

Planning Committee Report – 13th January 2020

Reference: 3PL/2010/1361/F

Land East of Yaxham Road and south of Dumpling Green, Dereham

Erection of 255 dwellings with associated open space

RECOMMENDATION: APPROVE

1 Reason for committee consideration

1.1 The application is locally controversial.

2 Key issues

Principle of development
Highway Safety and Access
Impact on character of the area and landscape
Amenity
Ecology
Flood Risk
Trees and Hedges
Contamination
Heritage
Crime and Surveillance
Planning Obligations

3 Description of development

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

- Residential development of the site, comprising a total of 255 residential dwellings;
- Construction of two new vehicular access junctions into the site from Yaxham Road, in order to serve the development;
- An area of Public Open Space, to be utilised by both new and existing local residents (Policy ENV04 compliant).

4 Site and location

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

4.2 The site lies immediately adjacent to the existing Settlement Boundary of the town. To the north-west, the existing Grade II Listed dwelling of Green Farm

and the neighbouring dwelling of Willow House lie between the site and Dumpling Green, whilst to the north-east the detached dwelling and curtilage to Poppyfield is similarly accessed off Dumpling Green. To the south lies the detached farm house and associated buildings of Horseshoe Farm.

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

5 EIA required

No

6 Relevant site history

- 6.1 No relevant site history

7 Policy Considerations

- 7.1 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
ENV03	The Brecks Protected Habitats & Species
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	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
HOU01	Development Requirements (Minimum)
HOU02	Level and Location of Growth
HOU06	Principle of New Housing
HOU07	Affordable Housing

HOU10 Technical Design Standards for New Homes
TR01 Sustainable Transport Network
TR02 Transport Requirements
INF02 Developer Contributions
LBC Planning (Listed Building & Conservation Areas) Act 1990
NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

8 Obligations/CIL

8.1 The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This would include the following for this development:

Education contributions:

Toftwood Infant School 29 x £14,022 = £406,638

Toftwood Community Junior School 35 x £14,022 = £490,770

Total education contributions sought = £897,408

Library contribution - £19,125 (i.e. £75 per dwelling)

Healthcare Contribution - £92,575

Provision of 18% (46) affordable dwellings with a tenure split of 70% affordable rented housing and 30% shared ownership and an appropriate mix of unit sizes. Positive, late stage review mechanism to be secured to ensure that any uplift in the viability of the scheme is captured as an additional affordable housing contribution (noted that this amount shall not exceed the equivalent of 25% affordable housing provision).

On-site open space provision and maintenance contributions in accordance with Policy ENV04 of the Local Plan

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. A maintenance/mitigation contribution or commuted sum for new and existing GI features may also be required.

With regard to the promoted circular 'health walks' proposed a contribution of £30 per dwelling is sought for the improvement of signage, surfaces and boardwalks on the routes. Within this amount there will also be opportunities to create signage to link routes together and the creation of leaflets to promote these walks for the residents of the new development.

£500,000 towards a footbridge/two way bridge at Westfield Lane.

Residential Travel Plan

1 hydrant per 50 dwellings (to be secured by condition)

9 Consultations

Dereham Town Council 20/07/2019

Why was there no study of the ground water hydrology, as changes could affect the natural springs rising within Badley Moor.

5/08/2019

One of the key considerations for people in Dereham is the level of congestion and the lack of cycling provision.

Concerns have been raised about potential labelling mistakes in the document which are considered to undermine it as a technical document. The Town Council note that the applicants have accepted that there are limitations within the modelling and consider that the computer model may not have been calibrated correctly to produce accurate results. Therefore, the TA is not robust. The percentage impact which a development will have on the network is an irrelevant matter for the Planning Authority to consider unless it related to level of mitigation being proposed. The Planning Authority should be considering the NPPF paragraph 109, which states that developments can only be refused on Highways grounds if the residual cumulative impact is deemed to be severe.

The Dereham Transport Study 13.1.5 states (with reference to the NPPF) that it has only proposed junction improvements where they are needed to prevent the impact of growth being 'severe'. One of those improvements was a signalised roundabout at Tavern Lane which has now been deemed to be undeliverable. Because the Dereham Transport Study identified a signalised roundabout at Tavern Lane would be needed to prevent any growth having 'severe' impact on the junction, the only reasonable conclusion that can therefore be drawn is that because no improvements to Tavern Lane can be implemented then the impact of any development in Dereham will be 'severe'. Given that it has now been identified in the revised TA that most of the junctions will be operating over their design capacity by 2025, it should be concluded that the residual cumulative impact will be severe.

For the Saturday and weekend peak, the TA seems to have used the same travel to work data to predict how traffic will be distributed on the network. Travel patterns on a weekend will be completely different to that on a weekday, an alternative distribution should have been used to distribute weekend traffic on the network. The TA only contains a 'simple assessment' of potential cycle routes rather than a 'comprehensive and systematic' assessment as required by the NPPF (para 103). The proposed off-site cycle link does not provide a convenient link to the existing cycle network, it does not provide a genuine choice of mode of transport. The off-site provision is

fragmented, there are two separate cycle links requiring cyclist to dismount and walk for a section between the cycle links. The cycle link terminates at the level crossing on Yaxham Road, here the road network is unsuitable for cycling. The TA agrees that the road network is unsuitable for cyclists. The application should be turned down because the TA does not deal with this junction in a 'comprehensive and systematic' manner as required by the NPPF, only the positive elements of human behaviour have been considered the negative aspect of increased risk taking have not been taken into consideration. The TA has not made any assessment of the impact which vehicles diverted from this junction (due to the wait time) will have on other parts of the network.

A letter from Leathes Prior Solicitors dated 2nd September 2019 sent on behalf of Dereham Town Council has been received.

In summary it draws attention to the Development Plan policies (it should be noted that the letter was written in advance of the adoption of the Breckland Local Plan on 28th November 2019) and the Dereham Transport Study and Dereham Network Improvement Strategy. It also references the Norfolk County Council guidance document Safe, Sustainable Development.

It also references paragraphs 111 – which states that:

“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

It considers that the Transport Assessment submitted with the application is defective and fundamentally flawed for the reasons that:

- 1. The queue length data acquired for the Transport Assessment has not been used to properly validate and calibrate the model projecting future traffic conditions on the highway network.*
- 2. The Transport Assessment fails to properly assess the residual cumulative impact of the Proposal on the highway network. The Transport Assessment incorrectly assesses the highway impact of the Proposal on the basis of individual contribution of the Proposal to the impact on the highway network and fails to properly take into account the cumulative impact of all expected development in the relevant area (see further below).*
- 3. The Transport Assessment only includes a basic cycling assessment.*
- 4. The Transport Assessment of the applicant fails to identify measures that will be needed to deal with the transport impacts of the development. Specifically the impact of the Proposal on congestion at junctions which has been identified in the Transport Assessment of the applicant.*

It considers that the applicants should be required to provide a comprehensive Transport Assessment to allow for proper consideration of the proposal's

impact on the highway network and what measures are necessary to mitigate the adverse transport impacts.

The writer also makes reference to paragraph 109 of the NPPF which states 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.”

It was written in reference to the application potentially being heard at the 10 September 2019 Committee (the application was deferred).

It advises that on the basis of the report for that Committee there would be a case to judicially review the application if Members were minded to approve it.

It concludes by stating that:

“The Proposal has a severe residual cumulative impact on the highway network contrary to national planning policy. Accordingly, for the reasons set out above, the Proposal should be refused as being contrary to the guidance set out in the SSD and the TA Guidance and the policies contained in the NPPF.”

A further letter was received from Leathes Prior dated 6th November 2019. It makes reference to the Inspectors report into the Breckland Local Plan, in particular paragraphs 96-103. It draws attention to the following criteria in the policies relating to the Dereham allocations amended by the Inspector:

*“Development should contribute towards required highways improvements in Dereham having regard to the Dereham Transport Study **and any subsequent additional transport evidence. Further transport assessments may be required;**”* [Inspectors amendment in bold].

