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|-------------------|--|------------------------|---------------------|
| <b>ITEM:</b>      |  | <b>RECOMMENDATION:</b> | APPROVAL            |
| <b>REF NO:</b>    | 3PL/2010/1361/F  | <b>CASE OFFICER</b>    | Carl Griffiths      |
| <b>LOCATION:</b>  | DEREHAM<br>Land East of Yaxham Road<br>South of Dumpling Green | <b>APPNTYPE:</b>       | Full                |
| <b>APPLICANT:</b> | Hopkins Homes Limited<br>Melton Park House Scott Lane          | <b>POLICY:</b>         | Out Settlemnt Bndry |
| <b>AGENT:</b>     | Hopkins Homes Limited<br>Melton Park House Scott Lane          | <b>ALLOCATION:</b>     |                     |
| <b>PROPOSAL:</b>  | Erection of 255 dwellings with associated open space           | <b>CONS AREA:</b>      | N                   |
|                   |  | <b>LB GRADE:</b>       | N                   |
|                   |  | <b>TPO:</b>            | N                   |

#### REASON FOR COMMITTEE CONSIDERATION

The application is being presented to committee as a major planning application.

#### KEY ISSUES

It is noted that there has been a significant amount of objection to the proposal from local residents raising a number of issues. The Town Council also objects to the development of the site. Taking these comments into account, the main issues that need to be considered are:

Principle of development of the site  
Access & highway impact  
Ecology  
Design & layout  
Amenity  
Drainage  
Affordable housing  
Open space

#### DESCRIPTION OF DEVELOPMENT

This is a full planning application for 255 dwellings and associated works, comprising the following:

- \* Residential development of the site, comprising a total of 255 residential dwellings;
- \* Construction of two new vehicular access junctions into the site from Yaxham Road, in order to serve the development;
- \* An area of 4.37ha of associated Public Open Space, to be utilised by both new and existing local residents.

**SITE AND LOCATION**

The application site lies approximately 1 mile south-east of the defined town centre of Dereham and to the east of the B1135 Yaxham Road. To the north of the site is a track known as Dumpling Green. The site comprises a total of 6 broadly rectangular parcels of adjoining land, together totalling approximately 17.2 Hectares. All of the land is currently in agricultural use and is classified as Grade 3 (good).

The site abuts the existing Settlement Boundary of the town. To the north-west, the existing Grade II Listed dwelling of Green Farm and the neighbouring dwelling of Willow House lie between the site and Dumpling Green, whilst to the north-east the detached dwelling and curtilage to Poppyfield is similarly accessed off Dumpling Green. To the south lies the detached farm house and associated buildings of Horseshoe Farm.

The majority of the existing site boundaries are delineated and enclosed by existing trees and field hedging, this means that views into the site from both Dumpling Green and Yaxham Road are limited to occasional gaps and access gateways. A woodland belt lies adjacent to the western Yaxham Road boundary of the site. The application site is relatively flat across the northern half of the site, before falling away to the south towards the edge of the valley of the River Tud, which lies beyond Horseshoe Farm to the south.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

No relevant site history

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

|       |   |
|-------|---|
| CP.01 | Housing                                     |
| CP.04 | Infrastructure                              |
| CP.05 | Developer Obligations                       |
| CP.06 | Green Infrastructure                        |
| CP.10 | Natural Environment                         |
| CP.11 | Protection and Enhancement of the Landscape |
| CP.14 | Sustainable Rural Communities               |
| DC.01 | Protection of Amenity                       |
| DC.02 | Principles of New Housing                   |
| DC.04 | Affordable Housing Principles               |
| DC.11 | Open Space                                  |
| DC.12 | Trees and Landscape                         |

|                                   |  |
|-----------------------------------|--|
| DC.13                             | Flood Risk   |
| DC.14                             | Energy Efficiency  |
| DC.16                             | Design   |
| DC.17                             | Historic Environment   |
| DC.19                             | Parking Provision  |
| NPPF                              | With particular regard to Sections 6, 7, 10 & 11, paras. 8, 32, 47, 49 |
| SS1                               | Spatial Strategy   |
| National Planning Policy Guidance |  |

#### **OBLIGATIONS/CIL**

The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to deliver site specific open space, connection to utility services (as required by legislation), habitat protection, transport improvements and archaeology.

Affordable housing provision would be secured through Section 106 to meet local affordable housing needs.

In relation to open space, the Council has identified a shortfall of outdoor sports provision and childrens playspace across the district. The evidence for this shortfall is found in the Council's Open Space Assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is investigating the the implementation of a Community Infratstrutucure Levy (CIL). As such the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged same items of infrastructure through both S106 and CIL. Once adopted, CIL will replace S106 contributions towards off-ste infrastucture.

