

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2017/1487/O	<b>CASE OFFICER</b> Carl Griffiths
<b>LOCATION:</b>	SWAFFHAM Land to the West of Brandon Road Swaffham	<b>APPNTYPE:</b> Outline <b>POLICY:</b> Out Settlemt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Abel Homes Ltd C/O Agent	
<b>AGENT:</b>	Savills (UK) Ltd Unex House 132-134 Hills Road	
<b>PROPOSAL:</b>	The erection of up to 64 bed care home (Use Class C2), up to 40 assisted living dwellings (Use Class C2), 650sqm retail use (Use Class A1-A5), up to 160 dwellings (Use Class C3) with Open Space, associated infrastructure and the detailed means of access (AMENDED DESCRIPTION).	

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

The application is being presented for committee consideration as it represents a major development by virtue of both the site area and the scale of development.

#### **KEY ISSUES**

It is considered that the key issues in the assessment of the application are as follows:

- Principle of Development
- Housing mix and Tenure
- Commercial development
- Design, Scale and Amenity
- Highways and Transport
- Affordable Housing
- Ecology
- Arboriculture
- Flood risk and Drainage
- Landscape and Visual Impact
- Open Space and Infrastructure
- Air Quality
- Neighbourhood Plan

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline planning permission for the erection of up to a 64 bed Care Home (C2 Use), up to 40 assisted living dwellings (C2 Use), 650 sqm retail use (A1-A5 Use), up to 160 dwellings (C3 Use) with

Open Space, associated infrastructure and the detailed means of access on the land to the west of Brandon Road, Swaffham.

Vehicular, pedestrian and cycle access to the site would be provided via the roundabout on Brandon Road with existing roundabout being re-engineered and increased in diameter from 36m to 40m, with a new fourth arm providing access to the site.

The development proposes up to 160 dwellings of a mix of sizes and types, with 2, 3 and 4 bedroom dwellings. Indicative plans show that the predominant height and scale of the dwellings would be two-story. A central green area would be provided north of the existing woodland, with an additional green corridor following the existing pipeline easement.

The assisted living dwellings will comprise of a mixture of 1 and 2 bed properties with a personal care element provided by an on-site domiciliary care provider. Indicative details outline that these will be a mix of single and two storey buildings. The care home will be a two-storey building with communal gardens and ancillary community facilities. Resident and staff parking would be provided for both the assisted living dwellings and the Care Home.

The development also proposes 650 square metres of flexible use commercial space (A1-A5 use) of which it is anticipated that 371 square metres would be a convenience store with a parade of 3 smaller units of 93 square metres each.

#### **SITE AND LOCATION**

The site comprises of 13.01 hectares of agricultural land situated to the south of Swaffham, to the west of Brandon Road (A1065). Existing, and under construction residential development is located to the north and east of the site whilst to the west and south of the site is further open agricultural land.

The site predominately comprises of cultivated arable land with some improved grassland and mixed woodland beyond the application boundary. The application site is located 240m north of the Breckland SPA and Breckland Forest SSSI. There are no Listed Buildings on, or near to, the site. The nearest Listed Building lies approximately 1.1km to the east of the site. The site is located beyond the settlement boundary of Swaffham in the adopted Swaffham Proposals Map (2012). The site is not subject to any other planning policy designations.

#### **EIA REQUIRED**

No

#### **RELEVANT SITE HISTORY**

No relevant site history

#### **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.03	Employment
CP.04	Infrastructure
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.07	Town Centres
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.09	Proposals for Town Centre Uses
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.19	Parking Provision
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework

#### **OBLIGATIONS/CIL**

If permission were granted, a Section 106 Agreement with the applicant would be secured with the applicant including the following provisions:

- Affordable housing (scheme to be agreed outlining type, amount, tenure, location within development)
- Open space provision, management and maintenance
- Education - £204,000
- Sports contribution - £200,000
- Library contribution - £12,000
- Use Class C2 accommodation to be secured in perpetuity
- NHS contribution - £77,602

#### **CONSULTATIONS**

##### **SWAFFHAM COUNCIL**

Swaffham Town Council would like to object to the application on the following grounds.

The Swaffham Neighbourhood Plan has now been examined and accepted by Breckland District Council and the inspector. The following policies relate directly to this application:

HBE1: Location of development Development should be distributed to the east and west of the town, rather

than the north or south, avoiding further ribbon development, and ensuring the town centre remains easily accessible from all parts of the town. Any new development should take account of the potential for a north/south relief road (see TRA2).

ENV1: Air pollution To address the issue of poor air quality the following should be given high priority: i. New community facilities and amenities should be located away from areas of poor air quality. ii. All developments should have high levels of tree planting, with a maintenance plan. iii. All major developments should demonstrate how they will contribute to improving poor air quality.

