

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL	
<b>REF NO:</b>	3PL/2018/1409/O	<b>CASE OFFICER</b>	Mark Simmonds	
<b>LOCATION:</b>	MATTISHALL Part of the field to the west of Gregs Close Mattishall (605242,310862)	<b>APPNTYPE:</b>	Outline	
<b>APPLICANT:</b>	Mr R Hill Church Farm Church Plain	<b>POLICY:</b>	Out Settlemnt Bndry	
<b>AGENT:</b>	BD+M (UK) LTD 52 Buckenham Road Ayslam	<b>ALLOCATION:</b>	N	
<b>PROPOSAL:</b>	Development site for SIX self/custom build residential properties		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N	
		<b>TPO:</b>	N	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to Planning Committee as it is a departure from Development Plan Policy.

#### **KEY ISSUES**

Principle including Mattishall Neighbourhood Plan  
Impact on character and appearance  
Amenity impact  
Highway safety  
Trees  
Ecological implications

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline approval, with access only as a matter for approval at this stage for the erection of six self/custom build dwellings. Despite being in outline only, an indicative layout has been provided.

#### **SITE AND LOCATION**

The site is located on part of an arable field, measuring 0.498h to the west of Gregs Close, Mattishall. The site is located in South Green which is to the south-west of the village.

The site is under 0.5h, with six dwellings proposed, amended from an initial application for 8 dwellings.

The site falls outside of the defined Settlement Boundary of Mattishall, however, the site is directly adjacent to the settlement boundary which lies on the east boundary of the proposed site.

Mattishall is classified as Local Service Centre through Policy SS1 (Spatial Strategy) of the adopted Core

Strategy and Development Control Policies Development Plan Document.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

None Relevant.

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**MATTISHALL PARISH COUNCIL**

The Council was divided when debating this comment, however the overall vote was for objection. This application is for properties outside the development boundary. The development does not adhere to policies ENV2 (protecting important views and vistas) and HOU 3-5 in the Mattishall neighbourhood plan. The development does not compliment and enhance the existing character of the village or provide affordable housing

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

The residential estate road serving the site is considered suitable to cater for the additional traffic generated by the proposal and it is noted that the applicant intends improving and enhancing the local public right of way network including creating a new link to the Parish play area and village centre.

The current application is submitted in Outline with only Access included for current consideration. I would therefore require details of parking , in accordance with adopted guidance, to form part of the Reserved Matters submission.

## **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The revised Ecological report (Norfolk Wildlife Services; August 2018) is fit for purpose. We support the mitigation measures proposed to reduce the likelihood of impacts on great crested newts to acceptable levels.

If you are minded to approve this application, we recommend that you condition the following:

The development must proceed in accordance with the mitigation and compensation measures outlined in section 5.3 of the Ecological report (Norfolk Wildlife Services; August 2018).

Enhancement measures outlined in section 5.4 of the Ecological report (Norfolk Wildlife Services; August 2018) need to be incorporated into the sites design to provide net gains for biodiversity (para 170, NPPF).

## **TREE AND COUNTRYSIDE CONSULTANT**

No objections.

## **HOUSING ENABLING OFFICER**

If the amendments have reduced the site size below 0.5ha, then no affordable housing is required. If the site size still exceeds 0.5ha, then affordable housing is required.

## **CONTAMINATED LAND OFFICER**

No objections, subject to conditions.

## **ANGLIAN WATER SERVICE**

No comments.

## **PUBLIC RIGHTS OF WAY OFFICER**

I am fully supportive of the proposal which greatly improves the PROW network in the area.

FP13 will need to be diverted under S257 of Town and Country Planning Act 1990, to enable development to take place.

The proposed diversion also resolves the long standing anomaly on FP13 which is welcomed by Norfolk County Council.

The proposed link to the play area on Parish Council land is also welcomed by Norfolk County Council, however this is subject to agreement and support from the Parish Council.

The diverted path should have a width of 2 metres but the full width does not need to be surfaced, a 1.5 surfaced width would be acceptable.

The surface can be an unsealed surface using MOT Type 1 with granite dust, wooden edging is not necessary.

