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: 28th September 2020

Draft Conditions

Full Permission

1) The development hereby permitted must be begun before the expiry of three years from the date of this decision.

   Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2) The development hereby permitted shall be carried out in accordance with the application form, plans and drawings and other documents and details received as listed below:

   Amended Dwg No 26007_PL01_F Planning Layout Phase 1 received 11 June 2018
   Amended Dwg No 26007_HT06_5_C 4 Bed L Shape Type 3 Elevations received 11 June 2018
   Amended Dwg No 26007_HT06_4_C 4 Bed L Shape Type 3 Floor Plans received 11 June 2018
   Amended Dwg No 26007_HT05_C 4 Bed Compact Type 1 Plans received 11 June 2018
   Amended Dwg No 26007_HT05_3_C 4 Bed Compact Type 2 Elevations received 11 June 2018
   Amended Dwg No 26007_HT05_2_C 4 Bed Compact Type 2 Elevations received 11 June 2018
   Amended Dwg No 26007_HT05_1_C 4 Bed Compact Type 1 Elevations received 11 June 2018
   Amended Dwg No 26007_HT04_C 3 Bed Wide Integral Garage Floor Plans received 11 June 2018
Dwg No 26007_HT09_A 2 Bed Affordable Floor Plans received 10 August 2017
Dwg No 26007_HT09_2_A 2 Bed Affordable Type 2 Elevations received 10 August 2017
Dwg No 26007_HT09_1_A 2 Bed Affordable Type 1 Elevations received 10 August 2017
Dwg No 26007_HT08_B 2 Bed Corner Floor Plans received 10 August 2017
Dwg No 26007_HT08_1_B 2 Bed Corner Elevations received 10 August 2017
Dwg No 26007_HT07_A 1 Bed Flats Floor Plans received 10 August 2017
Dwg No 26007_HT06_B 4 Bed L Shape Type 1 Floor Plans received 10 August 2017
Dwg No 26007_HT06_3_B 4 Bed L Shape Type 2 Elevations received 10 August 2017
Dwg No 26007_HT06_2_B 4 Bed L Shape Type 2 Floor Plans received 10 August 2017
Dwg No 26007_HT06_1_B 4 Bed L Shape Type 1 Elevations received 10 August 2017
Dwg No 26007_HT04_1_A 3 Bed Wide Integral Garage Type 1 Elevations received 10 August 2017
Dwg No 26007_HT03_2_A 3 Bed Wide Type 2 Elevations received 10 August 2017
Dwg No 26007_HT02_B 3 Bed Narrow Floor Plans received 10 August 2017
Dwg No 26007_HT02_1_B 3 Bed Narrow Elevations received 10 August 2017
Dwg No 26007_HT01_3_B 2 Bed Type 2 Elevations received 10 August 2017
Dwg No 26007_HT01_2_B 2 Bed Type 2 Floor Plans received 10 August 2017
Dwg No 26007_HT01_1_A 2 Bed Type 1 Elevations received 10 August 2017
Dwg No 26007_HT07_1_A 1 Bed Flats Elevations
Dwg No 26007_HT01_A 2 Bed Type 1 Floor Plan
Dwg No 26007_03_B Location Plan Phase 1 Boundary received 10 August 2017
Dwg No 26007_03_C Site Location Plan received 10 August 2017
Dwg No 26007_PL03 Sections Rev B received 10 August 2017
Dwg No 26007_PL04 Building Materials Rev B received 10 August 2017
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
Reason: For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy and the Broadland Development Management DPD 2015.

3) Development shall not progress above slab level until details of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details.

Reason: To enable the local planning authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy GC4 of the Broadland Development Management DPD 2015.

4) Development shall not begin until an investigation and risk assessment into land quality has been completed 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.

5) If the reports produced in compliance with condition 4 above determined that remediation is required, the development hereby permitted shall be carried out in accordance with the approved contamination remediation scheme. 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.
6) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, 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.

7) A) Prior to the commencement of development an archaeological written scheme of investigation 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 shall take place other than in accordance with the written scheme of investigation approved under paragraph (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 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.

8) Prior to the commencement of development a scheme for generating a minimum of 10% of the predicted energy requirement of the development 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 shall be occupied until the approved scheme has been implemented and made operational, and the approved scheme shall remain operational 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.

9) Prior to the commencement of development detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage 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.

10) 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 9 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.

11) 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.

12) No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development 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.

Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

13) Prior to the first occupation of any of the dwellings hereby approved visibility splays shall be provided in full accordance with the details indicated on the approved drawing 161068-SK-100 rev P1.

The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 600mm (0.225 metres) above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety and in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

14) Prior to the commencement of development a scheme detailing provision for on-site parking for construction workers for the duration of the construction period 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.

15) Prior to the commencement of development a Construction Traffic Management Plan including 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.

16) Prior to the commencement of development details of wheel cleaning facilities for construction vehicles 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.

17) Notwithstanding the details indicated on the submitted drawings, prior to the commencement of development a detailed scheme for the off-site highway works as shown on Bellamy Roberts drawing 5111/1002 rev A shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the highway mitigation is designed to an appropriate standard in the interests of highway safety and to protect the environment of the highway corridor in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

18) Prior to the first occupation of the dwellings hereby permitted the off-site highway works referred to in condition 17 shall be implemented in full.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Broadland Development Management DPD 2015.

19) Development shall not proceed above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Hard landscaping:

1) Proposed finished levels or contours
2) Means of enclosure
3) Details of any hard surfacing
4) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
   Permeable paving
   Tree pit design
   Underground modular systems
   SUDS
5) Street furniture
6) Proposed and existing services above and below ground
7) Retained historical landscape features and proposals for restoration where relevant

Soft landscaping:

1) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted
2) Implementation programme and specification for cultivation and establishment

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of TEN YEARS from the date of planting any tree or plant (or any tree or plant planted in replacement for it), is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the satisfactory appearance of the development in accordance with Policies EN2 and GC4 of the Broadland Development Management DPD 2015.

20) No dwelling shall be occupied until a long term landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all non-domestic landscape areas 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 and the management of the landscaping shall commence immediately after planting in accordance with the agreed details.

Reason: To ensure adequate management and maintenance of non-domestic areas in accordance with Policies EN2 and GC4 of the Broadland Development Management DPD 2015.

21) Prior to the commencement of development (including demolition, ground works and vegetation clearance) a Construction Environmental Management Plan (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.

22) Prior to the commencement of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority:

(A) A Mineral Resource Assessment 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 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 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 Waste Core Strategy.
The details are required prior to commencement on the basis that the resources relate to the construction of the development.

23) Prior to commencement of development, 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. The investigation should also establish the seasonally high groundwater level.

II. If infiltration is proven to be unfavourable then connection to a watercourse is proposed. In this event, the Greenfield runoff rate for the 17.25 Ha site will be Qbar (2.84 l/s/Ha), excluding large areas of open space. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

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. 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 Exceedance Probability rainfall event including appropriate allowances for climate change.

V. The design of any infiltration basin will show that its base will be 1.2m above the seasonally high groundwater level, any attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances.

VI. Finished ground floor levels of properties should be not less that 300mm above any sources.
VII. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VIII. Information needs to be provided to demonstrate that any subsequent application for different phases of development considers how sustainable drainage relates to the surface water drainage strategy for the whole site. In particular, highlighting where different phases rely on each other for the disposal of surface water, how this will be implemented during construction and operation of the development.

23) Prior to commencement of development, 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.
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.

24) The development hereby permitted shall be carried out in full accordance with the submitted Arboricultural Impact Assessment ref 800.2 July 2017.

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