

## **AGENDA ITEM 8**

### **DEFERRED APPLICATIONS**

#### **Item 8 (a): Dereham/ Toftwood (pages 17-52)**

**Location: Land off Shipdham Road, Dereham**

**Proposal: Residential development for a minimum of 291 dwellings, link roads, open space and recreational space. AMENDED PROPOSAL to include demolition of existing railway bridge at Westfield Lane and construction of a replacement two-way railway bridge (instead of traffic signalling works at the junction of South Green and Tavern Lane).**

**REFERENCE: 3PL/2015/1490/O**

**Applicant: Glavenhill Strategic Land Limited**

**Author: Simon Wood**

### **CONSULTATION RESPONSES**

#### **DEREHAM TOWN COUNCIL**

The Clewlow consulting on behalf of the Applicant submitted a response added to the Breckland web-site on the 2/11/18 in response to the Town Council's most recent comments.

The following is in respect to these new comments from Clewlow:

Clewlow have not addressed the issues of the 'link road' being designed in the proposal as an estate road. If as, as the applicant claims, the link road is required, then it should be designed as a link road. The indicative layout as proposed has not been designed as a link road, it has been designed to keep vehicles to a low speed. The road will not function as a link road in its current layout.

At paragraph 7, it is stated that traffic calming measures will be put in place to make access to Westfield Road less attractive. – can this be clearly stated in the conditions?

At paragraph 10, it is also stated that there will be a shared use walking and cycling link across the new railway bridge – I don't believe that this was specified in the plans submitted for the bridge. The plans submitted show a footway of 1.8m, LTN 1/12 clearly states that a shared use facility should be a minimum of 3m and more if there is a physical barrier on one side. The proposed shared use does not therefore meet the minimum standards for a shared use walking and cycling path. It is also only on one side of the road and will therefore only benefit travel in one direction, without multiple crossing.

The footway/cycle path proposed over the railway bridge is the wrong side of the road. Placing the foot/cycle route on the northside of the bridge would reduce the number of people crossing the road and therefore make it safer.

The proposed footway/cycle path appears to end on the east side of the bridge – shouldn't all footways link to footways not just end in the highway? There will be a situation where existing foot traffic will tend to keep to the northside and not use the footway.

### **Cycling.**

With regard to GEN 2. When this policy was being discussed by the Local Plan Inspector alongside TR01 – it was clear that when these policies were taken together the meaning was that developments must show a safe and convenient cycle route to likely destinations, hence the wording “**maximise connectivity** within and through a development **and to surrounding areas**, including the provision of high quality and safe pedestrian and cycle routes.” [emphasis added].

It is self-evident that a high proportion of trips from this development will be to the town centre, high schools and employment sites. It is not expected that this development provides cycling links to all parts of the town, it should however make an assessment of cycling from the site to likely destinations to show that the site is or can be made sustainable. This is justified by the following:

- NPPF 102 c) - states that with regard to development proposals that opportunities to promote walking, cycling and public transport use are identified and pursued.
- NPPF 103 - states that “Significant developments should be focused on locations which are or can be made sustainable, through limiting the need to travel **and offering a genuine choice of transport modes**” [emphasis added]. Without a proper assessment of whether resident from this development can access services such as town centre, employment sites and schools by cycle they have not met the requirements of NPPF 103.
- NPPF 108 - states that it should be ensured that “appropriate opportunities to promote sustainable transport modes can be or have been taken up”. The applicant has not done this.
- NPPF 110 a)– Applications should “give priority first to pedestrian and cycle movements, both within the scheme **and with neighbouring areas**”.

Simply saying that there are good cycle lanes on the development site and to the wider network does not meet the key sustainability requirement in the NPPF of “offering a genuine choice of transport modes”

Clewlow state in their report at paragraph 13 that a review of cycling facilities is the remit of the Highway Authority. This is clearly not the case given the NPPF references above and Guidance for Transport Assessments states

- Para 006 ID:42-006-20140306 – states that TAs can positively contribute to encouraging sustainable travel, and **enable the development to make the fullest possible use of public transport, walking and cycling**.
- Para 14 ID: 42-014-20140306 – states that TA may include an assessment of public transport capacity, walking/cycling capacity and road network capacity.

### **Carrying out a review of cycling facilities.**

Clewlow seem to be saying that the scope for carrying out a review of cycle routes is beyond the remit of developers and the job of the Highway Authority, Clewlow have described a review process which would look at the whole town. There are simpler review methods for situations such as this, for the avoidance of doubt, nobody is expecting this development to address any existing issues with the cycling network within the town. The expectation and the national policies state that this development must be able to show that cycling is a ‘**genuine transport choice**’ this can be done quite simply by.