The current application is recommended for approval, subject to a Section 106 Agreement to secure the following items:

- Education contribution - £698,640
- Library contribution - £19,125
- Healthcare Contribution - £92.575
- Provision of 18% (46) affordable dwellings with a tenure split of 70% affordable rented housing and 30% shared ownership and an appropriate mix of unit sizes
- Positive, late stage review mechanism to be secured to ensure that any uplift in the viability of the scheme is captured as an additional affordable housing contribution (noted that this amount shall not exceed the equivalent of 25% affordable housing provision)
- On-site open space provision
- Residential Travel Plan -

#### **CONSULTATIONS**

## **DEREHAM TOWN COUNCIL**

### Summary of comments

Norfolk County Councils document Safe and Sustainable Development provides guidance on transport issues as they relate to new developments. The guidance defines the planning terms material and significant as: any increase in traffic on a link of a junction, where all links into a junction have less than 15% spare capacity at peak times

The level of congestion at both these junctions is both a Material and Significant consideration. The Transport Assessment for this application identifies that, taking this development along with the other committed developments into account:

The NPPF states that developments should only be refused on transport grounds where the residual cumulative impacts of developments are severe. Norfolk County Council Guidance states that with regards to the NPPF any impact is deemed to occur when increases in delays and or/or queues at a junction are unacceptable unacceptable is not defined in the guidance therefore the dictionary definition can be used]

The queues at these two junctions are currently considered unacceptable by most people, so the fact that they will be four times worse in just 7 years is totally unacceptable. Even if this development on its own only contributes a small proportion of that increase, it is an increase. So this development will be making an unacceptable situation 4% worse therefore the impact will be severe. The applicant does not seem to be contributing to infrastructure identified in the Dereham Transport study as being needed for development to take place.

The Breckland Council Transport study carried out by WYG and adopted as evidence for the Local Plan states that 12.4.2 if large scale developments were allocated the provision of new or improved bus services and good pedestrian and cycle links would ensure that the sites were accessible by non-car modes, with the result that the pressure on the highway network would be reduced. The WYG transport study has been adopted by Breckland Council and Norfolk County Council and been subject to public inspection by an inspector appointed by the Government. WYGs recommendation for improved cycle links to be made should be implemented.

The developer is proposing a shared use cycle/pedestrian path on the south side of Yaxham Road. It is believed that the shared footway is already in place and was part of the off-site contribution for the former Cemex site. however to make this link meet current standards it would be beneficial and safer to give priority to the shared use facility at side road.

It is self-evident that soft measures to encouraging cycling as proposed by the applicant in the TPF 8.4 will have absolutely no effect, if the highway connecting the development to likely destinations is unsafe for cyclists. The Application should be refused because the Residential Travel Plan has not demonstrated how residents can effectively cycle to likely services.

Breckland Emerging Local Plan Policy GEN 2 (which was not contested at inspection therefore carries considerable weight in determining planning applications) states that; the Council will require that all new developments will maximise connectivity within and through a development and to the surrounding areas, including the provision of high quality and safe pedestrian cycle routes.

The environmental impact assessment is still out of date and should be carried out again because Great Crested newts have been identified near the development site.

## **NORFOLK LANDSCAPE ARCHAEOLOGY**

The proposed development site lies in an area of probable medieval settlement fronting onto a former common (Dumpling Green). An archaeological desk-based assessment and geophysical survey have previously been carried out at the site. The geophysical survey identified a low density of anomalies, some of which are likely to relate to field boundaries. It is unclear whether the results are due to the soils at the site being unsuitable for magnetometry or whether they represent a genuinely low density of below-ground archaeological features at the site. Either way, potential exists for heritage assets with archaeological interest (buried archaeological remains) of types which are not suited to detection through geophysical survey to be present at the site (particularly evidence of prehistoric activity). Consequently there is some potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance would be adversely affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 141.

## **ENVIRONMENT AGENCY**

Foul Drainage: In our previous response (letter dated 15th August 2014 ref AC/2011/113605/05) we also provided advice regarding capacity at local Waste Water Treatment Works to serve this site; our advice from 2014 still stands, there is not capacity at Dereham but there is sufficient capacity at Mattishall. In our previous response we also recommended foul drainage conditions; these remain pertinent and we wish to retain these conditions.

## **HIGHWAYS AGENCY**

No objection - subject to a condition requiring a residential Travel Plan.

