

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2019/1076/O	CASE OFFICER	Fiona Hunter
LOCATION:	HARLING Land north of Kenninghall Road and south of Quidenham Road East Harling	APPNTYPE:	Outline
APPLICANT:	Chanteclair Ltd Georges Farm Bryants Bridge	POLICY:	In Settlemnt Bndry
AGENT:	John Western Lucas+Western Architects Ltd 21, Town Green	CONS AREA:	N
PROPOSAL:	Outline planning application with all matters reserved except access for redevelopment of the site for 85 no. residential dwellings with new access point, associated landscaping and open space (Amended Red Line)	LB GRADE:	N
		TPO:	N

DEFERRED REASON

A Introduction

A.1 This application was considered by planning committee on 10th February 2020 and was resolved to be allowed as recommended, subject to: a 21 day re-consultation period following the receipt of amended plans; the conditions as listed in the report; an additional condition with regards to replanting of hedgerow; and the signing of a S106 Agreement to secure the obligations and contributions as set out in the report, including 25% affordable housing (not listed in the report).

A.2 This application is brought back to committee as the redline has changed with direct access now proposed from Quidenham Road and Mount Pleasant Drive as originally submitted together with the applicant is now offering 17.6% affordable housing equating to 15 units.

B Consultee Comments to Amended Plans

B.1 A 21 day re-consultation was issued on 4th March 2021 in response to the redline and access amendments followed by a further consultation to additional Highways information. The following Consultee Comments were received:

- LLFA, no comments to make
- Contaminated Land Officer, recommend condition requiring contamination investigation and remediation
- Tree Officer, no objection recommends condition
- NCC Infrastructure Development, contributions required for early, primary, and secondary education together with fire hydrants and libraries.
- Anglian Water, no dwellings within 15m of pumping station. The foul drainage from this development is in the catchment of East Harling Water Recycling Centre that will have available capacity for these flows.
- Environmental Health Officer, no objection providing that the foul water will be discharged to the Anglian

Water mains system and that Anglian Water are satisfied that the mains system has sufficient capacity to cope with the additional flow from the proposed development

- Natural England, no objection
- Air Quality Officer, no further comments
- Breckland Facilities, no further comment
- Public Right of Way Officer, no objection
- Ecological and Biodiversity Consultant, Shadow Habitats Regulation Screening Assessment can be adopted. Hedge and tree replacement planting needs to be secured in a Ecological Management Plan.
- NHS (16th March 2020), healthcare contribution required of £2,010 per dwelling .
- *Norfolk Constabulary, recommend changes to indicative layout.*

- Harling Parish Council, "Harling Parish Council given the time scale were unable to arrange and advertise a public full Council meeting to discuss and make comment. The application design & access statement dated 18/05/21 states that the meeting held on 05/03/20 was a meeting of the Parish Council but was in fact a working group meeting where no decisions or votes were taken on any matter but those present put forward a suggestion to the applicant which was the possibility of an access onto Quidenham Road. The comments from the Parish Council entered on 24/03/21 stated it would support this application for an access point on Quidenham Road, providing the road on site is a link road, so traffic can pass though from Kenninghall Road to Quidenham Road, thus alleviating the amount of traffic through the centre of the village, plus making easier and speedier access for emergency vehicles.

B.2 This response was discussed at a public/full Parish Council meeting via Zoom on the 23/03/21, a vote was recorded and it was entered into the minutes of that meeting. As there has been no further meetings or discussions on this application since the 23/03/21. The position of the Parish Council remains unchanged."

C Local Representations

C.1 Since Planning Committee on 10th February 2020, 21 additional Local Representations have been received raising some of the points previously reported together with new points listed below:

Comments received between 11th February and 3rd March 2021 with access proposed direct to Kenninghall Road

- When will the second point of access onto Kenninghall Road be delivered.
- Residents property which backs onto Kenninghall Road is incorrect and is further southwards and into the verge than the plans show
- No objections and welcome growth to the village. Could it be confirmed if the access road will still be from Quidenham Road or through the existing estate.
- Strongly object. 12 additional houses which is located on grade 3 agricultural land outside the village envelope. This area was previous refused at appeal. Lack of details on the Right of Way. Road widening details do not include details of impact to hedge. The new pavements would destroy the rural approach to the village by taking away the verge and adding street lighting. Transport Statement not adequate. Historic skyline including the Mill will be destroyed.
- Disagree with Tree Assessment
- Damage to biodiversity habitat.

Comments received since 4th March 2021 with direct access proposed to Quidenham Road

- Support and objection for access from Quidenham Road
- Support and objection to the two half's of development not have vehicle connection through

- Changes suggested for the indicative plan
- Ecology Assessment incorrect
- The new access will make it more difficult and less safe for residents of Drakes Close to get onto Quidenham Road
- Quidenham Road and White Hart Street are sub standard and further traffic will make it less safe
- Road Safety Report inadequate
- Double counting of open space
- Play area may attract anti-social behaviour
- Site notice erected after date shown on the notice

C.2 In respect of the site notice two were erected on 25th March 2021 and site notice dated as such. Photographs were taken by a Planning Officer as evidence and uploaded to the internal system.

C.3 The Open Space double counting has been resolved by reducing the redline to take out the existing open space delivered with the adjacent housing to the south.

