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Application Number
20170196

Les Brown Associates
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Attlebridge
Norwich
NR9 5TH

Date Of Decision : 20 July 2018
Development : Erection of 29 Dwellings & Associated Access (Including 10 Affordable Dwellings) (Outline) (Revised Proposal)
Location : Former David Rice Hospital Site, Drayton High Road, Drayton
Applicant : The Lind Trust
Application Type: Planning Application Outline

Town & Country Planning Act 1990

The Council in pursuance of powers under this Act **GRANTS OUTLINE PLANNING PERMISSION** for the development referred to above in accordance with the submitted plans and application forms subject to the following **conditions**:-

- 1 Details of the appearance of the buildings and landscaping of the site (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 be commenced no later than TWO years from the date of approval of the last of the Reserved Matters to be approved.
- 4 The development hereby permitted shall not be carried out otherwise in accordance with the plans and documents listed below.
- 5 No development shall commence on site until details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 6 Prior to the commencement of development a Construction Ecological Management Plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority in order that biodiversity is protected during the construction phase of the approved development. The CEMP needs to take full account of measures required to protect the Lizard Orchid and any further species surveys that are required. All works shall then take place in accordance with the approved CEMP.

- 7 Prior to the commencement of development a Landscape Ecological Management Plan (LEMP) should be produced for the whole area (comprising the 'red' and 'blue land', shown on the approved location plan) to be submitted to and approved in writing by the Local Planning Authority. This should include costed measures to ensure the ongoing management of the whole area and should also address the need to maintain public access across the whole area. In parallel, written details are to be submitted to and approved by the Local Planning Authority which identifies a clear mechanism of how the whole area is to be managed which identifies the bodies that will be responsible for overseeing the implementation and ongoing programme of the LEMP in perpetuity. All works shall then take place in accordance with the approved LEMP.
- 8 Prior to the commencement of development the following must be submitted to and approved in writing by the Local Planning Authority before the commencement of each stage of the process:
- (A) A desk study compiled in line with current good practice guidance must be completed. The report must include a conceptual site model and risk assessment to determine whether there is a potentially significant risk of contamination that requires further assessment.
- (B) Based on the findings of the desk study a site investigation and detailed risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originated on the site. The report must include:
- (1) A survey of the extent, scale and nature of contamination,
- (2) An assessment of the potential risks to possible receptors identified in the desk study report.
- The report must include a revised conceptual site model and risk assessment. There must be an appraisal of the remedial options and details of the preferred remedial option(s). This must be conducted in accordance with currently accepted good practice guidance.
- (C) Based on the findings of the site investigation a detailed remediation method statement must be submitted for approval. Remediation must bring the site to a condition suitable for the intended use. The method statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990. Remediation work cannot commence until the written approval of the proposed scheme is received from the Local Planning Authority.
- (D) Following the completion of the remedial measures identified in stage C above, a verification report (also called a validation report) must be produced. The report must scientifically and technically demonstrate the effectiveness and success of the remediation scheme. Where remediation has not been successful further work will be required.
- (E) In the event that previously unidentified contamination is found during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken as per stage B above, and where remediation is necessary a remediation method statement and post remedial validation testing must be produced and approved in accordance with stages C & D above.
- 9 No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the

Highway Authority. All construction works shall be carried out in accordance with the approved plans.

- 10 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 11 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing no: 207679-SK500-P3 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 12 Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 11 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 13 No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 14 Before any dwelling is first occupied the roads/footways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 15 Prior to the first occupation of the development hereby permitted a visibility splay measuring 4.5 metres x 120 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 16 Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site to enable 3 x standard size family cars to park for each 4 bedroom dwelling. They shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.
- 17 (A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (i) The programme and methodology of site investigation and recording; (ii) The programme for post investigation assessment; (iii) Provision to be made for analysis of the site investigation and recording; (iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (v) Provision to be made for archive deposition of the analysis and records of the site investigation, and (vi) Nomination of a competent person or persons / organisation to undertake the works set out within the written scheme of investigation; and,
(B) No development shall take place other than in accordance with the written scheme of investigation approved under part 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 Written Scheme of Investigation approved under part A and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching within the previously unsurveyed areas to determine the scope and extent of any further mitigatory work that may be required (eg an archaeological excavation or monitoring of groundworks during construction).

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service upon request.

