

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/1526/D	<b>CASE OFFICER</b>	Rebecca Collins
<b>LOCATION:</b>	DEREHAM Land East of Westfield Road	<b>APPNTYPE:</b>	Reserved Matters
<b>APPLICANT:</b>	Persimmon Homes Ltd Persimmon House Bankside 100, Peachman Way	<b>POLICY:</b>	In Settlemnt Bndry
<b>AGENT:</b>	Persimmon Homes Ltd Persimmon House Bankside 100, Peachman Way	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Application for Reserved Matters for 100 dwellings, following Outline permission 3PL/2017/0563/O		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

**DEFERRED REASON**

**A Open Space**

This application was due to heard at Planning Committee on 14th December 2020. On 10th December 2020 a letter from Leathes Prior solicitors on behalf of Dereham Town Council, relating to this application and the provision of open space on this site was received. As a result the item was deferred from Planning Committee to allow consideration of the contents of said letter.

The letter, in summary sets out and contends the following:

- The Committee Report relies on the provisions of the defective Section 106 Agreement as the basis for the calculation of the off-site contribution for Outdoor Sport Area;
- The failure of the Proposal to comply with the requirements of Policy DC11 and/or Policy ENV04;
- The failure of the Section 106 Agreement to secure contributions for Outdoor Playing Space in line with Policy DC11 as required by the grant of the outline planning permission;
- The invalidity of the Section 106 Agreement planning obligations.

As set out in the earlier Planning Committee report (appended to this report below), in order to ensure compliance with policy HOU10 of the Breckland Local Plan (adopted 2019) and the Nationally Described Space Standards, the house sizes have been increased and this has resulted in a reduction in the provision of open space. The resultant under provision of open space on this site not in accordance with adopted Policy ENV04 of the Breckland Local Plan (adopted 2019) or indeed DC11 of the previously adopted Breckland Core Strategy.

The section 106 agreement for the outline planning application for this site (application reference 3PL/2017/0563/O) subsequently varied by application reference 3OB/2019/0010/OB clearly states that the open space provision must accord with the previously adopted Policy DC11 of the Breckland Core Strategy. It also includes a table to calculate any monies required in the event an under provision of open space occurs. On this basis, it would be unreasonable to require compliance with Policy ENV04 of the Local Plan in

terms of open space provision. Open space provision was determined at outline stage, in line with the policies at that time (DC11) and is subject to the section 106 agreement.

The Council has sought legal advice in relation to the points made in the Leathes Prior letter and it is important to note the following:

- The Application is an application for reserved matters, i.e. "(a) access; (b) appearance; (c) landscaping; (d) layout; and (e) scale.
- Only these five "reserved matters" may be considered by the Council at this stage when determining the Application.
- Whilst layout refers to "open space", this only concerns the way these spaces are orientated and situated, not what the precise provision should be.

The matter of what the provision of open space should be, was determined at outline application stage (i.e. it only needs to comply with Policy DC11). With regards to this application, the requirements for open space for this site are set out in the signed S.106 Agreement attached to the outline planning permission and the subsequent deed of variation as outlined above. The Council cannot insist upon a revised scheme through a reserved matters application that would unilaterally alter the terms of the original S.106 Agreement, or otherwise exceed the scope of the original outline consent.

The S.106 Agreement/Deed of Variation sets out the required open space provision needs to be Policy DC11 compliant only. There is no planning condition or S.106 clause to require this to be provided on site. This is still the position despite the adoption of the Local Plan and policy ENV04. It would be unreasonable for additional onsite open space provision to now be insisted upon at this stage.

Of particular note is that there is a significant improvement in terms of the provision of open space from 2000sqm to 5628sqm as secured by the Deed of Variation. The Deed also sets out what the level of financial contribution required is, in the event of any onsite deficit, as in this situation.