D Highways and Access

D.1 The applicant was unable to reach an agreement with an adjacent land owner to secure access direct to Kenninghall Road and has reverted to their original proposals for direct access via Quidenham Road plus access to Mount Pleasant Drive to the south. Due to discussions with Highways no vehicle through-route is proposed with 23 dwellings to have vehicle access from Mount Pleasant Drive and 62 dwellings to have access from Quidenham Road, this should be secured by way of condition.

D.2 To facilitate the new access to Quidenham Road the following highways works are proposed:

- Extension of the footway across the entire site frontage and eastwards to the boundary of Ash Lodge
- Widening of Quidenham Road to 6m, for the length of the new footway
- Extension of the 30mph speed limit zone eastwards by approximately 160m, for the length of the new footway.
- Vision splays, 90m at both sides of the proposed new access junction

D.3 Highways have lifted their objection and advising that traffic levels from the proposed access to Quidenham Road would be sufficiently low to the west that the impact to White Hart Street would be relatively modest. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst off-site road standards and safety is a key local concern, it is found that subject to the above listed mitigation there is no unacceptable highways safety impact not a severe residual cumulative impacts on the road network. The development thus complies with Policies COM 03, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) together with paragraph 109 of the NPPF.

E Trees and Hedges

E.1 To create the access to Quidenham Road, provide footpath and road widening together with necessary visibility splays around 230m of category C hedgerow/ tree groups will need to be removed. The Council's Tree Officer and Ecological and Biodiversity Consultant have raised no objection to the removals subject to conditions.

E.2 Policy ENV 06 sets out that trees and significant hedge and shrub masses form part of the green

infrastructure network and should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss. Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought.

E.3 The application site is covered by the Harling Housing Allocation for 85 dwellings and is the preferred location for residential for this Local Service Centre. Highways have confirmed that Mount Pleasant Drive is unsuitable to provide access for all 85 dwellings and the only other way to deliver access to Kenninghall Road is via third party land. As such to deliver the allocation, the applicants propose access must be provided from Quidenham Road, which in turn requires removal of hedgerow to provide access, visibility splays, road widening and new footpath. The loss of category C hedgerow to facilitate the Harling Housing Allocation for 85 dwellings is considered to provide an exceptional and overriding benefit and subject to mitigation planting accords with Policy ENV 06 of the Breckland Local Plan (adopted 2019).

F Habitats Regulations Screening

F.1 The LPA as the competent authority must consider and conclude whether the potential for likely significant effects to European Sites can be excluded. If they cannot, the Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the effected European Sites conservation objectives. The Council most recently screened the application via it's 3rd August 2021 Planning Committee Report, however, due to the redline change it is necessary to undertake this assessment again.

F.2 The information required to enable the Local Planning Authority to undertake the assessment is provided by the Applicant's submitted the Shadow Habitats Regulations Assessment (Hopkins Ecology; February 2021). This report is hereby adopted as the Council's assessment Habitats Regulations Screening and a likely significant effect to European Sites can be ruled out.

F.3 In adopting the Habitats Regulations Assessment consideration has been given to Natural England's and the Council's Biodiversity and Ecology Consultant whom concur with the submitted Habitats Regulations Assessment and confirmed their view is a likely significant effect to European Sites can be ruled out.

Protected Species and Biodiversity

F.4 The submitted Ecology Assessment February 2021 identified bats, birds, grass snakes, hedgehogs and 26 types of invertebrates at the application site. The scheme will result in the loss of the improved grassland area and the loss of grassland and associated tall ruderal and ephemeral; short perennial vegetation and hedgerows. The Council's Ecological and Biodiversity has raised no objection subject to a condition for a Ecological Management Plan which will secure the net biodiversity gain required by Policy ENV 02 of the Breckland Local Plan (adopted 2019).

G Affordable Housing

G.1 The applicant is proposing 17.6% affordable housing which equates to 15 affordable units supported by an an open book Viability Assessment. The Council has sought it's own independent professional advice in this regard. CP Viability have undertook sensitivity testing which is a review of the effect of changes in the level of individual variables on the residual land value or developer's return to test the key assumptions in order to ensure that they are soundly based, before a judgement is finalised and the residual land value or return required is finally determined and a full picture of development viability ascertained. CP Viability have advised that the sensitivity testing identified a range of 15 to 19 affordable dwellings would be viable. Due to

increasing construction costs it is recommended to accept the lower end as offered to create an environment which supports the development coming forward in a timely fashion. On this basis the proposal is considered compliant with Policy HOU 07 of the Breckland Local Plan (adopted 2019) and the latest NPPG Viability Guidance. The Housing Officer has not raised objection to the findings.

G.2 To ensure the maximum level of affordable housing is provided, the legal agreement should introduce a Viability Review Clause which requires 50% of profits above the 15.45% developers profits to be given to the Council to spend to deliver affordable housing elsewhere and shall not exceed equivalent of 25% affordable housing provision. This would include a review of development costs and gross sales receipts which would only be triggered if the development is not complete within 3 years of the first reversed matters approval.

I Recommendation

I.1 Approval subject to a S106 and conditions as listed at the end of this report.

REASON FOR COMMITTEE CONSIDERATION

There is significant local interest in this application.