## **CPRE NORFOLK**

Norfolk-Campaign to Protect Rural England, object to the proposals;

The location for the proposed 8 new self/custom build dwellings is outside the settlement boundary/limit of Mattishall and any other settlement boundary and therefore this development is contrary to policies SS1, CP14 and DC2 of the adopted Breckland Core Strategy and Development Control Policies DPD. We note that the Design and Access Statement clearly shows the application site as lying outside the defined

settlement boundary (2.4) and yet makes the misleading claim that the site is positioned in a sustainable location which lies within and/or abuts the settlement boundary (2.10.) To reiterate, the site is positioned outside the settlement boundary.

The site for the proposed 8 new dwellings is currently not allocated for housing, and lies within land designated as countryside. Building on greenfield sites should be resisted where there are sustainable brownfield alternatives.

Mattishall is identified as a Service Centre Village within the adopted Core Strateg, which states that Banham, Great Ellingham, Litcham, Mattishall, Mundford, Necton, North Elmham, Old Buckenham, Saham Toney and Weeting will not see a positive housing allocation for the remainder of the plan period , but will see between them at least 100 homes developed from existing commitments (Policy SS 1, Spatial Strategy.) As this Local Plan is still the adopted plan and these 10 Service Centre Villages have already seen well over 100 new homes developed since adoption of the Local Plan, no further housing should be permitted, particularly when it is contrary to other policies as shown above and is not providing needed affordable housing.

Having made the previous point about the current Local Plan, the emerging Local Plan still carries some weight in the planning process. As the applicant Design and Access Statement suggests, this new plan once/if adopted will see a minimum target of 141 new houses within Mattishall by 2036. The Statement goes on to acknowledge that this minimum target has already been met on paper, before the emerging Plan has been adopted. Therefore, it is unnecessary to permit further new housing, particularly when it is outside the settlement boundary and on an unallocated site for housing in the emerging Local Plan, as shown by Figure 17.1 (Mattishall Preferred and Alternative Sites)(Breckland Local Plan Preferred Site Options and Settlement Boundaries, September 2016.)

With a new emerging Local Plan well underway one would expect for any new sites for housing would have been put forward in the call for sites for the Breckland Plan. The application site has not been put forward and thus demonstrates that it is a speculative, unplanned application which should be refused.

The application site has also not been put forward in the call for sites for the Mattishall Neighbourhood Plan and is not an allocated site for housing in that Plan.

Further permissions, particularly for sites outside the settlement/development boundary/limit should be refused until planned development as covered by the emerging Local Plan can be considered. At that point we suggest that the vast majority of allocated sites within the existing JCS should be developed before any newly allocated sites are built out, and any speculative proposals for sites outside settlement boundaries on unallocated sites should be refused permission.

**PUBLIC RIGHTS OF WAY OFFICER**

No Comments Received

## REPRESENTATIONS

Site notice displayed: 11-12-2018

28 residents were directly notified.

9 representations were received, 8 of these were objections, and 1 with comments regarding the footpath. A

further 2 were previous objectors with additional comments regarding the lack of information with regard to the change of development from 8 to 6 dwellings.

- Narrow cul-de-sac with no room for vehicles to turn around and two blind corners which are a danger to reversing large vehicles.
- Dangerous bend in the road.
- The infrastructure of the village cannot cope with more people.
- The houses in the Cedars Rise development have not sold so far, so are more of this type of house really needed?
- This development would put a strain on existing services, there is often a smell of sewerage.
- It would impact on wildlife there are tawny owls in the area and often use the ditches to catch their prey.
- Local doctors and school cannot sustain the increase, new developments in the area are not selling and are constantly being dropped in price by the developer.
- The sharp bend in the road, which you cannot see round, will cause problems regarding the extra traffic generated by the construction of these houses and afterwards by the extra cars of new residents, there are likely to be two cars per house.
- The houses in Cedars Rise are too expensive for local people to afford and this new proposal will be the same in terms of the capital needed to buy the plots and build the houses.
- Loss of privacy, light and overlooking.
- The proposed development will be overbearing and out of character with the quiet Cul-de-sac we occupy at present.
- Increased traffic, noise, unsafe parking.
- Negative impact on the wildlife.
- Surface water flooding and drainage issues.
- Parking issue overlooked- it is not unusual to have between 3 and 6 cars parked at the end of the Close. These vehicles are owned by residents who only have space to park 1 car off road, and visitors and tradesmen.
- Bin lorries have a problem, as do oil tankers, gas bottle delivery trucks and other traffic that travels to the end of the Close.
- It is proposed that 2 trees are to be removed to construct the last property at the end of the road. These trees have always been used as a favoured roosting for rooks etc., but over winter months there has been a small murmuration of starlings locally. This phenomenon has not been seen in Mattishall for many years as far as I know, and one of the pictures shows them using one of the trees. The trees themselves are striking and enhance the area. The hedge along the road is scrappy, but pigeons and sparrows regularly visit the ivy wrapped bushes to feed.