As a matter of planning judgement, officers have reviewed the current application, negotiated with the applicants to improve the house types to meeting the nationally prescribed space standards in accordance with Policy HOU10 of Breckland Local Plan (adopted 2019) and consider the resultant reduction in open space provision, is provided for by the requirement in the signed S.106 Agreement./Deed of Variation for a financial contribution.

## **B Conclusion**

The section 106 agreement for the outline planning permission clearly sets out the requirement for open space for this site. We are unable to revisit the section 106 at reserved matters stage. The section 106 agreement makes provision for open space to be DC11 compliant and where this is not possible, it sets out a calculation for monies to be paid in lieu. In any event, as set out in the deferred planning committee report, it is the officers view that despite there being an under provision of open space on site for this development, this is outweighed by the provision of policy compliant houses types, resulting in improved amenity for future occupants. An offsite contribution in accordance with the section 106 agreement will be secured to regulate any shortfall. On this basis, the proposal is considered acceptable and sufficient provision for open space has been made. Even if it was considered that there was a shortfall in open space provision, it would be unreasonable of the Council to require any further open space at this time through reserved matters and, in any event, it is considered that on the whole, the application is acceptable taking all considerations into account.

## **C Recommendation**

Approval subject to planning conditions set out at the end of this report.

**\*\*Please note the earlier deferred Committee report now follows, amended and updated below.\*\***

### **REASON FOR COMMITTEE CONSIDERATION**

The application is to be heard by Committee as it is a major application for approval of reserved matters, which has undergone significant changes.

### **KEY ISSUES**

Layout  
Appearance  
Landscaping  
Scale  
Highways  
Ecology  
Contamination  
Drainage

### **DESCRIPTION OF DEVELOPMENT**

Outline permission was granted for up to 100 dwellings, with all matters except access reserved for later consideration. Access to the proposed housing would be via a new residential estate road off Westfield Road. An existing bungalow (No. 51 Westfield Road) will be demolished to create the access road. The outline application provided indicative details showing a conventional arrangement of dwellings, with a central area of public open space. This application is a reserved matters application following the approval of outline planning permission. The principle of development in this location has already been established at outline stage.

### **SITE AND LOCATION**

The application site is located within the Dereham Settlement Boundary, approximately 1.8 km to the south of the town centre in Toftwood. The site is situated within an area of mixed development, including housing, commercial and educational uses. The main body of the site comprises an area of open grassland and extends to around 3.6 hectares. The land is bounded to the south and west by housing and to the north and east by commercial development forming part of the Rash's Green Industrial Estate. The site is separated from the Rash's Green by established trees and hedging; remaining boundaries are mainly delineated by fencing.

### **EIA REQUIRED**

N/A

### **RELEVANT SITE HISTORY**

3PL/2015/0846/O - Residential development of up to 100 dwellings, including access, refused. Dismissed on appeal 11.04.17

3PL/2017/0563/O - Outline planning application for residential development up to 100 dwellings including details of access. Approved 15.12.17.

3OB/2019/0010/OB - Modification of S106 - 3PL/2017/0563/O - Schedule 2: 'Affordable Housing Provision' is the construction & provision of Affordable Dwellings on the site equating to 40% of the total number of dwellings (or such other lower percentage as the Council may agree in its absolute discretion) - Approved 09.01.20.

#### **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
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV04	Open Space, Sport & Recreation
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
HOU06	Principle of New Housing
HOU10	Technical Design Standards for New Homes
INF02	Developer Contributions
NPPF	National Planning Policy Framework
TR01	Sustainable Transport Network
TR02	Transport Requirements

#### **OBLIGATIONS/CIL**

The outline planning permission, reference 3PL/2017/0563/O, secured s106 contributions for the provision of affordable housing, on-site public open space and financial contributions to improve local schools and library services.

The deed of variation, dated the 8th January 2020, amended the affordable housing provision, the definition of "open space land" and added an off site sports area contribution for any deficiency of outdoor sports areas.