KEY ISSUES

Principle
Access, Highways and Parking
Character, Layout and Amenity
Trees and Landscape
Flood risk and Drainage
Ecology
Other matters
Contamination
Crime
Planning Obligations

DESCRIPTION OF DEVELOPMENT

This is an outline planning application with all matters reserved except access for redevelopment of the site for 85 no. residential dwellings with new access point off Kenninghall Road, associated landscaping and open space.

SITE AND LOCATION

The application is located to the north of Kenninghall Road and to the south of Quidenham Road, on land to the north of the permitted and constructed dwellings off Kenninghall Road, permitted under application reference 3PL/2017/0280/VAR. The site forms part of a previously large agricultural site where housing has already been permitted and is under construction to the south. There is also existing residential housing to the west. There is vegetation to the boundaries of the site but otherwise this is a relatively open site.

During the course of the application the site boundary and accesses have been amended, with access proposed of Quidenham Road now removed and the initial proposals for number of dwellings reduced and

the proposed doctors surgery removed.

The site now falls largely within the site allocated in the Breckland Local Plan (as adopted 2019) and consists of 85 dwellings, as set out in that allocation. Access is however proposed off Kenninghall Road, to the south with relevant land included to facilitate this. This land is located outside the site allocation.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2014/0620/F	Permission	02-02-17
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Erection of 37 dwellings, access, services, external works (Phase 2).

3PL/2017/0280/VAR	Permission	25-05-17
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Erection of 37 Dwellings, access, services, external works (phase 2).
Condition 2 Amended to reflect amended plans.
Conditions 3 ,4, 5, 6, 7, 9, 10, 12, 14 & 15 amended to reflect additional information. (Previous app - 3PL/2014/0620/F)

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

COM01	Design
COM02	Healthy Lifestyles
COM03	Protection of Amenity
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HHA1	Harling Housing Allocation 1 Land off Kenninghall Road (LP001)

HOU01	Development Requirements (Minimum)
HOU06	Principle of New Housing
HOU07	Affordable Housing
HOU10	Technical Design Standards for New Homes
INF02	Developer Contributions
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

The following planning obligations/contributions are required, in accordance with Paragraph 56 of the NPPF:

Contributions to:

- Early Education sector expansion of existing providers;
- East Harling Primary School a contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity;
- Old Buckenham High School - contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity.
- £7,575 (i.e. £75 per dwelling) to be spent on library stock and equipment for the mobile library service CEN 316.
- Green Infrastructure (to be confirmed by Norfolk County Council)
- £1713 per unit to the fit out of the East Harling & Kenninghall Medical Practice

- Provision and maintenance of open space in accordance with Policy ENV04 of the Local Plan (adopted 2019)
- 1 fire hydrant per 50 dwellings (rounding up to the nearest 50), on a minimum 90mm main, at a cost of 824.00 each (to be secured via condition).

CONSULTATIONS

NATURAL ENGLAND

No objection - The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

In other parts of Norfolk, I have seen areas like attenuation basins become hotspots for anti-social behaviour due to their location with lack of surveillance and lack of barriers. The proposed location of this flood prevention has some surveillance from surrounding properties. I therefore recommend 1. A suitable barrier, at a height of 1.2 meters, for demarcation. 2. The low level defensive planting is added to the external side of the barrier and that it is maintained to a height of 1 metre to allow for good surveillance. 3. Appropriate signage.

ANGLIAN WATER SERVICE

The developer is not proposing to connect to Anglian Water Network for surface water, this is outside of Anglian Water jurisdiction to comment.

PUBLIC RIGHTS OF WAY OFFICER

No objection but would make the following comments:

Harling Public Footpath 2 is to the east of the site but is not directly affected by the proposals. We have advised for previous applications in this vicinity, that an additional path to Footpath 2 has been provided by the land occupier along a track on the eastern edge of the application site. According to the site layout plan, houses will be built over this track and so presumably the applicant has taken this into consideration and has liaised with the adjacent land occupier to ensure that Footpath 2 is fully available to prevent any interruption for the public to use this PRow.

We are disappointed to see that there is no foot/cycle path through phase 3 connecting to the existing housing to the west or even through phases 1 and 2, and so providing a direct walking/cycling route to the primary school without having to use Quiddenham Road/Gallants Lane or Kenninghall Road. We feel that this a missed opportunity to encourage a non-vehicular route to school.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

Taking into account the other developments in East Harling, a total of 116 dwellings (including the Kenninghall Road phase 3 site) would generate an additional 12 Early Education sector (2-4) children, an additional 32 Primary school age (4-11) children and an additional 17 High school age (11-16) children. There would be insufficient capacity within the Early Education sector and in the Primary and High school sectors, therefore education contributions for Early Education, Primary and High school provision will be sought, for the following:

- Early Education sector expansion of existing providers;
- East Harling Primary School a contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity;
- Old Buckenham High School - contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity.

1 fire hydrant per 50 dwellings (rounding up to the nearest 50), on a minimum 90mm main, at a cost of 824.00 each.

A total contribution of 7,575 (i.e. 75 per dwelling) to be spent on library stock and equipment for the mobile library service CEN 316.