- 1) Decided on likely destinations (say town centre, high schools, employment areas and link to cycle route 13)
- 2) Plot desire lines to these destinations – this can be done using apps such as ‘cycle streets’ and ‘Google maps route planner’. There may then need to view the routes on the ground and amend accordingly.
- 3) Use the Cycle Level of Service to assess each route
- 4) Identify any critical factors such as safety (perceptions of safety)
- 5) Identify how these critical factors can be resolved then compare the proposed with the existing.

This is not a complicated or costly process, it is for the developer to demonstrate that this site is sustainable, and that cycling is a **genuine** mode of transport choice. It is felt that Clewlow are being deliberately obtuse by suggesting that the only way to carrying out this work is by using a highly complex methodology. There are simpler methodologies such as a Review of Cycling Routes.

The only real reason the developer does not want to carry out such a route analysis is not that it is complicated or expensive it is because it may identify that the development does not offer residents a **genuine** choice over modes of transport.

In 2016 the Town Council gave a comprehensive response to this application. In that response it commented that no assessment of likely cycle routes had been made which was contrary to the NPPF which requires developments to be located where sustainable transport modes can be maximised.

The Town Council has repeatedly request that a cycling assessment should be carried out but the applicant has continually refused.

Because the applicant has not commissioned this work, the Town Council has commissioned consultants to carry out an assessment of the likely routes cyclists would wish to take. This work will be completed by the end of December 2018. The Town Council is therefore requesting that the decision on this application is deferred until this work has been completed and considered.

Until this work has been completed it is not possible for the Planning Committee to decide one way or another whether the development is maximising sustainable modes of transport as required in the NPPF.

#### HISTORIC BUILDINGS ADVISOR

No objections to removal of bridge, given the extent of inappropriate post-build repair and adaptation works.

#### **LETTERS OF REPRESENTATION**

A further 9 letters of representation have been received. The issues raised have been reported in earlier reports except for the following:

- Should not be building on a floodplain
- New bridge will not stop clogging up of this part of the town
- Pressure of drainage needs from new houses
- Does not accord with what is set out in the draft Dereham Neighbourhood Plan which reflects local opinion and should not be disregarded

- Traffic flows bad enough already, priority should be given to the Yaxham Road entry as the first route of choice
- Concerned that the development could facilitate development to the rear of Boyd Avenue
- Loss of productive farmland
- Land designated in 2008 and should not be built on

#### **AGENT SUPPORTING INFORMATION**

The agent has submitted further information setting out the Heads of Terms for the proposed mitigation measures on land to the south of the site as follows:

- (1) River Tud restoration, flood plain creation works and planting/seeding as outlined in the Flood Defence Application Drawings and Method Statement Rev A dated October 2015 approved by the Environment Agency (note this is now direct delivery by the developer using the Norfolk Rivers Trust as a contractor as opposed to paying the sum of £182,550 to the LPA as previously proposed) to be delivered in full prior to the occupation of the 250<sup>th</sup> dwelling unit;
- (2) Additional tree planting around the edge of the site in the land under the control of the applicant that is outside the current red line boundary and north of the river Tud that is currently shown as grazing land in the application drawings to be delivered prior to the occupation of the 100<sup>th</sup> dwelling unit; and
- (3) The delivery of new footway links between the application red line area boundary through or adjacent the land identified as new grazing to the highway edge along Dereham Road/Westfield Road adjacent Public Footpath Whinburgh 1 and the highway edge along Shipdham Road in proximity to Herne Lane and Public Footpath Shipdham 1. The aim as requested by David White is to deliver the missing link in the footway network surrounding the site for the benefit of all Dereham residents. We will fix the exact footpath routing, surfacing, protection specifications and provide a construction method statement prior to the commencement of development and deliver the rights of way in full back to the highway edge prior to the occupation of the 50<sup>th</sup> dwelling unit. These routes will be dedicated and maintained thereafter by Norfolk County Council.

Regarding impact during construction, the County Council has recommended a condition which states that, "For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority." Therefore all information will be submitted and approved by the Council and the Highway Authority before construction commences. Until such time as the new railway bridge is in operation it seems likely that the approved construction traffic access route will not include the section of Westfield Lane between Yaxham Road and the railway bridge adjoining the respondent's property.

In respect of air quality, it is accepted that slow moving or stationary traffic produces much higher concentrations of air pollutants than traffic moving at a constant and reasonable speed. The removal of the delays to traffic proceeding over the railway bridge and in particular the need for these vehicles to move off from a standing start on an incline will have a beneficial effect on air quality.

