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|-------------------|--|------------------------|---------------------|
| <b>ITEM:</b>      |  | <b>RECOMMENDATION:</b> | APPROVAL            |
| <b>REF NO:</b>    | 3PL/2019/0717/O  | <b>CASE OFFICER</b>    | Gemma Manthorpe     |
| <b>LOCATION:</b>  | ATTLEBOROUGH<br>Land North of Blackthorn Road<br>Attleborough  | <b>APPNTYPE:</b>       | Outline             |
| <b>APPLICANT:</b> | Rouf Homes Ltd<br>Nessa House Mill Lane  | <b>POLICY:</b>         | Out Settlemnt Bndry |
| <b>AGENT:</b>     | Planning Resolution Ltd.<br>Thorncroft Manor Thorncroft Drive  | <b>CONS AREA:</b>      | N                   |
| <b>PROPOSAL:</b>  | Development of up to 18 dwellings with associated infrastructure, including access road, bunding, SUDs/Swale and landscaping |                        |                     |
|                   |  | <b>LB GRADE:</b>       | N                   |
|                   |  | <b>TPO:</b>            | N                   |

#### **REASON FOR COMMITTEE CONSIDERATION**

The application was considered to be a sensitive site by Chairman's Panel, contrary to policy and is to be heard at Planning Committee for these reasons.

#### **KEY ISSUES**

- Principle of development
- Access and car parking
- Layout and Design
- Amenity
- Impact on Landscape
- Flood Risk and Drainage
- Ecology
- Trees and hedgerows
- Contamination
- Section 106 Contributions

#### **DESCRIPTION OF DEVELOPMENT**

The application is an Outline Planning Application with all matters reserved including access for a development of up to 18 dwellings with associated infrastructure, including access road, bunding, SUDs/Swale and landscaping.

#### **SITE AND LOCATION**

The application site comprises one hectare of land and is located to the north of Blackthorn Road (to the South of A11). The site is located to the north of development off Blackthorn Road, which primarily comprises two storey relatively modern dwellings being primarily detached or semi-detached houses, set in reasonably

sized plots.

The site has previously been used by the Highways Agency, according to the details submitted, during construction works on the Attleborough Bypass from 2003-2009. The land is currently open field/grassland which is not used for agriculture, grazing or paddock.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

There is no planning history for this site however adjacent the application site application 3PL/2019/0275/O, for a development of up to 80 dwellings with associated infrastructure including green space, swale and noise attenuation barrier was recommended for approval at planning committee on the 13th January 2020 and was subsequently refused for the following reason:

The site is outside the designated settlement boundary of Attleborough and would significantly harm the intrinsic character and beauty of the Countryside contrary to Policies GEN05 and ENV05 of the Breckland Local Plan (adopted).

There is an appeal registered against this refusal of planning permission.

**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

|       |   |
|-------|---|
| COM01 | Design                                      |
| COM02 | Healthy Lifestyles                          |
| COM03 | Protection of Amenity                       |
| ENV01 | Green Infrastructure                        |
| ENV02 | Biodiversity protection and enhancement     |
| ENV04 | Open Space, Sport & Recreation              |
| ENV05 | Protection and Enhancement of the Landscape |
| ENV06 | Trees, Hedgerows and Development            |
| ENV09 | Flood Risk & Surface Water Drainage         |
| GEN01 | Sustainable Development in Breckland        |
| GEN02 | Promoting High Quality Design               |
| GEN03 | Settlement Hierarchy                        |
| GEN05 | Settlement Boundaries                       |
| HOU06 | Principle of New Housing                    |
| HOU07 | Affordable Housing                          |

|       |  |
|-------|--|
| HOU10 | Technical Design Standards for New Homes |
| INF02 | Developer Contributions                  |
| NP    | Neighbourhood Plan                       |
| NPPF  | National Planning Policy Framework       |
| NPPG  | National Planning Practice Guidance      |

**OBLIGATIONS/CIL**

- Affordable Housing equating to 25% of the total number of Dwellings (or such other percentage as the Council may agree in its absolute discretion) in accordance with the Affordable Housing Mix. Affordable Housing Mix - 70% Rented Housing and 30% Intermediate Housing (or as otherwise agreed by the Council in its absolute discretion).