## **NCC: PROW OFFICER**

No objection in principle, although raises concerns in respect of the un-adopted status of Dumpling Green and its poor condition, which would not be good for cyclists.

## **ANGLIAN WATER**

No objection subject to conditions.

## **HISTORIC BUILDINGS CONSULTANT**

The potential impact of this proposed development on Green Farm, which is a grade II listed building, needs to be given full consideration

## **CONTAMINATED LAND OFFICER**

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

## **NATIONAL GRID**

No objection.

## **WHINBURGH & WESTFIELD P C**

The site is a green field site, and is not included in the LDF Site Specific document - The site is outside the Dereham Settlement Boundary, and no attempt has been made to justify the development on the grounds of agricultural dwellings or other acceptable exceptional reasons. - The development will result in an unacceptable increase in the traffic on the B1135, a road which struggles to cope with present volumes. - The inadequate and under-estimated figures for traffic movements provided fail to take account of the approved development of the new Recycling Centre in Dereham. - The B1135 is the main route for our parishioners to access Dereham itself (including Tesco), and also the A47 for Norwich and Swaffham and beyond. The increased traffic on the road will severely impact this access. - Vehicles leaving the proposed development heading for Watton, Thetford, and beyond will cut through Whinburgh and then Westfield heading for the A1075. Again, these roads are single track, and unable to handle any increase in volumes. -

Alternately, they will travel along Westfield Lane, over the narrow railway bridge, on a road which is already busy because of the Toftwood Infant School, causing increased danger to the school children.

COMMENTS ON RECONSULTATION - Since the new Recycling Centre has opened traffic jams are sometimes backing up onto the A47. If this development is allowed to proceed, this will be a worse problem, and it seems inevitable that a major accident, possibly including deaths, will occur as a result.

The revised drainage assessment still seems to pay little respect to the nearby County Wildlife sites, and the great crested newts seen in the earlier survey seem to have vanished. The new traffic survey seems to have been carried out on the theoretical national peak traffic times rather than the actual peak times which occur in Dereham. This survey seems to come to very different conclusions to the one carried out for Breckland,

#### **MID NORFOLK RAILWAY PRESERVATION TRUST**

Evidence from the writer's own eyes in recent times, of the congestion along Yaxham Road South queueing up to the A47 roundabout, for passage over the Mid Norfolk Railway's Level Crossing, makes clear to me that the several historic Consultation Responses of our then Director, Mr Peter Warner, should be taken very seriously. In his responses dated 20th February 2013 and 23rd December 2013, Mr Warner calls for contributions toward an improved Level Crossing warning and lighting system; his justifications are recorded within his several letters. I must make plain that the Level Crossing belongs to the MNRPT and it is the MNRPT which needs to pay for road closure costs and those associated with repairs to the road and pavements. Greater traffic flows equal greater repair costs. MNRPT therefore places its objection upon this Application until such time as it receives assurances of a substantial five figure S106 contribution toward the fund already held by Breckland Council, for the purpose of updating the Crossing and its repair.

#### **HOUSING ENABLING OFFICER**

Dereham and the District as a whole have an identified need for affordable housing with the current Strategic Housing Market Assessment indicating that 398 affordable homes are required per year for the next 5 years.

I would ask that some level of certainty regarding the level of affordable housing is sought to prevent a viability claim in the future which would result in a reduction in affordable dwellings on the site. Although the scheme is policy compliant in terms of affordable housing, the mix of dwellings provided does not accurately reflect the need for the area. The greatest need is for 1-bed and 2-bed accommodation. The application only currently offers 21 1-bed dwellings, and 21 2-bed dwellings. There are 30no. 3-bed and 30no. 4-bed dwellings to be provided as affordable which does not provide a mix that accurately reflects the need. We would expect to see a considerable reduction in 4-bed dwellings and see a considerable increase in the number of 2-bed dwellings being provided. We have grave concerns that if the number of 4-bed dwellings remains the same, then there will be considerable problems in securing a Housing Association to own and manage the properties. We also have concerns regarding the numbers of affordable dwellings clustered together on-site. The Council's adopted affordable housing policy (Dec 2009) suggests that affordable housing should be developed in clusters of no more than 10-12 dwellings and be pepper-potted across the site. In an area of the plan there are 41 affordable dwellings in the same area which we deem to be too large an amount. We would ask that this was spread across the site in a better manner. Information as to how the affordable dwellings shall be provided as affordable dwellings will need to be provided, along with the tenure mix of the dwellings. The affordable housing dwellings must be built free from public subsidy and be built to at least the HCA Housing Quality Indicator Standards and code for sustainable homes level 3.