Green infrastructure should be included within the proposed site in line with local policy. Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. We would advise that a maintenance/mitigation contribution or commuted sum for new and existing GI features may be required in addition to the County response, in order comply with local policy. Thus allowing the local GI network to facilitate the development without receiving negative impact and equally, allow the development to integrate and enhance the existing network.

FLOOD & WATER MANAGEMENT TEAM

No comments.

TREE AND COUNTRYSIDE CONSULTANT

No objection based on the layout shown. This is based on tree retention as shown and on the basis that the hedgerow along Quidenham road is retained as shown. A tree protection plan/arboricultural impact assessment will be required based on the final layout as well as detailed planting proposals which should include some large maturing species where space allows.

HOUSING ENABLING OFFICER

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per HOU07 of the Council's local plan document. At present a 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. 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. In this instance 25.25 units would be required, 18no for rent and 7no for intermediate housing.

FACILITIES MANAGEMENT

The application shows the provision of open space which includes a storage lagoon as part of the drainage infrastructure. If it is intended to offer the open space to Breckland District Council (BDC), Facilities Management would wish to be consulted on the details of the proposed open space at the appropriate time. However, BDC will only generally consider adopting areas of low maintenance and it is possible that BDC might not be prepared to adopt the open space proposed. Consequently the S106 Agreement should show BDC as the first option for adoption but provide an opportunity for the Council to decline to take on the open space if it chooses and for the developer to make other arrangements for the management of these areas.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The proposal will require the removal of G4, G5, G7 and part of G1 to accommodate new access points/visibility splays and the layout and the tree constraints plans show this removal. However, the proposed layout (Pro:works; August 2019) shows that the extent of hedgerow removal has been reduced. We support the revised plans to retain the hedgerow along Quidenham road, however it is not clear why the section of hedgerow (G4) between G3 and G6 requires removal. This hedgerow should be retained to maintain connectivity around the site. Based on the information provided, in our opinion the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. The Shadow HRA can be adopted by Breckland DC as the record of the screening for a need for an Appropriate Assessment. If you are minded to approve this application, we recommend that you condition and Ecological Management Plan (EMP) to be submitted.

Phase 3 now comprises a smaller area of land and a modified the layout. The number of proposed houses is now 85 (a reduction of 16 houses), with 213 residents (rounded up) (a reduction of 20 residents). The shadow HRA (Hopkins Ecology, 2019) was prepared on the basis of 101 units and an estimated 233 residents, and is therefore still relevant.

CONTAMINATED LAND OFFICER

I recommend approval providing the development proceeds in line with the application details and subject to standard contaminated land conditions to alleviate environmental concerns.

ENVIRONMENTAL HEALTH OFFICERS

I recommend approval providing the development proceeds in line with the application details. My comments are based on the assumption that the foul water will be discharged to the Anglian Water mains system and that Anglian Water are satisfied that the mains system has sufficient capacity to cope with the additional flow from the proposed development.

AIR QUALITY OFFICER

I have looked at the additional details submitted and have no further comments on the grounds of air quality

other those already made, providing the development proceeds in line with the application details.

In support of promoting good air quality and reducing air pollution from developments I would recommend that the developers looks to consider the following within the development The provision of cycle parking and electric vehicle charging points; The promotion of sustainable uses of travel including public transport and the use of shared private motor vehicles in the form of Car Club initiatives; and The installation of low-NOx boilers only, with emission rates below 40 mg/kWh.

HISTORIC ENVIRONMENT SERVICE

The proposed development site lies adjacent to an area where geophysical survey had found the remains of ridge and furrow cultivation, a method of cultivation typically medieval but with probable Anglo-Saxon origins. In addition the surrounding area as many cropmarks, including those of a possible Bronze Age round barrow to the east. Fieldwalking to the east has also produced prehistoric flints and medieval pottery. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

Consequently we request that the results of an archaeological evaluation are submitted in support of any planning application in accordance with National Planning Policy Framework paragraph 189. In this instance an archaeological desk-based assessment is unlikely to provide any further information about the presence, form, surviving condition and significance of any heritage assets at the proposed development site. This can be dealt with via an archaeology condition.

HARLING PARISH COUNCIL

Harling Parish Council agreed within Brecklands Local Plan that 85 properties were acceptable within Phase 3 of this development, not 101, this contradicts the plan. The Parish Council dispute the access onto Quidenham Road as shown on the application, the plan is misleading. The road approaching the access is on a much sharper bend then shown on the plan and the Council dispute that 160m splay either side of the access is available. The new access onto Kenninghall Road is using land that had previously been submitted for development (3PL/2018/0111) this was rejected by Breckland, appealed by the applicant and refused on appeal.

ENVIRONMENT AGENCY

No Comments Received

REPRESENTATIONS

- The proposals will lead to traffic issues and parking problems.
- The proposed road seems superfluous as there is already access to the entire development lower down Kenninghall Road. People, including residents, exiting by the proposed new road will, in the main, then have to drive through East Harling village to get to their destination.
- The current road and paths in to phase 1& 2 are as yet unfinished and not fit for purpose. Any increase in traffic volumes will result in loss of life.
- The poor design of the original plans with no separate access to phase 2 from Kenninghall Road means that the increase in volume was never taken into account.
- Phase 1&2 should only be accessible to 3&4 by foot this would result in stopping the traffic using the development as some kind of rat run.
- The proposal will involve many mature hedges and trees being removed. This plus the loss of the existing open fields, will affect much wildlife.
- Insufficient infrastructure. The existing school is already using temporary classrooms, and consideration

should be made to pressure created by even more children on buildings and staff.

