BROADLAND DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Quantum Land (Brundall) Ltd against the refusal of Broadland District Council to grant outline planning permission with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise: up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a country park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

PLANNING INSPECTORATE REFERENCE: APP/K2610/W/19/3239986

LOCAL PLANNING AUTHORITY REFERENCE: 20171386

Date: 1st September 2020

Draft Conditions

Outline

1) Application for approval of ALL “reserved matters” must be made to the Local Planning Authority not later than the expiry of THREE YEARS from the date of this decision.

The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO YEARS from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Reason: The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Application for the approval of the “reserved matters” shall include plans and descriptions of:

1) the details of the layout;

2) the scale of each building proposed;

3) the appearance of all buildings including details of the type and colour of the external materials to be used in their construction;

4) the landscaping of the site.
Approval of these “reserved matters” must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

Reason: The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3) Reserved Matters shall not include provision for more than 147 dwellings.

Reason: To ensure the development reflects the scope and scale of the application.

4) The reserved matters required pursuant to conditions 1 and 2 shall be in accordance with the following plans:

Dwg 26007 03.1 Rev C Site Location Plan

Development Parameters Schedule Document ref 26007/A3/HL/RM/sl dated 15th October 2018 including the following plans:

Dwg 26007 06 Rev E Development Parameters Plan 1 – Finished Ground Levels

Dwg 26007 07 Rev D Development Parameters Plan 2 – maximum Building Heights and Built Dev Extents

Dwg 26007 08 Rev C Development Parameters Plan 3 – Recreation and Ecological Connectivity Zones

Dwg 26007 09 Rev D Development Parameters Plan 4 – Recreational Zones

Dwg 26007 10 Rev D Development Parameters Plan 5 – Primary Movement Corridor

Reason: To ensure that the development reflects the scope and scale of the application.

5) Where the reserved matters pursuant to condition 1 are submitted on a phased basis, each subsequent submission shall be accompanied by a phasing plan. The scheme shall be implemented in accordance with the approved phasing plan.

Reason: To ensure an orderly sequence of development and delivery of infrastructure to serve each phase in accordance with policy GC4 of the Development Management DPD.

6) Notwithstanding the details show on Dwg 26007 09 Rev D Development Parameters Plan 4 – Recreational Zones, the “Zone within which informal outdoor play to be provided” shall also be available for formal outdoor play.

Reason: For the avoidance of doubt and to ensure the use is in accordance with the submitted Parameters Schedule.

7) Prior to the occupation of the 100th dwelling, the emergency access onto Links Avenue shall be provided in accordance with details to be first submitted to and approved in writing by the local planning authority and shall be retained thereafter in its approved form.
8) Prior to the commencement of development within a phase an investigation and risk assessment into land quality shall be completed for that phase in accordance with a scheme to be first agreed in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The written report(s) shall identify and consider the potential impacts on all identified receptors. Based on the findings of this study, details of whether remediation is required together with a remediation method strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN4 of the Broadland Development Management DPD 2015. The details are required prior to commencement as they relate to the construction of the development.

9) If the reports produced in compliance with condition 8 above determined that remediation is required, the development hereby permitted shall be carried out in accordance with the approved contamination remediation scheme for that phase. Following completion of remediation and prior to first occupation of the dwelling(s)/use of the land, a verification report that scientifically and technically demonstrates the effectiveness and success of the remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN4 of the Broadland Development Management DPD 2015.

10) In the event that contamination that was not previously identified is found at any time when carrying out the approved development within a phase, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:

   1) a report has been submitted and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and

   2) the agreed remediation scheme has been carried out and a validation report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN4 of the Broadland Development Management DPD 2015.

11) A) Prior to the commencement of development within a phase an archaeological written scheme of investigation for that phase shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance 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.

In this case the evaluation should commence with a geophysical survey, a brief for which can be obtained from Norfolk Historic Environment Service.

and,

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

and,

C) No dwelling within a phase shall 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 paragraph (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the potential archaeological interest of the site is investigated in accordance with Policy GC4 of the Broadland Development Management DPD 2015. The details are required prior to the commencement as archaeology may be affected.

12) Prior to the commencement of development within a phase a scheme for generating a minimum of 10% of the predicted energy requirement of the development within that phase from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. None of the development in that phase
shall be occupied until the approved scheme has been implemented and made operational and the approved scheme shall remain operation for the lifetime of the development.

Reason: To secure at least 10% of the site’s energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy. The details are required prior to commencement as they may relate to the construction of the development.

13) Prior to the commencement of development within a phase detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage for that phase shall be 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: To ensure the development complies with Policies GC4 and TS3 of the Broadland Development Management DPD 2015. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

14) Prior to first occupation of a dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers serving that dwelling in accordance with the details approved under condition 13 to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policies GC4 and TS3 of the Broadland Development Management DPD 2015.

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

Reason: To ensure satisfactory development of the site in accordance with Policies TS3 and GC4 of the Broadland Development Management DPD 2015.

16) No dwelling within a phase shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within that phase have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a private company has been established to secure the management and maintenance of the streets in perpetuity.
17) Prior to the commencement of development within a phase a scheme detailing provision for on-site parking for construction workers for the duration of the construction period of that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved for the duration of the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy TS3 of the Broadland Development Management DPD 2015. Details are required prior to the commencement of development as they relate to construction activities.

18) Prior to the commencement of development within a phase a Construction Traffic Management Plan Construction Traffic Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development will comply with the approved details.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Broadland Development Management DPD 2015. Details are required prior to the commencement of development as they relate to construction activities.