It concludes by stating that:

“The Inspectors report, the modification to the Emerging Local Plan and the opinion of Counsel lend further weight to our client’s position that the Applications should be refused as contrary to planning policy and any decision to approve the applications could be subject to challenge by way of judicial review.”

A Counsel’s opinion on behalf of Dereham Town Council has also been submitted and was received on 6th November 2019.

In summary it concludes that:

“a. Paragraph 109 of the NPPF acts as a policy bar on applications being refused for highways reasons unless the development will result in severe residual cumulative impacts on the transport network. The correct interpretation of ‘residual cumulative impacts’ is those impacts of the development which will still exist after any identified mitigation measures viewed in the context of existing highways issues. (‘Existing’ here is capable of including committed development, although in theory arguments could be mounted that committed

development might not be delivered). This interpretation accords with the normal meaning of the words: it is otherwise difficult to see what 'cumulative' impacts could possibly mean. It is also supported by the decision in Bovis Homes v Secretary of State for Communities and Local Government [2016] EWHC 2052.

b. In the context of the undecided applications, the transport assessments for each confirm that they will cause additional traffic on parts of the road network which are already overcapacity. The assessments consider that because the number of additional movements generated by the developments is low, the impact is not significant. This is not the test that the LPA has to apply. The LPA has to consider whether the impacts in the context of the existing situation are severe.

c. Any failure by the LPA to apply that test would leave the decision open to challenge on the grounds that it had misinterpreted the NPPF, or irrationality.

d. It is reasonably arguable that given NCC's guidance on what it considers to be a 'severe' impact, any development which worsens the situation at an already unacceptable junction will meet the threshold of 'severe residual cumulative impacts'.

e. In relation to the applications I have been asked to consider, I consider that the Transport Assessments and Officer Reports in respect of each fail to engage with this issue, and (although I acknowledge that the applications have yet to be determined) if this is not addressed then any permission is potentially open to challenge."

These points are addressed below.

Norfolk County Council (Highways)

With regards to the offsite works. The applicant is proposing a roundabout on Yaxham Road which will not only provide an access to their development but will also act as a gateway feature and will slow traffic down.

In addition two toucan crossing facilities are proposed with a footway/cycleway along the site frontage. The applicant has identified a pinch point along the footway/cycleway, although the highway authority considers that this could potentially be overcome through the detailed design process by potentially narrowing the carriageway. The precise locations of the Toucan crossings will also be determined through the detailed design. In addition the applicant is proposing some minor works to the Mid Norfolk Railway bridge which moves the footway and creates better footway provision across the bridge.

There will be development along the site frontage, a new footway/cycleway, toucan crossings and a roundabout, the 30mph limit should be extended to a point south of the new roundabout. Given the above comments and subject to further confirmation from the applicant regarding any minor amendments they would be willing to accommodate with regards to the layout, the local highway

authority has no objection subject to the recommended conditions. It is acknowledged that some junctions in Dereham are congested particularly around the Tavern Lane junction. The highway authority recently undertook a scheme to help alleviate some of the congestion issues and a network improvement strategy which also looks at what can be done to help alleviate some of the congestion issues.

Dereham is unusual in that, there is a particular congestion issue around Saturday lunchtime. Because of this, the applicant was required to undertake an assessment of the impact of the development on a Saturday. With regard to the development and its impact on the adjacent highway network. The information supplied by the applicant indicates that after the existing and committed development has been taken into account, the development will have between a 1% and 4% percentage impact during the weekday peaks and between a 1% and 3% percentage impact on the weekend traffic.

The transport assessment takes into account the already consented development including the Westfield Lane/Shipdham Road site. For the Tavern Lane junction, the total 2025 base plus committed development flows in the morning peak period is 2754 vehicles. The development is expected to add an additional 42 vehicles to the total junction traffic which equates to less than one every minute. For the afternoon peak, the 2025 base plus committed development flows are 2962 and the development traffic is 44, again less than one vehicle per minute. For the 2025 weekend flows, the base plus committed total junction flow is 2768 and the development traffic is 21 vehicles which equates to roughly one vehicle every three minutes. This increase in traffic and its associated impact is not significant.

The applicant has undertaken some traffic modelling of junctions within the town. Traffic modelling is a useful tool in informing the local highway authority's recommendation. No traffic model is ever 100% accurate and discrepancies do exist. However combined with the local knowledge it can help inform decisions. The traffic modelling does demonstrate that there will be an increase in congestion at some junctions. This increase will occur not only as a result of development but also as a result of general growth in background traffic (such as more local residents driving, changes in travel behaviour, changes in jobs, children turning 17 and driving/obtaining a car etc). The impact of the development itself on the junctions modelled is not significant.

The development is coming forward with a Travel Plan. The submitted TA does not include any allowance for the impact of a travel plan so represent a worst case scenario.

The development site is within walking/cycling distance of all key facilities within the town centre and the applicant has undertaken a walking and cycling audit. This considers both school routes as well as routes to other facilities. The walking and cycling audit within the TA is to inform the highway authority's formal recommendation and to identify where improvements, such as dropped

kerb crossings, Toucan crossings etc. can be reasonably delivered. The assessment undertaken is appropriate to inform the highway authority's formal recommendation. The applicant has proposed a number of mitigation measures which not only enhance pedestrian/cycling facilities, such as Toucan Crossings on Yaxham Road but also provides connections along Yaxham Road to connect into existing facilities. There will be a footway/cycleway from the development to existing facilities at the Yaxham Road roundabout.

There are constraints regarding cycling particularly through the Tavern Lane junction, however no work has yet been undertaken which identifies how this pinch point can be alleviated in terms of cycling. It is also not reasonable to expect this development to resolve any walking/cycling pinch points within Dereham when there is no walking/cycling policy in place to justify the improvements. Any mitigation from a development needs to be directly related to that development so the provision of facilities to tie into existing facilities is justified but additional facilities beyond that tie in, would not, in the opinion of the highway authority, be appropriate and would not accord with NPPF in that mitigation measures are directly related to the development and fairly and reasonably related in scale and kind to the development.

The applicant has identified opportunities to promote walking, cycling and public transport through the delivery of off-site works to connect the site to existing walking and cycling routes. The Travel Plan will also encourage the use of sustainable modes. Safe and suitable access to the site can be achieved for all users through the provision of the roundabout, a priority junction and appropriate pedestrian/cycle access. In terms of significant impacts being mitigated, the highway authority considers that whilst there is an impact on what is already congested network, the impact is not significant.

Finally with regard to the Paragraph 109, for the reasons stated above the highway authority considers that the development traffic would not lead to an unacceptable impact on highway safety and would not lead to a severe residual impact. Therefore the highway authority continues to maintain its original recommendation of no objection subject to conditions and subject to a S106 Agreement being in place which secures the Travel Plan funding and the contribution to the replacement railway bridge over the Mid Norfolk Railway.

Further comments were received from the Highways Authority on 20th December 2019.

These state that in light of recent correspondence and information submitted, the highway authority has reviewed the information provided throughout the life of the application and in relation to concerns and issues raised by interested parties.

The highway authority acknowledges that some junctions in Dereham are congested particularly around Tavern Lane. The highway authority recently undertook a scheme at Tavern Lane to help alleviate some of the congestion issues. The highway authority has also undertaken a network improvement

strategy which also looks at what can be done to help alleviate some of the identified congestion issues. The highway authority acknowledges that the Town Council has also undertaken significant work to look at the congestion issues within the town and it understands that the Town Council considers the Tavern Junction to be its key area of concern. It is understood the Town Council is also looking at the potential for delivering better cycling facilities/schemes. The highway authority understands that at present the cycling work is ongoing and no potential schemes that can be incorporated into policy have been identified.

Dereham is unusual in that, unlike most market towns in the county, there is a particular congestion issue around Saturday lunchtime. Because of this, the applicant was required to undertake an assessment of the impact of the development on a Saturday. Residential development is only normally required to assess a morning and afternoon peak as that is when the development generally generates most of its trips and also when the network is at its busiest.