- The GP practice will not cope.
- It will also involve the removal and resiting of an existing Public Footpath and its ancient Trees and Hedgerow.
- Proximity of plots to existing residential dwellings will impact amenity.
- The air quality officer suggests cycle parking and electric charging points in very much a rural location. There is no benefit from such proposals as most people commute to work from the village. She encourages public transport yet there is no sustainable public transport network in place - 2 trains to Norwich a day and the odd bus services is not adequate now, let alone for the extra demand that this development could bring.
- The proposal will lead to increased surface water and flood risk.
- Why is there a lagoon on the plans?
- East Harling does not need any more dwellings and existing newly built properties are struggling to sell.

East Harling and Kenninghall GP

There is no intention for the East Harling GP surgery (or any other GP surgery for that matter) to be relocated within this development.

ASSESSMENT NOTES

1.0 Principle

1.1 The site lies within the East Harling settlement boundary on an allocated site, as set out in Policy HHA1 of the Breckland Local Plan (adopted). Previously the site included further land to the north of the application site, connecting the site to Quidenham Road with a vehicle access and extending the housing proposed to the north. It also included a new GP Surgery. The application has subsequently been amended to remove the access to the north (off Quidenham Road), the housing numbers have been reduced to match that of the allocation and the GP Surgery removed.

1.2 Land outside the allocation and East Harling settlement boundary remains. This land will provide access for the development, off Kenninghall Road to the application site. The application is considered on this basis.

1.3 As the majority of the site is located within the designated settlement boundary for East Harling and within the allocation, the principle of development for 85 dwellings is established in this location. It is considered a condition is appropriate restricting the number of dwellings to 85, given the Council's current position with regards to five year housing land supply, having regard to paragraph 74 of the NPPF and as set out in the allocation. It is also considered that 85 dwellings is an appropriate density for this site in accordance with the character of the area. The principle of development in this location is therefore considered to be established, subject to compliance with all other relevant policies, as discussed below.

2.0 Access, Highways and Parking

2.1 Policies TR01 and TR02 of the Local Plan seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety. Major development proposals should include an assessment of the impacts of new development on the existing transport network.

2.2 As set out above the plans have been amended and the previous access off Quidenham Road removed. Access to the site is proposed off Kenninghall Road and through Phase 1/Mount Pleasant Drive of the early development of dwellings to the south of the application site. The removal of the Quidenham Road access is supported by the Highways Authority, as well as locally as demonstrated by the earlier representations received (all bare one comment of support). Some concerns have been raised about access being provided through the existing development site to the south. However, the access of Kenninghall Road and through Mount Pleasant Drive is a requirement of the allocation policy (HHA1) and is therefore supported for these reasons.

2.3 The Highways Authority are broadly supportive of the proposals but have requested some minor amends. The applicants have submitted amended plans to address these concerns and the further comments of the Highways Authority are awaited. These will be reported to members of the Planning Committee via the supplementary.

2.4 Point 6 of the allocation policy requires Kenninghall Road to be widened and the provision of a footway along the frontage of the site. The submitted plan references the road to be widened to 5.5metres and a pavement along the frontage of the site at 1.8metres. The proposals are therefore considered in accordance with point 6 in this regard. These matters can be the subject of appropriately worded conditions.

2.5 Point 7 of the allocation policy requires the 30mph speed limit to be extended across the frontage of the site. This can be secured by condition also.

2.6 The Parish Council make reference to a previously refused application, which had access off the Kenninghall Road, which was dismissed at appeal (3PL/2018/0111/O). This application was dismissed at appeal and was accessed in approximately the same location at the this proposal. However, the application site was to the east of existing development (not to the north) and the inspectors reason(s) for dismissing the appeal (and indeed the Councils reason for refusing planning permission) was with regard to the impact of the development on the character and appearance of the Countryside. No mention was made of the access being unacceptable. The Highways Authority have no objection to an access in this location, subject to minor amends. Therefore, on this basis the access is considered acceptable in this location.

3.0 Character, Layout and Amenity

3.1 Section 12 of the NPPF and GEN02 and COM01 of the Local Plan seek to promote high quality design and point 3 of the allocation policy requires the layout and design of the site to have regard to adjoining development, particularly in regard to density, massing and scale. Layout, appearance and scale are all reserved matters not to be considered at this time. Therefore, the exact design and layout of the proposals is yet to be considered. However, an indicative layout has been submitted with the application.

3.2 The indicative layout appears reasonable. The properties proposed along the Kenninghall Road access appear quite cramped and in places have small rear amenity spaces. The properties themselves appear small in comparison to that of the adjacent development and extend further forward on the frontage of the site with Kenninghall Road. This combined with the scale of properties proposed might appear at odds with the adjacent development and that along Kenninghall Road but this relationship can be adequately reviewed at reserved matters stage and appropriate amends made to the design.

3.3 Elsewhere the development is more spacious with public open space to the centre of the site and the lagoon providing good separation with existing properties to the west. Open space must be provided in accordance with Policy ENV04 of the Breckland Local Plan (point 5 of the allocation policy) and this will be a

requirement of the section 106, to be checked at reserved matters stage also.