#### **CONSULTATIONS**

## **DEREHAM T C**

Councillors are concerned that there is no substitute for sports and play areas close to the housing, money will only go part way to mitigating this. Given the number of proposed houses it will inevitably seem cramped, but it is disappointing if we are to approve such dense building that will impact on existing houses. Concerns regarding potential flooding as the application calls for Anglian Water to take remedial action, but their track record in Toftwood is poor. With the onset of climate change 1 in 100 incidents are happening on a more regular basis. No EV charging points have been considered, whilst this is not obligatory it is clear they are going to be needed within the lifetime of the houses. Building Regulation 25A calls for a review of renewable energy options before construction starts - Will we see this? The loss of industrial space and traffic issues are not open for discussion, but do add to the unsatisfactory nature of this development.

Further comments received 26/11/20:

### **2. With regards to this application**

2.1 It had always been expected that for this development, all the Outdoor Playing Space would be provided on-site. This was confirmed in the officer's committee report for the 31st July 2017, in which it states that public open space would be provided on site in accordance with DC11. In its comments submitted for this application, the Town Council stated that it should be conditioned that the development will be providing the required amount of Outdoor Playing Space in accordance with DC11.

2.3 Initially, within the reserved matters application, Persimmon were trying to provide the correct amount (5520sqm) of Outdoor Playing Space within the site. As the application has proceeded Persimmon have found it difficult to provide the correct amount of Outdoor Playing space on the site and are proposing to provide a sum of money in lieu of on-site provision.

## **NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY**

There are no Public Rights of Way within this site that will be directly affected by these proposals. However, Norfolk County Council is concerned that with the limited on-site open space provision, there will be a significant increase in pressure on the already fragile local PRoW network, particularly Footpath 26 along Dumpling Green. The County Council would have expected the provision of more open space in the layout design to enable a circular pedestrian/cycling route within the development for use by new and existing residents as it is evident this site is providing a local short walk/exercise amenity, and so reduce the additional pressure on the nearby Public Footpaths. The possibilities of short circular walks in this area are already very limited by the railway line and the lack of footway, narrowness and volume of vehicular traffic on the eastern end of Westfield Lane and so the loss of this open space further reduces opportunities for exercise.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

Further to recent emails I received the attached drawing yesterday (DER-PL01-RevP). We are satisfied this drawing addresses our outstanding highway comments.

Should your authority support the we have no additional conditions to add to those appended to the outline consent.

## **FLOOD & WATER MANAGEMENT TEAM**

We previously had no objection to the subsequent Reserved Matters application, however we were unable to recommend that approval of details reserved by Condition 8 be given due to the absence of acceptable supporting information. The applicant has now submitted documentation in support of the Reserved Matters application as follows: Foul and surface Water Drainage strategy report (Barter Hill Ref: 8163 dated

September 2020 Preliminary Drainage Strategy plan (Ref: 8163 100-001 Rev P2 dated September 2020) Exceedance flow Strategy plan (Ref: 8163 100-002 Rev P2 dated September 2020) Surface water network calculations dated 30 September 2020. At this stage of the application process we would expect consideration of how any Sustainable Drainage Systems (SuDS) will be embedded within the layout to ensure that the greatest benefit is achieved through the multifunctional use of land. The provision of plans demonstrating how SuDS features can be incorporated into standard street layouts should be provided.

The supporting documents set out the drainage strategy. The proposal is to have a conventional sewer system with swales for the adopted highways in certain locations and a detention basin to discharge into an existing Anglian Water Sewer at 2.9 l/s. The additional water storage needed above the 3.33% AEP event will be stored through an overflow in cellular storage crates, located within Public Open Space. Although FEH rainfall data has been chosen, the LLFA would wish to see the use of FEH 2013 rainfall data as opposed to FEH 1999.

