

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2022/1048/VAR	<b>CASE OFFICER</b> Barbara Greengrass
<b>LOCATION:</b>	SPORLE Essex Farm, The Street	<b>APPNTYPE:</b> Variation of Cond's <b>POLICY:</b> Part In Set Bndry <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Essex Farm Partnership Essex Farm The Street	
<b>AGENT:</b>	Durrant's Building Consultancy Pump Hill House 2b Market Street	
<b>PROPOSAL:</b>	Variation of Condition 4 on 3PL/2019/0920/O - Rewording of the condition so that the development shall be limited to a maximum amount of dwellings from 35 to 75	

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

This application is referred to Planning Committee from Chairman's Panel as it is major application and it is proposed to increase the numbers of dwellings.

#### **KEY ISSUES**

Whether the variation to Condition 4 to provide for an increase in dwelling numbers from 35 to 75 is acceptable?

#### **DESCRIPTION OF DEVELOPMENT**

This application is made under s.73 of the Town and Country Planning Act and seeks a variation of Condition 4 of 3PL/2019/0920/O, in order to amend the wording of the condition from "The development shall be limited to a maximum of 35 dwellings" to "The development shall be limited to a maximum of 75 dwellings".

#### **SITE AND LOCATION**

The application site is located to the south of the existing settlement of Sporle and to the west of The Street. There is existing development to the north and east of the site. Essex Farm is located to the south of the site and agricultural land is located to the west. The site is a large open site, currently used as agricultural land. The total site area is 4.9 ha (12 acres).

The site is located partially within the designated settlement boundary for Sporle and a proposed housing allocation site for Sporle also falls within the application site but the application extends outside of the settlement boundary and allocation to the south and west. To the south the site extends to include the farm buildings.

There is vegetation to the eastern boundary of the site. Otherwise the site is open and largely open to its

eastern boundary.

There is the Grade II Listed Wolferton House is located to the south-east of the application site.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2019/0920/O                      Permission                      13-07-22

Outline Application for Residential Development (all matters reserved save for access) including access and associated roads, parking, landscaping, public open space and attenuation ponds

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**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, 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

COM01	Design
COM02	Healthy Lifestyles
COM03	Protection of Amenity
EC06	Farm Diversification
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU03	Development Outside of the Boundaries of Local Service Centres
HOU06	Principle of New Housing
HOU07	Affordable Housing
HOU10	Technical Design Standards for New Homes
LBC	Planning(Listed Building & Conservation Areas) Act 1990
SPRA1	Sporle Residential Allocation 1 Land to the north of Essex Farm (LP005)

TR01 Sustainable Transport Network  
TR02 Transport Requirements

#### **OBLIGATIONS/CIL**

The outline consent 3PL/2010920/O was subject to a planning obligations/contributions to secure the below, in accordance with Paragraph 56 of the NPPF. A UU also secures provision of GIRAMS. These remain unaffected by this variation to the approved outline consent. An amended S106 agreement is required to secure an education contribution for Sporle Primary School.

Contributions to:

- A library contribution of 75 per dwelling. This contribution will be spent on library stock and equipment for mobile service EDE 105.
- Provision and maintenance of open space in accordance with Policy ENV04 of the Local Plan (adopted 2019)
- 25% Affordable Housing

#### **CONSULTATIONS**

##### **SPORLE PARISH COUNCIL**

The Parish Council believe there should be at least 50% affordable housing on the development as that is what the village needs. Concern was raised that a development for 79 houses is far too large for the village, even though affordable housing is included. There is not one planning application in Sporle that has been successful regarding building affordable houses, even though housing of this type was included in any original plans. Breckland Council have a Local Plan that stipulates the number of houses required to be built over a certain time period in all towns and villages in Breckland. Also, building this number of houses will include developing land that is outside the settlement boundary, south and west of the main field specified.

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

Norfolk County Council does not wish to restrict the grant of permission.

##### **ANGLIAN WATER SERVICE**

As this condition does not relate to foul drainage, this falls outside of Anglian Waters jurisdiction to make comment, we would wish to be reconsulted on conditions relating to foul water drainage and surface water drainage.

##### **NATIONAL HIGHWAYS**

No objection.

##### **NATURAL ENGLAND**

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

**OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Seek contributions for one school place at Sporle Primary School.

**FLOOD & WATER MANAGEMENT TEAM**

I can confirm that the County Council as Lead Local Flood Authority (LLFA) has no comments to make at this time.

In providing this substantive response, the LLFA is not currently able to carry out any review of the submitted documents or give any formal advice to the LPA for this consultation. As such, it should not be assumed that there is no impact associated with the proposed development in relation to surface water flood risk and drainage.