#### **RAMBLERS ASSOCIATION: NORFOLK AREA**

The scheme would provide 2 links at the north of the site, labelled Proposed New Permeability Pedestrian / Cycleway route. These provide outlets on to Dumping Green, which provides access to properties along this road, and also acts as the route of Dereham FP26. The road is unsurfaced, with a few mild pot holes. Unless there is some change to the surface of this route, we are concerned that the legal rights of walkers could be

negatively impacted if there is significantly increased use of the road by cyclists. We believe that this may be less than straightforward given the current legal status of Dumpling Green itself. We have no objection - in fact, the contrary - to increased cycle use, but not at the expense of problems for walkers.

**FLOOD & WATER MANAGEMENT TEAM**

No comments.

**YAXHAM P C**

As far as Yaxham is concerned about the increased flood risk and contamination threat to the River Tud is unacceptable. More traffic is apparent without any remedy. Foul sewerage provision continues to be a problem. None of these basic infrastructure problems have been resolved with this new application. There is simply yet another site map showing house types but without up to date consultee reports.

This application was first lodged in 2010, was deferred in 2014 due to insufficient and out of date reports and the same issues are unresolved some 9 years later. The applicant should be requested to start again with up to date consultation from all the statutory bodies and the neighbours because there have been a lot of changes in the last 8 years. There is now the outline permission for 291 homes on the Lanpro site at Westfield to consider as well as the Dereham traffic survey which outlines the possibility of a link road from the Hopkins Homes site to the A47 at Mattishall cutting a swathe through Dumpling Green and Badley Moor.

There are very serious omissions in this application which should be properly resolved before going anywhere near the Planning Committee. It is quite shameful that these consultations have not been properly sought by Breckland planners.

**REPRESENTATIONS**

A total of 88 responses have been received, including 50 objections. The material planning considerations set out within the objections can be summarised as follows:

- The development would increase traffic onto Yaxham Road
- The development would lead to gridlock at the Tesco's roundabout
- Dumpling Green should be kept as a farming area
- The development would result in a loss of mature hedging and trees
- The development would negatively impact on the quality of life of surrounding residents
- The development would detrimentally impact on local wildlife
- Inadequate access to the site is proposed
- There are other more suitable sites in Dereham for development
- Local infrastructure would not be able to cope with the development
- The drainage proposals for the development are inadequate
- The proposed housing density is excessive
- Dumpling Green bridleway is historic and should be preserved
- The development would lead to an increase in crime
- The development would result in a loss of rural character
- 40% affordable housing is excessive
- There is inadequate capacity at local schools to accommodate the child yield of the development

A further public consultation is currently underway, expiring on 28th June 2019.

**ASSESSMENT NOTES**

1.0 Principle of Development

1.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the recently published National Planning Policy Guidance

1.2 The site is located outside the Settlement Boundary in an area of open countryside (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply carries significant weight in the consideration of the application.

1.3 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an authority does not have an up to date five year housing land supply (at present the District figure is 3.3 years), the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.4 The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services, and;
- environmental, through the protection and enhancement of the natural, built and historic environment.

1.5 Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required.

1.6 In terms of economic and social sustainability, Dereham has a high level of facilities and (as set out in Core Strategy policy SS1) is a town planned for focussed housing growth. Key factors that have led to this planned growth are its existing employment base and its location adjacent the A47 trunk road. Over the plan period to 2026 Dereham will need to deliver approximately 2000 new homes, 600 of which should come from new sites. In terms of location there can be little argument that the site is sustainable, however this is subject to the environmental impacts of the proposal being acceptable when balanced against the benefits.

1.7 Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, be suitable in terms of location, and be achievable in respect of housing being developed on the site within the next five years. The applicant has explained that first occupations of the development could be within 9-12 months from commencement, and that approx. 200 dwellings are likely

to be provided within five years from commencement on site.

## 2.0 Access & highway impact

2.1 The application has been the subject of a number of amendments since initially submitted in 2010 and the Transport Assessment has been through several iterations. The current Transport Assessment, upon which this recommendation is predicated, was submitted in February 2019. The TA was amended following comments from NCC Highways, to take account of recently committed schemes in the local area and cognisant of the Dereham Transport Study. Given the passage of time since the application was first submitted, the updated TA also reflects the current highways context and is considered to be robust in respect of allowing for full assessment of the application.