- Open Space Scheme to be provided and maintenance contribution calculated at £8.50 per square metre. Open Space Scheme to be submitted and approved by the Nominated Officer prior to commencement of development. A sum in lieu shall be provided in lieu of any agreed deficiency in the amount or type of open space.

- Education contribution calculated as follows:

Early Education Contribution:

a sum towards the expansion of existing providers to be calculated as follows:

$A \times B$

where

A = the number of Multi Bed Dwellings

B = £1,360

Such sum to be Index Linked and PROVIDED THAT when calculating the number of Multi Bed Dwellings at A above two Multi Bed Flats shall equate to one Multi Bed Dwelling

Primary Education Contribution:

a sum towards the provision or enhancement of educational facilities within the Attleborough Primary Education sector to be calculated as follows:

$A \times B$

where

A = the number of Multi Bed Dwellings

B = £3,940

Such sum to be Index Linked and PROVIDED THAT when calculating the number of Multi Bed Dwellings at A above two Multi Bed Flats shall equate to one Multi Bed Dwelling

- Library contribution:

£75 per Dwelling Index Linked towards increasing the capacity of Attleborough Library

- Green Infrastructure Contribution:

The sum of £110 per Dwelling Index Linked towards the development of and signage of:

-A waymarked safe walking route from the Site to the Attleborough railway station

-A waymarked route from the Site to the Tas Valley Way trail and associated circular walk

-The Tas Valley Way trail

- County Council Monitoring Fee

£1,500 Index Linked payable to the County in respect of its duties and reasonable costs of monitoring performance of the obligations owed to it.

## CONSULTATIONS

### **ATTLEBOROUGH TC**

Request to be included in future S106 Agreements.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

With reference to the application relating to the above development, in relation to highways issues only, notice is hereby given that Norfolk County Council does not wish to raise an objection to the principle of development and as all matters are reserved would recommend that any permission which the District Council may give shall include the conditions listed below.

### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Norfolk County Council will seek the following contributions - 28,044

Primary sector: 5 x 14,022(cost per pupil place) 70,110

Total education contributions sought 98,154.

Norfolk Fire Services have indicated that the proposed development will require 1 hydrant per 50 dwellings (on a minimum 90-mm main) for the residential development at a cost of 824 per hydrant.

Library Provision: It has been calculated that a development of this scale would require a total contribution of 1,350 (i.e 75 per dwelling). This contribution will be spent on IT infrastructure and equipment at Attleborough Library.

Green infrastructure should be included within the proposed site in line with local policy. Connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features, should be considered alongside the potential impacts of development. We would advise the Local Planning Authority that a maintenance/mitigation contribution or commuted sum for new and existing GI features may be required in addition to the County response, in order comply with local policy.

### **FLOOD & WATER MANAGEMENT TEAM**

We have no objection subject to conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection to the principal of development on the site but I do not believe that the relationship between trees and dwellings is sustainable with the current layout. I would ideally like to see more space between dwellings and trees along the site frontage and western boundary. The current layout will almost certainly result in future pressure for heavy pruning/tree removal. Some consideration could be given to coppicing of multi-stem hedgerow trees.

### **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 Council s local plan

document. At present a 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance 4.5 units would be required, 3no for rent and 1no for intermediate housing.

#### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Preliminary Ecological Appraisal (Practical Ecology; May 2019) is fit for purpose. The reptile survey report (Practical Ecology; November 2019) is broadly fit for purpose. The survey visits were not carried out at the optimum time of year, however the weather was suitable in accordance with best practice guidance (JNCC; 2003; Herpetofauna Workers Manual). Reptiles were found likely absent. We agree with proposed mitigation measures outlined in the report.

