



Appeal Decision

Hearing held on 5 November 2015

Site visit made on 5 November 2015

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2016

Appeal Ref: APP/F2605/W/3131981

Land north of Norwich Road, Attleborough, Norfolk NR17 2JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladedale Estates against the decision of Breckland District Council.
 - The application Ref 3PL/2013/1161/O, dated 11 December 2013, was refused by notice dated 31 March 2015.
 - The development proposed is residential development up to 350 dwellings with associated access, footpaths, a cycle path, flood control and water attenuation measures, open space and landscaping along with open space parcels to enable the future delivery of uses indicatively shown as public sports pitches (4.02ha), additional school playing fields (1.76ha), a cemetery extension(0.72ha) and an allotment extension (0.57ha).
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Decision

1. The appeal is allowed and planning permission is granted for residential development up to 350 dwellings with associated access, footpaths, a cycle path, flood control and water attenuation measures, open space and landscaping along with open space parcels to enable the future delivery of uses indicatively shown as public sports pitches (4.02ha), additional school playing fields (1.76ha), a cemetery extension(0.72ha) and an allotment extension (0.57ha) at land north of Norwich Road, Attleborough, Norfolk NR17 2JY in accordance with the terms of the application, Ref 3PL/2013/1161/O, dated 11 December 2013, subject to the conditions set out in the Annex hereto.

Preliminary and procedural matters

2. The application is in outline with all matters reserved save for access.
3. The Council originally refused the application solely on the ground of flood risk considerations but has subsequently confirmed that it does not intend to pursue that reason for refusal.¹ Consequently, it took a passive role at the hearing, clarifying matters pertinent to my determination as required.
4. A completed planning obligation dated 5 November 2015 was submitted to the hearing and is in the form of an agreement between the land owner, the appellant development company (now known as 'Avant'), the Breckland District Council and the Norfolk County Council. It provides for a minimum of 20%

¹ Statement of Common Ground signed 29/30 September 2015 – paragraph 5.36

affordable housing, phased provision of open space, arrangements for holding the community land available for transfer to nominated bodies pending expiration of a five year option period, associated management arrangements, financial contributions in respect of education and library facilities and the delivery of a travel plan for the proposed development.

Main Issue

5. The main issue in this case is whether the proposed development represents sustainable development for the purposes of the National Planning Policy Framework ('the Framework') with particular regard to flood risk, archaeological resources, highway capacity and social infrastructure.

Reasons

6. The appeal site and its surroundings are described in detail in the Statement of Common Ground (SoCG). Essentially, the appeal site comprises an elongated site stretching along the north side of Norwich Road to the eastern fringe of the town. It is currently undeveloped and used for the grazing of cattle and is divided into fields with hedgerows including trees, some of which are statutorily protected. Land to the south of Norwich Road is primarily a residential area but the western part of the site, proposed for open uses, abuts the cemetery, allotments and the grounds of Attleborough High School.
7. The site naturally divides into two parts along the line of an access drive to Attleborough Hall, which is a Grade II* listed building. The hall and its parkland setting are effectively separated from the site in visual terms by the raised embankment carrying the A11 and I have no evidence to suggest that the proposed development has any significant implications concerning the hall's significance as a heritage asset. I have no reason to depart from the view of the parties set out in paragraph 5.22 of the SoCG.
8. The proposed development area lies wholly to the east of the access to Attleborough Hall and is conceived of as a series of development parcels separated by landscaping, estate roads and other features that would be required to create a functioning residential environment, including swales and attenuation basins. The Mill Lane and Besthorpe streams would remain within their existing courses, as part of the open space framework, traversing the site approximately north to south. The community land proposed to include the sports pitches and the extensions to the school playing fields, cemetery and allotments would be located in the western part of the site.
9. It is clear from paragraph 2.7 of the SoCG that the land has been considered a potential development site for some time, albeit so far it has not been formally identified as such in an adopted development plan. As many as 684 dwellings have been anticipated in the Updated Strategic Housing Land Availability Assessment of 2014; but that represents unconstrained capacity before flood risk is taken into account, whereas the 350 now proposed recognises that constraint.
10. It is common ground that the Council cannot identify a five year supply of deliverable housing sites and that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is therefore engaged. As at August 2015 the supply was agreed to be 3.8 years.² This is not a

² SoCG paragraph 5.7

marginal shortfall and there is no necessity for me to consider the matter of housing land supply further.

