



Reference Number:

3PL/2022/0249/F

APPROVAL OF FULL PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 (or Any Order or Statutory Instrument revoking or re-enacting that order)

Roberts Molloy Architects
3 Church Lane
Bressingham
Diss
Norfolk
IP22 2AE

Date of Decision: 23rd June 2023

Applicant: Chatsworth Homes
Location: GARBOLDISHAM Land To West Of Hopton Road
Reference: 3PL/2022/0249/F
Proposal: Erection of 24no. Dwellings

The Council in pursuance of powers under this Act **GRANTS FULL PLANNING PERMISSION** for the development referred to above in accordance with the details on the application form and subject to the following **CONDITION(S)**:-

1. The development hereby permitted shall be begun before the expiration of **THREE YEARS** from the date of this permission.

Reason for condition:- To comply with section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:- To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).

3. The development hereby permitted shall be constructed using the materials specified on the Materials Specification (as amended from the Planning Statement) Rev.A dated May 2023.

Reason for condition:- To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM03, GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

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4. Prior to the occupation of any dwelling permitted, full details of landscaping, which shall take into account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. These details should include:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

The details shall also take account of the Council's leaflet 'Tree pack' (Landscaping advice for applicants) which is available for down load on the Council's website. The development shall accord with the approved details.

Reason for condition:- Details are required prior to commencement, in the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

5. Prior to the occupation of any dwelling permitted, proposals for the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details should include:

- hard surfacing materials;
- means of enclosure;
- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

The development shall be carried out in accordance with the approved details.

Reason for condition:- Details are required prior to commencement, in the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

6. All hard and soft landscaping works as requested by conditions 4 and 5 shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out prior to the occupation of any part of the development. If within a period of FIVE 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, 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 for condition:- In the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

7. The development hereby approved shall be carried out in full accordance with the recommendations specified in the submitted Arboricultural Impact Assessment - Preliminary Arboricultural Method Statement and Tree Protection Plan by Hayden's Arboricultural Consultants dated 22nd March 2022.

Reason for condition:- To protect the longevity of the trees in accordance with policy ENV06 of the Breckland Local Plan (adopted 2019).

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8. No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the Local Planning Authority. Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:- To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy ENV06 of the Breckland Local Plan (adopted 2019).

9. The development shall take place in complete accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal (Adonis Ecology Ltd, January 2022) and Construction Ecological Management Plan (CEMP) (Practical Ecology, May 2023).

Reason for condition:- In order to protect wildlife and nature conservation interests within and around the application site, and to mitigate the ecological impacts of the development having regard to Policy ENV02 of the Breckland Local Plan (Adopted), policy guidance contained within the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

10. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: In order to protect wildlife and nature conservation interests within and around the application site, and to mitigate the ecological impacts of the development having regard to Policy ENV02 of the Breckland Local Plan (Adopted), policy guidance contained within the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

11. Prior to the occupation of any part of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect wildlife and nature conservation interests within and around the application site, and to mitigate the ecological impacts of the development having regard to Policy ENV02 of the Breckland Local Plan (Adopted), policy guidance contained within the NPPF, Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

12. Prior to first use of any dwelling hereby approved, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. This could include bird/bat boxes, swift bricks and hedgehog holes for example. The development shall be carried out in accordance with the approved details, prior to first occupation.

Reason for condition:- To ensure a net gain in biodiversity in accordance with Policy ENV02 of the Breckland Local Plan (adopted 2019).

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

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

Reason for condition:- 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 TR01 and TR02 of the Breckland Local Plan (adopted 2019).

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

Reason for condition:- To ensure satisfactory development of the site in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

16. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of each access onto Hopton Road where they meet the near edge of the adjacent highway carriageway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225metres above the level of the adjacent highway carriageway.

Reason for condition:- In the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

17. The construction of the development shall be carried out in accordance with the Wheel Wash Facility Method Statement (rev.A) for the entirety of the construction period.

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Reason for condition:- To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

18. Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No. 02P have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:- To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

19. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:- To ensure that the highway network is adequate to cater for the development proposed in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

20. The development shall be built in accordance with the submitted Flood Risk Assessment and Drainage Strategy (Flood Risk Assessment & Drainage Strategy | Hopton Road, Garboldisham, Norfolk | Haydn Evans | Ref: 281/005-RP01 | Rev: 7 | Dated: 13 February 2023).

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Surface and Foul Water Drainage Strategy | Land west of Hopton Road, Garboldisham, Norfolk | Haydn Evans | Drawing No.: 281/005/01 | Rev: K | Dated: 13 February 2023). The approved scheme will be implemented prior to the first use of the development.

Reason for condition:- To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

21. Prior to commencement of any development above the laying of foundations, a foul water drainage scheme including precise details of the means of disposing and managing foul water shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval. No dwellings hereby approved shall be first occupied until the approved foul water drainage scheme has been completed in accordance with the approved details and commissioned for use.