TRA1: Traffic volume Measures will be supported to reduce traffic volume through Swaffham Town Centre and the associated air pollution. New residential or business development should not significantly contribute to an increase in traffic volume within the town centre. All new developments likely to generate significant traffic movement, should be supported by a transport statement or assessment, which include: i. Quantifies the level of traffic movements they are likely to generate. ii. Includes measures to mitigate any negative impacts of congestion, road safety, parking, pollution and Heavy Goods Vehicles. iii. Demonstrates how sustainable transport options will be encouraged, for example electric car charging points, car sharing and new public transport provision.

The Neighbourhood Plan supports the delivery of an appropriate future north/south Relief road for Swaffham. The Swaffham Transport & Access Focus Group would be invited to comment on the traffic related issues attached to this application. The Town Council welcomes the lower density housing and contribution towards a sports facility. We acknowledge the air quality mitigation measures and that the removal of the medical centre will reduce the number of vehicle journeys but the proposal will still add significantly to traffic volume through the AQMZ. It is also noted that NP policy BUS3 supports the proposed retail development if the relevant floor area remains under 280m<sup>2</sup>.

#### **ANGLIAN WATER SERVICE**

No objections subject to conditions.

#### **RAMBLERS ASSOCIATION: NORFOLK AREA**

No comments.

#### **NATURAL ENGLAND**

21/12/17

This application has potential to have a significant effect (and potentially an effect on the integrity) of Breckland Special Protection Area (SPA). It also has potential to have a significant effect on Breckland Forest Site of Special Scientific Interest (SSSI). Further information is therefore sought.

#### **NORFOLK WILDLIFE TRUST**

We have no argument with the findings of the surveys but are concerned that if the application is approved these will not be translated into suitable mitigation measures.

If the application is approved, measures should be put in place to mitigate for impacts identified within the ecology reports.

Measures should be put in place on neighbouring farmland to improve nesting habitat for farmland birds. This is in order to compensate for loss of breeding habitat for red and amber list birds and should not be seen as optional enhancement but necessary to allow for the application to proceed. Mitigation measures for bats should be put in place as recommended in the BB&HS Measures to prevent access to the SPA habitats to the south of the site.

#### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

No objections subject to conditions.

#### **NATIONAL AIR TRAFFIC SERVICES**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

#### **SPORT ENGLAND**

Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

#### **PUBLIC RIGHTS OF WAY OFFICER**

I would highlight that a Public Right of Way, known as Swaffham Footpath 62 is in the vicinity of the site. Development should integrate into the existing highway network, be that roads, footways or Public Rights of Way. Consequently, Norfolk County Council Environment Team may require a contribution, proportionate to the development, towards the improvement of the right of way in order to facilitate an increase in use

#### **NHS ENGLAND MIDLANDS & EAST (EAST)**

NHS England has no objection in principle to the proposed development, subject to an agreement of appropriate mitigation being secured for primary healthcare.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Notice is hereby given that Norfolk County Council would not wish to object to the principle of the proposed development, accessed from an enlarged roundabout as shown on drawing 225/15/001.

#### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Obligations sought are set out within the Planning Obligations section of this report.

#### **FLOOD & WATER MANAGEMENT TEAM**

No objection following clarifications from applicant and confirmation from Anglian Water; subject to conditions.

#### **HISTORIC ENVIRONMENT OFFICER**

No objection subject to conditions.

#### **TREE AND COUNTRYSIDE CONSULTANT**

Any arboricultural constraints are located around the edge of the site. The central area of the site can be developed with no significant implications. Any layout should incorporate the category A and B trees identified within the A.T Coombes survey, with the default position being that no works will be within the root protection area or canopy spread of retained trees, layout must also take into account future growth and post development implications relating to proximity of trees to dwellings. An arboricultural impact assessment and tree protection plan will be required based on final layout.

#### **HOUSING ENABLING OFFICER**

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document.

Confirmation is also required to determine the classification of the 40, C2 assisted living units. Full details will be required at reserved matters stage to demonstrate their classification as C2 rather than C3. If a suitable level of additional care is not offered then these units should be added to the total number of C2 units and will also be subject to an affordable housing requirement

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICER AIR QUALITY**

Approval recommended provided the development proceeds in line with the application details and subject to the following conditions to alleviate environmental concerns. The details in the updated review of air quality are noted however as it is likely that a number of vehicles will pass from the development through the centre of Swaffham where there is a declared air quality management area with accompanying plan I would recommend that the applicant is required to introduce measures to promote the minimisation of air pollution particularly from house heating systems and motor vehicles which rely on petrol or diesel fuels. Such measures could include the promotion of active travel walking, cycling and the use of public transport plus the introduction of electrical vehicle charging points within the proposed houses and development to encourage the use of cleaner modes of transport.