11. It is also common ground that the site is sustainably located and, having visited the site and the surrounding area I have no reason to take a different view.
12. Relevant policy includes the Framework and the development plan, which presently comprises the Breckland District Council Core Strategy and Development Control Policies DPD, adopted in 2009 ('the CSDCP'). The Emerging local plan and Attleborough Neighbourhood Plan are at an early stage of preparation and may be accorded only limited weight at this juncture.
13. Although policy SS1 of the CSDCP identifies Attleborough as a 'Market Town for Substantial Growth, the appeal site is unallocated lies outside the present settlement boundary for the purposes of policies SS1, DC2, CP1 and CP14. The proposal is therefore in conflict with these policies. However, to the extent that these are policies relevant to the supply housing they must, following paragraph 49 of the Framework, be regarded as out of date and indeed it is common ground that "all policies for the supply of housing [in the adopted plan] are out of date".³
14. The SoCG contains a comprehensive list of the relevant policies in the development plan and I make specific reference to these only to the extent that it is necessary to do so.

Flood Risk

15. The site is shown on the Environment Agency Flood Map as being partly within Flood Zones 3 and 2, albeit the high probability Zone 3 is primarily in the western part of the site proposed for open space uses. More detailed modelling prepared by the appellant's consulting engineers has broadly confirmed this but refined the accuracy in terms of detailed site specifics. The development principles proposed have been carefully tailored to the circumstances of the site to bring flood risk within acceptable limits which take climate change into account. Essentially this would involve restricting housing itself to development within the parcels identified within the eastern part of the site as sufficiently elevated to stand outside the floodplain of the Attleborough Brook, together with a modicum of engineering to displace a small amount of floodplain whilst compensating for this by the excavation of some additional floodplain area. These measures would be complemented by a range of attenuation measures to mitigate run-off from the development.
16. Perhaps especially in the light of publicity surrounding flood events nationally in recent times, the scepticism evident in some of the local opinion expressed is understandable. It is evident that prior to the improvements consequent upon the construction of the A11 embankment north of the site, the perception of this area as generally prone to flooding may have been stronger than it is now⁴, but nevertheless the anecdotal accounts of the periodic pluvial inundation of the carriageway of Norwich Road as a consequence of drainage inadequacies on Mill Lane in particular bear testimony to current concerns that development of the site could exacerbate and be affected by such difficulties, not least in view of its evidently high water table.

³ Ibid. paragraph 5.7

⁴ Consultation response of Besthorpe Parish Council

17. That said, when the technical evidence is considered, it is clear that the Environment Agency, which does not object to the proposed development provided appropriate conditions are imposed, is satisfied that the flood risk has been adequately addressed. Moreover, the previous reservations of the East Harling Internal Drainage Board (IDB) have clearly been addressed, as is evidenced by the email of 16 July 2015 at Appendix 5 to the SoCG, which formally withdraws its objection. The technical reasoning behind the alleviation of the IDB's concerns is set out in the note of 3 July 2015 at Appendix 4 to the SoCG, prepared by the appellant's consulting engineers.
18. Having studied the Flood Risk Assessment and the supplementary material concerning the IDB's original objection and in particular after having heard the cogent explanation of the evidence by the representative of the appellant's consulting engineers at the hearing (which was not subject to technical challenge by any suitably qualified opposing party) I am satisfied that, in principle, the site can be developed in the manner suggested so as to avoid conflict with policy DC13 of the CSDCP and the intentions of the Framework regarding the risk of inundation as a consequence of fluvial flooding; and the design principles are sufficiently robust to enable the risk of pluvial overland flooding from developed land to the south to be adequately managed also. No material considerations sufficient to justify an alternative view of its acceptability in terms of flood risk have been identified.
19. My view is contingent upon the imposition and effective discharge of appropriate conditions to secure the necessary works and design parameters anticipated by the Flood Risk Assessment. These include securing greenfield run-off rates from the proposed development and the elevation of finished floor levels to cater for the modelled 1 in 1,000 annual probability flood level of around 32.9m AOD. On that basis there can be confidence that the new properties themselves should not be subject to inundation even if areas of the wider site were to be, should the 1 in 100 climate change adjusted flood level be exceeded. Moreover, as the appellant points out, consciousness of flood risk is now such that the developer would not be able to sell houses that could not be insured and insurers would need to be satisfied as to the measures adopted. This commercial consideration, whilst not a deciding factor in itself, adds a further layer of comfort to my conclusions on the engineering and scientific evidence before me, as does the fact of non-objection by statutory consultees remitted to consider flood risk.