We have no objection to this Reserved Matter Application subject to our being consulted on any further application if this application is approved. We recognise that the Local Planning Authority is the determining authority, however, to assist, we would require sufficient information being provided to establish that the applicant has an acceptable Drainage Strategy when condition 8 is discharged. To demonstrate that the SuDS hierarchy has been followed, further geotechnical investigation should be undertaken to determine whether material on this site has infiltration potential. This information should be representative of the on-site conditions. If material is found to have infiltration potential, detailed infiltration testing should be undertaken in line with BRE 365. If these are proven to be unfavourable rates, we would need to see in principal agreements in place for an alternative solution for the next available discharge location in the hierarchy (e.g agreement from Anglian Water). FEH 2013 rainfall data should be used in any modelling calculations.

#### **TREE AND COUNTRYSIDE CONSULTANT**

No objections subject to operations on site taking place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by Oakfield, reference OAS 19-259-AR01 Rev B.

#### **HOUSING ENABLING OFFICER**

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per HOU07 of the Council's local plan document. At present a 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance 25 units would be required, 18no for rent and 7no for intermediate housing. It is noted the proposals are in line with this requirement. The affordable housing mix i.e., unit types, layout etc. will need to be addressed. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, i.e. 2bed, 3 bed etc., I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person unit are provided. The proposed units as set out in the D&A statement meet the current need. The affordable housing should be integrated into residential layouts to provide a distribution of affordable housing in single units or as small clusters within the development site. It should not be provided in in a single area. The present layout is satisfactory from this point of view, although the cluster in the n-w corner should not be increased in size.

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

The additional information provided in the response to comments letter (Denny Ecology; November 2020) and subsequent emails is sufficient to address our concerns with regards to the reserved matters application. The process of on-going management must be detailed within the Biodiversity Management Plan when this condition is discharged.

### **CONTAMINATED LAND OFFICER**

A Phase 1 Geo Environmental Desk Study prepared by EPS, May 2014, (ref UK14.1559) was submitted to the council in support of application 3PL/2015/0846/O when it was reviewed on the 26 July 2015. As the report is now 6 years old, a revised desk study should be submitted to ensure that all potential contaminant linkages on and off-site have been accounted for. I have looked at the application submitted and, based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date, I recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

### **ENVIRONMENTAL HEALTH OFFICERS**

Based on the information provided to me at this time; there are no objection on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

I do however have the following comments. The outline application was submitted with an acoustic report outlining measures to ensure properties would be adequately protected from noise from the adjacent industrial estate. The report (Acoustic report 66750/3/1/14 prepared my LCP for Beacon planning) recommended acoustic glazing with a minimum noise reduction of  $Rw+ctr$  of 32dB, therefore I recommend a condition to ensure all windows to habitable rooms facing east (towards the Industrial Estate) shall be glazed in accordance with the recommendations of the acoustic noise report 66750/3/1/14.

A condition of the outline planning was the provision of acoustic fencing to protect occupants of the existing bungalows at the entrance of the site from traffic noise. I have been unable to find if these details have been submitted. I note that outline planning permission specified that a construction method statement be submitted and should include details for preventing dust pollution. I note it did not include noise provisions. Given the proximity of the site to existing residential premises recommend the following conditions during the construction phase.

### **FACILITIES MANAGEMENT**

Previous comments from Facilities Management, regarding the open space being unsuitable for adoption by BDC and the risk of an informal access being created from the development onto the Council s adjacent land are still valid. I believe that Commercial Property are dealing with the sewer Easement and permissions required for the temporary construction access. However, I should be grateful if you would confirm if it is proposed not to re-plant the hedging in the NE corner of the site, as suggested on the landscape drawing, and how it is proposed to reinstate the boundary in this location?

**ENVIRONMENT AGENCY**

No Comments Received

**ANGLIAN WATER SERVICE**

No Comments Received

### **REPRESENTATIONS**

A number of representations have been received from 8 residences. They are summarised as follows:

- Access
- Loss of privacy.
- Noise.
- Pollution.
- Affordable housing is clustered.
- Flood Risk.
- Traffic.

