aftercare period.

INFORMATIVES

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Approval – No Negotiation Required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The site, which is located off Dagenham Road, is an irregular shaped area of land approximately 37ha in area. The site's northern boundary adjoins Dagenham Road along with residential properties located along Thorogood Way. The site's western boundary predominantly adjoins residential properties located along Stanley Road North and Betterton Road, but adjoins sports fields at its southern end. The southern boundary adjoins sports pitches associated with a nearby school, and at its western end, adjoins residential development within or in close proximity to Orchard

Village. The site is bounded to the west by the Beam River forming the Borough boundary with Barking and Dagenham.

- 1.2 The site has been the subject of active land restoration since April 2011, involving the importation and deposition of inert material, and its shaping to form levels approved as part of the restoration scheme associated with planning permission P0432.10. These works are intended to restore the site to a public open space and nature conservation area, follow past failures to properly restore the site following mineral extraction in the postwar period.
- 1.3 The site is located in the Green Belt.

2. Description of Proposal

- 2.1 Condition 1 of planning permission P0432.10 states that:

“Unless otherwise agreed in writing by the local planning authority the whole of the development hereby permitted, apart from aftercare, shall be completed within 3 years of the date of re-commencement of works pursuant to this application.”

Condition 8 of planning permission P0432.10 states that:

“Within 12 months of this permission a scheme of landscaping and restoration shall be submitted to and approved by the Local Planning Authority. The scheme shall be based on the approved landscaping plans Landscape Layout 14a and Landscape Sections 14b and shall include:

- a) indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;*
- b) long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas;*
- c) details of the proposals for the progressive re-contouring and restoration of the site and the timing of tree and shrub planting, footpath creation and public access, fencing, re-grading of embankments and construction of the ponds and drainage features;*
- d) Details of the extent and type of new planting;*
- e) Details of maintenance regimes;*
- f) Details of any new habitat created on site;*
- g) Details of treatment of site boundaries and/or buffers around water bodies.*

The scheme of landscaping and restoration shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.”

- 2.2 This planning application seeks approval for the variation of conditions 1 and 8 of planning permission P0432.10 (granted 1st July 2010), to allow for an extension to the approved working period, and to reduce the number of

public access points into the site, along with any consequential changes. The submitted information states that, owing to the economic downturn over the past few years, it has not been possible to import enough material and progress the development at the rate originally anticipated. An extension of three years has therefore been requested to complete the development. The submitted information states that the proposed reduction in the number of public access points into the restored site has arisen from discussions with local residents. The approved restoration scheme would include five public access points, however, owing to concerns about nuisance activities taking place within the site, such as the use of motorbikes, only two access points are now proposed. It is considered that this will help to reduce and control such activities more effectively.

2.3 In all other respects, the proposal would be as previously approved.

3. Relevant History

3.1 Historically mined for sand and gravel from the late 1940s, the site was a subsequently landfilled and, by modern standards, poorly restored. Planning permission was granted on appeal in 1995 under planning reference P0186.93 to further restore the site through the importation of some 1.25 million cubic metres of inert materials that would encapsulate the historic landfill and restore the site for informal public open space and woodland. Approximately 70% of the material was imported, however, filling ceased in late 2003 leaving the scheme largely unfinished. The works re-commenced in April 2011 following the grant of the planning permission referenced P0432.10.

4. Consultations/Representations

4.1 This application was advertised by site notice and a press advertisement. Notification letters were sent to 302 neighbouring addresses. Letters have been received from 1 neighbouring occupier, objecting to the proposal on the grounds that the proposed extension of time is too long and that the development should be completed more quickly.

Comments have also been received from the following:

Environment Agency	-	No objections.
Highways	-	No objections; conditions recommended.
Environmental Health	-	No comments received.

5. Relevant Policies

5.1 Havering's Core Strategy and Development Control Policies DPD:

DC32 (The Road Network)
DC45 (Appropriate Development in the Green Belt)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
DC72 (Planning Obligations)

In addition, the Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

5.2 The East London Joint Waste Plan (“the Waste DPD”)

Policies W4 (Disposal of inert waste by landfilling) and W5 (General considerations with regard to waste proposals.)

5.3 The London Plan

Policies 5.13 (sustainable drainage), 5.18 (construction, excavation, and demolition waste), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.16 (green belt), 7.19 (biodiversity and access to nature), and 8.2 (planning obligations).