Archaeology

20. Following the policy advice in paragraph 128 of the Framework, a field evaluation of the archaeological potential of the site was commissioned by the appellant involving trial trenching. It is evident from the material before me that, subject to refining investigations, including further targeted trial trenching and possible identification of the need to preserve certain remains in situ, the site can be developed without unacceptably compromising archaeological heritage interests, which may encompass evidence of a prehistoric boundary bank⁵, sections of which have previously only been identified to the south and east of Attleborough. At this juncture the flexibility inherent in the outline approach would enable such an outcome to be secured by planning condition and it is common ground that such a condition should be imposed.⁶

⁵ Bunns Bank – emails of 09/02/15 and 23/09/15 from Norfolk County Council to Breckland and PINS respectively

⁶ SoCG paragraph 5.23

Highway capacity

21. Although concern has been expressed by third parties that additional traffic would lead to congestion of the highway system this must be seen in the context of Attleborough's recognised role as a settlement which is suitable for housing development to help cater for Breckland's needs and a lack of objection in principle from the County Council as highway authority. It is common ground that a condition would require the signalisation of the Church Street/Besthorpe Road/Norwich Road/Surrogate Street junction in the town centre in association with the first phase of housing development, rather than by occupation of the 250th dwelling as previously anticipated.⁷ Moreover, a travel plan is provided for in the submitted planning obligation to encourage sustainable transport choices. Bearing in mind the mitigation implicit in these measures, I have no evidence to suggest that the residual cumulative impacts of the development would be severe in the sense intended by paragraph 32 of the Framework.

Social infrastructure

22. The main impacts on social infrastructure are predicted to be on the library and education services but it is common ground that these can be mitigated through financial contributions that would meet the requirements of the Community Infrastructure Levy Regulations 2010.⁸ These would be delivered via the provisions of the submitted planning obligation. I have no evidence to suggest that, with mitigation provided for, the impact on social infrastructure would be unacceptable.

Other matters

23. Third party concerns about the proposed development encompass a number of other matters including residential amenity, the effect on the character and appearance of the area and biodiversity. Regarding the latter point, the various surveys undertaken are adequately thorough and there is no reason to anticipate unacceptable prejudice to biodiversity interests. The habitat across the site will of course change but, with proper attention paid to landscaping and open space management at the detailed design stage, there should be considerable scope for biodiversity enhancements sufficient to at least counter any negative impacts. Given the degree of separation of the proposed new houses from the existing houses south of Norwich Road and west of the access to Attleborough Hall, there is no reason to consider that, in principle, there would be unacceptable harm to residential amenity; and the requirement to have the detailed design of the housing areas proposed on the site approved would safeguard the position in practice. The submitted acoustic report dated 10 December 2013 concludes that the potential impact of noise from the A11 on the living conditions of future residents is capable of being adequately mitigated through design measures.

24. The loss of the "green gateway" to the town from the east alluded to in the objections of a number of local residents cannot be reconciled with the principle of developing the site. Although it is an attractive stretch of land that imparts a rural ambience to Norwich Road, it is not formally designated for landscape value and it is inevitable that such losses must be contemplated to meet

⁷ SoCG paragraph 5.11

⁸ Ibid. paragraph 5.26

housing needs in the absence of proven supplies of previously developed land sufficient to meet such needs. Given the location of the site in immediate juxtaposition to the existing built-up area of the town, its separation from the wider countryside by the A11 and the absence of compelling evidence that it is of such intrinsic value that it should in any case remain undeveloped, the weight that can be accorded to the loss of the open land per se is necessarily limited. Moreover, it is common ground that suitable design at reserved matters stage can secure compliance with the objects of policies DC2 and CP11 of the CSDCP⁹ and I have no reason to depart from that assessment.