**HOUSING ENABLING OFFICER**

No objection in principle. The applicant asserts in planning statement 6.18 that the existing 25% permission would bind the increase, e.g. 18no affordable units and 12,500 if 73 units were built. Provided the case officer is satisfied this is the case, and the applicant is willing to undertake timely negotiations with my team regarding type, size, layout etc, for the additional units, then quite content.

**ECOLOGY**

We have reviewed the Planning Statement (Durrants, August 2022) submitted to 3PL/2022/1048/VAR and the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd, October 2021) submitted to 3PL/2019/0920/O.

We are satisfied that the new plans are proposed within the original site boundary covered by the Preliminary Ecology Appraisal (Greenlight Environmental Consultancy Ltd, October 2021) and therefore will be under the same constraints faced by the original plans. From an ecological perspective we have no objection to the variation of condition. However, we note that the biodiversity enhancement measures recommended in the Preliminary Ecology Appraisal (Greenlight Environmental Consultancy Ltd, October 2021) have not been secured by condition of any consent, as the Ecological Management Plan (Condition 17) only covers ecological mitigation measures. As a result, it is recommended that, to secure net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2021, these reasonable biodiversity enhancement measures will need to be provided and secured by condition. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

**CONTAMINATED LAND OFFICER**

I would advise that previous conditions still apply.

**ENVIRONMENTAL HEALTH OFFICERS**

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details

**ENVIRONMENT AGENCY**

No comment.

**HISTORIC ENVIRONMENT SERVICE**

No comment.

**HISTORIC BUILDINGS CONSULTANT**

No comment.

**HISTORIC ENVIRONMENT OFFICER**

No Comments Received

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

No Comments Received

**TREE AND COUNTRYSIDE CONSULTANT**

No Comments Received

## REPRESENTATIONS

A site notice was displayed, advert placed in the press and neighbours notified by letter. 11 representations have been received, their comments are summarised as follows:

- loss of privacy
- Loss of a view/open field
- Loss of quality of life/impact on health
- Loss of light and overshadowing
- The proposals are over-development of the site (too many houses proposed)
- The proposals exceed that as set out in the allocation policy
- Three storey development in this location is not acceptable and is out of character with the surroundings.
- Development in this location will change the character of Sporle.
- There is poor drainage in the area and the development would lead to greater flood risk
- Significant additional cars will be added to village roads and the A47 junction is a questionable access point
- Skyline will be dominated
- The road narrows at the site.
- Many village children arrive/depart school by car and the area around the school is routinely and dangerously congested at school start and end times. This will only get worse.
- There is insufficient space for additional children at the local school.
- Trees should not be removed to create a road. A number of trees would be affected by the development
- There is a lack of infrastructure and jobs in the village. The Doctors is oversubscribed. Limited bus and pub closed..
- Size is out of proportion to the village
- The loss of agricultural land should be avoided.
- The proposals will lead to an increase in noise and light pollution
- Local Plan restrictions.
- The scale and types are of concern.
- No benefit to community.
- local plan restrictions and distance to the school

## ASSESSMENT NOTES

### 1.0 Scope of application

1.1 Outline planning permission was permitted for residential development of the site on 13 July 2022. This is therefore an extant permission. This application solely seeks to allow for the increase in numbers from 35 to 75 by variation of condition 4 of that consent and therefore it is only necessary to consider the merits of the application in so far as the proposed amendments to condition 4.

1.2 Condition 4 of 3PL/2019/0920/O reads as:

*"The development shall be limited to a maximum of 35 dwellings.*

*Reason for condition:-*

*To protect the character of the area and the amenity of future occupants in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan and to ensure sustainable development in accordance with*

*Policy SHA1."*

1.3 It is proposed to amend to:

*The development shall be limited to a maximum of 75 dwellings.*

1.4 Variation is on the basis that the proposed maximum number of dwellings to be accommodated on the site is 75 in line with the original submission of 79 made in the outline in 2019. The application originally proposed 79 dwellings but on officer advice this has been amended to 75 to be more realistic. The application is accompanied by an indicative site layout, which demonstrates how the site could accommodate up to 75no. dwellings, whilst accommodating surface water attenuation measures and public open space and when the original outline application was considered for up to 79 dwellings, this was supported by the necessary assessments for that, including; Traffic Statement (January 2019 - Canham Consulting Ltd.), Flood Risk Assessment and Drainage Strategy (January 2019 Canham Consulting Ltd.), and Pre-Planning Assessment Report (December 2018 - Anglian Water).