**HEALTH & SAFETY EXECUTIVE**

At the time of writing this report, the HSE have lodged an objection to the application based on the location of the site being within the consultation zone associated with Redland Tiles Ltd. Clarification has been sought from the HSE in light of the hazard no longer being in situ.

**MICHAEL RAYNER - CPRE NORFOLK**

We have concerns that the proposed development is located 240m from the Breckland SPA and Breckland Forest SSSI, as acknowledged within the Bird, Bat and Hedgerow Survey Report (8th November 2017), making this a material consideration. The conducted surveys were not thorough or extensive enough to prove that the qualifying species are not present.

Other material considerations to be taken into account when weighing up the factors include: the impracticalities of expecting residents of the new development to walk into the centre of town; the traffic issues resulting from the increase in vehicles; detrimental economic effects on town centre businesses.

The intent to build on open greenfield should be resisted while other solutions less harmful to the environment and countryside are investigated. This should be considered particularly in light of the recent Housing White Paper, Fixing our broken housing market, with its emphasis on the need to develop brownfield and surplus public land first, as well as considering other solutions including higher density urban housing. We urge that a register of brownfield sites within the local authority area is completed promptly, so that any supposed need for development on greenfield can be weighed up against potential brownfield sites, in addition to weight being given to the range of existing policies within the local plan which do not allow for such development as proposed under this application.

**R S P B**

We have considered the proposal in detail along with the requirements of the Habitats Regulations. Given the information available, we consider that there would be a Likely Significant Effect on the Breckland SPA given the proximity and that at present, an adverse effect on the SPA cannot be avoided.

**ENVIRONMENT AGENCY**

No Comments Received

**CIVIL AVIATION AUTHORITY**

No Comments Received

**COMMUNITY DEVELOPMENT OFFICER**

No Comments Received

**ENVIRONMENTAL PLANNING**

No Comments Received

**ECONOMIC DEVELOPMENT**

No Comments Received

**NHS ENGLAND MIDLANDS AND EAST (EAST)**

No Comments Received

## **REPRESENTATIONS**

As part of the consultation exercise, 23 objections were received the substance of which can be summarised as follows:

- Development will add to air quality issues within Swaffham
- Development will increase congestion on Brandon Road and the wider highway network
- The development would increase strain on local health and education services
- The pipeline that runs through the site would create increased risk to future occupiers and ecological safety
- The ecological surveys undertaken suggest there are no protected species on the site which is inaccurate
- The development would exacerbate current levels of ASBO around the site

## **ASSESSMENT NOTES**

### 1.0 Principle of Development

1.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site-Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the recently published National Planning Policy Guidance.

1.2 The site is located outside the Settlement Boundary in an area of open countryside (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply carries significant weight in the consideration of the application.

1.3 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF 2019) state that where an authority does not have an up to date five year housing land supply (at present the District figure is 3.3 years), the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.4 The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high-quality environment with accessible local services, and;
- environmental, through the protection and enhancement of the natural, built and historic environment.

1.5 Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they

are mutually dependent, therefore a balanced assessment against these three dimensions is required.

1.6 In terms of economic and social sustainability, the development proposes up to 25 full time job opportunities within the proposed commercial premises along with approximately 60 full time job opportunities within the care home facility. In addition, the provision of up to 160 new dwellings would provide and support and enhance local facilities and service provision in an accessible location on the edge of Swaffham Town Centre. The development would provide pedestrian and cycle access to Brandon Road and would allow for sustainable access to the broad range of services and facilities within Swaffham Town Centre.

1.7 In terms of environmental sustainability, full consideration is given to the impact of the development in the relevant subsequent sections of this report which set out that officers consider the development does represent an environmentally sustainable form of development.

1.8 Paragraph 47 of the NPPF (2019) requires new sites for housing development to be deliverable, which is defined as being available now, be suitable in terms of location, and be achievable in respect of housing being developed on the site within the next five years. The site is considered to be fully deliverable in the short to medium term with minimal site clearance or remediation work necessary. The applicant has also delivered existing residential development adjacent to the site.

1.9 Having regard to the above, it is concluded that the proposal would represent sustainable development, as defined in the NPPF, would not conflict with the objectives of development plan policies and would be suitable for residential development. A full planning balance exercise is set out at the end of this report.

## 2.0 Housing Mix and Tenure

2.1 The development proposes a 64 bed Care Home and up to 40 assisted living dwellings, both of which fall within Use Class C2.

