

AGENDA ITEM 9**SCHEDULE OF PLANNING APPLICATIONS****Item: 9d: Necton**

Location: NECTON – Land North of North Pickenham Road

Proposal: Reserved matters application following outline permission - 3PL/2016/0983/O - appearance, layout, scale and landscaping associated with the erection of 46 dwellings, together with the provision of a community park and surface water attenuation pond

REFERENCE: 3PL/2019/1184/D

Applicant: Partner Construction

Author: Chris Hobson

Additional Consultation Responses**Tree Officer**

The revised layout and Arboricultural Impact Assessment is considered acceptable.

Updated Assessment**Mineral Interests**

With regards to section 10.0 (page 46) of the main committee report and the requirement to undertake a Minerals Assessment (part A of condition 21), the applicants have advised that mineral extraction on the site (sand and gravel) would not be reasonable and feasible in this case. The proposals do not currently involve significant excavation but intend to utilise existing ground levels. As a result an additional and significant 'cut and fill' exercise would be necessary in order to extract any sand and gravel. In the event that minerals are present any ground disturbed in order to get to any underlain minerals would be classified as made ground and would need to be engineer backfilled in order to achieve sufficient bearing capacity to carry foundations. Any excess (some will inadvertently be generated) will also need to be disposed of. If any minerals are then extracted the area lost would also need to be backfilled to get back to the necessary base level.

Due to the costs of undertaking mineral extraction, through the works themselves, labour, hire and use of plant and equipment such extraction is only viable when undertaken on a large scale. In light of the subsequent costs even if minerals were identified through a Minerals Assessment, the site area is not sufficiently large to make such an operation viable in the first place. Additional abnormal costs borne by the development would also include further initial ground investigation and monitoring and preparation of such an assessment before the above can be established.

Indeed it is noted as reported in the main Committee Report, the viability position of the scheme is already such that education and library contributions that would ordinarily be secured would make the scheme unviable and as a result are not proposed to be provided

by the applicants, with a clawback mechanism being proposed to secure these if the viability position is found to have improved. Any further abnormal costs through further ground works including mineral extraction and cut and fill which the applicants estimate would at a minimum be in the region of £250,000 would place further significant pressure on the scheme and hamper the delivery of the site. Having regard to the above, it is not considered that the carrying out of mineral extraction is feasible and reasonable in this instance. Therefore, condition 18 has been amended to remove part A (Minerals Resource Assessment) of the condition. The revised version is set out below.

Revised Conditions

Following discussions with the applicants, minor revisions are proposed to the wording and timescales of the conditions below.

6. Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site until a detailed scheme for the provision of off-site highway improvement works as indicated on the following approved plans, Site Layout (Drawing no. 003 Rev W) and Proposed Offsite pedestrian Footway Upgrade Works (Drawing 001) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of delivery; details of the necessary mechanisms for securing necessary consents; detailed drawings of the works; and timescales for their completion. The permitted off-site highway improvement works (including any to Public Rights of Way) shall be completed prior to the first occupation of the development hereby approved or as otherwise approved pursuant to this condition.

Reason for condition:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. In accordance with policies TR01, TR02 and COM01 of the Breckland Local Plan (Adopted).

10. The development shall at all times take place in full accordance with the approved Arboricultural Impact Assessment (AIA) report reference BE-1099.1e, 'North Pickenham Road, Necton, Swaffham, Norfolk', dated 4th March 2020, and prepared by Bagshaw Ecology Ltd. Operations on site shall take place in complete accordance with the hereby approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). No operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless or until the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:

In the interests of the satisfactory appearance of the development and the protection of existing trees and hedges, having regard to Policies GEN02, COM01 and ENV06 of the Breckland Local Plan (Adopted).

11. Prior to the first occupation of the development hereby approved, a scheme for the provision of boundary treatments, shall be submitted to the Local Planning Authority for

approval. The approved scheme shall thereafter be completed prior to the first occupation of the dwelling which the screening adjoins.

Reason for condition:

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan (Adopted).

14. No development other than preliminary enabling works relating to demolition, tree protection, formation of site access, setting up of site cabins/ welfare facilities and formation of foundations/piling, shall take place until a 'lighting design strategy for biodiversity' for the site has been submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.
- (c) The lighting plan must be developed in accordance with the Bat Conservation Trust and The Institution of Lighting Professionals (ILP) guidance on bats and lighting: <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason for condition:

In order to ensure those ecological enhancement measures are integrated into the site and design of the final scheme being implemented on site. In order to protect wildlife and nature conservation interests within and around the application site, and to provide ecological enhancements having regard to Policy ENV02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

16. No dwelling shall be occupied until fire hydrant(s) (served by mains water supply) for this Phase have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:

In order to secure the provision of fire hydrants in accordance with Policy INF02 of the Breckland Local Plan (Adopted).

18. Prior to the commencement of the development hereby approved, the following will be submitted to and approved in writing by the Local Planning Authority in consultation with the Mineral Planning Authority:

Materials Management Plan - Minerals (MMP-M)

The MMP-M 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 intrusive site investigations, testing and assessment. The MMP-M will outline 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 MMP -M will outline that 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.

The development shall thereafter be carried out in accordance with the approved MMP-M. 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 Mineral Planning Authority.

Reason for condition:

The details are required prior to the commencement of development because details of the mineral management plan will be informed by ground works on the site. The condition is required in order 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 2010-2026.