#### **ENVIRONMENTAL HEALTH OFFICERS**

Revised position of the acoustic barrier - the increased height and positioning closer to the residential properties should have a similar if not improved performance on the noise transfer so I would confirm that I have no objections to this resizing and re-positioning subject to the barrier being constructed to the high performance acoustic specification as previously provided. A 5m barrier will be a large structure and will need significant foundations and potentially bracing to resist the wind loading placed on it.

#### **AIR QUALITY OFFICER**

I have looked at the application submitted and, based on the information provided to me at this time; there are no further comments on the grounds of air quality, providing the development proceeds in line with the application details and included the air quality mitigation measures recommend in the air quality assessment including: The setting back of the houses from roads by at least 10 m, and from the A11 by at least 22 m; The provision of cycle parking and electric vehicle charging points; and The installation of low-NOx boilers only, with emission rates below 40 mg/kWh.

#### **ANGLIAN WATER SERVICE**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The foul drainage from this development is in the catchment of Attleborough Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

#### **HIGHWAYS ENGLAND**

No objection.

#### **NHS ENGLAND MIDLANDS & EAST (EAST)**

The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the presumption in favour of sustainable development advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

### **REPRESENTATIONS**

There have been two objections to the development proposed, these are surmised below:

- Concerned by the lack of clear labeling on the Consultee comment from John Percival, the County Historic

Environment Officer.

- Archeological investigations should be carried out.
- Blackthorn Road is narrow and access to new properties will be virtually impossible.
- Increase in traffic would make Blackthorn Road more dangerous.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 The application site lies outside the designated development boundary of Attleborough but lies adjacent to it on the opposite side of Blackthorn Road.

1.2 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.

1.3 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.

1.4 Policy GEN01 of the Breckland Local Plan (adopted) 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 of the Breckland Local Plan (adopted) seeks to deliver housing in accordance with the settlement hierarchy. Attleborough is identified as a 'key settlement' to deliver housing growth.

1.5 Policy GEN05 of the Breckland Local Plan (adopted) 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 of the Breckland Local Plan (adopted) being sustainable development in accordance with the settlement hierarchy and this is also explained further below.

1.6 If it is considered that development does not accord with the development plan, consideration should be given to whether there are 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.

1.7 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.

1.8 Policy GEN05 of the Breckland Local Plan (adopted) seeks to restrict development outside of defined settlement boundaries to protect the intrinsic character and beauty of the countryside. This location, although a greenfield site, would not in appearance be considered 'countryside' due to its location in between residential properties and the A11. The potential of the site to expand further into the countryside is limited by its location (taking account of the adjacent appealed site). The A11 prevents development extending into the

open countryside and thus this development can be assessed as recognising the intrinsic beauty of the countryside. By constraining the application site to the area within the A11 the intrinsic beauty of the countryside has been recognised by the applicant. The impact of this development on the character of the area is further discussed below but it is considered that the principle of development is established by the sustainable nature of this location as required by policy GEN01 of the Breckland Local Plan (adopted), the designation of Attleborough as a key settlement for delivering growth, as set out in the settlement hierarchy, and the limited impact of the development on the intrinsic beauty and character of the countryside.

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

## 2.0 Highway safety and access

2.1 Policies TR01 and TR02 of the Breckland Local Plan (adopted) 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 not compromise highway safety. Major development proposals should include an assessment of the impacts of new development on the existing transport network.

2.2 This is an outline planning application, with all matters including access reserved. The applicants have submitted with their application an indicative layout showing blocks of development and two proposed access points onto the Highway. Highways England and the Highways Authority raise no objections to the proposals, subject to conditions, which are proposed. In addition, given the proximity of the site, which is within easy walking distance to Attleborough Town Centre then the proposals are considered to accord with Section 9 of the NPPF in terms of promoting sustainable transport and TR01 and TR02 of the Breckland Local Plan (adopted) in terms of highway safety and sustainable transport.

2.3 The applicants indicative layout shows blocks of development with sufficient space around them to ensure sufficient car parking can be provided in accordance with Policy TR02 of the Breckland Local Plan (adopted).

2.4 Further information with regards to access, layout and car parking will be required and assessed at reserved matters stage.

2.5 Highways have noted, within their comments that there will be a loss of existing hedge row to facilitate the highway access, this will be discussed below.

## 3.0 Layout, Appearance and Scale

3.1 Section 12 of the NPPF and Policies GEN02 and COM01 of the Breckland Local Plan (adopted) seek to promote high quality design. Layout, appearance and scale are all reserved matters not to be considered at this time. An indicative layout plan, with limited details, has been submitted with this application. The indicative layout shows houses to the southern section of the site nearest to Blackthorn Road. There are two access points indicated off Blackthorn Road. The indicative plans show the northern section of the development set in from the boundary to provide a green buffer and attenuation between the development and A11. The northern section of the proposals are shown, indicatively only, as flats.

3.2 The indicative plans, while helpful to demonstrate that the development can be accommodated within the site are indicative only. The development can, at reserved matters stage, be amended for a different layout and access provision. There is however sufficient information submitted in support of the application to assess that the development can be built out in accordance with Section 12 of the NPPF and Policies GEN02 and COM01 of the Breckland Local Plan (adopted).

#### 4.0 Amenity

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

4.2 Section 11 of the NPPF seeks to make an effective use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The site density, although below 30 dwellings per hectare, is considered an appropriate density for a site adjacent to a town boundary such as Attleborough. The site is considered constrained by its linear nature, proximity to the A11 and surface water flood risk (to be discussed further below). Given the constraints of the site and the character of the area (reasonable sized properties set in reasonable plots) then the proposal is considered to accord with Section 11 of the NPPF.

4.3 Policy HOU10 of the Breckland Local Plan (adopted) requires that all new properties meet the Government's Nationally Described Space Standard with reference internal space standards for residential dwellings. As the application is an outline application, no internal space standards have been proposed and as such a condition shall be placed upon a permission, if granted, to secure these standards at reserved matters stage.

4.4 The proximity of the site to the A11 has raised concerns over the potential noise impact having an adverse impact on the amenities of future occupants. The site has been assessed by environmental health officers who consider the noise mitigation measures proposed sufficient to protect the amenity of future occupants. The proposal is therefore considered to accord with Policy COM03 of the Breckland Local Plan (adopted).

#### 5.0 Impact on Landscape

5.1 Policies GEN02 and COM01 of the Breckland Local Plan (adopted) seek to protect the character of an area, Policy ENV05 of the Breckland Local Plan (adopted) seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside and Policy ESD.P3 of the Attleborough NP states 'All new development should seek to be of the highest sustainable and innovative design quality in terms of both architecture and landscape'. The proposal will inevitably change the character of this eastern tip, from a strip of open land to a residential development, with dwellings and estate roads. However, it is only a small part of this strip of land and as set out above, the site is considered to be 'infill' site in-between the existing residential development and the A11/A11 slip road.

5.2 The application on the adjacent, western part of the site was recommended for approval, however was refused a Planning Committee. As the appeal on this site has not yet been determined the weight that can be applied is limited. However the sites, being predominately comparable for assessment criteria given their



location, should be assessed in a comparative manner where appropriate any differences shall be identified. There has been no changes to local or national planning policy since application 3PL/2019/0275/O was decided, the appeal information in support of the refusal shall be discussed below.

5.3 The site adjacent, which is subject to an appeal, has had an independent assessment of the Landscape and Visual Matters (the assessment) carried out to make up this aspect of the statement of case. The assessment details the importance of the area using reference to high level and local policies such as Breckland Landscape Character Assessment (2007) referred to in Policy ENV 05 of the Breckland Local Plan (adopted 2019) which describes the key characteristics as follows pertaining to the adjacent site which are relevant to the current application. An extract of the assessment follows:

Changes affecting the landscape are noted and include the construction of the A11 and associated lighting and signage as well as 20th century development and infilling within the villages. The Landscape Strategy for this character area states that the overall management objective is to 'enhance the landscape of the tributary valleys ...to conserve the more intimate small-scale wetland character and to create stronger links with the adjacent river valley'. Under guidelines for development considerations within this character area the following measures are stated with my emphasis:

- Conserve existing small-scale rural road pattern, resisting traffic upgrade/calming measures which could have an urbanising influence;
- Seek options for better integration of the A11 through noise attenuation measures and less intrusive lighting;
- Ensure that new development reflects the existing material and stylistic vernacular within the settlements and that their individual and separate identities are preserved;
- Monitor development and boundary treatments to the settlement edges, resisting any materials and/or species which could have an urbanising influence on the rural landscape.