## **ASSESSMENT NOTES**

### 1.0 Principle

1.1 The application site is located outside of the Mattishall defined Settlement Boundary, as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC 2 and CP 14, which seek to focus new housing within defined Settlement Boundaries.

1.2 Paragraph 10 of the NPPF (2019) states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the housing land supply policies within the Core Strategy and Development Control Policies Document are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF (2019):

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- social, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- environmental, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 Economic - The proposal would provide six new dwellings and would therefore make a positive contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Mattishall is classified as Local Service Centre through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. Local Service Centres are defined as having adequate services and facilities to meet the day-to-day requirements of their existing residents. Mattishall has a primary school, post office, two shops, a butchers and pharmacy as well as a village hall, and a tea room. There are also frequent bus services to Norwich and Swanton Morley, Dereham and Easton College.

1.6 The application site is approximately 7.1miles (11.43km) from Dereham, a Market Town, an adequate bus service is available.

1.7 Objections have been received stating that the development proposed is outside the 'Made' Mattishall Neighbourhood Plan (MNP) area and that the site was not put forward under the 'call for sites' exercise.

Whilst the MNP is a material consideration and is acknowledged, and it is recognised that this site falls outside of the MNP area this does not weigh sufficiently in the balance to warrant refusal. The lack of a five year supply of housing at district level engages the tilted balance in favour of sustainable development and as the MNP does not allocate housing sites the NPPF guidance is clear that the exemption to paragraph 11d is not brought in to effect:

National Planning Policy Framework (2019) Paragraph 14:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply

:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required<sup>9</sup> over the previous three years".

Therefore, the exemption against the presumption in favour of sustainable development set out in the footnote to paragraph 11 does not come into the determination and the proposals are considered to be sustainable development which is supported by the guidance in the National Planning Policy Framework (2019).

## 2.0 Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable development, as is its design.

2.2 Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

2.3 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.4 Directly to the east of Gregs Close the existing built form is characterised by linear development consisting of some 2-storey properties and detached and semi-detached bungalows. To the north of the site there is some open space which then leads onto Church Farm and to the west and south is open undeveloped land. Further south-east along Gregs Close further development sits on the west side of Gregs Close which could enable this development to be considered as a continuous form of development. It is acknowledged that there would be a loss of open space and views from the residents directly adjacent to the proposed development, however the harm thereby arising is not sufficient to justify refusing this application for planning permission, and as this proposal is in outline form at this stage, any loss of amenity could be mitigated and addressed at reserved matters stage through the siting, scale, height and landscaping details.

2.5 In light of the above factors, the proposal is considered to accord with the environmental role of sustainable development as outlined in paragraph 8 of the NPPF (2019) and policies CP11 and DC16 of the adopted Local Plan.

## 3.0 Amenity impact

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to

amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The application is submitted in outline only with only access as a matter for consideration at this stage therefore amenity impacts would be fully considered at reserved matters stage.

Notwithstanding that, an indicative layout has been submitted which does indicate that six dwellings could be provided within the site without causing significant impact to the amenities currently enjoyed by the neighbouring properties.

The indicative layout also shows that each dwelling would benefit from a good degree of private, rear amenity space.

#### 4.0 Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

4.2 Norfolk County Council Highways Department were consulted and advised that their authority has previously resisted estate scale development on South Green owing to issues with visibility at the junction of Church Plain and Norwich Road and also because a continuous footway does not exist on South Green to link into village facilities -there is a short section of South Green, just to the south of Church Plain, where no footway exists and where the carriageway is too narrow to rectify this.

4.3 They note, however, that permission was granted elsewhere on South Green, under ref 3PL/2016/0395, for a development of 23 dwellings contrary to their concerns. The current application is for 6 dwellings and involves alterations to the existing public rights of ways in the vicinity. The adjacent public footpath network provides a convenient, quick and direct route to the main village facilities but it is recognised by the Highways Officer that its use would largely be seasonal and would be difficult to use if pushing a buggy or for those with mobility problems.