With regard to this proposed development and its impact on the adjacent highway network the Transport Assessment and subsequent addendums clearly set out the impacts of both the committed development and the impact of the proposed development. There are tables and figures which outline the base, base and committed and base and committed and development flows and include consented development at Westfield Lane/Shipdham Road. In addition, Temprow growth rates have been applied to assess future growth on the highway network. Temprow is used for calculating background traffic, is based upon site allocations and covers general growth of traffic. It enables an assessment of future growth on the local highway network. Given the information supplied within the documents submitted the highway authority considers that the residual cumulative impact of the development has been properly assessed on behalf of the applicant.

The applicant has undertaken some traffic modelling of junctions within the town. Traffic modelling is a useful tool in informing the local highway authority's recommendation. No traffic model is ever 100% accurate and discrepancies do exist. However combined with the local knowledge of the highway authority modelling can help inform a highway authority's decision. The traffic modelling demonstrates that there will be an increase in congestion at some junctions. This increase will occur not only as a result of this proposed development and other committed development but also as a result of general growth in background traffic (such as more local residents driving, changes in travel behaviour, changes in jobs, children turning 17 and driving/obtaining a car etc). Whilst an increase in congestion and a reduction in capacity is an impact of development, this is not considered unacceptable by the highway authority.

The applicant has also undertaken some sensitivity testing. Given that the Westfield Lane/Shipdham Road application has a recommendation for approval, subject to the completion of a S106, it is appropriate to consider whether or not the provision of a link road between Yaxham Road and

Shipdham Road would have an impact on the Tavern Lane junction with vehicles (particularly those heading to and from the A47 eastbound) potentially reassigning from the current route of Yaxham Road through the Tavern Lane junction to the A47 on-slip to a route over the new railway bridge. This modelling demonstrates that there could be a benefit to the Tavern Lane junction if this route were available. This application (Dumpling Green) provides the roundabout at the junction of Yaxham Road and Westfield Lane and will provide a £500k contribution to the provision of a new bridge over the Mid Norfolk Railway.

This proposed development is coming forward with a Travel Plan. Travel Plans are generally more effective in larger residential developments (such as this) as facilities are provided on site (footways/cycleways) and promotions such as cycle vouchers/bus tickets/train tickets are provided which encourage residents to use alternative modes. The county council's travel planning team which operates at sites around the county is able to demonstrate a reduction in trip generation from residential developments. The submitted TA does not include any allowance for the impact of a travel plan so represents a worst case scenario.

Paragraph 102 of the NPPF states... *transport issues should be considered ... so that... opportunities to promote walking, cycling and public transport use are identified and pursued.* Paragraph 103 states ..*Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.....However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making....*

The proposed development site is within walking/cycling distance of all key facilities within the town centre and the applicant has undertaken a walking and cycling audit. This considers both school routes as well as routes to other facilities. The walking and cycling audit within the TA is designed to inform the highway authority's formal recommendation and to identify where improvements, such as dropped kerb crossings, Toucan crossings etc. can be reasonably delivered. The highway authority considers the assessment undertaken is appropriate to inform the highway authority's formal recommendation. The applicant has proposed a number of mitigation measures which not only enhance pedestrian/cycling facilities, such as Toucan Crossings on Yaxham Road but also provides connections along Yaxham Road to connect into existing facilities. There will be a footway/cycleway from the development to existing facilities at the Yaxham Road roundabout.

The highway authority acknowledges that there are constraints regarding cycling particularly through the Tavern Lane junction, however no work has yet been undertaken which identifies how this pinch point can be alleviated in terms of cycling. It is also not reasonable to expect this development to resolve walking and cycling pinch points within Dereham when there is no walking and

cycling policy in place to justify such improvements. Any mitigation from a development needs to be directly related to that development so the provision of facilities to tie into existing facilities is justified but additional facilities beyond that tie in, would not, in the opinion of the highway authority, be appropriate.

Para 108 of the NPPF also states that *In assessingspecific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

In response to Paragraph 108 the highway authority considers that the applicant has identified opportunities to promote walking, cycling and public transport through the delivery of off-site works to connect the site to existing walking and cycling routes. The Travel Plan will also encourage the use of sustainable modes. The highway authority considers that safe and suitable access to the site can be achieved for all users through the provision of the roundabout, a priority junction and appropriate pedestrian/cycle access. In terms of significant impacts on the transport network being mitigated, the highway authority considers that whilst there is (in terms of capacity and congestion) an impact on what is already a congested network, the impact is not significant.

Finally with regard to the Paragraph 109 of the NPPF which states *...Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.* The highway authority considers that the development traffic would not lead to an unacceptable impact on highway safety and would not lead to a severe residual cumulative impact.

Therefore the highway authority continues to maintain its original recommendation of no objection subject to conditions, the outstanding layout issues identified being resolved and subject to a S106 Agreement being in place which secures the Travel Plan funding and the contribution to the replacement railway bridge over the Mid Norfolk Railway.

Should the application be approved the highway authority recommends that conditions be applied.

Environment Agency

Foul Drainage

In our previous response (letter dated 15th August 2014 ref AC/2011/113605/05) we also provided advice regarding capacity at local Waste Water Treatment Works to serve this site; our advice from 2014 still stands, there is not capacity at Dereham but there is sufficient capacity at Mattishall. In

our previous response we also recommended foul drainage conditions; these remain pertinent and we wish to retain these conditions.

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Norfolk Wildlife Trust

It appears that Environment Agency (EA) are satisfied, but looking at the December 2013 email from Natural England (NE), which appears to pass responsibility to EA, there's no specific reference to what may or may not happen to the Norfolk Valley Fen SAC, and no specific reference to groundwater movement. To the best of my knowledge, EA's subsequent responses only cover surface water issues (run-off and foul water), which appear to be adequately covered via the nearby Mattishall treatment works. Regarding great crested newts (GCN), we were surprised to find that none were found on the most recent survey round. The survey methods appear sound, but populations often exist based around a series of linked ponds, with breeding populations able to cope with occasional ponds drying out before recolonising when suitable again. Given the previous results, we'd recommend a condition requiring a precautionary approach to site clearance, plus the inclusion of features in the landscaping to promote restoration or connectivity in the wider landscape for GCN post-development.

NCC: PROW Officer

The development plans propose links from the site to Dereham Public Footpath 26 along the northern boundary. This footpath, travelling west, links to Dereham Public Footpath 11 across Yaxham Road, and the two combined provide an off-road link to the schools off Westfield Road, and ultimately to the town centre and the nearby Norfolk County Council (NCC) promoted Potters Fen circular health walk via footpaths and footways. It is requested that the developer carry out surface improvements (and clearance works) for footpaths 11 and 26 to mitigate against the increased footfall and to provide an accessible route to school and beyond.

Footpath 26 also links eastwards to the wider public rights of way network providing opportunities for short and longer circular walks and access to the NCC promoted Yaxham circular health walk to the south-east, and so we would also require the developer to carry out surface improvements for the eastern section of Footpath 26 to mitigate against the damage of increased footfall.

In regard to these promoted circular health walks a contribution of 30 per dwelling is sought for the improvement of signage, surfaces and boardwalks on the routes. Within this amount there will also be opportunities to create signage to link routes together and the creation of leaflets to promote these walks for the residents of the new development

Anglian Water

No objection - Hopkins Homes is engaging with us regarding the foul drainage strategy for the site. We have given them a foul drainage connection point in Dumpling Green which will direct flows to Dereham Water Recycling Centre. Anglian Water has implemented a strategy which has diverted flows from the Dereham catchment to the Swanton Morley Water Recycling Centre. This strategy addresses the issues in parts of the local network and will help create additional capacity at Dereham works.

Historic Buildings Consultant

No comments.

Contaminated Land Officer

The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Approval of the application is recommended providing the development proceeds in line with the application details and subject to conditions including an updated SI given that the original DS/SI is now nine years old.

National Grid

No objection.