- Loss of value of existing house.

## ASSESSMENT NOTES

### 1.0 Principle

1.1 The principle of a residential housing development for up to 100 dwellings has been accepted by the approval of application 3PL/2017/0563/O. Policy HOU06 supports the principle of residential development, whereby the design and layout, as well as adequate parking provision can be provided, this is further discussed below. Access was approved at outline stage and as such the current application is for the reserved matters, which are appearance, landscaping, layout and scale. These have been further assessed, as set out below.

### 2.0 Layout

2.1 The layout proposed has changed through the applications evolution with the last consultation period ending in October 2020. There have been objections to the layout on the grounds of overlooking of the properties which are adjoining the site at Westfield Road. The objections have stated that by having two storey houses with gardens backing onto the gardens of the properties at Westfield Road the amenities of the occupiers will be significantly adversely impacted by the overlooking of gardens and dwellings and by the development being overbearing.

2.2 The gardens proposed vary from approximately 10.5m to 12.5m in depth measured from rear wall to red line. The gardens of the properties off Westfield Road measure, from 31.5m to just over 40m from the rear wall of the existing house to the boundary. With regards the overlooking to gardens it is accepted some overlooking may occur of immediate rear gardens to boundaries only, given the placement of two storey houses in the proposed location. However, given the depths of the gardens of the existing properties, it is not assessed that the adverse impact is so significant to warrant a refusal of the application. With reference the layout changes a positive comment has been received noting that the changes reduce overlooking. While it is noted that some overlooking will occur in this location the impact is not so severe to be considered contrary to current planning policy and the development accords with policies HOU06, COM03, COM01 and GEN02 of the Local Plan (adopted 2019).

2.3 The overall layout has been arranged around a central open area where the proposed Local Equipped Area for Play (LEAP) measuring 582m<sup>2</sup> located within 2070m<sup>2</sup> of public open space and a centralised single access from Westfield Road. To the north eastern corner is a large attenuation area marked on the submitted plan as 'lagoon' and an area for outdoor sports measuring 729m<sup>2</sup> identified as a pump track. The total area identified for public open space is 2799m<sup>2</sup>.

2.4 The development, as amended, has a significant shortfall of outdoor sport on site at approximately 3000m<sup>2</sup>. The approximation is made primarily because minor changes to the current layout have been made to satisfy consultation responses. As such the figures are given as an approximation until all responses are in and space can be assessed giving an exact figure, this shall be carried out prior to the decision being issued. Policy HOU10 requires that all new homes across all tenures meet the Governments Nationally Described Space standard (NDSS). In order to meet the size requirements of policy HOU10 the layout, as per the above was amended reducing the space provision in order to provide accommodation that is to a suitable standard.

2.5 The extent of open space and outdoor sport to be provided on site are stated within a deed of variation to



the s106, reference 3OB/2019/0010/OB, which is attached to the outline planning permission. The deed of variation also included the calculation for the offsite contribution to be applied to any shortfall in provision on site. It is noted that the open space provision is calculated in accordance with the previous planning policy DC11 as opposed to policy ENV04 of the Local Plan (adopted 2019), this is set out in the section 106 agreement and due to the date of the Committee resolution for this application. Paragraph 2 of the NPPF and Planning Legislation requires planning permissions to be determined in accordance with the development plan, unless material considerations indicate otherwise. The current Development Plan includes the Breckland Local Plan (adopted 2019) and policy ENV04. However, open space requirements was a matter considered at outline stage under the policies at that time, namely Policy DC11, and open space requirements were secured through a planning obligation in the usual manner. The Council cannot revisit this now through reserved matters. In any event, whilst the Council notes the requirements of policy ENV04, considering the requirements of the outline permission and the reserved matters proposal before the Council pursuant to it, the proposals are considered to be acceptable.