3.4 Policy COM03 seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants. As set out above this is an outline planning application with all matters reserved. However, given the size of the site and the number of dwellings proposed, there is considered sufficient space to locate dwellings of an appropriate scale to protect the amenity of future occupants as well as existing residential properties, subject to the concerns, as set out above.

3.5 A neighbours concern with regards to proximity of units to existing dwellings is noted and it is considered that this can be addressed at reserved matters stage. However, the proposal currently shows good separation distances with the western boundary.

4.0 Trees and Landscape

4.1 Policy ENV05 seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. The Breckland Landscape Character Assessment Fringe Study shows that most of the land surrounding the village is of moderate sensitivity (East Harling Heathlands). Given the sites location, behind existing residential development, the proposal is considered to be an extension of the existing form and would not significantly impact the intrinsic character and beauty of the countryside. This was obviously reflected in the consideration of the Local Plan and the sites allocation.

4.2 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Local Plan, this is also required by point 2 of the allocation policy. The site is largely free of significant arboricultural constraints with trees primarily concentrated on the boundaries of the site. The tree officer has been consulted and raises no objections and an updated tree constraints plan has been submitted showing that significant trees are to be retained and development located outside their root protection areas, despite being quite close on the north-eastern boundary. Conditions have been proposed to protect existing trees and hedgerows. Therefore, the proposal is considered to accord with Policy ENV06 of the Local Plan.

5.0 Flood risk and Drainage

5.1 Section 14 of the NPPF and ENV09 of the Local Plan seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. The site lies in flood zone 1, at the lowest risk of flooding. The Lead Local Flood Authority and Anglian Water have responded with no comments in regard to the scheme.

5.2 The applicants have submitted an updated Flood Risk Assessment, it sets out that a sustainable approach to surface water run-off is proposed using soakaways for roof run-off and permeable surfaces for the private roads, driveways and parking spaces. Run-off from areas where this is not possible, and the adoptable highway, will drain to the proposed infiltration lagoon. One concern was raised about the lagoon but as this is required to provide for run-off, a condition is proposed for further details to be provided, in accordance with the submitted FRA. This is considered to comply with Section 14 of the NPPF, providing a sustainable approach to surface water management.

5.3 Point 4 of the allocation policy requires the proposals to have regard to the Water Cycle Strategy, which indicates potential issues with the wastewater network capacity. The applicants state that they have considered the following drainage strategy to ensure that the requirements of the NPPF will be met and a sustainable approach to water management will be provided, by:

- Surface water run-off from roof areas will be directed to local soakaways where possible.
- Where soakaways cannot be located close to source, run-off will be directed to an infiltration basin which will also be utilised to drain the proposed adoptable highway.
- Surface water run-off will be conveyed to the infiltration basin via a surface water sewer to be adopted by Anglian Water under a Section 104 Agreement; and
- Private roads, driveways and parking spaces will have permeable surfaces for natural infiltration.

In addition to this, the scheme has considered Policy HOU10 and will accord with the water efficiency requirements as set by Building Regulations.

5.4 Foul water should connect to the existing pumping station, with additional offline storage to accommodate 49 dwellings. The applicants state that Anglian Water has confirmed there is capacity in the downstream network for the development. A condition will be required to ensure this and that foul water is adequately accommodated.

5.5 Point 8 of the allocation policy requires the a 15 metre clearance between new residential properties and the foul pumping station to protect amenity. This can be assessed at reserved matters stage.

6.0 Ecology

6.1 Section 15 of the NPPF and policy ENV02 of the Local Plan require the protection and enhancement of biodiversity.

6.2 Previously the proposal included the removal of G4, G5, G7 and part of G1 to accommodate new access points/visibility splays. As the access to the north has been removed, only part of G1 is to be removed to accommodate the access, which is not objected to by the tree officer or NCC Ecology. Furthermore, NCC Ecology state that the proposals will not have significant adverse impacts on statutorily protected nature conservation sites. A Ecological Management Plan (EMP) condition is recommended and will be applied to any subsequent approval.

6.3 For the purposes of the Habitats Regulations the application (project) has been screened and the Council considers that the proposed development is unlikely to have a significant effect on the Habitat sites, as supported by our ecologist and no objections have been received from Natural England.

6.4 On this basis the proposal is considered in accordance with Section 15 of the NPPF and policy ENV02 of the Local Plan.

7.0 Other matters

7.1 Contamination

Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted) states that planning decisions should take account of ground conditions, pollution and contamination risk. No objections have been raised by the contaminated land officer in this regard, subject to the imposition of contamination land conditions, which are proposed. For these reasons the proposal is considered in accordance with Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted).

7.2 Crime

The Crime Reduction & Architectural Liaison Officer has raised some concerns about the security of the proposal drainage basin/lagoon and made some suggestions in this regard. These measures can be

adequately addressed by the inclusion of a boundary treatment condition, which is proposed.

7.3 Heritage

Point 9 of the allocation policy requires the proposals to preserve and where possible enhance the setting of nearby designated and non-designated heritage assets, with particular regard to East Harling Conservation Area. This is also supported by policies ENV07 and ENV08 of the Breckland Local Plan (adopted), Section 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.4 The site lies some distance from the designated East Harling Conservation Area, which lies to the west of the application site. The site is largely screened and separated from the Conservation Area by existing residential development. Therefore, the character of the Conservation Area is considered to be preserved by this separate and intervening development.

