

DEFERRED ITEM REPORT

DEREHAM: LAND OFF GREENFIELDS ROAD

3PL/2016/1397/F – 285 dwellings comprising 6 x 5-bedroom houses, 87 x 4-bedroom houses, 113 -three bedroom houses, 73 x 2 bedroom houses, 4 x 2 bedroom bungalows and 2 x 1 bedroom bungalows together with associated access, pedestrian and cycle links, landscaping and open space.

Applicant: Orbit Homes

RECOMMENDATION: APPROVAL

Additional Consultation Responses

Dereham Town Council – With reference to a letter from the applicant's agent dated 26th June 2017. Attached. The applicant confirms that the development should provide 17,340 m² of Outdoor Playing Space. DC11 clearly states that Outdoor Playing space should be made of a minimum of 2 LEAPs of combined area of 5,780m² and an area for sports totalling 11,560m². I still have not seen the details of an area for sports totalling 11,560m². The reason a football pitch has been mentioned is that a football pitch can be around 8,000m² i.e. a football pitch could comfortably fit inside the area for sports required under DC11. So the applicant has absolutely not demonstrated that they have provided in excess of the requirements of DC11. I think it would be slippery slope if a MUGA is accepted in lieu of actual land. With regard to the provision of the MUGA close to residential properties, the agent states that it will be located 35m from the boundary of the nearest dwelling. Does this refer to the boundary of the dwelling or the facade of the dwelling. If you refer to the FIT guidance (attached) it clearly differentiates between the facade and the boundary. I believe the applicant may be confused on this matter and are measuring to the Facade rather than the boundary, can they show the distance to the boundary of the dwelling and the distance to the facade of the dwelling? As I have said before I have raised the issue of DC11 at every meeting I have had with the applicant, they have proceeded thinking that they know a smart trick to get round DC11 - DC11 is very clear, on this application there needs to be an outdoor sports area totalling 11,560m² and 2 LEAPs totalling 5,780m². It goes without saying that these areas should not be located in surface water attenuation basins.

Highways England – No objection

Historic Environment Service – No additional comments

Ramblers Association – No additional comment, but earlier comments remain.

Natural England - 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 - To ensure a safe and secure environment is provided and compliance with the requirement of the Core Strategy (page 104) it is recommended that the development should comply with the principles of Secured by Design which is a Police Service owned scheme. It is noted that there is just one reference to 'design out crime' within the Design and Access Statement which is dealt with by providing natural surveillance from dwellings over open space. There is however a further mention

regarding security where there is a requirement for clear definition between private and public space, secure rear boundaries with houses orientated to maximise the natural surveillance of streets, parking areas and play spaces. Given the scale of the development and the potential for crimes to be committed against properties and vehicles parked in the rear courtyards this is quite simply not sufficient and more information should have been provided in the D&AS regarding how the above is to be delivered. As an indication of the likely issues required to ensure Secured by Design compliance the following comments and recommendations are provided. Overall the layout is acceptable to Secured by Design criteria however it will be very important to ensure that all rear boundaries are adequately protected using 1.8m high fencing with lockable gates to the same height. Surveillance overall is quite good with an acceptable level of natural surveillance potential. The areas of concern are the limited surveillance potential of the rear parking courtyards. To increase natural surveillance it is recommended that the surveillance through the rear and side fencing features either hit and miss panels or solid panels with vision splays inserted. The applicant is encouraged to refer to the Secured by Design website for specific details and to liaise with a Norwich Constabulary Crime Prevention Design Advisor for support.

Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case but advise that consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place.

Lead Local Flood Authority – No additional comments to make.

Contaminated Land Officer – No additional comments to make.

Environmental Health - The MUGA in itself will not be noisy in a the way that a skate ramp or similar might be, however there is the potential for noise to become problematic if individuals choose to frequent it late at night or act in an anti-social manner when using the facility. I would point out that there is potential for this to happen if the area was just open space or space with benches etc. I note there is no provision for lights which could help to deter late night visitors. The facility is made of wood, which will give more absorption of impact noise in terms of kicked balls etc. than say a metal or concrete wall would. The facility is fairly close to nearby houses, but then again so are many similar play facilities in Breckland, and, from looking at the plans this location gives the greatest distance between the facility and nearby houses.