2.2 The proposed development will be accessed off Yaxham Road by a roundabout to its southern edge and a priority junction to the northern edge. The development will also provide improved walking/cycling links between the site and the Tesco's roundabout to the north and improved walking facilities along Westfield Lane. The developer has also agreed to pay £114,750 (index linked) in a lump sum payment to Norfolk County Council for the County Council to produce/implement and monitor a Residential Travel Plan. This will be secured via S106 which will need to be in place prior to any permission being issued. The applicants have submitted a comprehensive Traffic Assessment (TA) with the application, which has been reviewed by Norfolk County Council and the Highways Agency. No objection to the development has been raised.

2.3 Concerns have been raised by the Mid Norfolk Railway Preservation Trust regarding any potential 'significant' increase in vehicular movements across two existing level crossings within the town, notably the existing crossing on Yaxham Road, to the north of the application site, under the A47 flyover. The applicant's Transport Assessment indicates that, allowing for the development to be fully completed within this initial 5-year period, peak-hour flows across the nearest Yaxham Road crossing are unlikely to increase by more than 8% overall. It is considered that an 8% increase is not significant.

2.4 The strong opposition to the development in terms of highway impact from local residents and the Town Council is noted, particularly in respect of the amount of time passed since the TA was undertaken (August 2010). In light of these concerns NCC: Highways have been consulted again. They comment that when the application was submitted, the traffic impact of the development was assessed for the AM and PM peak hours, background traffic was 'growthed' and appropriate assessments undertaken. Given that there has been very little background growth in traffic since the application was submitted, it is unlikely that there will be any significant changes in the forecasted impacts of the development. It would not be reasonable to request the applicant to reassess the traffic impacts of the proposal as it is unlikely that they would come to any different conclusions and any proposed mitigation would not be different to that already proposed. Any additional impacts would not be considered 'severe' in the context of Paragraph 109 of the NPPF.

2.5 Whilst there are other committed developments in the local, most notably on land off Westfield Lane (3PL/2015/1490/O), these developments have been fully assessed within the current transport assessment and the cumulative impact has been fully assessed by NCC Highways who offer no objection to the scheme.

2.6 As paragraph 109 of the NPPF states, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

## 3.0 Ecology

3.1 The site comprises agricultural fields with intensively managed hedgerows. The field margins do contain large mature trees (predominately oak). There are ponds within the site and within 500 metres of the site, and whilst the ecological value of the site is considered to be relatively low, the presence of ponds could give rise to suitable habitat for Great Crested Newts (GCN's) as well as other reptiles. Following a desk top survey submitted with the application, a reptile and great crested newt surveys were undertaken and the results submitted.

3.2 Although GCN surveys in 2011 found a small colony of newts in one of the ponds, when the site was resurveyed in June 2014, no GCN's were found. The survey report states that 'Given the deterioration of aquatic habitat (in particular breeding habitat) it is thought likely that the small GCN population potentially present in 2010 may have died out. In any case no presence was detected during the 2014 survey with additional effort undertaken above recommended best practice survey effort.'

3.3 No evidence of reptiles was found.

3.4 As the Ecological Consultant points out, a development of this size also has the potential to impact on wider European Protected Sites such as the Breckland SAC and SPA through increased recreation and access despite being distant from the sites. However, it is not considered that this impact would be significant and carries limited weight in the planning balance.

3.5 Subject to an update of the existing Extended Phase 1 Habitat Report being undertaken along with suitable conditions being attached to any permission granted, and a long term management plan for retained or created habitats and landscaping being submitted as well as details of the extent of tree works proposed, then no objection to the development is raised.

3.6 Natural England (the Government's advisor on such matters) also have no objection to the scheme, which (as amended) is considered to accord with the Core Strategy policy CP10 and the relevant requirements of the NPPF.

#### 4.0 Design and layout

4.1 Both Core Strategy policy DC16 and Section 7 of the NPPF require high quality design, and great importance is attached to the design of the built environment, with it seen as a key aspect of sustainable development. The design and access statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area.

4.2 The proposed development contains an appropriate mix of 2, 3, 4 and 5 bedroom dwellings and the external finishes, materials and detailing is considered to be appropriate for its context. Open space in excess of the minimum required is proposed and its location throughout the scheme assists in establishing a more edge of town character and feel to the development. The layout is structured around a hierarchy of streets with variations in character that help to define streets and keep vehicle speeds low. A minimum of 2 vehicle parking spaces per dwelling is proposed, with spaces being provided for 3, 4, and 5 bed dwellings. This accords with the requirements set out in policy DC19 of the Core Strategy.

4.3 The retention of the majority of the existing tree belt to the Yaxham Road frontage helps both to minimise the general impact of the development and to create a strong landscape character to the scheme.