7.5 There are a mix of properties in terms of design and age along Kenninghall Road. It is considered that an improved layout, as set out above, along the access to the site with Kenninghall Road will help the proposals respond to local character and this can be addressed at reserved matters stage. The use of good quality materials and design will also assist the proposals in terms of preserving and enhancing local historic vernacular. A condition will be added to check and discharge materials and the design of house types, which relate to the more historic elements of East Harling will be encouraged at reserved matters stage.

7.6 Initially the Historic Environment Service requested further archaeological investigation prior to the granting of planning permission. However, the applicants have discussed the site with the Historic Environment Service and both parties have agreed that the matter can be suitably dealt with via condition, which will be added to any subsequent approval of planning permission.

7.6 Air Quality

The air quality officer has responded to the proposals and suggests the inclusion of the following to promote good air quality and reducing air pollution:

- The provision of cycle parking and electric vehicle charging points;
- The promotion of sustainable uses of travel including public transport and the use of shared private motor vehicles in the form of Car Club initiatives; and
- The installation of low-NOx boilers only, with emission rates below 40 mg/kWh.

7.7 A note will be added to any subsequent permission requesting the above.

7.8 Rights of Way

The Rights of Way officer has commented on the application stating Harling Public Footpath 2 is to the east of the site but is not directly affected by the proposals. In the vicinity, that an additional path has been provided by the land occupier along a track on the eastern edge of the application site. According to the site layout plan, houses will be built over this track. A note has been added to ensure the designated right of way is protected during works and following the development. The further footway is not designated and therefore not subject to protection. However, this could be further considered in detail at reserved matters stage and included in any subsequent design.

7.9 The Rights of Way officer also commented that they were disappointed to see that there is no foot/cycle path through phase 3 connecting to the existing housing to the west or even through phases 1 and 2, and so providing a direct walking/cycling route to the primary school without having to use Quiddenham Road/Gallants Lane or Kenninghall Road and feel that this a missed opportunity to encourage a non-vehicular route to school. A note has also been added in this regard and asked for this to be considered at reserved matters stage. However, this is not a requirement of the allocation policy HHA1.

8.0 Planning Obligations

8.1 The following planning obligations/contributions are required, in accordance with Paragraph 56 of the NPPF:

Contributions to:

- Early Education sector expansion of existing providers;
 - East Harling Primary School a contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity;
 - Old Buckenham High School - contribute towards the internal alteration/remodelling and/or extension of the school in order to increase the school capacity.
 - A total contribution of £7,575 (i.e. £75 per dwelling) to be spent on library stock and equipment for the mobile library service CEN 316.
 - Contributions to Green Infrastructure (to be confirmed)
 - Contribution of £1713 per unit to the fit out of the East Harling & Kenninghall Medical Practice
-
- Provision and maintenance of open space in accordance with Policy ENV04 of the Local Plan (adopted 2019)
 - 1 fire hydrant per 50 dwellings (rounding up to the nearest 50), on a minimum 90mm main, at a cost of 824.00 each (to be secured via condition).

8.2 These contributions will form part of an appropriately worded section 106 agreement, if planning permission is granted.

9.0 Conclusion

9.1 The proposals, despite the sites additional land shown outside of the settlement boundary and the allocation, are considered to accord with National and Local Planning Policy, including all criteria as set out in the site allocation policy HHA1 of the Breckland Local Plan (adopted). Therefore, subject to the conditions, listed below and the signing of a section 106 agreement, as set out, the application is recommended for approval.

RECOMMENDATION

The application is recommended for approval, subject to the conditions listed below and the signing of a section 106 agreement, as set out above.

CONDITIONS

- 1 Outline Time Limit (3 years)**
Application for Approval of Reserved Matters must be made not later than the expiration of THREE YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS 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 In accordance with submitted plans NEW 2017**

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

Reason for condition:-

To ensure the satisfactory development of the site.

3 Standard Outline Condition

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, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

4 Max 85 Dwellings

The development shall be for 85 dwellings.

Reason for condition:-

To protect the character of the area and the amenity of future occupants in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan (adopted 2019) and to ensure sustainable development in accordance with Policy HHA1.

5 Internal Space Standards

All dwellings shall comply with the Department for Communities and Local Government's Technical Housing Standards - nationally described space standard March 2015 or any standard which supersedes this document and meet Building Regulation requirement of 110 l/h/d.

Reason for condition:-

To ensure the new homes are highly functional and reduce the amount of water each homes need in accordance with the requirements of Policy HOU 10 of the Breckland Local Plan (adopted 2019).

6 Mount Pleasant Drive Access

No more than 23 dwellings hereby permitted shall be vehicle accessed from Mount Pleasant Drive.

Reason for condition:-

To ensure the safety of the Highways network and pedestrians having regard to Policies COM 01(m), (n) and TR 01 of the Breckland Local Plan (adopted), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework 2019.

7 Details plans of roads etc.

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

Reason for condition:-

To ensure the safety of the Highways network and pedestrians having regard to Policies COM 01(m), (n) and TR 01 of the Breckland Local Plan (adopted), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework 2019.