5.4 The adjacent appeal site has been referred to with reference landscape and visual effects as moderate to high sensitivity. The application site and the appeal site differ very little in terms of location being situated adjacent to one another but the application site is more limited in size and located off the slip road for the A11 not running parallel to the A11. When assessing the impact of the development on the landscape, with particular focus on the acoustic fence the particulars of the site should be assessed. The addition of the development and associated infrastructure will urbanise a currently unused piece of land bring the built form of the area closer to the A11. It is also not argued that the development proposed will impact the character of the area by the urbanisation.

5.5 The loss of the separation between the exiting built up area and the A11 will detract from the urban setting of Attleborough however the extent will not, it is assessed, be so great in this instance to warrant refusal of the application. The site area is limited in size and is located between Blackthorn Road and the slip road leading from the A11. The site narrows to the east with a straight boundary to the west of the site at the widest point. Although the development is indicative the layout will be conditioned to require that development be located away from areas of surface water flooding which leaves a green buffer between the development and the slip road. In addition, there is a small green area left to the east of the site to add separation from the road network and the proposed development.

5.6 There is a acoustic fence proposed within the boundary of the site, which is set in from the bund and green buffer and is not in the applicants ownership. The bund which is currently in situ, as demonstrated by the sectional drawing, will negate the majority of the impact of the acoustic fence from views of drivers using the slip road from the north of the site. While the acoustic fence is considerable in height it can be further mitigated against from views towards the north from the south by the positioning of the dwellings and by planting. The assessment noted the increased visual impact at times when the trees are leafless. The planting, to be decided at reserved matters stage, could be planned to ensure a mixture of deciduous and

non-deciduous trees. While the cover would still be best in the months that the deciduous trees are in leaf a planting scheme can still look to provide year round mitigation. It can therefore be assessed, in comparison to the adjacent site, that the development will not have a significant impact due to its reduce scale, positioning and that the adjacent site would remain to provide a green wedge between the existing housing and A11.

5.7 There is no permitted public access to the site. The site is in close proximity to the town centre, and is considered to be a highly sustainable site for development, close to several services and facilities. The development if permitted would be required to provide open space or payment in lieu for any deficiency in provision of on site open space in accordance with Policy ENV04 of the Breckland Local Plan (adopted). There is a green buffer to remain between the proposed development and the A11 which, while acting as a buffer between the A11 and the development also provides an attractive green space.

5.8 Given that only limited harm from the development has been identified and the presumption is in favour of sustainable development then the proposal is considered acceptable. The impact on the character of the area is assessed a in compliance with policies GEN02 and COM01 of the Breckland Local Plan (adopted).

#### 6.0 Flood Risk and Drainage:

6.1 Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted) seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. The site lies in flood zone 1, at the lowest risk of flooding. There are some surface water drainage issues identified to the boundaries of the site and to the north. Given the relatively low density of development proposed then it is considered development could be located outside areas at risk of surface water flooding, to satisfy the test of Section 14 of the NPPF. A condition can be placed upon a grant of planning permission to ensure that, when the development reaches reserved matters stage, the built form is not within the areas at risk of surface water flooding.

6.2 The Lead Local Flood Authority (LLFA) has been consulted and raises no objections subject to a surface water drainage condition for further information at reserved matters stage to ensure development development is not at risk of flooding. As there is no objection from the LLFA or Anglian Water, so the proposal is considered acceptable and in accordance with Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted), subject to the imposition of conditions, as proposed by the LLFA.