5.4 Relevant national planning guidance:

National Planning Policy Framework (“the NPPF”)

6. Staff Comments

6.1 This proposal is put before Committee because, should planning permission be granted, an agreement under Section 106A of the Town and Country Planning Act 1990 would need to be completed.

6.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.

6.3 The main issues to be considered by Members in this case are the principle of development, visual impact, local amenity, and access considerations.

7. Assessment

7.1 Principle of development

7.1.1 Policy DC45 of the DPD states that planning permission for development in the Green Belt will only be granted where it is for given purposes, including

for outdoor recreation and nature conservation. The proposed continuation of landfilling and engineering operations is intended to restore a former mineral extraction site and facilitate the creation of an outdoor recreation and nature conservation area. The proposal is considered to be in accordance with Policy DC45 of the LDF.

7.1.2 The guidance contained in the NPPF is also of relevance. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the Development Plan set out the categories of appropriate development.
- b) If the development is not considered to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.3 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

7.1.4 In terms of Green Belt policy, this application mainly proposes engineering operations (importation and levelling of material) and incidental building operations, including fencing around the site perimeter. Paragraph 90 of the NPPF states that "certain other forms of development" may constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations.

7.1.5 The proposal concerns a development that has been granted planning permission before, and for which significant progress has been made. The applicant has stated that circumstances outside of their control have resulted in the completion of the development being delayed, and thus additional time is required to complete the development. Aside from the proposed reduction in public access points (and any minor consequential amendments), which is not considered to have any particular significance in terms of impacts on the Green Belt, the proposed restoration landform will be identical to that previously approved. In terms of those matters having significance for the site's openness, in particular the raising of ground levels, the proposal would be as previously approved.

7.1.6 The proposed extension to the approved working period would delay the site's restoration to an open green space, and for the duration of the extended construction works, there would be harm to the openness and

visual amenities of the Green Belt. However, given that the construction works are intrinsic elements to restoring the land and are temporary in nature, their harm to the openness and visual amenities of the Green Belt are not considered to be significant, particularly considering the poor condition of the site historically, and that the proposed extension of time would enable the applicant to restore the site to a public open space and nature conservation area.

7.1.7 The proposal would result in a new planning permission being issued and it is necessary to assess the application in accordance with the latest planning guidance. It is considered that the proposed land raising works and associated development would not be harmful to the openness of the Green Belt given, in this case, that the site forms a parcel of land enclosed by urban development and its historically very poor condition. Following the completion of the restoration works, the site will appear as an open green space surrounded by urban development, and to this extent, it is considered that the proposal would be beneficial to the openness of the Green Belt and purposes of included land within it.

7.1.8 Policy W4 of the Waste DPD states that planning permission for waste disposal by landfilling will only be granted provided the waste to be disposed of cannot practicably and reasonably be reused, and the proposal is both essential and involves the minimum quantity of waste necessary for, amongst other things, restoring current or former mineral workings sites. The fill material being used to restore the site has been approved separately by the Environment Agency and comprises inert fill material. In terms of the fill material being used, the purpose of the development and the site's previous use, and the proposed restoration scheme, the proposal is considered to be in accordance with the requirements of Policy W4 of the Waste DPD.

7.1.9 The proposal is considered to be acceptable in principle.

7.2 Visual Impact

7.2.1 Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

7.2.2 The proposal would not result in any significant amendments to the overall appearance of the site once it is restored. The proposal is for an extension to the approved working period, and minor amendments to the site's access arrangements, but the proposal is otherwise as previously approved.

7.2.3 The proposed extension of time would mean that, potentially, as things stand, it could take a further three years to complete the development, although the actual importation of material and engineering operations should be complete within two years. The extended construction period would be temporary and it is considered that, given the desirability of restoring the site as soon as is practicably possible, that the short-term harm

of extending the working period would be outweighed by the long-term benefits of supporting the site's continued restoration.

7.2.4 In terms of its visual impact, the proposal is considered to be in accordance with Policy DC61 of the DPD and the guidance contained in the NPPF.

7.3 Local Amenity

7.3.1 Policy DC61 of the DPD states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

7.3.2 The proposal would not result in any significant amendments to the overall appearance of the site once it is restored. The proposal is for an extension to the approved working period, and minor amendments to the site's access arrangements, but the proposal is otherwise as previously approved.