Whinburgh & Westfield P C

The site is a green field site, and is outside the Dereham Settlement Boundary. No attempt has been made to justify the development on the grounds of agricultural dwellings or other acceptable exceptional reasons.

The development will result in an unacceptable increase in the traffic on the B1135, a road which struggles to cope with present volumes. The inadequate and under-estimated figures for traffic movements provided fail to take account of the approved development of the new Recycling Centre in Dereham. The B1135 is the main route for our parishioners to access Dereham itself (including Tesco), and also the A47 for Norwich and Swaffham and beyond. The increased traffic on the road will severely impact

this access. Vehicles leaving the proposed development heading for Watton, Thetford, and beyond will cut through Whinburgh and then Westfield heading for the A1075. Again, these roads are single track, and unable to handle any increase in volumes. Alternately, they will travel along Westfield Lane, over the narrow railway bridge, on a road which is already busy because of the Toftwood Infant School, causing increased danger to the school children.

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

The revised drainage assessment still seems to pay little respect to the nearby County Wildlife sites, and the great crested newts seen in the earlier survey seem to have vanished.

The new traffic survey seems to have been carried out on the theoretical national peak traffic times rather than the actual peak times which occur in Dereham. This survey seems to come to very different conclusions to the one carried out for Breckland.

Mid Norfolk Railway Preservation Trust

Evidence from the writer's own eyes in recent times, of the congestion along Yaxham Road South queueing up to the A47 roundabout, for passage over the Mid Norfolk Railway's Level Crossing, makes clear to me that the several historic Consultation Responses of our then Director, should be taken very seriously. In his responses dated 20th February 2013 and 23rd December 2013, he calls for contributions toward an improved Level Crossing warning and lighting system; his justifications are recorded within his several letters.

I must make plain that the Level Crossing belongs to the MNRPT and it is the MNRPT which needs to pay for road closure costs and those associated with repairs to the road and pavements. Greater traffic flows equal greater repair costs. MNRPT therefore places its objection upon this Application until such time as it receives assurances of a substantial five figure S106 contribution toward the fund already held by Breckland Council, for the purpose of updating the Crossing and its repair.

H M Inspector of Railways

No comments.

Ramblers Association: Norfolk Area

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

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

Tree and Countryside Officer

The report from Haydens gives up to date information regarding the trees on site though no information relating to the implications of the proposed layout on the trees/hedges associated with site. It will be necessary to provide an Arboricultural Impact Assessment, Method statement and Tree Protection Plan based on the information contained within the supplied survey and the layout provided.

Flood & Water Management Team

I can confirm that the County Council as Lead Local Flood Authority has no comments to make.

Yaxham P C

The Parish Council strongly objects to this proposal because of its size, location and the traffic problems it will cause.

The site is outside the Dereham Settlement Boundary. There are drainage/flooding implications. Water runoff could have consequences for the River Tud. There are ecological concerns relating to flora and fauna and the proximity to the SSSI.

Highways issues were a major factor in ruling this site out of the emerging Local Plan. That plan was based on a signalised roundabout being installed at the Tavern Lane junction. NCC Highways have declared this as unfeasible. So, how, will the road system cope with this development and other permitted sites including 291+ dwellings from the Toftwood allocated site (3PL/2015/1490/O - resolution to grant 12/2018) and the further 100 dwellings agreed (3PL/2017/0563/O resolution to grant 12/2017) on the Westfield Road?

The resolution to grant for the Toftwood allocated site, included the requirement for the replacement of the single carriageway bridge on Westfield Lane with a fully functioning two-carriageway bridge. This application is said to have taken account of recent permissions within the area but does not appear to have realised that the Westfield Lane bridge is going to be radically upgraded, otherwise how and why does this application and the Officer Report, make reference to the footpath upgrades it proposes to the existing bridge? A two way bridge is going to make it a lot easier for traffic from the Shipdham Road by-passing central Dereham to come out onto the proposed Yaxham Road roundabout. Therefore, the Transport Assessment is out of date and needs re-modelling.

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

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

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

Historic Environment Service

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

Highways England

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

Obligations Officer, Norfolk County Council

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

Education contributions:

Toftwood Infant School 29 x 14,022 = £406,638

Toftwood Community Junior School 35 x 14,022 = £490,770

Total education contributions sought = £897,408

Library contribution - 19,125 (i.e. 75 per dwelling)

Fire hydrants

Crime Reduction & Architectural Liaison Officer

I note the two vehicle access points into a cul-de-sac design development with no through routes and back to back garden design, which contributes to a really well laid out site and very encouraging as increased permeability is linked to increased crime. Other points have been made about boundary treatments, parking including avoiding unsurveyed car parking areas, spaces and garages and the use of parking courts and lighting.

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 Councils affordable housing policy as per HOU07 of the Councils local plan document. At present a 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. It is noted that 18% affordable housing is proposed based on a viability argument. This has been tested externally by the DV and confirms this is the maximum which can be provided on site. Therefore a clawback provision will be required as part of the S106 agreement. The affordable housing mix i.e., unit types, layout etc. has been considered and the split of homes is considered acceptable and to meet the districts need.

Representations

A total of 103 letters have been received their comments are summarised as follows:

- The development would result in excessive additional traffic congestion to the detriment of the local highway network;
- The development would result in an unacceptable loss of green space;
- Local infrastructure such as doctors, dentists and schools cannot accommodate the additional impact that would arise from the development;
- The development site is not identified as part of the Local Plan and as such permission should be refused;
- Dumpling Green is a private road and as such the consent of the private landowners is required for any footpath connecting to it;
- There are inadequate local employment opportunities for future residents which would result in the likelihood of them having to travel significant distance to access employment and use the highways, exacerbating existing congestion;

- Has the development been considered cumulatively with approved schemes off Westfield Lane?
- The development will have negative implications for wildlife, including deer
- The site is subject to high flood risk which would be exacerbated by the proposed development;
- The development would result in the loss of agricultural land;
- The development is outside of the settlement boundary and would result in urban sprawl;
- The development would harm nearby SSSI's;
- The development would result in excessive additional pollution, including light pollution, noise pollution, litter and human pollution.
- The development would increase traffic onto Yaxham Road
- The development would lead to gridlock at the Tesco's roundabout
- Dumpling Green should be kept as a farming area
- The development would result in a loss of mature hedging and trees
- The development would negatively impact on the quality of life of surrounding residents
- Inadequate access to the site is proposed
- There are other more suitable sites in Dereham for development
- The drainage proposals for the development are inadequate
- The proposed housing density is excessive
- Dumpling Green bridleway is historic and should be preserved
- The development would lead to an increase in crime
- The development would result in a loss of rural character
- 40% affordable housing is excessive

Councillor Morton also commented as follows:

There is nothing to fulfil conditions spelt out in Breckland Policy DC 14. A cycle route to Northgate school is outlined but no mention of Neatherd School which is closer and could be done on cycle lanes away from main roads. Some investment would be needed but it would attract cyclists whereas it is difficult to see parents sending children along the roads suggested in the proposals.

10 Assessment Notes

Principle of development

- 10.1 The application site lies outside the designated development boundary of Dereham but lies to the east and south of the boundary, to the east of Yaxham Road and South of Dumpling Green.
- 10.2 Planning Law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) and the National Planning Policy Framework (NPPF) requires that applications be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The NPPF is a significant material planning consideration.