An additional 45 letters of objection have been received in relation to the development proposal. The majority of issues raised in these additional letters have already been identified in the main report and this updated report. Additional issues relate to:

- Position of the proposed MUGA in relation to existing properties
- Temporary foul sewerage storage unacceptable
- Traffic calming measures excessive and cause noise and disturbance
- Development does not comply with DC11 of the Council's Local Plan
- Alterations to layout adjacent to Wheatcroft Way do not achieved improvement
- Dwellings adjacent to Wheatcroft Way not in keeping with the character of that area

ANALYSIS -

The application was deferred at the meeting on the 8th May 2017 in order to provide more information in relation to Adopted Core Strategy Policy DC11.

Update to Five Year Housing Land Supply

Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong 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.

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

Compliance with DC11 of the Adopted Core Strategy

Further information has been submitted to illustrate the extent of the various elements of the proposed play spaces. Further to this, Officers have examined the requirements of the Open Space policy DC11 in context of the Council's Open Space Assessment (OSA) 2015 and the guidance set out the Fields in Trust (FIT) document 'Beyond the Six Acre Standard' October 2015.

The updated FIT standards refer to the need for formal outdoor space and informal recreational space. It makes specific reference to the dual use of features such as SuDS and the value they have in delivering recreational benefits by using attenuation and storage areas as play and sports areas. Reference is also made to facilities such as Multi-Use Games Areas (MUGA), acknowledging that relaxing quantum guidelines where facilities such as MUGAs are provided can be justified because they support a high intensity of usage.

As stated in the main report, the scheme provides for 14484 sq m of unencumbered open space, 1876 sq m of open space containing flood alleviation measures and land with an area of 5959 sqm that would contain the noise attenuation bunds. The requirements under DC11

for open space provision, following minor changes to the mix and layout is calculated at 17,340 sq m of open space. If the requirements set out in the Open Space Assessment are followed this could be calculated at 18,496 sq m.

In order to assess whether the space provided meets the specific requirements of adopted Policy DC11 it is necessary to consider the proposal in the wider context of the documents set out above that have preceded both the NPPF and the Core Strategy policy itself.

The NPPF at Paragraph 73 advises that access to high quality open space is important to the health and well-being of communities. Reference is made to assessing the quantitative and qualitative deficits and surpluses to establish needs in an area. The OSA undertakes that task for the District on a Parish basis.

The Council's OSA sets out the background for the consideration of open space requirements and refers to guidance such as the Fields in Trust standards, guidance by Sport England and the criteria set out in the former Planning Policy Guidance Note PPG 17. The OSA has undertaken an audit of existing open space provision within the District, again by using FIT guidelines to establish the quantum of existing facilities. This includes measures such as the percentage of the population more than 1.2km from existing outdoor sports provision and the percentage of the population within 300m of the nearest area of natural green space. In terms of both indicators, Dereham scores well, although the OSA makes clear it does not incorporate a qualitative assessment of existing open spaces.

The OSA, in cross referencing national guidance makes it clear that it is recreational space that is being calculated. It is acknowledged that it is multifunctional and is not merely limited to formal play space and sports areas. The OSA clarifies that DC11 refers to open space provision on development sites in the wider sense. In recognition of this it sets clear criteria for a development proposal of this size to provide for outdoor playing space consisting of 2no. Locally Equipped Area Playspaces (LEAP) and an Outdoor Sport Area. It does not stipulate that the full open space requirement must be given over purely to formal play and sport facilities. The OSA further reinforces this view in relation to outdoor sports areas by stating at paragraph 9.21 that, *"Due to the large area of space required for outdoor sport areas, they can only be provided on large scale developments. A suitable size for an outdoor sports area is at least 2ha which is large enough for two football pitches. To provide this area on-site would require, in a typical situation, a development of 400 three bedroom houses."*

Therefore in terms of interpretation of DC11, the OSA and the FIT guidance, it is important to consider recreational open space holistically and then break down overall provision into specific requirements for play and outdoor sport facilities.

The proposed scheme, as set out Section 5 of the main report provides levels of open space within the development that are considered acceptable. Revisions have been made to the layout that improve the quality of formal play and sport provision on site, which exceeds the requirements of DC11 by providing a Local Area Playspace (LAP) as well as two LEAPs and the MUGA. Further detailed information has also been submitted which provides more detail in terms of the quality of the facilities provided which is considered to confirm that in qualitative terms the formal play and sports area would add value to the development. Concerns have been raised by the Town Council regarding the location of the facilities,

particularly the MUGA but it has been confirmed that their location meets the FIT guidance of 30m away from nearby properties.