2.6 The applicants revised supporting statement has noted that there has been input from the Town Council into the provision of outdoor sport on the site which is where the idea for pump track, located to the north eastern corner of the development, came from. There have been ongoing discussions with Environmental Health over the composition of the pump track to ensure that there are no adverse impacts by way of noise to the nearby properties. The houses nearest the pump track have been orientated to provide surveillances over the pump track for additional security.

2.7 Overall, despite the under provision of onsite open space, the layout and formation of that shown on site is not objected to and is well connected in terms of green infrastructure. The layout in this regard is considered to accord with Policies ENV01, GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

2.8 The layout shows high density housing at the north western corner of the site comprising three terrace blocks, two of three dwellings and one of four dwellings. The properties are proposed to have front off road parking in a linear form. A small amount of landscaping is shown within this section to break up the frontage parking and, through the evolution of the application the bin collection points have been revised to reduce the impact on the future occupiers. While this section is dense with linear parking, there will be demarcation of the areas by the use of different materials for the shared surface, which is the same as the parking areas and the private drive and turning head. It is considered that the overall density of development accords with the wider character of the area. Overall the development is in accordance with policies HOU06, COM01 and GEN02 of the Local Plan (adopted 2019).

2.9 The remaining layout again shows a preference for frontage parking in a linear layout. However, this is less dense than the area discussed at 2.7 above and has, in places, landscaping to break up the built form of the development. The layout of the parking in relation to the dwellings is not ideal with reference to limited plots, for example no.s 100, 97 and 22, however as these are limited examples, the layout in relation to parking can be assessed as acceptable on balance and in accordance with policies HOU06 and COM01 of the Local Plan (adopted 2019).

2.10 The layout clearly defines the areas of private and public space in accordance with policy COM01 of the Local Plan (adopted 2019). Further information regarding boundary treatments, around the lagoon for example, can be secured through condition. The layout of affordable units is also considered acceptable in accordance with Policy HOU07 of the Local Plan.

2.11 On planning balance, taking into account the need to comply with policy HOU10 of the Local Plan (adopted 2019) which requires the houses to be constructed to a minimum size, the layout complies with policies ENV01, HOU06, HOU07, COM01, COM03 and GEN02 of the Local Plan (adopted 2019).

### 3.0 Appearance

3.1 The houses proposed are a mixture of brick both red multi brick and buff, renders in grey and white and cladding in dark grey or dark blue. Roof materials are proposed as grey flat tile. The mix of materials over 14 different house types will provide an adequate mix to give the development a cohesive feel while integrating into the wider character of the area. While the development, having a single access point, will be self contained and will benefit from its own character, the mix of traditional and modern materials show that the character of the area has been considered in accordance with policies GEN02 and COM01 of the Local Plan (adopted 2019).

3.2 While the design of the dwellings would not be classed as innovative they are modern in appearance giving a contemporary feel to the development in accordance with policy GEN02 of the Local Plan (adopted 2019).

3.3 Condition 4 of the outline planning permission requires that (partial):

*'all applications for approval of reserved matters submitted pursuant to the outline permission relating to the layout, appearance, scale and landscaping shall be accompanied by a statement explaining the design principles of the development proposed and how they relate to the outline Design and Access Statement'*

3.4 The details submitted in support of the application have outlined how the development has followed the design approach of the original submission noting that detached landmark buildings have been placed at corner locations to give prominent focal points within the development.

3.5 The majority of the scheme is 2 storey with limited 2.5 storey dwellings being added, according to the submitted details, to create more of a presence around the open space areas and entrance. The mix of heights within the development increases the offering of house types and aids the appearance of the development. While it is unfortunate that the housing mix does not offer any single storey accommodation, this is not a set requirement of policy or the s.106/conditions. The mix of housing types designs and materials gives an acceptable overall design to the site in accordance with policy GEN02 of the Local Plan (adopted 2019).