4.4 The impact on the setting of Green Farm (Grade II Listed) has been considered in assessing the layout of the scheme. It is considered that there would be no significant harm to the setting of this historic asset.

4.5 Overall, in terms of design quality, the scheme is considered acceptable and accords with Core Strategy policies DC16 and DC17 and the relevant requirements of sections 7 and 12 of the NPPF.

## 5.0 Amenity

5.1 Due to the site not bordering any existing residential dwellings, the scheme will have very little direct impact on neighbouring amenity. Clearly there will be a degree of environmental impact (as is the case with any new development), however this impact has to be balanced against the benefits of the proposal in terms of housing delivery, affordable housing provision and the provision of publically accessible open space. There will of course be additional traffic generation, but as NCC: highways have indicated, the impact of this will not be severe.

5.2 Two pedestrian/cycle paths are proposed to link through to Dumpling Green in order to provide permeability for the development. As highlighted by the Ramblers Association, as well as NCC Rights of Way, Dumpling Green is currently an un-adopted, unsurfaced track which provides shared vehicular access to a number of existing residential dwellings, together with a commercial Nursery Business, as well as providing the route of a public footpath. The land within the applicant's control directly adjoins the southern boundary of this track, with existing gaps between lengths of hedging and trees providing existing informal pedestrian linkages.

5.3 Providing pedestrian links is considered to be an important aspect of the design of the scheme as it will connect the development to the wider area, further potentially reducing the reliance on the motor car for local travel.

5.4 It is not considered that pedestrian/cycle access onto Dumpling Green would have a significantly harmful impact on the existing levels of amenity enjoyed by residents. Further details of these footpath links can be required to be submitted and agreed by condition. Whilst there has been objections to the scheme on the basis that Dumpling Green is a private road with no public right of way, right of legal access is a civil matter and is not a material planning consideration in the determination of this application.

5.5 The application is considered to accord with the requirements of Core Strategy policy DC1 (Amenity).

## 6.0 Drainage

6.1 Surface Water - The site is within Flood Zone 1 and is therefore not susceptible to fluvial flood risk. As the soil type on this site is clay and loam, infiltration testing shows that soakaways as a means of surface water drainage is inappropriate. The scheme therefore proposes an attenuated flow to existing land drains and ditches utilising permeable paving storage, swales and a detention basin. The EA are content with this approach and do not object to the application, subject to appropriate conditions.

6.2 Foul Water - when the application was submitted back in 2010 it was apparent that there was no spare capacity at the Dereham Waste Water Treatment Works (WWTW) and that an alternative solution would have to be found. The revised proposals now involve the installation of a foul water pumping station on the site that will connect to a drainage system ending up at the Mattishall WWTW. To confirm foul water connectivity for the proposed development into the public foul sewer network a Section 98 Pre Requisition Appraisal has been prepared and submitted to Anglian Water. The results of the appraisal are summarised below:

- The Dereham East Growth scheme has been developed by Anglian Water out of the need to provide a strategic solution for planned growth in the Dereham catchment as there is a lack of both treatment capacity and sewer capacity within the existing public sewer network;
- The Dumpling Green development site has been included as part of the overall Growth Scheme strategy;
- The Anglian Water Dumpling Green strategy will include an onsite pumping station that will pump site specific development and third party flows, from existing and new development in Dereham including the proposed Norwich Road and Greenfield Lane developments, to the Mattishall WWTW via a 225mm diameter rising main approximately 2.5km in length;
- The onsite pumping station will provide 14 cu.m. of emergency storage in accordance with Sewers for Adoption/Anglian Water requirements; and
- The pumping station and associated infrastructure including rising mains will be adopted by Anglian Water
- The development foul water sewer network will drain via gravity to the foul water pumping station and will be designed to Sewers for Adoption criteria to enable the sewer arrangement to be offered for adoption under a Section 104 agreement.

6.3 Subject to details of the above drainage scheme being secured by condition, Anglian Water raise no objection to the application, which accords with Core Strategy policy DC13 (Flood Risk) and the relevant sections of the NPPF and the NPPG.

## 7.0 Affordable Housing

7.1 At the time of the application being made, 40% provision was required on sites capable of accommodating 5 or more dwellings and/or 0.1ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. However, NPPF states that affordable housing should only be sought on developments of 10 or more dwellings or 0.5ha.