7.3.3 The noise controls imposed on the previous planning permission are recommended again in relation to the current proposal. These include the proposed working methods, noise monitoring scheme, maximum permitted noise levels, and a scheme for the submission of details to demonstrate compliance to the Council. The Council's Environmental Health officers report that no noise-related complaints have been received about the ongoing development.

7.3.4 The proposed changes to the site's access arrangements are intended to reduce the likelihood of nuisance activities occurring within the restored site, and according to the submitted information, have been proposed following discussions with local residents. The proposed extension to the working period would mean that construction works would continue for a longer period of time than originally anticipated, and this would result in a degree of harm to the amenities of local occupiers. However, the long term benefits of supporting the continued restoration of the site are considered to outweigh the short term harm identified.

7.3.5 The proposal is considered to be in accordance with Policy DC61 of the DPD.

7.4 Access Considerations

7.4.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

7.4.2 The proposal is for a continuation of a previously approved development except with, arguably, a longer period of time to import a lower amount of material than originally permitted, given that the site's restoration is already significantly progressed.

7.4.3 There have been allegations in the past that the site under consideration has given rise to mud and other debris being tracked into the highway. However, investigations by planning officers found no conclusive evidence

of this, and, in general, the operator's use of wheel wash and road sweeping equipment has been sound. Nevertheless, the Council's Highway officers have requested a condition requiring the approval of such measures to prevent any potential deposition of material into the highway in future. The condition imposed on the last planning permission has therefore been updated.

7.4.4 In terms of its impact on highway safety and amenity, it is considered that the continuation of mineral processing at the application site would be acceptable and in accordance with Policy DC32 of the DPD.

7. Conclusion

7.1 Officers consider the proposal to be acceptable, having had regard to Policies DC32, DC45, DC58, DC61, and DC72 of the LDF, and all other material considerations, subject to the recommended conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare a deed of variation in relation to an existing legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form

All information submitted in support of planning application P0455.14, and the details approved to satisfy the conditions imposed on planning permission P0432.10 (condition approval references Q0148.10 and Q0200.10).

Appendix A – Conditions imposed on planning permission P0432.10.

1) Unless otherwise agreed in writing by the local planning authority the whole of the development hereby permitted, apart from aftercare, shall be completed within 3 years of the date of re-commencement of works pursuant to this application.

Reason: In the interest of amenity and to ensure the full restoration of the site within a reasonable timescale.

2) All construction traffic shall use the existing access onto Dagenham Road. There shall be no other vehicular access to the site.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper and expeditious restoration of the site to amenity and nature conservation use.

3) With the exception of after-care and tree planting the development hereby permitted shall only be carried out between 08.00 and 18.00 on weekdays, 08.00 and 13.00 on Saturdays and not at all on Sundays and public holidays.

Reason:

To protect residential amenity.

4) The control of noise emissions from the development hereby permitted shall be undertaken in accordance with a scheme to be submitted to and approved by the local planning authority prior to any works associated with this permission commences. The scheme shall include details of the maximum levels of noise to be permitted at noise sensitive residences.

Reason:

To protect residential amenity.

5) The monitoring of noise emissions from the development hereby permitted shall be undertaken in accordance with a scheme to be submitted to and approved by the local planning authority prior to any works associated with this permission commences. The scheme shall include the monitoring of noise levels at intervals not greater than 3 months at 3 or more locations to be approved by the local planning authority. Monitoring data shall include L90 and LAeq noise levels measured over a one hour period, prevailing weather conditions and comments on the source or sources of noise which are controlling the noise climate. Monitoring data shall be retained during the life of the operation and shall, be supplied to the local planning authority on request.

Reason:

To protect residential amenity.

6) All vehicles, plant and equipment used on the site shall be silenced, maintained and operated in accordance with the manufacturers specifications.

Reason:

To protect residential amenity.

7) The control and monitoring of dust emissions from the development hereby permitted shall be undertaken in accordance with schemes to be submitted to and approved by the local planning authority prior to any works associated with this permission commences. The dust control scheme shall include:

- a. The stabilization of soil mounds and large bare areas of land.
- b. The restriction of operations at times when high wind speeds would cause dust nuisance at residences.
- c. The retention on site of a water bowser to be used to spray road surfaces in dry periods.
- d. A surfaced road between the site entrance and the works compound.
- e. a speed limit on vehicles moving within the site.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

8) Within 12 months of this permission a scheme of landscaping and restoration shall be submitted to and approved by the Local Planning Authority. The scheme shall be based on the approved landscaping plans Landscape Layout 14a and Landscape Sections 14b and shall include:

- a) indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
- b) long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas;
- c) details of the proposals for the progressive re-contouring and restoration of the site and the timing of tree and shrub planting, footpath creation and public access, fencing, re-grading of embankments and construction of the ponds and drainage features;
- d) Details of the extent and type of new planting;
- e) Details of maintenance regimes;
- f) Details of any new habitat created on site;
- g) Details of treatment of site boundaries and/or buffers around water bodies.

The scheme of landscaping and restoration shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to amenity.

9) Planting, seeding or turfing comprised in the approved details of landscaping for each phase of the development shall be carried out in the first planting and seeding seasons following the completion of that phase; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to amenity.

10) The proposed drainage scheme and any necessary balancing pond, shall be constructed in accordance with the plans and particulars hereby submitted and approved.

Reason:

To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

11) Only restoration soils that are in accordance with the site specific waste management permit and exemption issued by the Environment Agency will be imported onto site and used for infilling.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to public amenity.

12) The final layer of covering material shall be at least 0.6m depth of topsoil or other soil- forming materials and this shall be increased to at least 1.5m depth in areas to be planted with trees and shrubs. Topsoil shall be graded to form the approved final contours and to provide an even surface for planting and grass sowing. The finished surface shall be ripped to disturb the whole soil profile to a depth of at least 0.4m in order to alleviate compaction. Soil material shall only be spread when friable in order to minimise compaction. Any soil or other material which is surplus to requirements shall be removed from the site on completion of restoration.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to public amenity.

13) Restoration materials shall not be stored in mounds exceeding 3m in height and all other materials shall be stored in mounds not exceeding 4m in height.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to public amenity.

14) No materials shall be brought to the site for the purpose of the development hereby permitted until a vehicle wheel cleaner has been installed close to the site entrance. The cleaner shall be used by all vehicles leaving the site.

Reason:

To ensure that mud and other debris is not tracked out onto the public highway and in the interests of highway safety.

15) Internal haul roads shall be constructed in accordance with the plans and specifications hereby approved. All vehicles and machinery shall travel to the individual phases of the development within the site on the designated haul roads. Any alterations or amendments to the haul roads location and/ or specifications shall thereafter be submitted to and approved by the local planning authority. Upon completion of the site restoration, the haul roads shall be broken up and removed and the site restored in accordance with the final plans.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

16) Prior to any works associated with this permission commencing the site perimeter fencing shall be installed and made secure. Lockable gates shall be provided at the vehicular access to the land. The gate shall be kept locked at all times when the site is closed and the security fencing maintained throughout the construction period. Upon completion of the Engineering Operations the perimeter fencing shall be removed and the land re-instated for public access in accordance with the approved plans and specifications unless otherwise agreed in writing by the Local Planning Authority.

For the purposes of this condition Engineering Operations means any phase of the development that has been completed and the final layer of topsoil spread made ready for planting/seeding.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to amenity.

17) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to and approved in writing by the Local Planning Authority):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

18) Prior to any works associated with this permission commencing an ecological management plan and a protected species management plan shall be submitted to the Local Planning Authority for written approval. The plans shall include details of the protection and/or mitigation of damage to populations of great crested newts, common lizard and breeding birds, and their associated habitat during construction works and once the development is complete. Any change to operational, including management responsibilities shall be submitted to and approved in writing by the Local Planning Authority. The ecological management plan and protected species management plan shall then be carried out in complete accordance with the plans and particulars as approved.

Reason:

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy PPS9 and LDF policies DC58 and DC59.

19) Prior to any works associated with this permission commencing, a detailed method statement for the removal or long-term management/eradication of Japanese knotweed, giant hogweed and New Zealand pygmyweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed, giant hogweed and New Zealand pygmyweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason:

To ensure the site is restored for ecological enhancement in the interests of overall site enhancement and public amenity.