### 4.0 Landscaping

4.1 Landscaping details have been supplied as part of this reserved matters application although some specifics shall be conditioned should the application be approved. The footpath to the centre of the site shall have landscaping at either side and will be an attractive feature within the development. The plans submitted also show additional planting of trees, with species to be conditioned, at various points throughout the site.

4.2 The entrance to the site, while approved under the outline application, is wide giving ample space for a footpath to each side of the access road with grass and planting acting as a buffer to the existing houses. It is noted that acoustic fencing is required, however the landscaped entrance will provide an attractive gateway to the development proposed. As the road goes to the north and south into the site the western boundary has a swale shown which can provide an attractive drainage feature. The road to the north is less attractive but additional planting can be looked at through conditions to ensure that this is adequately softened.

4.3 There are no objections from the Tree and Landscape officer to the development provided that a condition is imposed requiring that the development be built in accordance with submitted details.

## 5.0 Scale

5.1 Policy HOU10 requires that all new homes across all tenures meet the Governments Nationally Described Space standard (NDSS). The NDSS sets the minimum sizes for dwellings based on no. of bedrooms and no. of floors that a dwelling shall have and also gives the number of people to reside in the property. In order to meet the size requirements of policy HOU10 the layout, as per the above, was amended reducing the space provision in order to provide accommodation that is to a suitable standard.

5.2 The application is supported by a revised design statement addendum which supplies a table demonstrating the compliance across all house types with the NDSS. The scale, being the internal size, height, width and length of the proposed dwellings is acceptable in relation to the character of the area in accordance with policies HOU10, COM01 and COM03 of the Breckland Local Plan (adopted 2019).

## 6.0 Highways

6.1 The principle of the access was approved at outline stage and is not therefore for discussion during this application, it is noted that there are objections from residents on the grounds of the access. Norfolk County Council Highways have responded to the latest layout plan stating that they are satisfied and do not require any further conditions to be added to the reserved matters approval.

6.2 The application is assessed in accordance with policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

## 7.0 Ecology

7.1 There are no objections, following the submission of additional information, to the development from the Councils ecology consultants. To the north of the central open space is an area where orchids are currently growing, while the orchids are not specifically protected they do have a value and discussions have been had regarding their removal from this section of the site and being replanted at a suitable location around the lagoon. This will come through as part of the Biodiversity Management Plan to be submitted to discharge the condition on the outline approval.

7.2 The development complies with policy ENV02 of the Breckland Local Plan (adopted 2019) as enhancements and conservation, such as the above, can come through the Biodiversity Management Plan.

## 8.0 Contamination

8.1 The comments received from the Environmental Health Officer have requested further conditions on contamination and the previous report to be updated. As the application has been granted outline approval and contamination is adequately conditioned on the outline permission this is not to be repeated.

## 9.0 Drainage

9.1 The Town Council state that the drainage strategy requires that Anglian Water take remedial action on the site and the consultation response from the LLFA has said that further information is required to discharge the condition (condition 8) of the outline planning permission which related to drainage. Anglian Water have been consulted twice on the current application and to date no response has been received.

9.2 As per the above the principle of housing has been approved on this site by the granting of the outline planning permission. There is no objection from the LLFA, who have provided additional guidance for the

applicant to follow when they are looking to discharge the relevant condition. In the absence of an objection and a planning condition, which has made the development satisfactory, then the proposal can be assessed as in compliance with policy ENV09 of the Breckland Local Plan (adopted 2019).

## 10.0 Conclusion

10.1 The application has undergone changes throughout the assessment process with the most notable being the reduction in open space provision to allow for the house sizes to meet the national standards as required by policy HOU10 of the Breckland Local Plan (adopted 2019). While the provision of policy compliant open space would have been preferred when weighed against the need to provide homes of an adequate size it has been assessed, in this instance, that the lack of on site open space can be justified and is adequately provided for, as per the terms of the s.106 agreement. On balance, the proposals are considered to comply with the relevant development plan and national policies. In any event, to the extent any conflict is considered, for those reasons explained in this report, it is not considered that this warrants refusal.