- 10.3 The NPPF requires that in cases where there are no overriding material considerations to the contrary, development proposals for housing that accord with the development plan should be approved without delay (paragraph 11).
- 10.4 Policy GEN01 of the Breckland Local Plan and Paragraph 38 (Section 4) of the NPPF seek to approve applications for sustainable development, where possible. Paragraph 11 of the NPPF sets out 'a presumption in favour of sustainable development'. Policy GEN03 seeks to delivery housing in accordance with the settlement hierarchy with Dereham a 'Market Town', being identified as a key location to deliver housing growth.
- 10.5 Policy GEN05 states that development outside the defined settlement boundaries (such as this) should be restricted to recognise the intrinsic character and beauty of the countryside. Development outside defined settlement boundaries will only be acceptable where it is compliant with all relevant policies within the Local Plan and recognises the intrinsic character and beauty of the countryside. This is addressed in more detail below. The proposed development is considered to accord with GEN01 and GEN03 being sustainable development in accordance with the settlement hierarchy and this is also explained further below.
- 10.6 If it is considered that development does not accord with the development plan, consideration should be given as to whether there are other material considerations that otherwise indicate that development should be approved. Of particular relevance to this would be Paragraphs 11 and 38 of the NPPF, which also support sustainable development.
- 10.7 The Council can now demonstrate a five year housing land supply having regard to paragraph 74 of the NPPF and therefore policies within the Local Plan are afforded full weight. Having regard to this, and in accordance with paragraph 11 of the NPPF, development proposals that accord with an up-to-date development plan should be approved without delay.
- 10.8 Policy GEN05 seeks to restrict development outside of defined settlement boundaries to protect the intrinsic character and beauty of the countryside. Although currently a reasonably attractive open site, as recognised by consultation responses, the site is bounded by trees on its western boundary, along the Yaxham Road, which are to be largely retained. This will provide good coverage for the properties proposed. A large area of open space is to be retained off Dumpling Green to maintain the green character of the site in this location. Also, the open space to the southern boundary of the site will assist with the transition to the open countryside. Although, the proposals will inevitably change the character of this area, it is not considered to have such a significant impact that would change the intrinsic character and beauty of the countryside as to warrant refusal of planning permission in this sustainable location.
- 10.9 In respect of policy GEN05 the assessment against other relevant policies of the Local Plan is set out below.

10.10 For the reasons given above the proposal is considered to deliver sustainable development in accordance with Policy GEN01, GEN03 and GEN05 of the Breckland Local Plan (adopted) and paragraphs 8, 11 and 38 of the NPPF.

Highway safety and access

10.12 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.

10.13 The following paragraphs of Section 9 (Promoting Sustainable Transport) of the NPPF (2019) are also relevant:

102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

109. 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.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 10.14 The application has been the subject of a number of amendments since it was initially submitted in 2010 and the Transport Assessment has been through several iterations. With regards to the applicants submitted Transport Assessment, it would be appropriate to include the highway works proposed as part of this development in the modelling as they have not taken place and therefore the Transport Assessment (TA) is a representation of the worst case scenario i.e. if these works do not take place.
- 10.15 Concerns with regards to impact on the highway network, traffic generation and movement and accessibility are noted and have been taken into consideration in the determination of this application. The Highways Authority and Highways England have confirmed in their recent consultation responses that they have no objection to the proposals in this regard.
- 10.16 Highways England have suggested the inclusion of a condition to ensure queuing on the A47 slip road is monitored (in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority) so it does not back up on the A47. In the event queuing exceeds the levels as set out in the Transport Assessment they would require signage on the A47 making motorists aware. They have stated this is low risk and are therefore happy to deal with the matter in this way and have no objections on this basis. A condition is therefore recommended in this regard.
- 10.17 Concerns have been raised with regards to how the TA has been carried out and its robustness as a technical assessment. The Highways Authority and Highways England, do not have technical concerns with regards to the assessment submitted and as statutory advisors in this regard, and therefore carrying significant weight, the TA is considered robust for officers and members to consider and make a recommendation in this regard. The Highways Authority have confirmed that suitable assessment was carried out at weekends and the modelling, along with local knowledge, is sufficient to inform their assessment of the potential highway impacts. Other matters of concern have further been considered in detail below.
- 10.18 Tavern Lane Junction

The applicants have explained that if a junction is operating over its theoretical capacity, it does not mean that the level of operation at the junction is

unacceptable and in the event it is operating over capacity then it doesn't automatically mean the impacts are severe in the context of paragraph 109 of the NPPF. This view is supported by the Highways Authority.

- 10.19 In this context, junctions can operate over capacity and still be operating acceptably. A junction can be operating over capacity in the base situation and can continue to operate over capacity with development traffic, with both scenarios the junctions can be operating at an acceptable level. It is the impact the development has on the operation of a junction that is considered within the Transport Assessment (TA).
- 10.20 The submitted TA and further information provided demonstrates scenarios for the Tavern Lane/Yaxham Road junction and the Tavern Lane/A47 Slip Road junction. It is shown that the increase in vehicle movements equates to less than two vehicle movements per minute. This impact is not considered to be significant in accordance with paragraph 108 of the NPPF. The Highways Authority agree with the applicants in this regard.
- 10.21 The development will be contributing towards Travel Plan and Travel Plan measures, which would reduce travel by private car. These measures are not factored into the submitted Transport Assessment. As such, the Transport Assessment represents the worst-case scenario, with no allowance for a reduction in trips made. The development will also be providing a new footway/cycleway along the Yaxham Road frontage to connect into the existing footway/cycleway to the north, along with crossing facilities on Yaxham Road and improvements for pedestrians along Westfield Lane and over the railway bridge. This will also help to reduce trips.
- 10.22 The Highways Authority have confirmed that if the two way bridge at Westfield Lane is delivered (from application reference 3PL/2015/1490/O which was resolved to grant planning permission in November 2018) this would in-fact give more options for travelling vehicles in the area further taking pressure off the Yaxham Road/A47 roundabout in favour of this development. In addition, the applicants have confirmed that they will contribute £500,000 to the footbridge/road improvement works, this could potentially be widened, or pay for enhancements to the existing road bridge over the railway line.
- 10.23 If the link between Yaxham Road and Shipdham Road was available (which this development is contributing to), then re distribution of traffic (mainly those trips heading to Norwich) could be significant enough to make any residual impact on Tavern Lane absolutely minimal. Three scenarios have been assessed with different distribution of traffic, accounting for some development trips traveling via Shipdham Road and Westfield Road (via the new link road), rather than via Yaxham Road through the Tavern Lane signals. The sensitivity tests show that the residual impact would be minimal with less than a vehicle a minute, or at worst case an additional 1.2 vehicles a minute in the peak hours.

- 10.24 Option 2 works detailed in "The Dereham Study Report" (DTS) represents a moment in time in terms of traffic modelling and was produced in support of the evidence base for the current emerging Local Plan (not for individual planning applications). New development must be considered on its own merits and sufficient information provided to demonstrate any harm from the development and relevant mitigation. Development of the scale of this proposal is required to be accompanied by its own TA to demonstrate any impacts or necessary mitigation, in accordance with paragraph 111 of the NPPF (2018). This was also supported by the Inspector in his report into the Breckland Local Plan.
- 10.25 The DTS outlined two 'options' for works to the Tavern Lane junction to assist in informing potential growth options for Dereham for the emerging Local Plan. The Option 1 improvements at Tavern Lane were implemented by the Highways Authority with a grant of government funding. It is also noted that the Highways Authority have confirmed that the Tavern Lane works proposed are not deliverable. The roundabout would require third party land and its delivery would impact on access to existing properties. The option 1 works are considered to have created additional capacity at the Tavern Lane junction over that identified in the DTS.
- 10.26 The Inspector noted this in his report with regards to the Local Plan and concluded that he considered:
- 'the Dereham Transport Study and its addendum to be a reasonable basis to inform the Plan and consider the likely effects of the site allocations on Dereham . . . each of the five Dereham allocations includes a criterion 'Development should contribute towards required highway improvements in Dereham having regard to the Dereham Transport Study'. It was discussed at the hearing sessions that in the future new evidence may be commissioned and that this should be taken into account . . . Further, given the clear issues of congestion in Dereham, I consider that an alteration is also needed (MM36, MM38, MM40, MM42 and MM44) to refer to the fact that a further transport assessment is likely to be required to support planning applications for each allocation, in accordance with national policy'.*
- 10.27 The applicant has provided their own TA in support of the proposals and further information to address the concerns raised during the course of the application.
- 10.28 The applicants state that the option 1 mitigation works undertaken from the measures proposed within the DTS allow for the development of the Dumping Green site for up to 300 dwellings within the medium term growth, 8% scenario. As such, the improvement works proposed by the development of the other sites, together with those that have already been implemented by NCC at the Tavern Lane / Yaxham Road signal junction, fully allow for the proposed development of 255 dwellings.
- 10.29 Any further highways works to support future growth will be considered as part of the Local Plan review and are not a matter for this application.