1.5 The proposed site plan shows indicatively, the siting of single and two storey dwellings set back from the site frontage behind a landscaped area with hedging. The proposals provide a new, shared access drive onto The Street, which is designed to meet the required County Highways standards. The layout demonstrated that there could be sufficient space on site for parking for each unit. These details would of course need to be satisfied in full at reserved matters stage.

1.6 The proposals would also provide for policy compliant affordable housing provision of 25% in line with Policy HOU 07 - Affordable Housing (Breckland Council Local Plan - 2019). With the increased number more affordabel housing can therefore be provided in the village. It is noted that the Parish Council have requested 50%affordable housing however the proposals are policy compliant and on that basis additional requirements are not justified. The scheme, as shown on the indicative Site Plan, would also provide for:

- A mix of dwellings types
- Dwellings behind an landscaped frontage with a policy compliant amount of open space;
- Landscape buffers and tree planting retained or provided to site boundaries;
- Provision of play space and recreational space;
- Central vehicular access with footpath connection northwards into the village; and
- The provision of surface water attenuation ponds.

1.7 As the outline planning permission gave permission for residential development (as the description of development) and did not reference the number of dwellings, it would be lawful to amend the dwelling numbers in Condition 4, as proposed.

## **1.8 Assessment**

1.9 Paragraph 60 of the NPPF (2021) states; To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

1.10 Furthermore, paragraph 124 of the NPPF states; Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and

- the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

1.11 The applicant states that, "the proposal explicitly complies with the Government's stated objective at paragraph 60 of 'significantly boosting the supply of homes', albeit curtailed to the arbitrary figure of 35no. dwellings, contrary to the available land, approved site plan and constituent assessment". This is not disputed. However, it should be noted that, the site plan approved was indicative only during the assessment of the application as matters of layout were not determined at the outline stage, as made clear in Condition 3 of the permission.

1.12 The imperative to make 'efficient use of land' is also currently curtailed by Condition 4.

1.13 The site lies largely within the Sporle settlement boundary, mainly on an allocated site, as set out in Policy SH1 of the Breckland Local Plan (adopted). Land outside the allocation and Sporle settlement boundary was also been included within the application site, including land to the south of the site with existing farm buildings and land to the west.

1.14 Policy SH1 of the Breckland Local Plan (adopted 2019) allocates approximately 2.1 hectares for a residential development of at least 35 dwellings. To allow for more than 35 dwellings within the allocation and beyond, would not therefore conflict with this policy. The provision of open space is required in accordance with Policy ENV 04 of the Breckland Local Plan (adopted 2019) and this would not be conflicted with and indeed is secured by the S106 agreement. The development is subject to compliance with all other adopted Development Plan policies and the criteria listed therein, and it has already been demonstrated that these are complied with in granting the outline consent. This is because, taking into account the consultation carried out before the grant of the outline permission, there were no technical objections raised at that time, from consultees, on an indicative proposal for up to 79 dwellings. The technical reports that were approved as part of the outline permission assessed a development of the site of this scale anyway.

In terms of the housing targets in Policy HOU03, it is acknowledged that if approved the numbers of dwellings for the settlement will exceed the target. However, this must be significantly exceeded and given that permission already exists for residential development on this site and the need to make the most efficient use of land, it is considered that there is no demonstrable harm in this case, by allowing the target to be exceeded. This view is supported by the fact that the density will remain low at this edge of settlement location, being 15dph, as required by Policy HOU06 of the Breckland Local Plan (adopted 2019). This is a matter of planning judgement when having regard to the development plan as a whole.

1.15 The reason condition 4 refers to the limitation on dwelling numbers to 35 being "to protect the character of the area and the amenity of future occupants" in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan (adopted 2019). These aims can still be complied with, although this will need to be fully assessed at reserved matters stage, to demonstrate the achievement of high quality design. The indicative layout shows how up to 75 dwellings could be achieved and shows that there is potential for this whilst still achieving acceptable levels of amenity and density, (15dph), which would also respect the character of the area and not conflict with policy. In addition, whilst policies GEN05 and HOU03 of the Breckland Local Plan (adopted 2019) seek to restrict development outside of settlement boundaries, in this

case development of this site has already been accepted outside of the boundary and is extant. The additional dwellings are not considered to have an unacceptable impact to this part of the village.

1.16 The Council's Ecology Consultant has requested a condition requiring net gains for biodiversity. This is not considered necessary as Condition 17 of the outline permission covers mitigation measures and the Ecology report details that the measures detailed with the recommended mitigation and suggested enhancements, when incorporated into the layout, there is an opportunity to enhance the value of the site for local wildlife, resulting in a net gain for biodiversity, as is encouraged by the National Planning Policy Framework.