This condition will require to be discharged

8 Completion of roads etc.

Prior to the occupation of the final dwelling hereby permitted all development shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved

specification.

Reason for condition:-

To ensure the safety of the Highways network and pedestrians having regard to Policies COM 01(m), (n) and TR 01 of the Breckland Local Plan (adopted), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework 2019.

9 Parking for construction workers

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:-

To ensure the safety and proper functioning of the Highways network having regard to Policies COM 01(m), (n) and TR 01 of the Breckland Local Plan (adopted), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework 2019.

This condition will require to be discharged

10 Materials

Prior to the commencement of any works above slab level the type and colour of the external materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01 and HHA1 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

11 Boundary screening to be agreed

Prior to the occupation of the development hereby approved, a scheme for the provision of boundary screening, including to the lagoon, shall be submitted and approved in writing by the Local Planning Authority. Such scheme as may be agreed shall be completed prior to the occupation or use of the development which the screening adjoins. The approved screening shall thereafter be maintained in that form.

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, COM03 and HHA1 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

12 No permanent external lighting without prior agreement

Prior to the occupation of the development hereby permitted details of the external lighting to the site shall be agreed in writing with the Local Planning Authority, and only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

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, COM03 and HHA1 of the Breckland Local Plan (adopted 2019).

- 13 Non-standard highways condition**
- No development above the laying of foundations shall take place unless or until detailed drawings for off-site highways improvement works as indicated on drawing 2005.12 Rev B have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be delivered and completed in full prior to first occupation of the development hereby permitted, or in accordance with a timetable which shall first be submitted to and agreed in writing by the Local Planning Authority.
- Reason for condition:-
To ensure the safety and proper functioning of the Highways network and pedestrians having regard to Policies COM 01(m), (n) and TR 01 of the Breckland Local Plan (adopted 2019), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework 2019.
- This condition will require to be discharged**
- 14 Precise details of foul water disposal**
- Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.
- Reason for condition:-
To minimise the possibilities of flooding from the outset of the development. This condition is imposed in accordance with Section 14 of the NPPF and Policy ENV09 of the Breckland Local Plan (adopted 2019).
- This condition will require to be discharged**
- 15 Approved surface water system to be constructed**
- Any reserved matters application shall be accompanied by a detailed surface water drainage strategy, plan(s) and supporting calculations. Prior to the occupation of each dwelling, the approved drainage system which serves that dwelling shall be made available and fully functional.
- 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 and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (2019) and having regard to Policy ENV09 of the Breckland Local Plan (adopted 2019).
- 16 Fire Hydrants**
- Prior to the commencement of any works above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the hydrant(s) have been provided in accordance with the scheme as approved.
- Reason for condition:-
In order to secure the provision of fire hydrants.
- This condition will require to be discharged**
- 17 EMP**
- An ecological management plan (EMP) shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of development. The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed,
- b) Ecological constraints on site that might influence management,
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives including mitigation and enhancement measures detailed in the Ecology Assessment (Hopkins Ecology; February 2021) submitted with the application including that for: protection and enhancement of bat feeding and commuting corridors; protection and enhancement of hedgerows; compensatory planting for the loss of up to 230m of hedgerow; number of nest boxes for birds; number of net bat boxes; and creation and management of the lagoon for wildlife
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures If more than two years have passed since surveys were undertaken then update surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the sites design agreed with the Local Planning Authority.

The EMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action will be identified, agreed and implemented so the development still delivers the fully function biodiversity objectives of the originally approved scheme.

Reason for condition:-

Details are required prior to commencement to protect and enhance ecology in accordance with Section 15 of the NPPF and ENV03 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

18 AIA

With the reserved matters application, a tree protection plan/arboricultural impact assessment shall be submitted based on the final layout as well as detailed planting proposals which should comprise tree planting including some large maturing species and replacement hedge planting to mitigation against the loss of those identified to be removed or reduced in the Arboricultural Impact Assessment & Preliminary Method Statement February 2021, or any which subsequently will be affected by the final development plans.

Reason for condition:-

Details are required prior to commencement and with the reserved matters application, to protect significant trees and hedgerows in accordance with Policy ENV06 and HHA1 of the Breckland Local Plan (adopted 2019).

19 No loss of trees

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

Reason for condition:-

To protect significant trees and hedgerows in accordance with Policy ENV06 and HHA1 of

the Breckland Local Plan (adopted 2019).

20

Archaeology

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 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.

and,

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

and,

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

In this case the mitigatory works will commence with a geophysical survey. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services.

Reason for condition:-

Details are required prior to commencement to protect heritage assets in accordance with policies ENV07 and ENV08 of the Breckland Local Plan (adopted 2019) and Section 16 of the NPPF.

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This condition will require to be discharged

21

Desk study/ site investigation

Unless otherwise first agreed in writing with the Local Planning Authority, 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.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise first 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:-

Details are required prior to commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework 2019 and Policy COM 03 of the Breckland Local Plan (adopted 2019).

Informative:

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

This condition will require to be discharged

Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where

remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with Section 15 of the National Planning Policy Framework 2019 and Policy COM 03 of the Breckland Local Plan (adopted 2019).