10.2 The application has been assessed as compliant with local and national planning policy, notable policies HOU06, HOU07, HOU10, COM01, COM03, GEN02, ENV01, ENV02, ENV09, TR01 and TR02 of the Breckland Local Plan (adopted 2019).

## RECOMMENDATION

The application is recommended for approval subject to the following conditions.

## CONDITIONS

- 1 Reserved Matters - time limit**

This approval is granted following the grant of Outline Planning Permission reference 3PL/2017/0563/O dated the 15th December 2017. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.  
Reason for condition:-  
For the avoidance of doubt and to ensure that the development accords with conditions attached to the outline planning permission for the proposal, including time limits specified for commencement, resulting in appropriate development of the site.
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.  
Reason for condition:-  
To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).
- 3 Fencing protection for existing trees**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by Oakfield, reference OAS 19-259-AR01 Rev B. No other 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:-

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 2019).

**This condition will require to be discharged**

**4 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 2 no. fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the approved hydrants have been provided in accordance with the approved scheme.

Reason for condition:-

In order to secure the provision of fire hydrants, in accordance with Policy INF02 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**5 Noise protection of new residential properties**

Prior to first occupation of each affected dwelling to the western boundary of the application site, all windows to habitable rooms facing east (towards the Industrial Estate) shall be glazed in accordance with the recommendations of the acoustic noise report 66750/3/1/14.

Reason for condition:-

In the interests of the amenities of the locality in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**6 non standard condition**

Prior to commencement, a method statement (in accordance with the principles described in BS 5228) stating precisely the type of plant to be used and the proposed noise control methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason for condition:-

details are required prior to commencement, in the interests of the amenities of the occupiers of nearby dwellings in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

**7 Hours of operation during construction**

Hours of construction, including contractor/staff arrival and material deliveries shall be restricted to between the hours of 07:30 and 18:00 Monday to Friday and 07:30 and noon on Saturday. No works shall be permitted on Sundays nor bank holidays.

Reason for condition:-

In the interests of the amenities of the locality in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

**8 Soft landscaping scheme to be submitted**

Prior to the first occupation of the development hereby permitted, further details of landscaping, which shall expand upon the approved landscaping plan shall be submitted to

and approved in writing by the Local Planning Authority.

These details should include:

- Planting plans;
- Written specifications ( including cultivation and other operations associated with plant and grass establishment);
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme
- Reinstatement of the site boundary treatments that are marked as to be removed on the landscaping plan.

The details shall also take account of the Council's leaflet 'Tree pack' (Landscaping advice for applicants) which is available for down load on the Council's website. The development shall accord with the approved details.

Reason for condition:-

Details are required in the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**9 non standard condition**

Prior to first occupation of the development hereby permitted, details of boundary treatments shall be submitted to and approved by the Local Planning Authority. The development shall accord with the approved details.

Reason for condition:-

Details are required in the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**10 non standard condition**

Prior to the erection of the entrance feature wall as shown on the approved layout plan, the details of the size, height and materials shall be submitted to and approved by the Local Planning Authority. The wall shall be built in accordance with the approved details.

Reason for condition:-

Details are required in the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**11 No additional windows at first floor**

Notwithstanding the provisions of Class A & C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order)(with or without modification), there shall be no additional window or other opening constructed at first floor level or above in the western elevations of plots 4-16 inclusive or enlargement or alteration of permitted openings hereby approved, without the prior written permission of the Local Planning Authority.

Reason for condition:-

To help safeguard the privacy and amenity of the occupiers of adjacent properties in accordance with Policy COM03 of the Breckland Local Plan (adopted 2019).

**14 Criterion E - Planning Apps Where Approved**

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK