

St. Edmundsbury Borough Council

Application No: SE/09/1283

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

AGENT

Savills
FAO Mr David Henry
Unex House
132-134 Hills Road
Cambridge
CB2 8PA

APPLICANT

NW Haverhill Consortium of
Landowners
C/o Agent

Date 14th October 2009
Registered:
Date of 27th March 2015
Decision:

PROPOSAL

1. Planning Application - (i) construction of relief road and associated works (ii) landscape buffer 2. Outline Planning Application - (i) residential development (ii) primary school (iii) local centre including retail and community uses (iv) public open space (v) landscaping (vi) infrastructure, servicing and other associated works as supported by additional information and plans received 27th September 2010 relating to landscape and open space, flood risk, environmental statement, drainage, layout, ecology, waste, renewable energy and transport issues including treatment of public footpaths and bridle paths.

LOCATION

Land North West Of Haverhill, Anne Sucklings Lane, Little Wratting, Suffolk,

- A** In respect of the **Planning Application** for the relief road and landscape buffer, permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, subject to the following conditions:

- A1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- A2 The Relief Road alignment shall be within the red line as indicated on drawing 612263/71 Rev. P1, with the junctions located as shown. No development shall commence until precise details of the Relief Road alignment, which shall include horizontal and vertical sections and pedestrian crossing facilities drawn at a scale of not less than 1:200 have been submitted to and approved by the Local Planning Authority and a completed Relief Road Delivery Bond to the agreed value has been delivered.

Reason: To ensure that the roads and sustainable links are constructed to an acceptable standard in the interest of highway safety.

- A3 The Relief Road and all associated works including crossing points, shall be completed and made available for use within 5 years from the commencement of the development approved by Part B of this planning permission.

Reason: To ensure that the access is provided and made available for use at an appropriate time in the interests of road safety and capacity and in accordance with Policy HV12 of Haverhill Vision 2031.

- A4 No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

1. Measures for the protection of those trees and hedges on the application site that are to be retained,
2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
3. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
4. A supervision schedule.

The development shall be carried out in accordance with the approved Method Statement and supervised on site by an arboricultural consultant.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- A5 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

Reason: To enhance the appearance of the development.

- A6 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the link road. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory development of the site.

- A7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv. the erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of construction operations including times for deliveries and the removal of excavated materials and waste
- ix. noise method statements and noise levels for each construction activity including piling and excavation operations,
- x. access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance.

- A8 (1) No works on site involving any ground disturbance shall commence until the developer has first carried out a programme of archaeological work in accordance with a Written Scheme of Investigation which first shall have been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

(2) The road shall not be brought into use until the site investigation and post investigation assessment has been completed, submitted to and approved by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 of this condition and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To enable any remains of archaeological significance to be investigated and recorded.

- A9 No development shall be commenced until details of the following drawn to a scale of not less than 1:200 have been submitted to and approved in writing by the Local Planning Authority:
- 1. Existing and proposed ground levels,

2. The position and depth of all services to be laid, constructed or installed (including drains, cables, pipes, sewers and soakaways). Where this information is not available the site plan shall be marked up to show all routes available for this use and those areas not marked in this way shall be excluded from this use.

3. The position and depth of construction of all hard surfaces including roads, footpaths and hardstanding.

The development shall be carried out in accordance with the approved details

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction and to ensure that adequate provision is made for the planting and establishment of new trees.

A10 Prior to the commencement of any works adjoining a public right of way, details of measures to protect the public right of way and amenity of users of the public right of way during construction of the Relief Road, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be put in place and retained in accordance with the approved details.

Reason: to protect the amenity of users of the Public Right of Way.

B In respect of the **Outline Application** for residential development, local centre including retail and community uses, public open space, landscaping, infrastructure, servicing and other associated works, **Outline** permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the application shown above, the plans and information contained in the application, and subject to compliance with the following condition(s) and the submission of 'Reserved Matters':

B1 No development shall be commenced within a development phase until details of the access, appearance, landscaping, layout, parking and scale (hereinafter called 'the reserved matters') relating to that phase have been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved 'reserved matters'.

a) The first application for the approval of reserved matters for the first phase of development shall be made to the Local Planning Authority no later than three years from the date of this permission.

b) The commencement of each phase pursuant to this outline planning permission shall begin before the expiration of two years from the date of the last reserved matter of that phase to be approved.

c) Application(s) for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- B2 Before any development is commenced on the site and within three years of the date of this permission, a scheme for the construction of the development in phases shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the delivery of strategic green infrastructure, Primary Road Network and phases of development.

Reason: To ensure the satisfactory development of the site.

- B3 The Reserved Matters shall be submitted in general accordance with the submitted plans Nos:

SW5100002-28 Land Use Parameter Plan
SW5100002-29 Landscape Parameter Plan

Reason: To ensure the satisfactory development of the site.

- B4 Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory development of the site.

- B5 Prior to the commencement of a section of the Primary Road Network details of the roads, footpaths and cycleways (including layout, gradients, surfacing and

means of surface water drainage) for the relevant section of the Primary Road Network shall be submitted to and approved in writing by the local planning authority. The section of Primary Road Network shall be constructed in accordance with the agreed details and shall be retained thereafter in its approved form.

Reason: To ensure that roads/footways are constructed to an acceptable standard in the interest of highway safety.

- B6 Prior to the commencement of a section of Strategic Green Infrastructure a scheme of soft landscaping for the relevant section of Strategic Green Infrastructure, drawn to a scale of not less than 1:200, and a programme for its delivery shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities; a statement explaining how the proposals deliver the objectives of the Landscape and Ecological Management Plan. The approved scheme of soft landscaping works shall be implemented in accordance with the agreed programme. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- B7 The first submission of reserved matters referred to in condition B1 above shall include a Design Code for the development hereby permitted. The Design Code shall develop and interpret the approved parameter plans. The Design Code will provide details and guidance on residential and commercial development (including the community building and school), urban form, street patterns, architectural character areas, housing density, location of affordable housing, highway matters (including then provision of strategic footpaths and cycleways), noise attenuation measures where necessary, conservation of flora and fauna interests, landscape and open space needs (including children's play provision).

Reason: To ensure high standards of urban design and comprehensively planned development and to ensure a co-ordinated and harmonious integration between different land uses to reflect the scale and nature of development assessed in the Environmental Statement and to accord with the principles set out in national and local policies.

- B8 Notwithstanding the provisions of condition B7 above, all subsequent applications submitted for the approval of reserved matters referred to in Condition B1 above shall be supported by a Design Statement which shall cover matters of development layout, buildings blocks and heights, architectural approaches, the function and treatment of key open spaces,

street types and street materials, parking, boundary treatments, movement patterns, lighting of outdoor spaces and security principles.

Reason: To ensure high standards of urban design and comprehensively planned development and to ensure a co-ordinated and harmonious integration between different land uses to reflect the scale and nature of development assessed in the Environmental Statement and to accord with the principles set out in national and local policies.

- B9 No development shall commence within a phase until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage, and a programme of delivery for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the programme for its delivery and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided.

- B10 Prior to the commencement of a phase full details (in the form of scaled plans and / or written specifications) relating to that Development Zone shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways, cycleways
- ii) Visibility splays
- iii) Access arrangements
- iv) Parking provision
- v) Cycle parking
- vi) Loading areas and Turning areas

No obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action in the interests of road safety

- B11 No development shall commence within a phase, until a scheme for that particular phase showing the means to prevent the discharge of surface water onto the highway and a timetable for implementation of the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried in accordance with the agreed timetable for delivery and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway in the interests of road safety.

B12 No development shall commence within a phase until details of the estate roads and footpaths, (including layout, gradients, surfacing and means of surface water drainage) for that particular Development Zone or phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard in the interest of highway safety.

B13 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better, in accordance with the approved details.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

B14 Garage/parking spaces for each dwelling shall be made available for use prior to the occupation of the dwelling to which it relates. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) the floorspace shown within the curtilage of any dwelling for the purpose of garaging and/or car parking shall be retained solely for the garaging and/or parking of private motor vehicles and for ancillary domestic storage incidental to the enjoyment of the associated dwelling and shall be used for no other purpose.

Reason: To ensure that on-street parking and manoeuvring is not detrimental to highway safety.

B15 A minimum of 5% of the affordable housing units within each phase shall be designed to reach the Lifetime Homes Standard (or equivalent measure in any replacement Standard applicable at the time of the development).

Reason: In the interests of sustainable development and in accordance with Policy CS2 (Sustainable Development) of the Core Strategy.

B16 Within any phase, no development shall commence until an Arboricultural Method Statement for that particular Development Zone or phase has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

1. Measures for the protection of those trees and hedges on the application site that are to be retained,
2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
3. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
4. A supervision schedule.

The development shall be carried out in accordance with the approved Method Statement and supervised on site by an arboricultural consultant.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction.

- B17 No phase shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for that particular phase drawn to a scale of not less than 1:200 and a programme for its delivery. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities; a statement explaining how the proposals deliver the objectives of the Landscape and Ecological Management Plan. The approved scheme of soft landscaping works shall be implemented in accordance with the agreed programme. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- B18 No development shall be commenced within a phase until details of the following, for that particular phase, drawn to a scale of not less than 1:200 have been submitted to and approved in writing by the Local Planning Authority:
1. Existing and proposed ground levels,
 2. The position and depth of all services to be laid, constructed or installed (including drains, cables, pipes, sewers and soakaways). Where this information is not available the site plan shall be marked up to show all routes available for this use and those areas not marked in this way shall be excluded from this use.
 3. The position and depth of construction of all hard surfaces including roads, footpaths, driveways, hardstanding and patios.
- The development shall be carried out in accordance with the approved details.

Reason: To ensure that the most important and vulnerable trees are adequately protected during the period of construction and to ensure that adequate provision is made for the planting and establishment of new trees.

- B19 No development shall commence with a phase until a scheme for the provision of fire hydrants within that phase has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved scheme and thereafter be retained in their approved form.

Reason: To ensure the adequate supply of water for fire fighting/community safety

- B20 (1) Within any phase, no works on site involving any ground disturbance shall commence until the developer has first carried out a programme of archaeological work in accordance with a Written Scheme of Investigation for that particular phase which first shall have been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development.

(2) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 of this condition and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To enable any remains of archaeological significance to be investigated and recorded.

- B21 No development shall take place within any phase, including any works of demolition, until a Construction Method Statement for that particular phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv. the erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix. noise method statements and noise levels for each construction activity including piling and excavation operations,

x. access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance.

B22 No phase shall be commenced until a foul water strategy, including a timetable for implementation, for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as specified in the approved scheme and thereafter the scheme shall be managed and maintained in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding.

B23 No development shall take place within any phase until details of the implementation, maintenance and management of the sustainable urban drainage scheme for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented at such time(s) as may be specified in the approved scheme and thereafter the scheme shall be managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To reduce the risk of flooding.

B24 No development shall commence within any phase until a scheme for the storage of refuse and the provision of recycling facilities for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and recycling facilities shall be provided in their entirety and been made available for use prior to the dwelling/s to which it relates being first occupied. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To ensure the incorporation of waste storage and recycling arrangements and ensure that bins are not stored on the highway causing obstruction and dangers for other users.

B25 Within any phase, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by

the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on that particular phase, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme (which may be on a phased basis), to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy NE6 of the Replacement Local Plan.

- B26 Details of the local centre shall include a noise impact assessment, mitigation measures to control noise from activities within the area, buildings, deliveries, plant and ventilation systems. Such details shall be submitted to and approved by the local planning authority and implemented before the building to which it relates is first brought into use.

Reason: To ensure that the residential development is protected from existing and proposed noise sources.

- B27 Prior to the commencement of any phase adjoining a public right of way, details of measures to protect the public right of way and amenity of users of the public right of way during construction of that particular Development Zone or phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be put in place and retained in accordance with the approved details.

Reason: to protect the amenity of users of the Public Right of Way

Notes:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitations attached to this permission/ consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 2 The development/work hereby permitted may be subject to the requirements of the Building Regulations 2000 and advice may be sought from the Council's Building Control Manager. In the event that the scheme has to be modified to comply with the Building Regulations or other legislation it may be necessary to submit revised plans for consideration as an amendment to this permission/consent or in certain circumstances to submit a revised application. No development/work should be carried out until all necessary permissions/consents have been obtained.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or under any covenant.
- 4 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee of £97 will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request. Cheques should be made payable to St Edmundsbury Borough Council.
- 5 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Borough Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.
- 6 This permission is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.
- 7 This planning permission does not authorise any interference with, or disturbance of, any right of way which crosses the site. If a diversion or stopping-up of a right of way is required this must be resolved between the parties concerned.
- 8 It is an OFFENCE to carry out works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve works within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing, all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Highway Manager should be contacted at West Suffolk House, Western Way, Bury St Edmunds IP33 3YU. (Tel: 01284 758868). A fee is payable to the

Highway Authority for the assessment and inspection of both new vehicular crossing access works and any improvements deemed necessary to existing vehicular crossings due to the proposed development.

- 9 The Local Planning authority recommends that developers should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of estate roads.
- 10 The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums and changes to the existing street lighting and signing.
- 11 In the event that Lifetime Homes Standards cease to be enforced or exist, then 5% of the affordable housing units shall be constructed to comply with any replacement National standards. In the event that Lifetime Homes Standards are not replaced by any National standards then the affordable housing units shall be constructed solely in accordance with the relevant Building Regulation standards applicable at the time of construction.



PHW

Steven Wood
Head of Planning and Growth

Date: 27 March 2015

St. Edmundsbury Borough Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications:	Section 78 Town and Country Planning Act 1990
Listed Building Applications:	Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990
Advertisement Applications:	Section 78 Town and Country Planning Act 1990 Regulation 15 Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

- 2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.