2.2 It is considered that this part of the development would provide for a specific need, and Care Home operators are well placed to understand demand in this location from applicants and enquirers they have received. It is outlined within the application supporting documents that the Central Norfolk Strategic Housing Market Assessment (CNSHMA) (2015) establishes that the over 60s population is set to increase by 44% between 2012 and 2036. In addition, the over 85s population is set to increase by 155%. Therefore the CNSHMA identifies the need for 4,551 communal places in residential care/communal establishments across the Central Norfolk Housing Market Area.

2.3 It is clear that part of the abovementioned need could be met through the proposed care home and assisted living dwellings. The provision of this specialist housing is in accordance with adopted Policy DC 2 and draft Policy HOU 09 'Specialist Housing' which seeks new development to reflect the identified need and for specialist housing to be located in higher order settlements (sustainable locations) such as the Market Town of Swaffham as identified at paragraph 3.70 of the Draft Local Plan

2.4 No affordable housing would be required for the Use Class C2 Housing, as recently confirmed by the Planning Inspectorate via their decision reference: APP/J0405/W/17/3181140 for a 72 unit extra care proposal in Aylesbury Vale District Council.

2.5 In order to ensure that the care home and assisted living facilities are secured in perpetuity, appropriately worded obligations would be included within the Section 106 Agreement.



### 3.0 Commercial Development

3.1 The application proposes 650 square metres of commercial floorspace in an out of centre location and as such Policy CP7 of the Development Plan is relevant. Policy CP7 (a) states that (the vitality of town centres within the District will be maintained and enhanced) by Restricting retail development, except extensions under 200m<sup>2</sup> gross floorspace, outside the defined centres, unless it can be demonstrated that there is a need for the development, there are no sequentially preferable sites and no negative impact on the vitality and viability of the town centre.

3.2 The application is supported by a Commercial Floorspace Assessment produced by Savills which seeks to demonstrate compliance with the abovementioned policy. The document sets out that there is a deficiency of convenience retail stores within the vicinity of the application site to serve existing and future residents. Irrespective of any deficiency, the document goes on to undertake a sequential assessment of sites within Swaffham Town Centre. The scope of the assessment and the methodology were agreed in advance with LPA officers and considers the following sites:

- Norfolk House, Market Place
- 51 Lynn Street
- 2 London Street
- 6-8 London Street
- Post Office and Former Sixth Form Centre site, Lynn Street

3.3 For a site to be considered a genuine alternative to the application site, it must be available, suitable and viable to accommodate the proposed development.

3.4 In the case of Norfolk House, this comprises of a Grade II listed building which was formerly occupied by Natwest. The assessment sets out that the site is unsuitable to accommodate the proposed retail development due to its insufficient size and the limitations provided by the listed status of the building. Officers consider that these conclusions are reasonable and sound.

3.5 51 Lynn Street is currently available and is being marketed for a retail occupier however, the assessment sets out that the floorspace of 230 sqm is unsuitable to accommodate the proposer retail development. Officers consider that these conclusions are reasonable and sound.

3.6 2 London Street is a Grade II listed building that was previously occupied by the White Inn Public House and the Swaffham Social Club. In addition to the site being unsuitable due to the inadequate floorspace of 270 sqm, the assessment also sets out that the site is currently unavailable. Officers consider that these conclusions are reasonable and sound.

3.7 6-8 London Street comprises a ground floor retail unit together with rear warehouse and first floor ancillary accommodation. Whilst the unit is of a sufficient size to accommodate the proposed development, the assessment sets out that not meet the specific locational requirements for the new residents to the south of Swaffham Town Centre. As well as being unsuitable locationally, the site is currently under offer and as such is unavailable. Officers consider that these conclusions are reasonable and sound.

3.8 The Post Office and Former Sixth Form Centre site on Lynn Street has been identified as a potential redevelopment site by the LPA for a considerable time, however is not allocated for commercial uses within the adopted or emerging Local Plans. Part of the site is still in operation as a Post Office Delivery Office whilst part of the site is currently subject to planning permissions to provide residential development. The site is therefore concluded to be unavailable which officers consider is a reasonable conclusion.

3.9 The Commercial Floorspace Assessments demonstrates that a sequential approach to site selection has been adopted by the applicant using a robust methodology which accords with the criteria set out in the NPPF and the PPG. The results of the assessment clearly show that there are no sites within Swaffham Town Centre which are suitable, viable and available. On this basis, it is considered that the application is accordant with Policy CP7. In addition, a shop in this location will support the sustainability of the site and help to encourage walking and cycling in accordance with the development and NPPF and the scale of retail proposed is not considered so significant to warrant refusal in this instance.

#### 4.0 Design, Scale and Residential Amenity

4.1 As an outline application, scale and design will be reserved for future determination. However, indicative details show the development of a largely two storey height is envisaged with some potential for three storey heights within the site.