#### 7.0 Ecology

7.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted) require the protection and enhancement of biodiversity. A Norfolk County Council ecologist has reviewed the information submitted with the application and found that the Preliminary Ecological Appraisal (Practical Ecology; May 2019) is fit for purpose and the reptile survey report (Practical Ecology; November 2019) is broadly fit for purpose, a condition has been requested. In addition a condition requiring biodiversity enhancement proportionate with the scheme shall also be required in accordance with Policy ENV02 Breckland Local Plan (adopted). The proposal is therefore considered acceptable in ecological terms and in accordance with Section 15 of the NPPF and ENV02 of the Breckland Local Plan (adopted).

#### 8.0 Trees and Hedges

8.1 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted). The site is largely free of significant arboricultural constraints with trees primarily concentrated on the boundaries of the site. The tree officer has no objection to the application, their

consultation response looked for more space between the dwellings and the trees along the site frontage and western boundary as the existing layout would require heavy pruning and tree removal. This can be secured at reserved matters stage.

8.2 The comments from the Highways Officer noted that the access arrangement as currently proposed would require a loss of mature hedgerow at the frontage of the site to provide adequate visibility. There are currently few trees marked to be removed on the indicative plan however as noted above this can be subject to change at reserved matters stage. The off site highways improvements include widening Blackthorn Road with a 2 metre wide foot-way across the entire site frontage. These works may necessitate the loss of a significant portion of the existing hedgerow. If the loss is significant a replanting scheme will be required to offset the impact, this would be required as part of the net gain in biodiversity condition to mitigate the loss.

8.3 Further arboricultural information is necessary at reserved matters stage to ensure that trees that are worthy of retention are retained and that the development takes this into account when designing the final layout. It is recommended, in order to comply with ENV06 of the Breckland Local Plan (adopted) that the submission of further details in relation to trees are submitted and the layout designed accordingly. Subject to this the proposal is considered to accord with Policy ENV06 of the Breckland Local Plan (adopted).

## 9.0 Contamination

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

## 10.0 Heritage

10.1 Norfolk County Council Historic Environment Service was consulted on the application and have commented that the above application site was the subject of archaeological evaluation by trial trenching in 2017. Significant remains relating to the occupation and use of a moated settlement site dated to the medieval period were found. There was, according to the consultation response, a brief issued in 2017 although this is now out of date. Norfolk County Council Historic Environment Service are satisfied that the development can be adequately conditioned and do not object to the application. The proposal is therefore considered to be in accordance with Section 16 of the NPPF and ENV07 of the Breckland Local Plan (adopted).

## 11.0 Planning Obligations

11.1 A section 106 agreement is in the process of being finalised (at the time of writing) to secure the required obligations including 25% affordable housing provision, as required by policy HOU07 of the Breckland Local Plan (adopted).

11.2 An Open Space Scheme is to be provided and maintenance contribution calculated at £8.50 per square metre. Open Space Scheme to be submitted and approved by the Nominated Officer prior to commencement of development. A sum in lieu shall be provided in lieu of any agreed deficiency in the amount or type of open space.

11.3 Education contribution calculated as follows, this will be based upon the final number of units.

**Early Education Contribution:**

a sum towards the expansion of existing providers to be calculated as follows:

$A \times B$

where

A = the number of Multi Bed Dwellings

B = £1,360

**Primary Education Contribution:**

a sum towards the provision or enhancement of educational facilities within the Attleborough Primary Education sector to be calculated as follows:

$A \times B$

where

A = the number of Multi Bed Dwellings

B = £3,940.

11.4 Library contribution of £75 per Dwelling Index Linked towards increasing the capacity of Attleborough Library.

11.5 Green Infrastructure Contribution, the sum of £110 per Dwelling Index Linked towards the development of and signage of:

-A waymarked safe walking route from the Site to the Attleborough railway station

-A waymarked route from the Site to the Tas Valley Way trail and associated circular walk

-The Tas Valley Way trail

11.6 County Council Monitoring Fee, £1,500 Index Linked payable to the County in respect of its duties and reasonable costs of monitoring performance of the obligations owed to it.

11.7 One no. fire hydrant shall be secured by condition.

**12.0 Conclusion**

12.1 The application has been assessed against the relevant policies of the adopted Local Plan and National Planning Policy Framework and has been found to be a sustainable development with no material considerations that outweigh the benefits of providing housing. Policy GEN05 of the Breckland Local Plan (adopted) in particular has been considered relevant and it has been found that this proposal does recognise the intrinsic beauty of the countryside and is an acceptable location for residential development. There are considered to be no other material considerations which would justify any departure from the development plan and therefore 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**

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

**CONDITIONS**

**1 Outline permission -time limit**

Approval of the details of the siting, design and external appearance of any building to be erected together with precise details of the type and colour of the materials, means of access thereto and the landscaping of the site (herein after called 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of THREE YEARS from the date of this permission.

Reason for condition:-

The application is for Outline permission only and gives insufficient details for the proposed development and to comply with Section 92 of the Town & Country Planning Act 1999 (as amended).

**2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission, in accordance with Policy COM01 of the Breckland Local Plan (adopted).

**3 In accordance with submitted plans NEW 2017**

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

Reason for condition:-

To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Adopted Local Plan (2019).

**4 Prior approval of slab level**

Prior to the commencement of the development precise details of the slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of future occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with Policies COM01, COM03, and GEN02 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**5 Net Gain in Biodiversity**

Prior to first occupation of any of the dwellings hereby approved, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. This could include bird/bat boxes or swift bricks for example. The development shall be carried out in accordance with the approved details prior to first occupation.

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV02 of the Breckland Local Plan (adopted)

**6 Net Gain in Biodiversity**

The proposed development shall proceed in accordance with the mitigation measures outlined in the Preliminary Ecological Appraisal (Practical Ecology; May 2019) and section 5 of the reptile survey report (Practical Ecology; November 2019). Prior to the commencement of development, a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include numbers and locations of bird boxes, bat boxes, habitat enhancements outlined in principle in the Preliminary Ecological Appraisal (Practical Ecology; May 2019), in addition to enhancing the swale for biodiversity and any fencing being wildlife friendly (create gaps at ground level in fencing approximately 15cm wide x 12cm high for hedgehogs). The measures shall be carried out strictly in accordance of the approved scheme.

Reason for condition:-

To ensure a net gain in biodiversity and appropriate mitigation in accordance with Policy ENV02 of the Breckland Local Plan (adopted).

**7 No works shall commence on the site until such time**

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

Reason for condition:-

This needs to be a pre-commencement condition to ensure highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**8 Prior to the construction/occupation of the final dwelling**

Prior to first occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of 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 Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**9 Before any dwelling/industrial unit is first occupied the**

Before any dwelling unit is first occupied the road(s) and footway(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 Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**10 A minimum vertical clearance of 1.98/3.1/5.2/6.75 metres**

Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 x 59 metres shall be provided to each side of all new junctions with Blackthorn Road. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**11 Prior to first occupation/use of the development hereby perm**

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

Reason for condition:-

To ensure the provision of adequate construction vehicle parking, this must be prior to commencement to ensure that adequate provision is accounted for in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**12 No works shall commence on site until such time as a Stoppin**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works to widen Blackthorn Road to 6.0m and provide a 2.0m wide footway along the entire site frontage have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

In the interest of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**13 Highway improvements - off-site**

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 12 of this permission shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

In the interest of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**14 Fire Hydrants**

Prior to commencement of development above slab level a scheme shall be submitted to, and approved in writing by, the Local Planning Authority for the provision of fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the approved hydrant(s) have been provided in accordance with the approved details.

Reason for condition:-

In order to secure the provision of fire hydrants.