#### S.106 Legal Agreement

1.17 The extant permission is subject to a Section 106 Agreement that would secure the provision and maintenance of the on site public open space; the delivery of 25% affordable homes; a financial contribution towards local library services. A Unilateral Undertaking also secures the provision of GIRAMS. These also take effect where applications are made under Section 73 of the Town and Country Planning Act (As Amended) to vary a condition to which the permission is subject. This agreement would therefore remain in force and unaffected by the proposed increase in the number of dwellings.

1.18 However, given the increase number of dwellings Norfolk County Council have asked for a financial contribution towards the local primary school to provide for the impacts of the development on the need for pupil spaces. A Deed of Variation to the S106 will therefore be required, to include this, before planning permission can be granted.

#### Nutrient Neutrality

1.19 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located outside the of the catchment area of the sites identified by Natural England.

1.20 The development proposed does relate to the creation of additional overnight accommodation being a revision to the outline permission for a residential development of 35 houses. The proposed development would discharge foul water into the existing main sewage system operated by Anglian Water. The proposed site falls in the catchment of Necton Water Recycling Centre the outfall for which is located outside of Natural England's Nutrient Neutrality boundary. This application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

1.21 With regards to surface water, SuDS solutions were considered and allowed for, with the surface water strategy including infiltration, filter strips and swales'. The FRA therefore addresses this point and demonstrates there won't be impact offsite. Therefore, it has been demonstrated that, neither the foul or surface water drainage from the site would discharge into the watercourse network of the affected Habitat Sites.



1.22 This application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. Therefore, the application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

## **2.0 Conclusion and Planning Balance**

2.1 Despite the increased number of dwellings on a site with extant planning permission it is considered:

- it is not contrary to Policy Sporle Housing allocation 1, which allocates for at least 35 dwellings. It should be noted that Policy HOU2 also states the targets therein are a minimum.
- Committee previously determined in Oct 21 that numbers should be limited to 35. This is a matter of planning judgement and a decision should be made with regard to the plan as a whole.
- There will be additional benefits in the form of an additional 18.75 affordable dwellings, contributions for education at the primary school and support for local services.
- There is an existing permission within this red site line, and this will make the most efficient use of land in line with the NPPF.
- The number is "up to" and would retain a sensitive density at 15/ha, but of course, any reserved matters application would need to demonstrate acceptable design, layout etc and accord with all relevant policies of the development plan, not least the policy requirement for overland flows to be dealt with and structural landscaping to the southern boundary.

On the basis of the above, it is considered that the proposed amendments would accord with National and Local Planning Policy, including the criteria as set out in the site allocation policy SH1 of the Breckland Local Plan (adopted). There are no other material changes to policy or planning considerations. Therefore, subject to the conditions, as per the previous approval, including the amendments to Condition 4, and the signing of the Deed of Variation to the section 106 agreement, as set out above, the application is recommended for approval.

### **RECOMMENDATION**

The application is recommended for approval, subject to the conditions, as set out below and the signing of the Deed of Variation to the section 106 agreement.

### **CONDITIONS**

- 1 Outline Time Limit (3 years)**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of the outline planning permission dated 13 July 2022, 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 Max 35 Dwellings**

The development shall be limited to a maximum of 75 dwellings.

Reason for condition:-

To protect the character of the area and the amenity of future occupants in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan and to ensure sustainable development in accordance with Policy SHA1.

**5 Materials**

Prior to the commencement of any works above slab level the type and colour of the external materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01 and HHA1 of the Breckland Local Plan.

**This condition will require to be discharged**

**6 Boundary screening to be agreed**

Prior to the occupation of the development hereby approved, a scheme for the provision of boundary screening, shall be submitted and approved in writing by the Local Planning Authority. Such scheme as may be agreed shall be completed prior to the occupation of the development which the screening adjoins. The approved screening shall thereafter be maintained in that form.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01, COM03 and HHA1 of the Breckland Local Plan.

**This condition will require to be discharged**

**7 No permanent external lighting without prior agreement**

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:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01, COM03 and HHA1 of the Breckland Local Plan.

**8 Non-standard highways condition**

No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**9 Non-standard highways condition**

Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**10 Non-standard highways condition**

Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**11 Non-standard highways condition**

Prior to the first occupation of the development hereby permitted visibility splays measuring 4.5 metres x 90 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**12 Non-standard highways condition**

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**13 Non-standard highways condition**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise first agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing 30-101 rev A has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted the approved off-site highway improvement works shall be completed.