Residual cumulative impacts

- 10.30 The Transport Assessment considers the residual cumulative impacts of the proposed development taking into account the cumulative impact by assessing committed development in the area. The Transport Assessment assesses development at Land off Shipdham Road, Westfield Road and Westfield Lane (Ref: 3PL/2015/1490), as agreed with Norfolk County Council (NCC) Highway Authority. Furthermore, the Transport Assessment uses Temprow growth rates to assess future growth on the local highway network. The inclusion of traffic growth would include allocated sites as Temprow (which is used for calculating background traffic) is based upon site allocations and covers general growth of traffic. The Temprow growth factors allow assessment of future years, with growth applied to base traffic, which enables assessment of future growth on the local highway network.
- 10.31 If the Dumpling Green site is permitted, the following mitigation, improvements and contributions have been agreed, as outlined in the TA Addendum:
- New roundabout junction at Yaxham Road / Westfield Lane
 - New 3.0m footway / cycleway along Yaxham Road to connect to the existing footway/cycleway to the north in vicinity of the Yaxham Road / A47 slip road / Kingston Road roundabout.
 - Two new toucan crossings on Yaxham Road (one to the north of Westfield Lane and one to the north of Dumpling Green)
 - Bridge improvements on Westfield Lane, to include pedestrian improvements over the bridge on Westfield Lane. This will include new coloured surfacing to provide a footway along the northern side of Westfield Lane that connects to the footway to the west. This opens up the route along Westfield Lane for pedestrians.
 - Contributions of £500,000 towards future improvements to pedestrian and/or vehicle crossing movements over the railway line at Westfield Road.
 - Travel Plan Contributions.
 - The site will provide 46 affordable homes, substantial areas of new public open space, alongside the financial contributions to other essential infrastructure such as nearly £900,000 towards education provision.
- 10.32 These measures will be the subject of appropriately worded planning conditions. There is therefore an appropriate provision of measures to mitigate the residual cumulative impact the proposal will have on the highway network. The applicant has submitted sufficient evidence to demonstrate that this development can be accommodated without severe residual cumulative highway impacts. Therefore, works over and above those proposed to make this development acceptable (as confirmed by the HA and HE) would be unreasonable for this development to provide.
- 10.33 Further comments have been raised by Dereham Town Council with regards to the cycle strategy which has been submitted in support of the Transport Assessment. Paragraph 103 of the NPPF states:

The planning system should actively manage patterns of growth in support of these objectives. Significant development 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 10.34 The Transport Assessment includes a basic cycling assessment. The cycling assessment was agreed with NCC Highways Authority in advance, to be along the lines of the walking assessment, identifying existing provision, what provision the development is proposing and how that connects to the existing provision. The Highways Authority have recommended that the cycle strategy is fit for purpose and no further information is required. The Town Council comments are noted with regards to suitable cycling provision. However, this application cannot be required to 'right' an existing poor situation. The application makes an improvement to current provision and to serve the new development through the proposed off-site cycleway/footway, which is supported by the Highways Authority. These matters will be conditioned, along with a Travel Plan, and contributions which will also help in this regard.

Impact on character of the area and landscape

- 10.35 Policies 12 of the NPPF and GEN02 and COM01 of the Local Plan (adopted) seek to protect the character of an area and promote high quality design. 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.
- 10.36 The application is a full planning application with all details provided. Recently amended plans have been received amending all the house types to comply with the Nationally Described Space Standard, as required by policy HOU10 of the Local Plan and water efficiency measures can be conditioned in accordance with this policy.
- 10.37 The proposed development contains an appropriate mix of 2, 3, 4 and 5 bedroom dwellings. Details of materials have been submitted with the application and includes a good mix of red and buff bricks as well as some rendered properties largely under pantile roofs with detailing including weatherboarding to some plots. These external finishes are considered to be appropriate for this context and would blend well with the surrounding character of the area. There is also a mix of storey heights proposed with single storey dwellings, largely located to the north of the site, close to Dumpling Green, as well as 1.5 stories, two stories, two and a half stories and some three storey dwellings located to the centre of the site, distanced from existing properties. A mix of affordable dwellings have been spaced across the site and the Housing Officer raises no objections in this regard.
- 10.38 Section 11 of the NPPF seeks to make an effective use of the land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The site density, at 15 dwellings per hectare is very low. It is

noted, however, that the site area does include significant attenuation and open space. The latter provides a green edge to the development to allow it to fit with the wider character of the area. The proposal is therefore considered to be in accordance with the requirements of Section 11 of the NPPF.

- 10.39 Open space is to be provided to the north of the application site, largely off Dumpling Green, providing spacing to dwellings off Dumpling Green, as well as a Green Infrastructure (GI) corridor in this location and a green edge to the development. There are other pockets of open space to be provided across the site to meet the requirements of adopted policy ENV04, as required by the Section 106 agreement. These include open space to the southern and western boundaries of the site and two linear strips running through the centre of the site. GI contributions are also sought, as well as contributions for signage for the circular route. The green edge to the site is considered to assist with the development blending in with the wider open character of the area, as well as preserving the trees along the western boundary of the site with Yaxham Road, maintaining this attractive entrance to Dereham. This will also make a pleasant walk into Dereham with the proposed highway works adjacent to Yaxham Road. 3.6 The layout is structured around a hierarchy of streets with two access points off Yaxham Road and variations in character that help to define streets and keep vehicle speeds low, whilst maintaining a continuous loop through the site for ease of access. The layout is supported by the Highways Authority also. A minimum of 2 vehicle parking spaces per dwelling is proposed, with additional spaces being provided for 3, 4, and 5 bed dwellings in accordance with Policy TR02 of the Local Plan (adopted).
- 10.40 As set out above, although currently a reasonably attractive site, bounded by trees on its western boundary, with open space to the boundaries of the site to maintain the green character of the site in this location. Although, inevitably, the character of this area will change, the proposal for reasons of screening and open space is not considered to have such a significant impact to change the intrinsic character and beauty of the countryside to warrant refusal of planning permission in this sustainable location.
- 10.41 The proposal is therefore considered to accord with Section 12 of the NPPF and policies GEN02, ENV05 and COM01 of the Local Plan (adopted).

Amenity

- 10.42 Policy COM03 seeks to avoid unacceptable effects on residential amenity of neighbouring occupants, or object to proposals that do not provide for adequate levels of amenity for future occupants.
- 10.43 The site is separated from residential properties off Dumpling Green by the proposed open space and by Yaxham Road to properties to the north-west. Therefore, due to the site not bordering any existing residential dwellings, the scheme will have very little direct impact on neighbouring amenity.

- 10.44 There will of course be additional traffic generation in this location from residents accessing their properties, the spacing provided by the proposed open space will reduce any impacts from noise and lighting on existing properties and improved walking and cycling links have been proposed to assist in this regard.
- 10.45 Two pedestrian/cycle paths are proposed to link through to Dumpling Green in order to provide permeability for the development. As highlighted by the Ramblers Association, as well as NCC Rights of Way, Dumpling Green is currently an un-adopted, unsurfaced track which provides shared vehicular access to a number of existing residential dwellings, together with a commercial Nursery Business, as well as providing the route of a public footpath. The land within the applicant's control directly adjoins the southern boundary of this track, with existing gaps between lengths of hedging and trees providing existing informal pedestrian linkages.
- 10.46 Providing pedestrian links is considered to be an important aspect of the design of the scheme as it will connect the development to the wider area, further potentially reducing the reliance on the motor car for local travel.
- 10.47 It is not considered that pedestrian/cycle access onto Dumpling Green would have a significantly harmful impact on the existing levels of amenity enjoyed by residents. Further details of these footpath links can be required to be submitted and agreed by condition. Whilst there have been objections to the scheme on the basis that Dumpling Green is a private road with no public right of way, right of legal access is a civil matter and is not a material planning consideration in the determination of this application.
- 10.48 The proposed new residential properties are well spaced across the site, providing adequate private amenity areas, car parking for dwellings and separation distances to avoid overbearing and overshadowing impacts. There is some higher development proposed to the centre of the site, as set out above. However, it is considered that good separation distances between properties will protect the amenity of future occupants. The proposal is therefore considered in accordance with Policy COM03 of the Local Plan (adopted).