25. The specific matter of the potentially harmful impact of the development on Breckland Autos, which occupies premises that would be surrounded by housing development, has consistently been raised as a concern by the proprietor of this established business. The two dimensions of security for the premises and the amenity of future residents as well as the business can be adequately addressed by the scheme of landscape buffering and fencing that has been agreed in principle between the business proprietor¹⁰ and the appellant, which finds expression in the form of an additional suggested planning condition.

Conclusion on main issue – the planning balance

26. Irrespective of potential compliance with many of the relevant policies in the CSDCP given the scope for meeting their intentions through the provisions of the planning obligation and the imposition of planning conditions, the development of the appeal site in the countryside beyond the defined settlement boundary for Attleborough would inescapably give rise to conflict with those policies which seek to restrict development in such locations. However, to the extent that these policies are relevant to the supply of housing it is common ground that they are out of date. The Framework is a powerful material consideration in such circumstances and specifically the engagement of the presumption in favour of sustainable development set out in paragraph 14 is acknowledged by the Council to be a potentially decisive consideration.
27. Paragraph 14 requires harm to be weighed against benefits where relevant policies are out of date, as here, and in this case there are no specific policies in the Framework that suggest development should be restricted. The test of sustainable development is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
28. In this case it is common ground¹¹ that the benefits of the proposal should be given weight. These include an increment of up to 350 dwellings to increase the supply of deliverable housing sites pursuant to Breckland's needs, of which at least 20% (up to 70 dwellings) would be affordable. The economic benefits of new housing for an area are significant and in this instance would be commensurate with the magnitude of what is proposed. These would include employment during the construction period and the scheme would deliver additional open space to the area beyond policy requirements to address the identified local deficit, as well as the opportunity to deliver new sports pitches,

⁹ SoCG paragraph 5.18

¹⁰ Doc 2

¹¹ SoCG paragraph 5.10

allotments and cemetery capacity. There should also be a net gain in biodiversity.

29. The overarching context is the national imperative to boost the supply of housing articulated in paragraph 47 of the Framework, which is a matter I accord substantial weight. For the reasons given, I accord only limited weight to the conflict with policies SS1, DC2, CP1 and CP14 of the CSDCP which I have identified. Whilst I accord some weight to the negative impact on the character and appearance of the area through the loss of its rural ambience and appearance to the north side of Norwich Road, this is limited by the circumstances I have set out. All in all, I am in no doubt that, given the provisions of the planning obligation and the effect of necessary planning conditions, the adverse effects of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole.
30. On that basis I conclude that, taking into account all relevant matters, but in particular flood risk, archaeological resources, highway capacity and social infrastructure, the proposed development would represent sustainable development.

Planning obligation

31. The substance of the planning obligation has been previously described and it has been constructed to provide not only for mitigation of impact on social infrastructure in the locality but also to ensure delivery of key components of the scheme including affordable housing and the facilitation of the open space and community land elements integral to the proposal. The Travel Plan contribution is complementary to the relevant conditions proposed to deliver that necessary aid to the promotion of sustainable transport in line with policy intentions.
32. I am satisfied that the provisions of the obligation are necessary, proportionate and directly related to the proposed development. As such they accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I have not been made aware of any potential infringement of Regulation 123, it having been explained at the hearing that the obligation was compliant in that respect.
33. In view of the above considerations, I am able to accord due weight to all aspects of the obligation in the determination of this appeal.

