

Town Clerk | Swaffham Town Council

From: Town Clerk | Swaffham Town Council
Sent: 09 January 2019 13:05
To: 'Jeremy Stacey'
Subject: RE: 178(01.0) Days Field New Sporle Road 3PL/2014/1355/O

Dear Jeremy,

Thanks for this, I will put the options to the Town Council and get back to you. There is a full Council meeting next Wednesday 16th January.

Best regards,

Richard Bishop
Town Clerk



Swaffham Town Council, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ
 Tel **01760 722922** Fax **01760 720469** www.swaffhamtowncouncil.gov.uk



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From: Jeremy Stacey <jsarch@mac.com>
Sent: 09 January 2019 12:01
To: Town Clerk | Swaffham Town Council <townclerk@swaffhamtowncouncil.gov.uk>
Subject: 178(01.0) Days Field New Sporle Road 3PL/2014/1355/O

Dear Richard

I have spoken to Rebecca Collins, Head of Major Projects Breckland Council.

It would not be feasible to submit an application for approval of the reserved matters by 29 January 2019. There is insufficient time available for design, discussion and agreement with Members. Unfortunately it is not possible to vary a time limit condition.

Attached is a copy of the planning approval and a useful guidance note on reserved matters.

You may wish to submit another application for outline planning permission however an application for full planning permission would still be necessary at a later date if the Town Council wished to develop the site.

Having discussed the matter with the planners it is my view, given the Town Council wish to develop the site, that Members should consider the submission of a new application for full planning permission and I would be very keen to work with you and Members on this project.

Regards

Jeremy

Begin forwarded message:

From: "Collins, Rebecca" <Rebecca.Collins@breckland.gov.uk>
Subject: FW: 178(04.1) Days Field New Sporle Road 3PL/2014/1355/O
Date: 8 January 2019 09:48:08 GMT
To: "jsarch@mac.com" <jsarch@mac.com>
Cc: "Bunning, Sandra" <Sandra.Bunning@breckland.gov.uk>, "Hunter, Fiona" <Fiona.Hunter@breckland.gov.uk>

Dear Jeremy,

Thank you for your email of 4th January 2019, which has been passed to me by my colleague, Sandra Bunning to respond.

As you set out, please be aware that condition 1 requires a reserved matters application to be submitted within two years of the date of the decision. The decision was issued on 30th January 2017 and therefore a reserved matters application would be due on 29th January 2019. Unfortunately, you are unable to vary a time limit condition and therefore you are unable to extend this time limit. Therefore, the only way to keep this outline planning permission live is to submit a valid reserved matters application on or before 29th January 2019. Alternatively, you could submit a new outline or full application following this date, obviously this will be considered in accordance with current adopted policies and if the application remains acceptable then a new s.106 agreement would be required.

I hope this email addresses your query, however, if you still wish to discuss the matter then please do not hesitate to contact me.

Kind regards

Rebecca Collins BA(Hons) Pg DIP MRTPI
Head of Major Projects
Breckland Council

Tel: 01362 656870
DDI: 01362 656266
Email: rebecca.collins@breckland.gov.uk
Web: www.breckland.gov.uk
Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE

-----Original Message-----

From: Bunning, Sandra <Sandra.Bunning@breckland.gov.uk>
Sent: 08 January 2019 09:09
To: Jeremy Stacey <jsarch@mac.com>
Cc: Hunter, Fiona <Fiona.Hunter@breckland.gov.uk>; Collins, Rebecca <Rebecca.Collins@breckland.gov.uk>
Subject: RE: 178(04.1) Days Field New Sporle Road 3PL/2014/1355/O

Hi Jeremy

This advice is best sought from one of the Principals. I have copied Fiona and Rebecca into this email, so that they can help you.

Kind Regards

Sandra Bunning | Assistant Planner | Breckland Council Customer Contact Centre: 01362 656870 | DDI: 01362 656341 www.breckland.gov.uk Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE

-----Original Message-----

From: Jeremy Stacey <jsarch@mac.com>

Sent: 04 January 2019 14:45

To: Bunning, Sandra <Sandra.Bunning@breckland.gov.uk>

Cc: Richard Bishop <townclerk@swaffhamtowncouncil.gov.uk>

Subject: 178(04.1) Days Field New Sporle Road 3PL/2014/1355/O

Dear Sandra

We gained outline planning permission for 51 dwellings including access from New Sporle Road, for Swaffham Town Council, on 30 January 2017, copy of the approval attached.

The conditions require that approved matters must be gained not later than two years after the date of permission. Our Client seeks guidance as to the most appropriate course of action to avoid the risk of the permission expiring.

I would be grateful if we could discuss this matter when you return from holiday next week.

Regards

Jeremy

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Application for Approval of Reserved Matters following Outline Approval

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

The Application for Approval of Reserved Matters form should be used after an outline planning application has been approved.

A reserved matters application deals with some or all of the outstanding details of the outline application proposal, including:

- **appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development
- **means of access** - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- **landscaping** - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- **layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- **scale** - includes information on the size of the development, including the height, width and length of each proposed building

The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission. If your proposals have changed in any way, you may need to reapply for outline or full planning permission.