19) Prior to the commencement of development within a phase details of wheel cleaning facilities for construction vehicles for that phase shall be submitted to and approved in writing by the local planning authority. For the duration of the construction period for that phase all traffic associated with the construction of the development will comply with the approved details.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Broadland Development Management DPD 2015. Details are required prior to the commencement of development as they relate to construction activities.

20) Notwithstanding the details shown on the submitted plans, there shall be no changes to ground levels within flood zones 2 and 3 unless details have been provided to demonstrate that any changes will not result in increased flood risks on or off site.

To ensure that the development does not increase the risk of flooding on site or elsewhere in accordance with policy CSU5 of the of the Broadland Development Management DPD 2015.

21) Prior to the first occupation of development on any phase, a landscape and ecological management plan (LEMP) in respect of that phase to comply with British Standard BS42020 shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
a) Description and evaluation of features to be managed.

b) Ecological trends /timings and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

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

g) Details of the body or organization responsible for implementation of the plan.

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

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

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

Reason: To ensure the long term protection and management of landscape and ecological features in accordance with policies EN1, EN2 and GC4 of the Broadland Development Management DPD 2015.

22) Prior to the commencement of development (including demolition, ground works and vegetation clearance) a Construction Environmental Management Plan relating to that phase (CEMP: Biodiversity) to comply with British Standard BS42020 shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.
The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

Reason: To ensure adequate protection of the natural environment in accordance with policies EN1 and GC4 of the Broadland Development Management DPD 2015. The details are required prior to commencement as they relate to the construction of the development.

Prior to the commencement of the development within a phase the following will be submitted to and approved in writing by the Local Planning Authority:

(A) A Mineral Resource Assessment for that phase will be carried out to inform a Materials Management Plan-Minerals (MMP-M). The Mineral Resource Assessment will include a written methodology for an intrusive site investigation, including Particle Size Distribution testing to determine if the site contains a viable mineral resource for prior extraction.

Assessment of the results of the Particle Size Distribution testing should refer to material class types in Table 6/1 of the Manual of Contract Documents for Highway Works: vol 1: Specification for Highway Works Series 600, in order to identify potential suitability for use in the construction phases.

(B) The MMP-M will

- consider the extent to which on-site materials which could be extracted during the proposed development would meet specifications for use on-site through intrusive site investigations, testing and assessment.
- outline the amount of material which could be reused on site; and for material extracted which cannot be used on-site its movement, as far as possible by return run, to an aggregate processing plant.
- require the developer to keep a record of the amounts of material obtained from on-site resources which are used on site and the amount of material returned to an aggregate processing plant.

The development of that phase shall then be carried out in accordance with the approved MMP-M.

The developer shall provide an annual return of the amounts referred to in the third bullet point above to the Local Planning Authority, or upon request of the Local Planning Authority.

Reason: To ensure opportunities from potential on site resources are taken in the interests of sustainability and in accordance with policy GC4 of the Broadland Development Management DPD 2015 and policy CS16 of the Norfolk Minerals and Waster Core Strategy. The details are required prior to commencement on the basis that the resources relate to the construction of the development.

Prior to the commencement of development within a phase details of existing and proposed ground and slab levels for that phase shall be submitted to and approved in writing by the
local planning authority. The details shall comply with the parameters established in Dwg 26007 06 Rev E Development Parameters Plan 1 – Finished Ground Levels

Reason: To ensure the development reflects the scope and scale of the outline planning permission in the interests of the amenities of the area in accordance with policy GC4 of the Broadland Development Management DPD 2015.

25) Prior to commencement of development within a phase, in accordance with the submitted FRA (Rossi Long Consulting Ref 161068 dated July 2016), 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 ground investigation should be undertaken including infiltration testing in accordance with BRE Digest 365 along the length of the proposed soakaways / infiltration basins, as stated within section 7.6 of the FRA / Drainage Strategy. This should be undertaken to establish the depth of the groundwater level, which should be a minimum of 1.2m below any infiltration structure.

(ii) If infiltration is not possible, 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 in 100 year return period, including allowances for climate change, flood event.

(iii) The design of any attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances.

(iv) Finished ground floor levels of properties should be not less that 300mm above any sources of flooding (including fluvial flooding associated with the ordinary watercourse and the proposed drainage scheme) and not less that 150mm above surrounding ground levels.

(v) 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.

Any phasing of development must consider how sustainable drainage relates to the surface water drainage strategy for the whole site. In particular, highlighting where different phases
rely on each another for the disposal of surface water, how this will be implemented during construction and operation of the development.

The surface water drainage scheme shall provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the development.

Reason: To ensure the development does not increase the risk of flooding on site or elsewhere in accordance with policy CSU5 of the Broadland Development Management DPD 2015. These details are required prior to commencement on the basis that they may relate to the construction of the development.

26) Concurrently with the submission of reserved matters for any phase of development an Arboricultural Impact Assessment to comply with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations Section 5.4 shall be submitted detailing the extent of the direct and indirect impacts of the development proposals on existing trees on and adjoining that phase of the site to be approved by the Local Planning Authority. This will include details of Root Protection Areas (RPA's), Construction Exclusion Zones (CEZ's), and Tree Protection.

Additionally, an Arboricultural Method Statement shall be similarly submitted and approved prior to the commencement of development on any phase. This will specify the methodology for the implementation of any aspect of the development that has the potential to result in loss of or damage to any retained tree on or adjacent to that phase of the site. All works shall be carried out as approved to the satisfaction of the Local Planning Authority and in accordance with the requirements of BS 5837:2012"Trees in relation to design, demolition and construction - Recommendations".

The development shall be implemented in full accordance with the approved details.

Reason: To ensure the adequate consideration and protection of trees and hedges to be retained in accordance with policy EN2 of the Development Management DPD 2015.