4.2 The indicative masterplan of the proposed development demonstrates that the development could be laid out in a way which would ensure little or no harmful impact on the residential amenity of neighbouring occupiers.

#### 5.0 Transport and Highways

5.1 The application site is located to the west of Brandon Road (A1065) where there is an existing roundabout with three arms, one of which serves the Swans Nest residential development to the east of the road. The proposed development proposes remodelling of the roundabout to provide a fourth arm along with an increased in diameter from 36m to 40m.

5.2 Norfolk County Council highways were consulted on the application and were of the view that the remodelled roundabout, with a new arm and associated provision for pedestrian and cycle would provide a safe and efficient access to the site. The layout of the internal roads within the site were also considered to be acceptable from a technical perspective subject to appropriate conditions.

5.3 Whilst it is noted from numerous consultation responses that there is some concern with the potential impact of additional traffic from the development on the safe and efficient operation of the A1065, the Highways Authority have undertaken a full assessment of the submitted Transport Assessment and are content.

5.4 Subject to the highway works being secured through appropriate conditions, officers consider that the application is in accordance with the provisions of Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Para 109 of the NPPF (2019); and is therefore acceptable from a highways perspective.

#### 6.0 Affordable Housing

6.1 At the time of the application being made, 40% provision was required on sites capable of accommodating 5 or more dwellings and/or 0.1ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. However, NPPF states that affordable housing should only be sought on developments of 10 or more dwellings or 0.5ha.

6.2 The development proposes 25% affordable housing. This is considered to be an acceptable provision as it accords with emerging Policy HOU 7. Whilst this emerging Policy is not yet adopted, it has been through Examination in Public, and the 25% requirement has not been amended as part of the current Main Modifications consultation. Whilst the Council contends that the emerging Policies have modest weight at this stage, this particular requirement has been underpinned by Council's Local Plan and CIL Viability Assessment, 2017. Furthermore, it is consistent with the NPPF 2019 and has no unresolved objections where paragraph 49 of the NPPF 2019 advised that weight should be given to the emerging policy.

6.3 The current application proposes full compliance with HOU 7 and would provide 25% of the dwellings as affordable. The affordable housing would be secured through appropriate clauses and mechanisms within the Section 106 Agreement.

## 7.0 Ecology

7.1 The application is supported by an Ecology report by AECOM which sets out that the site is located within 240 metres of the Breckland SPA and Breckland Forest SSSI.

7.2 Surveys undertaken as part of the Ecology assessment did not find any evidence of Breckland Special Protection Area qualifying bird species - nightjar, stone curlew and woodlarks. Surveys also established that bat activity comprised foraging and commuting activity of common pipistrelle and soprano pipistrelle bats. Activity was generally low and restricted to hedges, field margins and the mixed woodland plantation. The site was assessed as of District-to-Local value for commuting/foraging bats.

7.3 Various mitigation and enhancement measures are proposed as part of the Ecology strategy and a full assessment of all the submitted details was undertaken by Norfolk County Council who confirmed that they had no objection to the application subject to conditions securing the mitigation and enhancement measures and an Ecological Management Plan.

## 8.0 Arboriculture

8.1 A Preliminary Arboricultural Impact Assessment by AT Coombs Associates Ltd was submitted in support of the application. The report sets out that supporting surveys recorded a total of sixteen individual trees and ten tree groups were recorded. Groups contain trees forming continuous features or clusters with similar characteristics. Five trees have been classified as Category A, eight trees and ten tree groups are classified as Category B and three individual trees have been classified as Category C.

8.2 The indicative layout of the proposed development seeks to retain the majority of the existing trees however there is acknowledgment that the hedgerow adjacent to Brandon Road would need to be removed to facilitate the proposed access.

8.3 The Council's Arboricultural officer was consulted on the application and outlined that arboricultural constraints are located around the edge of the site and that the central area of the site can be developed with no significant implications.

8.4 The Arboricultural officer went on to state that any layout should incorporate the category A and B trees identified within the A.T Coombes survey, with the default position being that no works will be within the root protection area or canopy spread of retained trees, layout must also take into account future growth and post development implications relating to proximity of trees to dwellings.

8.5 Given the aforementioned response and subject to an arboricultural impact assessment and tree

protection plan based on final layout being secured by condition, it is considered that the application is in accordance with Policy DC12 and Paragraph 175 of the NPPF.

## 9.0 Flood Risk and Drainage

9.1 The application is supported by a Flood Risk Assessment undertaken by Barter Hill Consulting Engineers.

9.2 The Lead Local Flood Authority (LLFA) undertook an initial review of the FRA and requested additional information pertaining to the discharge location for the surface water drainage and confirmation from Anglian Water that the proposed point of connection is appropriate. The applicant subsequently entered into discussions with the LLFA and provided all of the outstanding requested items to the satisfaction of the LLFA.