**This condition will require to be discharged**

**15 Any drainage conditions**

Prior to commencement of development, in accordance with the submitted Blackthorn Road, Attleborough Flood Risk Assessment (August 2019 191172/FRA/MK/RS/01 Rev A) and drawing number Proposed Drainage Strategy (191172/DS/01), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change. A minimum storage volume of 196.5m<sup>3</sup> will be provided in line with section 6.3.8 of the submitted FRA.

II. Surface water runoff rates will be attenuated to 2.8 l/s as stated within drawing 191172/DS/01. This will need to be confirmation from the Internal Drainage Board that the proposed rates and volumes of surface water runoff from the development are acceptable.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.

- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the swale will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary including the culvert that passes under the A11.

Reason for condition:-

Details are required prior to commencement to prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 and Policy ENV09 of the Breckland Local Plan by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

**16 Non-standard design condition**

The internal measurements of the dwellings hereby approved shall meet or exceed the Government's Nationally Described Space Standard.

Reason for the condition:-

To provide satisfactory living arrangements for future occupiers, in order to comply with policy HOU10 of the Breckland Local Plan (adopted).

**17 Any drainage conditions**

All development shall be positioned outside of any area identified as at risk of surface water drainage.



Reason for the condition:-

To prevent the risk of flooding, in order to comply with policy ENV09 of the Breckland Local Plan (adopted).

**18 Fencing protection for existing trees**

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS4837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**19 Non standard design condition**

Prior to the commencement of the development hereby permitted a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Method Statement be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.

Reason for condition:-

This information is required prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development and to inform the final layout of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**20 Retention of trees and hedges**

No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the Local Planning Authority.

Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with Policy ENV06 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**21 Non-standard condition**

Prior to the commencement of the development details of the construction method, including foundations and bracing, of the 5m high acoustic fence as shown on the approved plan shall be submitted to and approved by the Local Planning Authority. The details shall take into

account any existing trees and roots within the proximity of the proposed fence. The fence shall be erected prior to the occupation of any of the dwellings hereby approved and shall be retained in perpetuity.

Reason for condition:-

Details are required prior to commencement to ensure that the fence is adequately constructed taking into account wind loading and to protect the existing trees which are in close proximity to the fence in accordance with Policies COM01 and ENV06 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

22

**Desk study/ site investigation**

Unless otherwise first agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

**A. Desk Study**

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

**B. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include (i) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**C. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**D Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be undertaken in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

Details are required prior to commencement to ensure that risks from land contamination to

the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance Section 15 of the NPPF

**This condition will require to be discharged**

**23**

**Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Section 15 of the NPPF.

**24**

**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 Policy ENV07 and ENV08 of the Breckland Local Plan (adopted).

**This condition will require to be discharged**

**25**

**Non-standard condition**

The final layout shall ensure that the dwellings hereby approved are set back from

Blackthorn Road by a minimum of 10 metres and a minimum of 22 metres from the A11. Only low-NOx boilers only, with emission rates below 40 mg/kWh shall be installed on the development hereby approved.

Reason for the condition:-

To ensure that the future occupiers of the development are not adversely impacted by air quality in accordance with policy COM01 of the Local Plan.

**26**

**Non-standard condition**

Prior to the commencement of the development details of the provision of cycle parking shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the submitted details. Cycle parking which relates to dwellings shall be installed/provided prior to the occupation of the dwelling to which they relate. Cycle parking that does not relate to a dwelling shall be installed prior to the occupation of 50% of the dwellings.

Reason for the condition:-

Details are required prior to commencement to promote sustainable transport in accordance with policy TR02 of the Local Plan.

**This condition will require to be discharged**

**27**

**Noise protection of new residential properties**

Prior to first occupation of any of the dwellings hereby approved, an acoustic fence to a minimum of 5 metres tall shall be provided along the site boundary with the A11 and a separate fence 2.1m tall to the rear of the ground floor gardens to the properties facing towards the A11 as shown on the approved plans and constructed in accordance with the supporting documents submitted in support of the application. The approved acoustic fences shall be maintained in perpetuity, as approved.

Reason for condition:-

In the interests of the amenities of the locality in accordance with policy COM01 of the local Plan.

**This condition will require to be discharged**