18 Prior to the commencement of the development hereby permitted, and notwithstanding the submitted/approved Flood Risk Assessment and Drainage Strategy the following measures shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The determination and approval of the 'flood risk' condition as set out in condition 19 at the reserved matter stage should be undertaken concurrently with the 'drainage' condition as set out in condition 20.

19 Flood risk
As part of the reserved matters application the proposed/agreed layout should ensure that properties have been removed from the surface water flow path or sufficient information / evidence is submitted to confirm that properties placed within the existing surface water flow path have had the risk removed.

20 Drainage
The scheme shall address the following:

- (i) Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of the infiltration features as identified,
- (ii) Detailed designs, modelling calculations and plans of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year 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 (eg pumping station or electricity substation) within the development.
- (iii) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
- (iv) Details of how all surface water management features are 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.
- (v) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

21 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved unless otherwise

approved in writing by the Local Planning Authority.

- 22 Prior to the commencement of development a borehole/trial pit location plan of the area to be developed together with a written methodology for an intrusive site investigation, including particle size distribution testing will be submitted to and approved in writing by the Local Planning Authority in consultation with the Mineral Planning Authority. An intrusive site investigation for mineral resources will be carried out in accordance with the approved methodology and borehole / trial pit location plan. A Materials Management Plan (MMP), informed by the findings of the intrusive site investigations/testing; shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Mineral Planning Authority. The MMP 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 testing and assessment. The MMP should quantify 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.

The development hereby permitted shall be carried out in accordance with the MMP. The developer shall 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 through the MMP. The developer shall provide an annual return of these amounts to the Local Planning Authority and the Mineral Planning Authority, or upon request of either the Local Planning Authority or the Mineral Planning Authority.

- 23 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning indicating the positions, design, materials and type of boundary treatment to be erected on each plot. The boundary treatments shall then be completed before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

- 24 No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate:

- (a) the species, number, size and position of new trees and shrubs at the time of their planting.
- (b) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas as required at para 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development.
- (c) specification of materials for fences, walls and hard surfaces.
- (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials.
- (e) details of the location of all service trenches.

The scheme as approved shall be carried out not later than the next available planting season following the first occupation of the development or such other period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of the planting of 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.

- 25 No works or development shall take place until a scheme for the protection of the retained trees to comply with the relevant sections of BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations (section 5.5 the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (paragraph 4.6.1) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - (b) the details of each retained tree as required at paragraph 4.4.2.5 in a separate schedule.
 - (c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree Work - Recommendations.
 - (d) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 6.2).
 - (e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 paragraph 6.2.2 and Figure 2), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- 26 Development shall not commence on site until full details have been submitted to and approved in writing by the Local Planning Authority to specify the finished floor level of each of the dwellings hereby approved and the respective plot / garden levels to be shown against the existing site level. The development shall then be carried out in accordance with the approved details.
- 27 Concurrently with the reserved matters application being submitted details of the footpaths that are to be provided across the application site into the land to the south shall be submitted to and approved in writing by the Local Planning Authority. The footpaths shall provide public pedestrian access across the site and shall be retained in perpetuity.
- 28 None of the dwellings shall be occupied until the development hereby permitted has incorporated a fire hydrant for the purposes of firefighting.
- 29 Concurrently with the reserved matters application being submitted full details of the proposals in respect of the provision of the self-build or custom build elements of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an identification of those plots to be developed for these purposes together with details of the housing design code that the respective dwellings will be constructed to comply with.
- 30 Details of energy efficient design and the construction of on-site equipment to

secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained.

- 31 Notwithstanding the provisions of Schedule 2 Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no buildings, walls, fences or other structures shall be erected within the site curtilages, nor alterations or extensions be made to the dwellings.

The reasons for the conditions are:-

- 1 The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The period for the commencement of the development has been reduced to bring forward the delivery of housing in a sustainable location where the relevant planning policies for the supply of housing are not considered to be up to date, in accordance with the requirements of paragraph 49 of the National Planning Policy Framework.
- 3 The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- 5 To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- 6 To ensure that the development has no adverse effects on the biodiversity and habitats on site and the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- 7 To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- 8 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 Development Management DPD 2015.
- 9 In the interests of satisfactory development and highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD.
- 10 To ensure adequate off street parking during construction in the interests of highway safety in accordance with Policy TS3 of the Development Management DPD.

- 11 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 GC4 and TS3 of the Development Management DPD.
- 12 To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD.
- 13 In the interests of satisfactory development and highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD.
- 14 In the interests of satisfactory development and highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD.
- 15 In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD.
- 16 In the interests of satisfactory development and highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD.
- 17 To enable the archaeological value of the site to be properly recorded before development commences in accordance with Policy EN2 of the Development Management DPD 2015.
- 18 To prevent flooding in accordance with the National Planning Policy Framework.
- 19 To prevent flooding in accordance with National Planning Policy Framework paragraph 103 by ensuring the satisfactory management of local sources of flood risk and ensure there is no adverse impact from flooding on the development or an increased risk of flooding elsewhere.
- 20 To prevent flooding in accordance with National Planning Policy Framework paragraphs 103 and 109 by ensuring the satisfactory management of local sources of flooding surface, water flow paths, storage and disposal of surface water from the site in the range of the rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- 21 To prevent environmental and amenity problems arising from flooding in accordance with National Planning Policy Framework.
- 22 To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD.
- 23 To ensure the satisfactory development of the site in accordance with Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policy GC4 of the Development Management DPD 2015.
- 24 To ensure the satisfactory development of the site in accordance with Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 and Policy GC4 of the Development Management DPD 2015.

- 25 To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- 26 To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- 27 To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- 28 To ensure the satisfactory development of the site.
- 29 To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- 30 To ensure the satisfactory development of the site in accordance with Policies GC4 and GC5 of the Development Management DPD 2015.
- 31 In accordance with Article 4(1) of The Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings and site in the interests of amenity, in accordance with Policy GC4 of the Development Management DPD 2015.

Plans and Documents

Amended Flood Risk Assessment received 30 August 2017

Additional Addendum to Tree Report received 4 August 2017

Dwg No 8186_01 Location Plan received 02 February 2017

Dwg No 8186_SK04_04 Bat Roost Plan received 02 February 2017

Dwg No 8186_SK08_02 Shading & Proposed Site Plan received 02 February 2017

Dwg No 8186_SK06_02 Ecology Plan received 02 February 2017

Dwg No 207679_SK500_P2 Adoptable Highway Layout received 02 February 2017

Ecological Impact Assessment received 02 February 2017

Bat Roost Potential Survey received 02 February 2017

Tree Survey received 02 February 2017

Amended Dwg No 8186_SK02_06 Tree Constraints & Tree Groups Plan received 26 April 2017

Amended Dwg No 8186_SK01_10 Proposed Buildings Plan received 23 August 2017

Amended Design & Access Statement received 08 September 2017

Amended Dwg No 8186_SK03_12 Tree Constraints_Tree Groups Plan & Proposed Site Plan received 08 November 2017

Amended Dwg No 8186_SK05_07 Bat Roost & Proposed Site Plan received 08 November 2017

Amended Dwg No 8186_SK07_10 Ecology & Proposed Site Plan received 08 November 2017

Amended Dwg No SK09_04 Proposed Refuse Plan received 08 November 2017

Informatives:-

The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.

The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraphs 186-187 of the National

Planning Policy Framework.

If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Building Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk.

The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site in due course. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp

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 based at County Hall in Norwich.

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 applicant's own expense.

The applicant / developer and any subsequent occupier is advised that all works within the high pressure gas pipeline easement are to be notified to the National Grid plant protection team - contact plantprotection@nationalgrid.com telephone 0800 688 588.

The applicant is advised that the foul water strategy as required by condition 21 needs to take account of the environmental sensitivities of the site and positions of the trees to be retained.

Signed



Mr P Courtier

Head of Planning

Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich,
NR7 0DU

Information relating to appeals against the decision of the Local Planning Authority.

If you are aggrieved by this decision 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.

There are different time limits for appealing against the different types of application:

- If this is a decision relating to a householder application then any appeal must be made within **12 weeks** of the date of this notice.
- If this is a decision against any other type of application then any appeal must be made within **6 months** of the date of this notice.
- If an enforcement notice has been served for the same or substantially the same development within the period of two years before this application was made, or subsequently, then the period within which an appeal can be lodged is reduced to **28 days** from the date of this decision or 28 days from the serving of the enforcement notice, whichever is the later.

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

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 00 00 or via the Planning Portal at <https://www.gov.uk/appeal-planning-inspectorate>

The Secretary of State need not consider an appeal if it seems to him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.