9.3 Upon the reconsultation of the LLFA, it was confirmed that there was no objection to the application subject to appropriate conditions being attached. Such conditions would be attached if permission were to be granted.

## 10.0 Landscape and Visual Impact

10.1 Whilst the application is submitted in outline form, with detailed approval sought only for access, an indicative site layout has been provided. The application site currently comprises of cultivated arable land with some improved grassland and mixed woodland beyond the application boundary.

10.2 The indicative layout shows a 64 bed Care Home, 40 assisted living dwellings, a 650 sqm commercial premises and 160 dwellings located across the site, also incorporating open spaces for the purposes of amenity and attenuation. Most of the development within the site is envisaged as being of a two storey height with some potential for three storeys towards the centre of the site.

10.3 In light of the above and the significance of the proposed change to the existing open character of the site, a Landscape and Visual Impact Assessment by The Landscape Partnership was submitted in support of the application. Whilst it is clear from the assessment that there would be a fundamental change to the open character of the site, at a site level; in the wider context the development would have little impact on the landscape character beyond the site boundary, or on any publicly accessible visual receptors or residential properties.

10.4 Planting of native species is proposed on the site boundaries which would also help to offset the visual impact of the development.

10.5 In light of the above, and the fact that the proposed site is situated at the southern edge of the settlement with existing development to the north and east, officers consider that the development would not result in any unacceptable landscape and visual impact within its context.

## 11.0 Open Space and Infrastructure

11.1 The indicative masterplan for the development shows that an area of open space would be provided in a central location within the site. The central green area which has been provided to the north of the existing woodland, with an additional green corridor following the existing pipeline easement.

11.2 Adopted Policy DC 11 'Open Space' outlines requirements for onsite outdoor playing space equivalent to 2.4 Ha per 1000 population, whilst draft Policy ENV 04 seeks a slightly higher provision. Both policies seek

a minimum of 1 Local Equipped Area of Play for the scale of this proposal. Indicative details show that the development could provide this level of provision and appropriate conditions would be added to secure this provision as necessary.

## 12.0 Air Quality

12.1 The Council's Air Quality officer was consulted on the application and had no objections to the proposed development subject to appropriate conditions.

12.2 It was further outlined that the details in the updated review of air quality are noted however as it is likely that a number of vehicles will pass from the development through the centre of Swaffham where there is a declared air quality management area with accompanying plan; it is recommended that the applicant is required to introduce measures to promote the minimisation of air pollution particularly from house heating systems and motor vehicles which rely on petrol or diesel fuels. Such measures could include the promotion of active travel walking, cycling and the use of public transport plus the introduction of electrical vehicle charging points within the proposed houses and development to encourage the use of cleaner modes of transport. Appropriate conditions would be attached accordingly.

## 13.0 Swaffham Neighbourhood Plan

13.2 The Swaffham Neighbourhood Plan was approved at the referendum stage on 2nd May and as such should be given significant weight in the planning consideration.

13.3 The Swaffham Neighbourhood Plan does not appear to allocate specific sites but relies on the allocations proposed in the Breckland emerging Local Plan. The Neighbourhood Plan places great importance on Housing and other development and the expectation that they should contribute towards improving local services and infrastructure. Also of importance is a sustainable range of housing types for a vibrant mixed community and an avoidance of further ribbon style development by concentrating development to the east and west of the town. This site lies to the site lays to the South of Swaffham. This is obviously contrary to the aspiration of the NP. However, it is opposite existing development, it is considered in character with the existing without significant impact on the landscape and applying the titled balance with regards to paragraph 11 of the NPPF, it is considered on balance that this is an acceptable form of development.

13.4 Whilst the Swaffham NP is a material consideration and is acknowledged, the lack of a five year supply of housing at district level engages the tilted balance in favour of sustainable development and, as the Swaffham NP does not specifically 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 over the previous three years".

13.5 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 on this occasion. Relevant additional considerations include; the development should provide a mix of housing - this is an outline planning application so although the exact mix of housing is not clear at this stage, an appropriate housing mix could be provided; development should be well designed - the exact design would (in the event this outline planning application was to be approved) would be considered at reserved matters stage; traffic, air quality, flood risk - issues, have been outlined above; matters of parking, detailed design, walking and cycling would all be addressed at a later stage, if the application were acceptable. It is considered that the relevant Neighbourhood Plan policies support the recommendation with regards to this application.

#### 14.0 Other Issues

15.1 In terms of heritage and conservation, the application site is located outside of the town centre of Swaffham where there are numerous heritage assets. The considerable separation distance between these assets and the application site would ensure that the development would not impact on their setting.