The overall area of open recreational space, excluding the amenity green space represented by the bunding, falls below the standard referenced in DC11 by 980 sq m (17 340 sq m DC11 requirement or 2136sq m OSA requirement) minus open space and attenuation features of 16 360 sq m. However, in terms of the overall quantum provided by the landscaped open space provided by the attenuation bunds 22 319 sq m of open space would exceed that requirement. Whilst it is acknowledged that this area would not be publicly accessible, it would have value in visual amenity terms by providing a landscaped setting in the southern section of the site and from the existing adjacent public right of way.

It is also important to note that as referenced in adopted Core Strategy policy CP6, improvements to linkages between existing elements of green infrastructure that represents an enhancement should be viewed positively. The scheme allows for a direct footpath link between the footpath to the south of the A47 directly to Dereham Windmill. This is a valuable improvement to the green infrastructure network in the locality.

Having considered all of the above, it is acknowledged that there is a deficit in the quantum of formal play space provided on site. However, in terms of the benefits in the quality of the formal play and sports space provided coupled with the improvements to the green infrastructure linkages it is considered that the development is acceptable overall when set against the overarching objectives of policy DC11.

In terms of other matters raised, the scheme has been amended to and further information has been submitted in relation to the following:

Foul Water Drainage

The agent has clarified that there would not be any changes to the foul drainage arrangements for any existing properties in the vicinity of the site. New arrangements would come forward as part of the planned improvements by Anglian Water Services that are due to be completed by the end of 2018.

Surface Water Drainage

The proposed surface water drainage features are designed to take water from flood events of 1 in 100 years with 40% allowance for climate change. It is considered that 1 in 1 year events are unlikely to discharge into the storage areas (detention basins) but heavier rainfall will overflow into the storage areas for short periods.

Highway Matters

No objections have been raised to the proposed traffic calming measures subject to proposed conditions. Details have been provided of the proposed bollards on Cherry Lane.

Public Rights of Way

Concerns have been expressed regarding the potential impact of the proposed bunds on the existing public right of way on the southern boundary. At the time of writing this report, no

response has been received from the Public Rights of Way Team at NCC but the agent has stated that there is no encroachment or conflict in this regard.

Changes to the layout plan

Further discussions have taken place with the developer following deferment regarding the layout and concerns in regarding density. As a result, changes have been made to the northernmost section of the site to reduce the density from 37 dph to 33 dph. This has been achieved by relocating 3 dwellings into a different section of the wider site and reconfiguring the house types in that part of the site. This has also had a positive benefit by increasing the open space in this part of the site which collectively is considered to represent an improvement in layout and appearance terms.

Conclusion

The scheme has been subject to further negotiations and revisions to both clarify matters and improve the layout of the proposed development. On balance, the scheme is considered to represent an appropriate development of this site taking into account its physical restrictions and the benefits in terms of affordable housing provision, green infrastructure provision and contribution to overall housing delivery.

RECOMMENDATION –

Approval

S106 –

- Affordable housing 25%
- Education Contribution
- Libraries Contribution
- Primary Healthcare Contribution
- Travel plan monitoring contribution

Delegated authority to the Executive Director of Place to REFUSE planning permission if the S016 agreement is NOT completed within 3 months of the date of the Resolution to Grant planning permission

Conditions –

- 3007 Full Permission Time Limit (3 years)
- 3047A In accordance with submitted plans
- 3150 Construction Management Plan
- 3160 In accordance with Aboricultural Impact Assessment
- 3412 Trees/hedges to be retained
- 3413 Indicated landscaping to be implemented
- 3860 Surface Water drainage condition
- 3935 Ecological Management Plan
- 3720 Provide access and parking
- 3736 Visibility splays
- 3740 Works to the highway network

3962 NOTE: Highway notes attached	
2001 Application Approved Following Revisions	
3385 Archaeological condition discharged	This condition will require to be discharged
3104 External materials to be approved discharged	This condition will require to be discharged
3405 Fencing/walls - details and implementation discharged	This condition will require to be discharged
3547 Lighting Pollution discharged	This condition will require to be discharged
3804 Foul Water Strategy discharged	This condition will require to be discharged
3949 Contaminated Land – Site Investigation/Remediation discharged	This condition will require to be discharged
3946 Contaminated Land – Unexpected Contamination discharged	This condition will require to be discharged
HA43A Travel plan not agreed at planning stage discharged	This condition will require to be discharged
HA43B Travel plan not agreed at planning stage discharged	This condition will require to be discharged