Reason for condition:-

To minimise the possibilities of flooding from the outset of the development, in accordance with Policy COM03 and ENV09 of the Breckland Local Plan (adopted 2019).

22. The development shall be carried out in accordance with the site investigation and remediation scheme set out in the Phase II Contamination Report by AF Howland Associates dated 21 December 2021. Prior to the commencement of development above slab level, a remediation method statement and validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority must be given

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two weeks written notification of commencement of the remediation scheme works. The above must be conducted in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:- to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework

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

List of plans and documents referred to in this Notice

Title/Number	Document/Drawing Date
Drg No 01 Location Plan	25-02-22
Proposed Block Plan (drawing no.02P)	09-06-23
Plots 7 & 8 House Type B (drawing no.04A)	29-07-22
Plot 4, 18 & 24 House Type D (drawing no.05B)	09-06-23
Plot 3 & 19 House Type D (Handed) (drawing no.06C)	09-06-23
Plot 2 House Type E (drawing no.08A)	29-07-22
Plot 13 & 14 House Type H (drawing no.09D)	09-06-23
Plot 23 House Type J (drawing no.10B)	29-07-22

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Plot 20 House Type L (handed) (drawing no.12B)	29-07-22
Plot 15 House Type L (drawing no.13A)	29-07-22
Plot 16 & 17, 21 & 22 House Type P (drawing no.14A)	29-07-22
Plot 6 House Type Q (drawing no.16B)	29-07-22
Garages (drawing no.17A)	29-07-22
Plot 1 House Type Ra (drawing no.19B)	09-06-23
Plots 9, 10, 11 & 12 Two Storey Flats (drawing no.21C)	02-12-22
Plot 5 House Type R Drawing no.18A	29-07-22
Initial site set up-drawing (drawing no.22A)	18-01-23
Design and Access Statement revised August 2022	10-08-22
Arboricultural Impact Assessment dated 22 March 2022	22-03-22
Biodiversity survey and report	25-02-22
Construction Ecological Management Plan Version 2 (May 2023)	09-06-23
Materials Specification (Rev.A - May 2023)	18-05-23
Wheel Wash Facility Method Statement (Rev.A)	18-01-23
Flood risk assessment and drainage strategy (281/005-RP01 Rev.7 dated 13/2/23)	14-02-23
9340-D-AIA - Hopton Road Garboldisham	22-03-22
Walk to School Assessment	03-11-22
Plant Noise Assessment Report dated 3 October 2022)	25-10-22
Ground investigation report	25-02-22
Ground investigation report (1)	25-02-22
Ground investigation report (2)	25-02-22
Land contamination assessment (1)	25-02-22
Land contamination assessment (2)	25-02-22
Financial Viability Assessment	25-02-22
Drg no 2 Feasibility Layout plan	25-02-22

Budget report	25-02-22
Design and build budget spreadsheet	25-02-22
Site appraisal report	25-02-22
Brief for evaluation trenching	25-02-22
Economic spreadsheet (1)	25-02-22
Economic spreadsheet (2)	25-02-22

Signed:



Mr Robert Walker Deputy Chief Executive

Notes:-

- 1 It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group. Please contact developer.services@norfolk.gov.uk.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

- 2 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 3 A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 4 No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 5 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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- 6 The Local Planning Authority has acted positively and proactively in determining this application, (having engaged with the Applicant at the pre-application stage), and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal within the statutory timeframe/in as timely a manner as possible, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

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

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

- 8 If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.
- 9 This permission shall be read in conjunction with the signed Section 106 Agreement dated 19th June 2023.

Informatives:

- 1 In accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended by the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017, any conditions attached to this permission that require discharge by the Local Planning Authority will be subject to a fee. A schedule of fees charged is available on the Planning page of the Council's website at: <http://www.breckland.gov.uk>
2. Your attention is particularly drawn to
- a) the need to consider pre-commencement conditions, if appropriate and
 - b) the rights of applicants who are aggrieved by decisions of the Local Planning Authority which are set out below.
3. This decision does not purport to convey any approval or consent which may be required under any bye-laws or under any enactment other than the Town and County Planning Act 1990.
4. Buildings Regulations
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. Please note that before any works of a building or engineering nature commence, it is the applicants responsibility to obtain any necessary consent under Building Regulations. Breckland Building Control, who provide the Building Control Service for Breckland Council, can provide advice on the Building Regulations and the procedures therein. Their contact details are 07901 863821 / 01362

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656309 (Building Control Manager) or 07900 677918 / 01362 656246 (Building Control Technical Officer). Please email if you would prefer: building.control@breckland.gov.uk and check out the website for more information: <https://www.breckland.gov.uk/buildingcontrol>

5. Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county or borough or county district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

6. Compensation

In certain circumstances may be claimed from the Local Planning Authority if permission is refused or granted, subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

7. Other Legislation

There may be other legal requirements with which you must comply before you start any construction, and I suggest that you take appropriate legal advice.

Making An Appeal - Summary Guidance

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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

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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local

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Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK

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