15.2 In terms of Archaeology, the proposed development site has moderate potential for previously unrecorded heritage assets with archaeological interest to be present - in this case buried archaeological remains of prehistoric and/or Roman date. The significance of any such heritage assets present would be adversely affected by ground-disturbance associated with the proposed development. Norfolk County Council have outlined that, based on the currently available information, it is likely that the nature of any heritage assets would be such that, in this instance, the impact upon them could be satisfactorily managed through a programme of archaeological mitigatory work. Appropriate conditions would therefore be attached to any permission.

15.3 In terms of land contamination, a Phase II Contamination Survey was conducted on the application site in March 2017 and comprised of trial pitting and window sampling. A low or very low contamination risk was identified to human end-users, controlled waters, buildings and services. The submitted details were reviewed by the Council's EHO officers who outlined no objection subject to further investigations being required by condition to ascertain if there is any ground gas through soil sample testing. Appropriate conditions would therefore be attached to any permission.

15.4 Initially Natural England raised concerns with regards to the information submitted. The applicants have submitted further information. A further response is awaited and will be reported to members of the committee via the supplementary.

#### 16.0 Conclusion and Planning Balance

16.1 At this point in time, Breckland Council cannot demonstrate a five year housing land supply and as a result development plan policies relating to the supply of housing are considered to be out of date. As set out within Section 1.0 of this report, the development is considered to represent a sustainable form of development in economic, social and environmental terms. In the absence of up to date policy, Paragraph 11 of the NPPF is relevant and states that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

16.2 In this case, it is considered that the adverse impacts of development would not significantly and

demonstrably outweigh the benefits. The development would provide up to 160 dwellings which would make a valuable contribution to the District's housing targets whilst also providing extra care and assisted living accommodation for which there is a clear and demonstrated need.

16.3 In light of the above, and subject to the conditions and Section 106 obligations set out, the application is recommended for APPROVAL.

## RECOMMENDATION

Application recommended for APPROVAL subject to the following:

- Satisfactory completion of a Section 106 Agreement
- The conditions listed in the report
- Delegated authority be granted to officers to resolve and overcome the issue associated with the HSE response

## CONDITIONS

- 1 Outline Time Limit (3 years)**

Application for Approval of Reserved Matters must be made not later than the expiration of THREE 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.
- 2 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.
- 3 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 and landscaping of the development.

Reason for condition:-  
The details are not included in the current submission.
- 4 Non-standard condition**

No development shall commence above slab level unless and until precise details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details only.

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

**5**

**Non-standard condition**

No development shall commence above slab level unless and until precise details of the means of surface water disposal have been 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

**6**

**Non-standard 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 for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The landscaping and tree planting shall be carried out in accordance with a scheme to be first submitted to and approved in writing prior to commencement of development. The approved landscaping shall be undertaken in accordance with the approved details and in accordance with 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:-

In the interests of the satisfactory appearance of the development in accordance with Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**7**

**Non-standard condition**

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules within the development has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details as agreed. The management of the landscaping within the development shall commence immediately after planting in accordance with the agreed details and shall continue as such thereafter.

Reason for the condition:-

In the interests of the satisfactory appearance of the development in accordance with Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.



**8 Non-standard condition**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works shown indicatively have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall include the remodeling of the A1065 roundabout.

Reason for the condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with CP4 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**9 Non-standard condition**

No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including 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 construction works

Reason for condition:-

The details are required prior to the commencement of the development in the interests of the amenity of the area and to ensure a safe development from the outset of the development to protect the amenity of neighbouring properties in accordance with DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**10 Fire Hydrants**

Prior to the commencement of any works above slab level a scheme shall be submitted for the provision of 8 fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the hydrant(s) have been provided in accordance with the scheme first approved in writing by the Local Planning Authority.

Reason for condition:-

In order to secure the provision of fire hydrants.

**This condition will require to be discharged**

**11 Non-standard condition**

Prior to the commencement of the development precise details of the slab levels of the

dwelling/building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such levels as may be agreed shall be used in the construction of the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

12

**Non-standard condition**

The reserved matters applications shall be accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. In relation to the Statement the following shall apply:

a) No operations shall commence on the site in connection with the development hereby approved

(including any tree felling, tree pruning, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree, shrub and hedgerow protection works required by the 'Method Statement' are in place on site;

b) No excavations for services, storage of materials, or machinery, parking of vehicles, deposit

or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m (or as agreed in writing) of an area fenced off or otherwise protected in the 'Method Statement';

c) The fencing or other works which are part of the Method Statement shall not be moved or removed, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior consent in writing of the local planning authority.