Some, though not all, details may have been formally submitted and approved at the outline application stage, if the applicant chose to do so, or the council insisted.

The outline decision notice, issued by the council, will state which matters were reserved for later approval.

Permission lasts for two years from the last date that the reserved matters were approved, or, three years from the date that outline planning permission was approved – whichever date is the later.

Please note: Outline permission is not a permission to start work on site. The permission notice will state which matters have been reserved for later approval. When all of the reserved matters have been approved, work may begin on the site.

It is often helpful to discuss your proposal with your local authority before you send in your application – this is known as ‘pre-application advice’. Your local authority will normally have details of how to go about this on its website.

BRECKLAND COUNCIL

Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE. Tel. (01362) 656873

Outline Planning Permission

Name and Address of Applicant	Location of proposal	Reference No.
Swaffham Town Council Town Hall 4 London Street Swaffham Norfolk PE37 7DG	SWAFFHAM Days Field in New Sporle Road	3PL/2014/1355/O

Name and Address of Agent	Description of Proposal	Date of decision
Jeremy Stacey Architects New Farm Barn The Street Beachamwell Swaffham PE37 8BE	Application for outline planning permission for 51 dwellings including access from New Sporle Road	30 January 2017

This decision is made subject to the following CONDITIONS -

1. Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within ONE YEAR of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.
Reason for condition:- As required by section 92 of the Town & Country Planning Act 1990.
2. No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.
Reason for condition:- The details are not included in the current submission.


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3. No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The landscaping and tree planting shall be carried out in accordance with the scheme as approved during the planting season of the November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing, with the Local Planning Authority, and in accordance with the Council's leaflet "Tree pack" (Landscaping advice for applicants).

Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become 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.

Reason for condition:- The details are not included in the current submission and are required to ensure that the detailed design incorporates appropriate tree planting and landscaping, in accordance with policies CP10, CP11, DC12 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

4. No development shall take place until:

A) 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 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation;

B) No development shall take place other than in accordance with the written scheme of investigation approved under Part (A);

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Part (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:- The details are required prior to the commencement of development in order to ensure the potential archaeological interest of the site is investigated in accordance with policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.


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5. No development shall commence on site, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include the wildlife and biodiversity mitigation and enhancement recommendations set out in section 4 of the 'Days Field, Swaffham, Ecological Survey Report dated March 2014, prepared by Turnstone Ecology, and any necessary precautionary and mitigation measures and best practice working methods. All works shall thereafter be carried out in accordance with the approved details and timetable within the statement.

Reason for condition:- In the interests of maintain and enhancing biodiversity. This is required prior to commencement of development in order that the appropriate measures can be implemented to ensure there would be no significant impact on ecology and protected species throughout all construction works on site. In accordance with policy CP10 of the Core Strategy and Development Control Policies DPD and the policies within the NPPF.

6. Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the off-site highway improvement works including timescales for their delivery have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to the first occupation of the dwellings hereby permitted, the approved off-site highway improvement works shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason for condition: - This is required prior to the commencement of development in order to ensure the provision of necessary off site highway works, in the interests of highway safety. In accordance with policy CP4 of the Core Strategy and Development Control Policies DPD and the policies within the NPPF.


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7. Prior to commencement of development other than demolition and site investigation works, a surface water drainage scheme, and a foul water drainage scheme incorporating the following measures shall be submitted to and approved in writing by 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 scheme shall address the following matters:

I. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated with a maximum discharge from the site of 10l/s in all rainfall events up to and including the critical storm duration for the 1 in 100 years rainfall event including allowances for climate change.

II. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

· 1 in 30 years critical rainfall event to show no above ground flooding on any part of the site; and

· 1 in 100 years critical rainfall event plus climate change allowances to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

III. Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the site from elsewhere.

IV. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

V. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

VI. Details of a foul water drainage scheme to be provided at the site, including details for its on going management and maintenance.

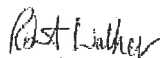
Reason for condition:- This is required prior to the commencement of development in order to prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

8. No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, 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.

Reason for condition:- To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

9. No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway 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.



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10. Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling / industrial unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
Reason for condition: To ensure satisfactory development of the site.

11. No development shall commence on site excluding any demolition or site investigation work until, a detailed scheme to provide a links to the adjacent public rights of way including Swaffham RB36 and Tumbler Hill, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the detailed design of the link(s); timescales for their delivery and completion; and a plan for its on going management and maintenance. The development shall thereafter be carried out in accordance with the approved details.

Reason for condition: - This is required prior to the commencement of development in order to ensure the provision and management of appropriate footpath links to the surrounding network are designed into the scheme.


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12. Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

A. Desk Study

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

B. Site Investigation

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include (i) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

C. Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme 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 will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a 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 above must be undertaken 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.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

13. NOTES:

The applicants / developers attention is drawn to the legal agreement dated 24th January 2017 under section 106 of the Town and Country Planning Act 1990 (As Amended) which should be read alongside this permission.


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14. 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.
15. The Local Planning Authority has acted positively and proactively in determining this application, 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 subsequently determining to grant planning permission 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>

16. Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

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.

17. 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.


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