7.2 It should be noted that when the application was first reported to committee in September 2014, the scheme comprised a, then, policy compliant level of 40% affordable housing. Subsequent to the deferral of the application at the 2014 committee meeting, further work on the viability of the scheme was undertaken on behalf of the applicant by Inali and a viability assessment was submitted to the Council for review in August 2017. The viability report summarised that a level of 18% affordable housing is now the maximum viable level that can be provided. It should be noted that the build costs upon which the 18% affordable housing offer is partly predicated are fully inclusive of all identified S106 contributions as well as the off-site highway improvements and footpath considered as necessary mitigation.

7.3 The Council instructed DVS to undertake formal review of the viability assessment which found that the methodologies used, the assumptions made and the conclusions drawn within the Inali report were largely sound and reasonable. DVS thus concurred with the viability assessment submitted by Inali and concluded that 18% is the maximum viable level of affordable housing that could be delivered by the scheme.

7.4 In light of the clear advice from the Council's appointed viability consultants, and fully cognisant of the

wider package of off-site improvements being delivered by the scheme, officers consider that the proposed level of affordable housing is acceptable in this case.

## 8.0 Open Space

8.1 The scheme will provide for generous levels of open space totalling some 4.4 hectares. This comprises 2.2 hectares of public open space, which can accommodate LEAP's, as well as 2.1 hectares of strategic open space, which will be able to be used for more informal recreation. This exceeds the requirements of Core Strategy policy DC11.

8.2 Policy DC11 also requires that the application make on site provision for

## 9.0 Planning Obligations

9.1 Any permission granted would be subject to a S106 legal agreement. This would require the following obligations:

- Education contribution - £763,112
- Library contribution - £15,300
- Healthcare Contribution - £92,575
- Provision of 18% (46) affordable dwellings with a tenure split of 70% affordable rented housing and 30% shared ownership and an appropriate mix of unit sizes
- Positive, late stage review mechanism to be secured to ensure that any uplift in the viability of the scheme is captured as an additional affordable housing contribution (noted that this amount shall not exceed the equivalent of 25% affordable housing provision)
- On-site open space provision and maintenance

9.2 The application is therefore considered to accord with the requirements of Core Strategy CP5 in this respect.

## 10.0 Other matters

10.1 The site has been identified as being within an area of probable medieval settlement fronting onto a former common in Dumpling Green. As a result of this, the applicant was required to undertake an archaeological desk based assessment and geophysical survey to establish the likelihood of any such remains being in situ.

10.2 In review of the desk-based assessment and geophysical survey, Norfolk HES note some anomalies were identified and the potential for heritage assets with archaeological interest exist. Such remains may be suited to detection through geophysical survey and as such Norfolk HES officers have requested that a condition be attached to ensure that a programme of archaeological mitigation work is undertaken. Such a condition is attached accordingly.

## 11.0 Conclusion

11.1 It is accepted that there is not a five year supply of sites within Breckland district. The National Planning Policy Framework (NPPF) is clear and explicit that in such circumstances Local Planning Authorities should

consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF are a very strong material consideration in favour of this application.

11.2 The site is in a sustainable location, close to existing facilities and local employment. The requirements of the NPPF, the presumption in favour of sustainable development, and the identified benefits from the development outweigh other material considerations, including any identified harmful impacts, and the proposed development can be accepted as a departure from normal policy.

11.3 The design and layout of the scheme is appropriate for its context and will not significantly harm the amenities of neighbouring properties. The development accords with the relevant Core Strategy policies, in particular DC1, DC4, DC11, DC13 and DC16. These policies are given due weight as they remain wholly/partly consistent with the published NPPF.

11.4 In all other respects, and subject to appropriate conditions, the proposed development is in accordance with Sections 6, 7, 10 & 11 of the NPPF and relevant Core Strategy policies and would not result in significant and demonstrable harm in accordance with Paragraph 11 of the NPPF. The application is recommended for approval, subject to no new material planning considerations being raised during the remainder of the consultation period (28th June 2019).

#### RECOMMENDATION

Recommendation GRANT planning permission, subject to no new material planning considerations being raised during the remainder of the consultation period (28th June 2019) and signing of the section 106 agreement.

#### CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission. Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990.
- 2 In accordance with submitted plans**

The development must be carried out in strict accordance with the application form, plans, drawings, and other documents and details submitted or provided by the applicant, as amended by the documents referred to above.  
Reason for condition:-  
To ensure the satisfactory development of the site.
- 3 External materials and samples to be approved**

Prior to the commencement of work on site, details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.  
Reason for condition:-  
In the interests of a satisfactory appearance of the development.  
This condition is imposed in accordance with Policies DC1 and DC16 of the Breckland Adopted Core Strategy.  
**This condition will require to be discharged**

**4 Boundary screening to be agreed**

Prior to works above slab level, a scheme for the provision of boundary screening, shall be submitted to the Local Planning Authority for approval. Such scheme as may be agreed shall be carried out in its entirety prior to the first occupation of the dwellings which the screening adjoins.

Reason for condition:- in the interests of the satisfactory appearance of the development and for the protection of neighbouring amenity. This condition is imposed in accordance with Policies DC1 and DC16 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**5 Landscaping - details and implementation**

Before the commencement of work on site, a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season 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. The details shall take account of 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:- Details are required prior to commencement in the interests of visual amenity and to ensure a satisfactory form of development. This condition is imposed in accordance with Policy DC12 and DC16 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**6 Foul water strategy**

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 first been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason for condition: Details are required prior to commencement to minimise the possibilities of flooding in accordance with Policy 14 of the NPPF.

**7 Adoption/maintenance of surface water scheme**

Prior to first occupation of the development details of who will adopt and maintain each aspect of the surface water drainage scheme for the lifetime of the development shall be submitted and approved in writing by the Local Planning Authority, along with the maintenance schedule which shall be in accordance with the recommendations in The SUDS Manual (CIRIA, C697).

Reason for condition: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development in accordance with Policy 14 of the NPPF.

**8 Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason for condition: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

**9 Details of roads, drainage etc.**

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:- Details are required prior to commencement to ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy CP4 Breckland Adopted Core Strategy

**This condition will require to be discharged**

**10 Management/maintenance of streets**

No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason for condition: Details are required prior to commencement to ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy CP4 Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**11 Standard estate road condition**

No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with specifications to be first agreed in writing by 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 Policy CP4 Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**12 Road Surfacing**

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 to the adjoining County road in accordance with the details to be first approved in writing by the Local Planning Authority.

Reason for condition: To ensure satisfactory development of the site in accordance with Policy CP4 Breckland Adopted Core Strategy.

**13 Standard estate road condition**

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing prior to the commencement of development by the Local Planning Authority.

Reason for condition:- Details are required prior to commencement to ensure the satisfactory development of the site in accordance with Policy CP4 Breckland Adopted Core Strategy

**This condition will require to be discharged**

**14 Construction traffic (parking)**

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.

Reason for condition:- Details are required prior to commencement to ensure adequate off street parking during construction in the interests of highway safety in accordance with Policy CP4 Breckland Adopted Core Strategy

**This condition will require to be discharged**

**15 Wheel washing facilities- temporary for construction vehicle**

No works shall commence on site until the details of the wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:- Details are required prior to commencement to prevent extraneous material being deposited on the highway in accordance with Policy CP4 Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**16 Wheel washing facilities- temporary for construction vehicle**

For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in condition 15.

Reason for condition:- To prevent extraneous material being deposited on the highway in accordance with Policy CP4 Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**17 Highway improvements-offsite A**

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 as indicated on drawing(s) number(ed) 1366/GA/001 Rev D Sheets 1 and 2 and 1366/GA/003 Rev A have

been submitted to and approved in writing by the Local Planning Authority.

Reason for condition: Details are required prior to commencement 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 Policy CP4 Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**18 Highway improvements off-site B**

Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in part A of this condition shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway 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 Policy CP4 Breckland Adopted Core Strategy.

**19 Travel plan not agreed at planning stage**

Prior to first occupation, an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority, such a Travel Plan shall accord with Norfolk County Council document `Guidance Notes for the Submission of Travel Plans`

Reason for condition:- To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

**This condition will require to be discharged**

**20 Travel plan not agreed at planning stage**

No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to above. During the first year of occupation, an Approved Full Travel Plan based on the Interim Travel Plan referred to in condition 19 shall be submitted to and approved 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 approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason for condition:- To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

**This condition will require to be discharged**

**21 Management plan for habitats etc.**

Prior to the commencement of development on the site a long term management plan for retained or created habitats and landscaping, along with a full method statement outlining the precautionary working methods and enhancement for the identified potential Great Crested Newt habitat shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason for condition: Details are required prior to commencement in order to ensure the protection of the natural environment in accordance with Core Strategy policy CP10.

**22 Pedestrian/cycleway links**

Within 6 months of the commencement of development, full details of the pedestrian/cycleway links to Dumpling Green shall be submitted to and agreed in writing with the Local Planning Authority. The submitted details shall include the future management and maintenance arrangements of the pedestrian/cycleway links and a timetable for implementing the improvement works. The works shall be implemented in accordance with the approved details.

Reason for condition: In the interest of the amenity of future occupiers of the development and that of existing residents of Dumpling Green.

**24 Variation of approved plans**

**NOTES:**

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 planning application.