As the applicant owns Church Farm, Highways note the Local Planning Authority could require the applicant to surface the route, to an agreed standard, in such a way to encourage its use by all user groups.

4.4 The PROW team have been consulted and advise that they are fully supportive of the proposal which greatly improves the PROW network in the area.

"FP13 will need to be diverted under S257 of Town and Country Planning Act 1990, to enable development to take place. The proposed diversion also resolves the long standing anomaly on FP13 which is welcomed by Norfolk County Council. The proposed link to the play area on Parish Council land is also welcomed by Norfolk County Council, however this is subject to agreement and support from the Parish Council."

4.5 The diverted path should have a width of 2 metres but the full width does not need to be surfaced - the Public Rights of Way officer requests that the surface be an unsealed surface using MOT Type 1 with granite dust, wooden edging is not necessary.

4.6 Following correspondence with the applicant on this matter, the applicant is still willing to provide the enhancements to the PROW network, including the new link to the Parish play area and village centre, but that, for reasons of practicality given the land is cropped, they cannot agree to any formal surfacing.

4.7 It is therefore concluded that the potential improvements to the PROW network can be delivered and will

enhance the sustainability of the proposals.

#### 5.0 Impact on trees/hedgerow

5.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

5.2 A tree protection plan and survey have been submitted with the application, the tree survey confirms the proposal to remove T1 and T2 which are mature grey Poplar trees, these would require removal for the construction of the development. It also details that the hedgerows associated with the north, east and southern boundary are established but did not contain enough species to be classified as significant under the Hedgerow Regulations. They may be important within the wider landscape as commuting routes for wildlife.

5.3 Access to the individual self-build plots will be from Gregs Close. Plots 1, 2 and 3 will require part of the mixed species hedgerow (H2) to be removed for access.

5.4 The Tree and Countryside Officer raised no objection to the proposals.

#### 6.0 Ecological impact

6.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

6.2 The Natural Environment Team have been consulted and advise that the revised Ecological report (Norfolk Wildlife Services; August 2018) is fit for purpose. They support the mitigation measures proposed to reduce the likelihood of impacts on great crested newts to acceptable levels, subject to conditions.

6.3 In light of these factors and subject to conditions, the proposal is considered to accord with the requirements of CP10.

#### 7.0 Contamination

7.1 The Contamination Officer has been consulted and advised that based on the information provided at this time; there are no objections or further comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details and subject to conditions.

#### 8.0 Conclusion

8.1 The Council acknowledges that it does not benefit from a five year housing land supply. Therefore the provision of houses on this site would help to meet the District's housing needs and the harm caused by the location outside of the settlement boundary would not demonstrably outweigh this benefit. Therefore, on balance, the presumption in favour of sustainable development applies and this application is recommended for approval.

### **RECOMMENDATION**

The application is recommended for approval, subject to conditions.

**CONDITIONS**

- 1 Outline Time Limit (2 years) Early Delivery**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.
- 3 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.
- 4 Ecology**

The development shall proceed in accordance with the mitigation and compensation measures outlined in section 5.3 of the Ecological report (Norfolk Wildlife Services; August 2018).

Reason for condition:-

To ensure enhancement measures for biodiversity are provided in accordance with paragraph 170 of the National Planning Policy Framework 2019.
- 5 Public Rights Of Way**

Prior to first occupation of any of the dwellings hereby approved, Public Right Of Way (ref) shall be improved in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure satisfactory pedestrian routes are made available to improve the range of travel options and to provide a sustainable form of development.
- 6 Non-standard highways condition**

Prior to the first occupation of the development hereby permitted the vehicular access crossings over the footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway

safety.

**7 Non-standard highways condition**

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

**8 Non-standard highways condition**

Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage

With the exception of the mature tree adjacent to Plots 6 and 7 the splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

**9 Precise details of surface water disposal**

Prior to the commencement of any works above slab level precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**10 Precise details of foul water disposal**

Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**11 Landscaping - details and implementation**

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously

damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

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**Contaminated Land - 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 details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

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.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

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**Inf 2**

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highway Development Control Group based at County Hall in Norwich. Please contact Graham Worsfold tel 01362 656211.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.