Conditions

34. A revised set of suggested conditions¹² (SC) was discussed at the hearing, together with potential additional conditions. I have considered the matter of conditions in the light of the relevant principles articulated in the Framework, the associated PPG and the retained annex to Circular 11/95. Most of the SC would, in principle, be necessary, although it was agreed that SC13 and SC29 would not be. In practice, I consider it would be better to combine SC14 and SC15 as they are both directed towards essentially the same end of ensuring adequately surfaced access to houses as they become occupied. My comments on the more significant changes to the SC which would be required, and on necessary additional conditions, are set out below.

¹² Doc 5

35. Many of the conditions as drafted purport to require the local planning authority to consult with specified bodies, which is not appropriate. Moreover, the suggested conditions concerning contamination and archaeology, in particular, are disproportionately complex and prescriptive, the necessary end being achievable by a simpler approach directed at the relevant principle of detailed approval of necessary measures by the local planning authority in parallel with the design of the development.
36. SC30 regarding flood risk, is, however, necessarily prescriptive, albeit the Environment Agency minimum requirement concerning finished floor levels has been imported uncritically. The condition should provide for a comprehensive approach to the site which can be applied to individual phases of development. For robust conformity with the principles set out in the Flood Risk Assessment¹³, upon which the acceptability of the scheme in terms of flood risk is based, I consider the third limb of the condition, which concerns finished floor levels, should be given substance by reference to the 1 in 1,000 year modelled flood level plus 150mm, as opposed to the lesser requirement of 300mm above the 1 in 100 year plus climate change level. This would reflect the appellant's intention to provide greater protection than the Environment Agency actually requires to the limited number of houses proposed within or adjacent to the modelled 1 in 1,000 annual probability flood outline and is readily achievable in any event on much of the eastern part of the appeal site where the housing parcels are proposed. On that basis, and in view of the need for robustness, this approach would seem to me both necessary and reasonable.
37. The appellants themselves have put forward a condition (SC34) to accommodate concerns regarding the relationship of Breckland Auto Services to the proposed adjacent housing areas, albeit it is not appropriate for a condition to specifically the transfer of land, a shortcoming which is readily overcome by requiring that arrangements to implement the necessary scheme of works should be secured prior to commencement of development.
38. Given the scale and outline nature of the proposed scheme of development, it was agreed that not only would some form of phasing (i.e. at least two phases) be required, based on the indicative housing parcels, but that the parameters within which development should be designed in detail should be defined by reference to a maximum number of dwellings (i.e. 350) and a maximum height in terms of storeys (i.e. 3 storeys to reflect the indicated intention at the north east extremity of the site). Combined with a requirement to accord with the principles indicated on the relevant housing parcel and landscape layouts, these requirements would create sufficient certainty of approach for the proposed development to be approved whilst retaining a very necessary degree of flexibility to maximise design quality at the detailed stage.
39. I note that SC21 does not reflect the SoCG¹⁴ in that the ceiling of 250 dwellings being occupied prior to completion of the town centre highways improvements is retained therein. This would easily be remedied by aligning the condition to the first phase of development in a situation where the control of phasing would remain with the local planning authority and may be negotiated as required.

¹³ FRA paragraphs 3.3 and 5.2

¹⁴ SoCG paragraph 5.11

40. SC28, which is concerned to ensure delivery of the proposed playing fields, would require minor redrafting to more clearly meet the test of enforceability and the intentions of SC 17-19 would more appropriately be subsumed within a standard form of construction method condition. Moreover, this type of condition could be readily adapted to address hours of working, necessitated by the proximity of parts of the site to existing housing, and to avoid danger to foraging badgers as recommended by the relevant survey report. The equivalent report on bats recommends that lighting should be carefully controlled and I consider it would be necessary to impose an additional condition to that end.
41. Bearing in mind the relevant principles referred to, I consider the suggested conditions are capable of being modified as necessary and supplemented in a manner which would enable the scheme to be approved in outline form as proposed. Finally, it seems to me that, in circumstances where the need for housing delivery weighs heavily in favour of the proposal, the agreed shortening of the timescale for submission of reserved matters and commencement of development is justified.