Reason for condition:-

To protect highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**14 Air Quality Assessment**

With any subsequent reserved matters application, an Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority. The AQA is to assess the impact of increase of air pollution from the additional vehicles likely to be linked to this development, with particular reference to the Air Quality Management Area (AQMA) in the nearby town of Swaffham declared for NO<sub>2</sub> from traffic and the proposed form of heating within the new homes and to have regard for mitigation measures to be included that will minimise the impact of local traffic emissions, for example Electric Vehicle charging points. The development shall be carried out in accordance with the approved details.

Reason for condition: -

In order to improve air quality in accordance with Policy COM03 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**15 Approved surface water system to be constructed**

Prior to commencement of development, in accordance with the Flood Risk Assessment and Drainage Strategy (Canham Consulting ref: 212122 - Rev P1, dated 31 January 2019), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development.

The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of any proposed attenuation basin/s, as stated within section 5.3 of the FRA / Drainage Strategy.

or

If infiltration is proven to be unfavourable then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

or

Surface water runoff rates will be attenuated to 0.75 l/s or 2l/s/ha as stated within section 5.3 of the FRA / Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

· 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.

· 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the any infiltration / attenuation basins will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water

flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary. ( Please note that our advice is that Finished Floor Levels (FFL) should be increased up to 600 mm when there is uncertainty in flood levels (section 22.3 of the LLFA Guidance) should the applicant be unable to locate the properties outside the areas of risk.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

VIII. Any infiltration / attenuation basins and connecting pipework as maybe required shall be constructed prior to the commencement the development

Reason for condition:-

Details are required prior to commencement to prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

16

### **Fire Hydrants**

Prior to the commencement of any works above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority, for the provision of 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 as approved.

Reason for condition:-

In order to secure the provision of fire hydrants.

**This condition will require to be discharged**

17

### **EMP**

An ecological management plan (EMP) shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of development. 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 Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited.; January 2019) submitted with the application namely that for bats including demolition works of the buildings on site should be conducted under watching brief of a licenced bat worker, protection and enhancement of bat feeding and commuting corridors, protection and enhancement of hedgerows birds including a check of the barn owl box prior to removal and the creation of skylark plots in suitable locations in the arable fields in the

vicinity of the site which belong to the same ownership as outlined in principle in the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited.; January 2019), great crested newts mitigation and enhancement measures outlined in principle in section 8 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited.; January 2019),

e) Prescriptions for management actions

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

g) Details of the body or organisation responsible for implementation of the plan

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 sites design 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:-

Details are required prior to commencement to protect and enhance ecology in accordance with Section 15 of the NPPF and ENV03 of the Breckland Local Plan (adopted).

**18 Landscaping scheme**

With the reserved matters application a Landscaping Scheme shall be submitted to and approved in writing by the local planning authority for structural landscaping to the southern boundary of the site, as required by policy SHA1 of the Breckland Local Plan. The approved landscaping shall be fully implemented in the first planting season following the first occupation of any of the dwellings hereby approved.

Reason for condition:-

To minimise the landscape impact of the proposals and the impact of the new settlement edge formed by the development in accordance with policies SHA1 and ENV05 of the Breckland Local Plan (adopted).

**19 No loss of trees**

No trees or hedges within the site shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans, 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 protect significant trees and hedgerows in accordance with Policy ENV06 of the Breckland Local Plan (adopted).

**20 Archaeology**

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and

recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this case the mitigatory works will commence with a geophysical survey. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services.

Reason for condition:-

Details are required prior to commencement to protect heritage assets in accordance with policies ENV07, ENV08 and SHA1 of the Breckland Local Plan (adopted) and Section 16 of the NPPF.

21

**Desk study/ site investigation**

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. Desk Study**

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study 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 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.

**B. 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) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**C. 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.

**D 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 undertaken in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

Details are required prior to commencement 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 Section 15 of the NPPF.

Informative:

Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extension include the same scheme of remediation as that included in the original development.

The report has recommended a site investigation in relation to the asbestos and slurry lagoon. I would recommend that this is extended to the areas of fuel storage too. I would also recommend that the applicant considers whether ground gas could be present on site owing to possible animal burial, made ground or organic matter being present in the ground for the lagoon etc. Gas monitoring may therefore be required.

**This condition will require to be discharged**

22

**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 Section 15 of the NPPF.

**23**

**non standard condition**

Prior to first occupation of any of the dwellings hereby approved, the farm buildings shall be demolished and all materials pursuant to that demolition removed from the application site.

Reason for condition:-

To protect the amenities of neighbouring properties and the intrinsic character and beauty of the countryside and wider character of the area in accordance with Policies COM01, COM03, ENV05 and GEN02 of the Breckland Local Plan (adopted).