Reason for condition:-

To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity. In accordance with policies CP11 and DC12 of the Core Strategy and Development Management Policies DPD.

13

**Visibility splays**

Prior to first occupation of the development hereby permitted a visibility splay, the dimensions of which shall be first agreed in writing by the Local Planning Authority, shall be provided to each side of the access where it meets the highway and such splays shall be kept free of any obstruction in excess of a height of 0.6 metres above the level of the adjoining carriageway.

Reason for condition:-

In the interests of highway safety in accordance with CP4 of the Adopted Core Strategy and

Development Control Policies Development Plan Document 2009.

**14 Non-standard condition**

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be first agreed in writing with the Local Planning Authority and thereafter retained at the position shown on the approved plan. Arrangements 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 for condition:-

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 in accordance with CP4 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**15 Non-standard condition**

Prior to the first occupation of the development hereby permitted the highway improvement works referred to in Conditions 8, 13 and 14 shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development in accordance with CP4 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**16 Non-standard condition**

No trees or hedges within the site shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans, landscaping plans and arboricultural protection plan approved pursuant to any conditions of this permission, without the prior written approval of the Local Planning Authority. Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as first agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**17 Non-standard condition**

No works above slab level shall commence on site until detailed drawings for All footway(s) and cycleway(s) have been submitted to and approved in writing by the local planning authority. The footways and cycleways shall be fully surfaced in accordance with the approved details, prior to first occupation of any of the dwellings hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development in accordance with CP4 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**18 Full details of external lighting**

Prior to the occupation of the development hereby permitted details of the external lighting to the site shall be agreed in writing with the Local Planning Authority, and only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

Reason for condition:-

In the interests of amenity in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

19

**Non-standard condition**

Prior to any works commencing on site, an ecological management plan (EMP) shall be submitted to, and approved in writing by the LPA . The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives including mitigation detailed in the Ecological Survey submitted with the application namely that for:

- bats
- birds
- protection and enhancement of bat feeding and commuting corridors
- protection and enhancement of hedgerows, in particular the 'important hedgerow'
- a lighting scheme to minimise the impacts of artificial lighting on wildlife
- bat boxes for bats
- nest boxes for birds

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a fiveyear period);
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

If more than two years have passed since surveys were undertaken then update surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the site's design first agreed with the Local Planning Authority.

The EMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action will be identified, agreed and implemented so the development still delivers the fully function biodiversity objectives of the originally approved scheme.

Reason for condition:-

To protect the biodiversity and ecological value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

20

**Non-standard condition**

The mitigation measures outlined within the submitted Ecological Mitigation Strategy shall be implemented prior to the commencement of works and enhancement measures shall be incorporated into the site's design and fully implemented prior to the first occupation of the development. For the avoidance of doubt this shall include the following:

- The application layout is restructured (as shown in the Ecological Mitigation Strategy document) so that no housing other than those dwellings connected to the care home and assisted living dwellings, and no recreational areas associated with the housing, are within the 400m Breckland Forest/Breckland SPA constraint zone. Note that the care home communal garden can be within this area but this should not be accessible to residents not linked to the carehome;
  - A cat covenant is attached to the care home/assisted living dwellings;
  - High fencing is included to discourage residents from the other dwellings entering the 400m zone, including preventing access to the care home gardens;
- Planting of dense, thorny shrubs is put in place to discourage cats from the housing outside the 400m zone;
- Sufficient greenspace and facilities available to support residents. This should be outside of the 400m zone, to avoid extra disturbance within the 400m zone.

Reason for condition:-

To protect the biodiversity and ecological value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

21

**Non-standard condition**

No development above slab level shall commence until a scheme for the provision of a 32Amp single phase electrical supply that will allow for the future inclusion of an individual electric car charging point for each property with a garage has been submitted to and approved in writing by the Local Planning Authority. The approved works for each individual unit shall be implemented on site before that unit is first brought into use.

Reason for condition:-

To promote sustainable modes of transport and protect air quality conditions surrounding the site.

22

**Contaminated Land - Site Investigation/Remediation**

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. 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: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and

service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. Remediation Scheme**

A detailed remediation scheme 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. 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.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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 in accordance with Policy 15 of the NPPF.

INFORMATIVE:- Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**23**

**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**

**24 Hours of operation during construction**

No demolition, site clearance or construction shall be carried out, no machinery operated nor deliveries taken at or waste despatched from the site outside the hours of 07:30 - 18:00 Monday to Friday, 08:00 - 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason for condition:-

In the interests of the amenities of the locality in accordance with policy DC1 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

**25 Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

**26 Criterion E - Planning Apps Where Approved**

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.co.uk](http://www.planningportal.co.uk)

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.