As part of the design for the new railway bridge the forward sightlines will need to meet appropriate highway design standards – to seek to meet these standards the constraints of the vertical alignment of the existing bridge can be mitigated by a combination of adopting a thinner deck for the bridge through the use of stronger materials and structural engineering techniques as well as some re-

profiling of the approach slopes (where possible). This will all be determined at the time that the detailed bridge design is prepared. This will be required as part of the proposed Highway Authority condition which requires details of the bridge to be submitted and approved.

Regarding the use by pedestrians of the new bridge, those needing to catch a bus will benefit from the introduction of bus services along the new spine road of the development and should not therefore need to walk to/from Yaxham Road. In future there will be community attractions to the south of Westfield Lane and the new spine road which do not presently exist, e.g., sports pitches and access to the public open space. The location of the footway to the south of the proposed bridge is accordingly intended to facilitate future provision to these attractions. The extent of the highway boundary only permits such a provision to the south along this section of road.

As stated above, visibility for vehicle drivers and of vehicles by pedestrians and cyclists will be improved with the new bridge and accordingly crossing Westfield Lane will be safer in this respect. Appropriate crossing points to both the east and the west of the bridge will be identified as part of the detailed design of the new bridge and spine road to meet highway design standards.

#### Town Council – Cycle comments

The town centre (and from there to the secondary schools) by cycle would be most safely and appropriately achieved by using National Cycle Network Route 13. This runs at its closest to the site along Stone Road and Orchid Avenue to the west of Shipdham Road. Accordingly, since a S278 Agreement will be required to build the new roundabout on Shipdham Road, its remit could be extended to include as yet to be agreed measures to link the new cycle facilities at this roundabout (which are obviously well connected with the cycle facilities on the site) to the closest point on NCN Route 13.

## **ASSESSMENT**

### HERITAGE

A Heritage Impact Assessment has been submitted to consider and assess the proposal to demolish the railway bridge in context of its non-designated heritage asset (NDHA) status.

Paragraph 197 of the NPPF states that the impact of an application on the significance of a NDHA should be taken account of in the determination of the planning application. In this instance, 'Bridge 1692' is of local significance only with limited architectural or aesthetic value. It has also been subject of several 20<sup>th</sup> century repairs that are considered unsympathetic. On this basis, it is considered that its loss is acceptable in this instance subject to appropriate mechanisms to evidence and record the bridge prior to its removal. This can be ensured via a planning condition if planning permission is granted.

### ECOLOGY

The ecological mitigation measures are considered appropriate in context of the impacts of the development and have taken account of the requests of the Public Rights of Way officer to provide improvements to the Public Rights of Way network. It is considered that subject to legal advice regarding the detailed wording of the Unilateral Undertaking that the measures offered above are adequate to provide appropriate ecological enhancement measures in connection with this development.

### HIGHWAY MATTERS

Concerns have been raised regarding the purpose and value of the revised highway works incorporating the roundabout off Shipdham Road and the replacement two-way bridge. The proposed reconfiguration of the vehicular access arrangements would facilitate the provision of a link road that would assist in removing traffic heading into Norwich via the A47 away from the Tavern Lane junction by directing them onto the A47 via Shipdham Road. The link road would need to be of sufficient carriageway width to accommodate the anticipated traffic levels but these matters would be determined at reserved matters stage. This is considered to represent a benefit of the scheme and to the wider area, and it is on this basis that the removal of the requirement for the offsite highway works at the Green Lane/Tavern Lane junction have been accepted in this case.

Issues have also been raised regarding cycle links and the contribution the development should make to the wider cycle network in the southern section of Dereham. The details of the cycle links would come forward as part of the reserved matters application and the agent has acknowledged that the offsite highway works required in connection with the scheme could also include improved connections to the existing National Cycle Network Route 13 which currently runs in proximity to Shipdham Road. There would be scope to incorporate such linkages into the detailed design of the highway works, which is considered to represent a positive benefit along with the 2.2km of cycle routes that would be provided within the site.

#### CONCLUSION

It is considered that the issues explored in this updated report relating to heritage impacts have been adequately addressed. There is scope to achieve ecological improvements associated with the scheme that can be ensured via a S106 Unilateral Undertaking. The improvements to the vehicular and cycle network represent significant potential benefits and it is on this basis that the scheme remains recommended for approval.

#### RECOMMENDATION

APPROVAL is recommended subject to:

- the removal of the requirement for a payment of £182,550 for the restoration works to the River Tud as these works would be undertaken as part of the scheme agreed via the Unilateral Undertaking.

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**and** subject to the additional following condition:

No works shall take place to the railway bridge known as 'Bridge 1692' until a detailed report recording the construction methods, materials and architectural details of the bridge has been submitted to and approved in writing by the local planning authority.

Reason – To ensure that an accurate record is made of this non-designated heritage asset in accordance with the advice set out in Paragraph 199 of the NPPF.