Ecology

- 10.49 Section 15 of the NPPF and ENV02 of the Local Plan require the protection and enhancement of biodiversity.
- 10.50 It is noted that Badley Moor SSSI, a part of the Norfolk Valley Fens SAC is located in close proximity to the site. It is noted that Yaxham Parish Council are concerned that the impacts of this development have not been properly considered in this regard. However, it should be noted that updated Phase 2 ecological surveys were undertaken in June 2019 and have been consulted upon with statutory consultees. With regards to Great Crested Newts, the Phase 2 Final Ecological Report concludes that the surveys undertaken over the last 8 years show that these are no longer present on-site. The Wildlife Trust and our own Ecologist have reviewed the submitted

information and raise no objection in this regard, subject to the imposition of conditions, which are proposed.

- 10.51 The submitted ecology information contains acceptable mitigation measures to protect ecology and a condition is required for an ecological management plan, which includes requirements to enhance ecology in accordance with Section 15 of the NPPF and ENV02 of the Local Plan. The proposal is therefore considered acceptable in this regard.

Flood risk

- 10.52 Section 14 of the NPPF and ENV09 of the Local Plan seek to minimise the risks of flooding by directing 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 with no areas of surface water flooding identified by the Environment Agency Flooding and Surface Water Drainage maps.
- 10.53 The comments received during the consultation with regards to Flood Risk are noted, specifically with regards to ground water. The information submitted in support of the application has been assessed by the LLFA, Environment Agency and Anglia Water who are satisfied with regards to flood risk and drainage, subject to the imposition of conditions. The applicants have confirmed the following:

Foul strategy - discharge to Anglia Water sewer via new adopted pump station. Treatment works discharged to will be Dereham or Mattishall. Anglia Water are obliged to provide capacity to take the flows. It is noted that Anglia Water have no objections and have suggested conditions.

Surface water - existing land drains will be retained and enhanced. The proposed surface water strategy is for adopted surface water sewers within the development to outflow to an attenuation basin, which will have a (restricted) outfall to Salt Lake track culvert located to the south east of the site.

- 10.54 The proposals maintain and enhance the existing land drains, adding a benefit to current situation. As noted, there isn't infiltration available at the site, so the surface water discharges to a watercourse, in line with the preferred drainage hierarchy. The site will drain as per the existing catchment. The flows from the site will not increase flood risk or pollution offsite. The site will have a restricted outflow to restrict flows to existing greenfield runoff rates. There will be sufficient treatment of all surface water that meets SuDS requirements before surface water is discharged to the watercourse. The proposed surface water strategy will not impact on groundwater. The surface water will continue to drain to the watercourse as the site currently does.
- 10.55 Conditions are also proposed with regard to both foul water and surface water drainage to check and agree appropriate details. No further studies have been requested or are required by statutory consultees. On this basis, the proposal is considered to accord with the requirements of Section 14 of the NPPF and

ENV09 of the Local Plan and is not considered to warrant refusal of planning permission on this basis.

Trees and hedges

- 10.56 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Local Plan. The tree officer has provided comments and requested an updated Arboricultural Impact Assessment, method statement and tree protection plan, these will be the subject of suitably worded planning conditions. The proposal is therefore considered in accordance with Policy ENV06 of the Local Plan (adopted).

Contamination

- 10.57 Section 15 of the NPPF and policy COM03 (8) of the Local Plan (adopted) states that planning decisions should take account of ground conditions 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 policy COM03 (8) of the Local Plan (adopted).

Heritage

- 10.58 Policy 16 of the NPPF and ENV07 of the Local Plan, seek to protect the special interest and significance of heritage assets. The proposed development site lies in an area of probable medieval settlement fronting onto a former common (Dumpling Green). An archaeological desk-based assessment and geophysical survey have previously been carried out at the site. The geophysical survey identified a low density of anomalies, some of which are likely to relate to field boundaries. It is unclear whether the results are due to the soils at the site being unsuitable for magnetometry or whether they represent a genuinely low density of below-ground archaeological features at the site. Either way, potential exists for heritage assets with archaeological interest (buried archaeological remains) of types which are not suited to detection through geophysical survey to be present at the site (particularly evidence of prehistoric activity). Consequently there is some potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance would be adversely affected by the proposed development. A planning condition is therefore proposed for a programme of archaeological mitigatory work to be carried out in accordance with National Planning Policy Framework paragraph 141 and Policy ENV07 of the Local Plan (adopted). On this basis the proposal is considered acceptable, as recommended by the Historic Environment Service.

Crime and Surveillance

- 10.59 Concerns have also been raised by local residents with regards to crime and disorder along Dumpling Green. There is an existing public right of way that runs along this route. The development proposes open space adjacent to Dumpling Green to avoid vehicle accesses onto this private road. The open space is well surveyed with properties proposed facing onto it. It is considered this will create a green open and probably further used environment adjacent to this private road, which is more likely to reduce the fear of crime due to increased surveillance and increased use of the right of way due to a more pleasant environment. It is noted that some of the concerns relate to the existing trees within the open space that may reduce surveillance. Overall the trees are seen as a positive feature and are common place in open spaces. However, conditions with regard to landscaping and trees can review the level of screening that they provide and this matter can be dealt with adequately in this way. To that end the development is considered acceptable in this regard and in accordance with Section 8 of the NPPF.
- 10.60 With regards to the matters raised by the police with regards to boundary treatments and lighting, these will be covered by appropriately worded planning conditions. The layout has been considered above including the proposed car parking, provision and surveillance. The proposal is therefore considered acceptable for these reasons.

Planning Obligations

- 10.61 A section 106 agreement will be required to secure the following, in accordance with Policy HOU7 of the Local Plan:
- Education contribution - £897,408
 - Library contribution - £19,125
 - Healthcare Contribution - £92,575
 - Provision of 18% (46) affordable dwellings with a tenure split of 70% affordable rented housing and 30% shared ownership and an appropriate mix of unit sizes
 - Positive, late stage review mechanism to be secured to ensure that any uplift in the viability of the scheme is captured as an additional affordable housing contribution (noted that this amount shall not exceed the equivalent of 25% affordable housing provision)
 - A requirement for affordable housing to meet the Council's adopted space standards.
 - On-site open space provision including sport and outdoor play space onsite and maintenance contribution
 - Residential Travel Plan and monitoring contribution
 - £30 per dwelling is sought for the improvement of signage, surfaces and boardwalks on the routes.
 - £500,000 towards a footbridge/two way bridge at Westfield Lane.
- 10.62 Viability information has been submitted to demonstrate that the policy level requirement of 25% affordable housing cannot be achieved. This has been

assessed by the District Valuer who is in agreement that only 18% affordable housing is viable for this site. The Housing Enabling officer raises no objection on that basis, subject to the imposition of a review mechanism, which will be added to the Section 106 agreement if planning permission is granted.

Conclusion

- 10.63 Subject to the conditions (as set out below) and the signing of a section 106 agreement (as above), the proposal, is considered to be a sustainable form of development and recommended for approval on this basis.

RECOMMENDATION

Recommendation is to GRANT planning permission, subject to conditions as set out below and the signing of the section 106 agreement, for the contributions and obligations, as set out above.

CONDITIONS

1 Full Permission Time Limit (2 years)

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990.

2 In accordance with submitted plans

The development must be carried out in strict accordance with the application form, plans, drawings, and other documents and details submitted or provided by the applicant, as amended by the documents referred to above.

Reason for condition:-

To ensure the satisfactory development of the site.

3 External materials and samples to be approved

The materials to be used in the construction of the dwellings hereby permitted shall be as shown on 'Materials Plan' drawing number 004 G, unless otherwise first agreed in writing by the Local Planning Authority

Reason for condition:-

In the interests of a satisfactory appearance of the development. This condition is imposed in accordance with Policies GEN02 and COM01 of the Local Plan (adopted). This condition will require to be discharged

4 Boundary screening to be agreed

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

Reason for condition:-

In the interests of the satisfactory appearance of the development and for the protection of neighbouring amenity. This condition is imposed in accordance

with Policy COM03 of the Local Plan (adopted). This condition will require to be discharged.

5 Landscaping - details and implementation

Prior to the commencement of development, a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species.

Reason for condition:-

Details are required prior to commencement in the interests of visual amenity and to ensure a satisfactory form of development. This condition is imposed in accordance with Policy ENV06 of the Local Plan (adopted). This condition will require to be discharged

6 Non-standard condition

Operations on site shall take place in complete accordance with an approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details. No operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:-

Details are required prior to commencement in the interests of visual amenity and to ensure a satisfactory form of development. This condition is imposed in accordance with Policy ENV06 of the Local Plan (adopted).

7 Foul water strategy

Prior to the commencement of any works above the laying of foundations, a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings, hereby approved, shall be occupied until the works have first been carried out in accordance with the foul water strategy so approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

Details are required to minimise the possibilities of flooding in accordance with Section 14 of the NPPF and ENV09 of the Local Plan (adopted).

8 Adoption/maintenance of surface water scheme

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

Reason for condition:-

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development in accordance with Section 14 of the NPPF and ENV09 of the Local Plan (adopted).

9 Contamination

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

Reason for condition:-

To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters in accordance with Section 14 of the NPPF and COM03(8) of the Local Plan (adopted).

10 Details of roads, drainage etc.

Prior to the commencement of development, detailed plans of the roads, footways, cycleways, foul and surface water drainage shall be 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:-

Details are required prior to commencement to ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

11 Management/maintenance of streets

Prior to the commencement of development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason for condition:-

Details are required prior to commencement to ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

12 Standard estate road condition

No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority. Reason for condition:-

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

13 Road Surfacing

Prior to first occupation of any dwelling hereby approved, the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be first approved in writing by the Local Planning Authority. Reason for condition:-

To ensure satisfactory development of the site in accordance with Policy TR01 and TR02 of the Local Plan (adopted).

14 Standard estate road condition

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

Reason for condition:-

Details are required prior to commencement to ensure the satisfactory development of the site in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

15 Construction traffic (parking)

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason for condition:-

Details are required prior to commencement to ensure adequate off street parking during construction in the interests of highway safety in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

16 Wheel washing facilities- temporary for construction vehicle

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

Reason for condition:-

Details are required prior to commencement to prevent extraneous material being deposited on the highway in accordance with Policy TR01 and TR02 of the Local Plan (adopted).

This condition will require to be discharged

17 Highway improvements-offsite A

Notwithstanding the details indicated on the submitted drawings, prior to the commencement of development, a detailed scheme for the off-site highway improvement works as indicated on drawing(s) number(ed) 1366/GA/001 Rev D Sheets 1 and 2 and 1366/GA/003 Rev A shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the dwellings hereby approved, the approved off-site highway improvement works, shall be fully completed, unless first agreed in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement to ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

18 Non standard highway condition

Prior to the commencement of development, a scheme for monitoring queue lengths onto the A47 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of monitoring shall be carried out in accordance with the approved details and the results submitted to and approved in writing by the Local Planning Authority, as set out in the approved monitoring scheme. In the event queuing on the A47 exceeds the levels as set out in the submitted Transport Assessment to an unacceptable level, within 3 months of the date of unacceptable queue lengths being identified in writing by the Local Planning Authority then a scheme for appropriate signage on the A47 shall be submitted. The approved scheme shall be installed in accordance with the timescale as set out in the approved signage scheme.

Reason for condition:-

Details are required prior to commencement to protect highway safety in accordance Policy TR01 and TR02 of the Local Plan (adopted). This condition will require to be discharged

19 Travel plan not agreed at planning stage

Prior to first occupation of any of the dwellings hereby approved, an Interim Travel Plan shall be submitted to and, approved in writing by the Local Planning Authority, such a Travel Plan shall accord with Norfolk County Council document `Guidance Notes for the Submission of Travel Plans`. The Interim Travel Plan shall be implemented from first occupation of any of the dwellings hereby approved and the development shall accord with the approved details.

Not more than one year following approval of the Interim Travel Plan, a Full Travel Plan, based on the Interim Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Approved Full Travel

Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied, subject to any approved modifications, which shall first be agreed in writing by the Local Planning Authority or as part of the annual review.

Reason for condition:-

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy 9 of the NPPF and TR02 of the Local Plan (adopted). This condition will require to be discharged

20 Management plan for habitats etc.

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

The development shall be carried out in accordance with the approved details.

Reason for condition:-

Details are required prior to commencement in order to ensure the protection of the natural environment in accordance with Core Strategy policy ENV02 of the Local Plan (adopted).

21 Pedestrian/cycleway links

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

Reason for condition:-

In the interest of the amenity of future occupiers of the development and that of existing residents of Dumpling Green in accordance with Policy COM03 of the Local Plan (adopted).

22 Ecological management plan

Prior to the commencement of development an ecological management plan (EMP) shall be submitted to, and approved in writing by the Local Planning Authority. 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 detailed in the ES submitted with the application namely that for
 - great crested newts including precautionary approach to site clearance, plus the inclusion of features in the landscaping to promote restoration or connectivity in the wider landscape for great crested newts post-development,
 - protection and enhancement of bat feeding and commuting corridors,
 - protection and enhancement of hedgerows

- details of the SANGs
- No. of nest boxes for birds
- Mitigation, Enhancement and residual impact measures outlined in principle in section 6 of the Phase 2 Ecological Surveys and Assessment report (SES; June 2019).
- 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 prior to the commencement of development, more than two years have passed since surveys were undertaken then updated surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the site's 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 ENV02 of the Local Plan (adopted).

23 Water Efficiency

The dwellings hereby approved shall meet the Building Regulation requirement of 110 l/h/d with regards to water efficiency.

Reason for the condition:-

To promote water efficiency in accordance with policy HOU02 of the Local Plan (adopted).

24 Fire hydrants

Prior to first occupation a scheme for the provision of Fire Hydrants (1 hydrant per 50 dwellings (on a minimum 90-mm main) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved scheme.

Reason for condition:-

For the safety of and protection of the amenity of future occupants in accordance with Policy COM03 of the Local Plan (adopted).

25 Archaeological work to be agreed

No development shall take place until:

A) 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;

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

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 Part (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

Details are required prior to commencement to ensure the potential archaeological interest of the site is investigated in accordance with Section 16 of the NPPF and policy ENV07 of the Local Plan (adopted). This condition will require to be discharged

26 Full details of external lighting

No external lighting shall be erected unless full details have first been submitted to and agreed in writing with the Local Planning Authority. The details shall include a lighting plan indicating luminance levels both on the site and beyond, and a schedule of equipment including mounting heights. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.

The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason for condition:-

In the interests of the amenities of the area and local residents and to minimise light pollution in accordance with policy COM03 of the Local Plan (adopted). This condition will require to be discharged

27 Non-standard condition

Details of the footpath links as shown on the approved layout plan shall be submitted to and approved in writing by the Local Planning Authority, prior to development progressing above slab level. The development shall accord with the approved details.

Reason for condition:-

To ensure adequate connectivity in accordance with Section 9 of the NPPF and TR02 of the Local Plan (adopted) and in the interests of the amenities of the area and local residents in accordance with policy COM03 of the Local Plan (adopted).

28 Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action. You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.