Overall conclusion

42. For the reasons I have given and taking all other matters raised into account, I conclude that, subject to the provisions of the planning obligation and the conditions set out in the appended schedule, the proposal at issue would represent sustainable development in the sense intended by the Framework and that the appeal should therefore be allowed.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Location Plan referenced 4312 PL100 and the site access plans referenced 15127-09-1, 15127-09-2, 15127-09-3 and 15127-09-4; and the reserved matters to be submitted pursuant to condition 1) above shall include phasing details and shall substantially accord with the principles indicated on the following submitted plans:

Drawing 4312 PL102 Rev P1 -Housing parcel Layout

Drawing 4312 PL103 Rev P1 -Landscape Layout

The phasing details shall provide for no less than two specified phases of housing development based on the indicative housing parcels shown on drawing 4312 PL102 Rev P1, singly or in combination.

- 5) The total number of dwellings on the site shall not exceed 350.
- 6) No dwelling shall exceed 3 storeys in height
- 7) No development shall take place until precise details of the slab levels of the dwellings hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) The development must be carried out in accordance with the principles set out in the Flood Risk Assessment dated December 2013 reference CCE/F331/FRA-03 and addendum dated July 2015. No development shall take place until the following schemes, applicable to all phases of the development, have been submitted to and approved in writing by the local planning authority:
 - i) A surface water drainage scheme to limit the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. As stated within the Flood Risk Assessment, run-off should be limited to 2.2 l/s/ha. The scheme should maximise the use of Sustainable Drainage Systems (SuDS) by providing crated storage, basins, swales and porous paving and provide attenuation up to the 100 year with an allowance for climate change event.
 - ii) A scheme to provide compensatory flood storage on a volume for volume and level for level basis up to the 1 in 100 year plus climate change level (referred to as Direct Compensation in the CIRIA report 624 "Development and flood risk").
 - iii) A scheme to define finished floor levels, which should be set no lower than 150mm above the 1 in 1,000 year modelled flood level.

The schemes shall be fully implemented and maintained as required in accordance with the approved details.

- 9) The landscaping scheme to be approved pursuant to condition 1) above shall specify those existing trees and hedges on the site which are to be retained. The scheme shall be carried out in accordance with a programme to be submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of five years from the completion of the landscaping scheme die, are removed or which become, in the opinion of the local planning authority, seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.
- 10) No development shall take place above slab level in the first phase of development until a bio-diversity enhancement scheme for the whole development (in accordance with the conclusions of the Phase 1 Habitat Survey submitted with the application) has been submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented in accordance with the approved details and completed in

accordance with a programme and timescale to be approved by the local planning authority in writing.

- 11) No development shall take place until a scheme for the protection of the existing trees and hedges which are to be retained within the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and in accordance with a programme of implementation to be submitted to and approved in writing by the local planning authority.
- 12) No development shall take place above slab level in any housing parcel until samples of the materials to be used in the construction of the external surfaces of the dwellings within it have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to the occupation of the first phase of the development hereby approved, a scheme for the provision of boundary screening shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be implemented in accordance with the approved details and in accordance with a programme to be approved in writing by the local planning authority.
- 14) No development shall take place until a scheme for protecting the proposed dwellings, gardens and amenity areas from noise from traffic passing along the A11 and Norwich Road and from the operation of the garage has been submitted and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and in accordance with a programme of implementation to be submitted to and approved in writing by the local planning authority.
- 15) No development shall take place until full details of the following features within the site have been submitted to and approved in writing by the Local Planning Authority:
 - i) Visibility splays
 - ii) Access arrangements
 - iii) Parking provisionDevelopment shall be carried out in accordance with the approved details.
- 16) No development shall take place until detailed plans of the proposed roads, footways and cycleway within the site and arrangements for their surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17) No development shall take place until a phasing plan for the surfacing of all roads, footways and the cycleway has been submitted to and approved in writing by the Local Planning Authority. The plan shall include provision for the construction to binder course surfacing level of roads and footways from any dwelling to the county road to which it is to be connected prior to first occupation. Development shall be carried out in accordance with the approved details.

- 18) No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed roads, footways and cycleway within the site have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycleway shall be maintained in accordance with the approved management and maintenance details or in accordance with any alternative arrangements subsequently approved by the local planning authority in writing.
- 19) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security fencing
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from construction works
 - viii) precautionary measures in respect of risks to badgers
 - ix) hours of working
- 20) No development shall take place until a detailed scheme for the off-site highway improvement works for the signalisation of the junction at Church Street/Besthorpe Road/Surrogate Street/Norwich Road has been submitted to and approved in writing by the Local Planning Authority.
- 21) Other than within the first specified phase of the development hereby permitted, no dwellings shall be occupied until the off-site highway improvement works referred to in condition 20) above have been carried out and brought into operation.
- 22) No development shall take place until the proposed Traffic Regulation Order for the extension of the 30mph speed limit along the site frontage has been secured by the Highway Authority.
- 23) No development shall take place until an Interim Travel Plan has been submitted to and approved in writing by the Local Planning Authority.
- 24) No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation a Full Travel Plan based on the Interim Travel Plan shall be submitted for approval in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to any modifications approved by the Local Planning Authority as part of the annual review.
- 25) No development shall take place until
- i) a programme of archaeological work, including a second phase of trial trenching, has been implemented in accordance with a written scheme of

investigation which has been submitted to and approved in writing by the local planning authority; and

ii) Any necessary measures of mitigation, including the preservation of remains in situ where appropriate, have been approved in writing by the local planning authority.

Mitigation shall be carried out in accordance with the approved measures.

- 26) No development shall take place until a contaminated land assessment, including a site investigation and remediation scheme (if necessary) has been submitted to and approved in writing by the local planning authority. If during any subsequent works contamination is encountered that has not previously been identified, then such contamination shall be fully assessed and a remediation scheme shall be submitted to the local planning authority for approval in writing. Any remediation scheme required shall be implemented as approved and, in the event of such a scheme being required, the buildings hereby approved that are potentially affected by the contamination shall not be occupied until a contaminated land closure report has been submitted to and approved in writing by the local planning authority.
- 27) No development shall take place above slab level unless and until:
- (a) A detailed assessment of ground conditions of the land proposed for the new playing field land has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- (b) Based on the results of this assessment to be carried out pursuant to requirement (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) within an agreed timescale has been submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details and timescale.
- 28) No development shall take place until a scheme for the provision of foul water sewerage has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the relevant works have been carried out in accordance with the approved scheme.
- 29) Prior to the commencement of any works above slab level in any phase of development a scheme shall be submitted for approval in writing by the local planning authority for the provision of fire hydrants serving that phase of the development. No dwelling in that phase shall be occupied until the hydrant(s) have been provided in accordance with the approved details.
- 30) No development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 31) No development shall take place until a scheme for generating at least 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

32) No development shall be carried out until arrangements to implement a scheme of works (in general accordance with the indicative scheme shown on drawing 1518.03 entitled 'Indicative Works to Breckland Auto Services') around Breckland Autos have been secured in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include landscaping and security fencing around the boundary of the property together with arrangements for the implementation, management and maintenance of a surface water drainage scheme for the proposed works. The landscaping details shall include existing planting proposed to be retained, measures for its protection during development of the adjacent land and additional planting. The scheme shall be implemented in accordance with a programme to be approved in writing by the local planning authority and shall thereafter be retained and maintained as approved.

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Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr G Armstrong BA (Hons) MRTPI
Ms E Warner BA (Hons) MSc MRTPI
Mr R Totman

Armstrong Rigg Planning
Armstrong Rigg Planning
Cannon Consulting Engineers

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Hancox
Mrs K Arnold

Principal Planning Officer
Appeals Administration

INTERESTED PERSONS:

Mr S Faulkner
Mr P Dawes
Councillor E Tyrer
Mr G Morgan
Mr S Hinde
Mr Sturman

Norfolk County Council
Norfolk County Council
Attleborough Town Council
Breckland Auto Services
Local resident
Local resident

DOCUMENTS

- 1 Council's notification letter and list of those notified
- 2 Letter from Avant Homes (formerly Gladedale Estates) to Mr G Morgan dated 3 November 2015, with suggested condition.
- 3 List of plans and documents
- 4 List of proposed conditions
- 5 Revised list of proposed conditions