

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2020/0906/F	CASE OFFICER Chris Hobson
LOCATION:	SHIPDHAM Parfitt Nurseries The Cricket Players, Old Post Office Stree	APPNTYPE: Full POLICY: In Settlemnt Bndry CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	T & P Developments Ltd c/o DFAL 35 Whiffler Road	
AGENT:	David Futter Associates Ltd Arkitech House 35 Whiffler Road Norwich	
PROPOSAL:	Residential Development for 23 no. dwellings and associated car parking and garages, and associated public open space and highway improvements.	

DEFERRED REASON

The application was deferred at Planning Committee on 12th April to allow for further consultation with interested parties.

REASON FOR COMMITTEE CONSIDERATION

The application is locally significant and has received a significant number of representations and a recent application was refused at Planning Committee.

KEY ISSUES

The application has been called in to be determined by Planning Committee by Ward Member in light of the public interest, the previous refusal due to highway concerns and that the viability issues need full consideration.

Principle of development
Design, character and appearance of the area
Access and highway impact
Impact on amenity
Heritage/Archaeological Considerations
Drainage/Flood Risk
Landscape / Ecological Implications
Viability - Planning Obligations Affordable Housing,
Other Matters -Contamination.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought to construct 23 dwellings within the application site. Access would be onto Old Post Office Street. A central estate road, roughly T shaped, would serve the development. 2 dwellings

would front Old Post Office Street with a cul-de-sac arrangement further into the site. Parking would be provided by private garaging and driveways. Each dwelling would be served by individual areas of private amenity space and garages and parking spaces.

A mix of dwelling types would be provided to include detached, semi-detached and a short run of terraces.

House Type A (x4) - Two storey detached dwellings (3 bedrooms), GIA 104 m2, with a gabled roof and finished in brick with a pantile roof.

House Type B (x3) - Two storey detached dwellings (4 bedrooms), GIA 150 m2, with a pantiled gabled roof. The house would be finished in brick with a rendered front gable feature.

House Type C (x1) Single storey bungalow (2 bedrooms), GIA 92 m2, finished in brick with a pantiled gable roof.

House Type D (x4) - Two storey semi-detached dwellings (3 bedrooms), GIA 87 m2, finished in brick with a pantile roof.

House Type E (x1) Detached two storey dwellings (4 bedrooms), GIA 150 m2, brick and pantile finish with two storey rendered, front gable feature.

House Type F (x1) Two storey detached dwellings, (4 bedrooms), finished in brick and pantile with front projecting gable, gabled roof with a GIA of 186 m2.

House Type G (x5) Two bedroom, two storey semi-detached & 3 unit terrace with a pantiled gable roof and brickwork finish.

House Types H & J (x4) - Semi-detached, House Type H with rendered gable, pair of two storey gabled dwellings (2 and 3 bedrooms GIA 72m2 and 93m2).

SITE AND LOCATION

The application site extends to approximately 1.1 hectares and is a former nursery site on the edge of the village of Shipdham, now allocated in the Local Plan for residential development. The site is at the southeastern end of the village, on Old Post Office Street, and is bounded to the north and east by existing housing. There are open fields to the south and west. The plot is no longer in use and contains an abandoned nursery building and associated areas of grass previously used for planting. A single point of access provides entry/egress to Old Post Office Street.

The site is within the settlement boundary of Shipdham, which is designated in the Local Plan as a Local Service Centre village. The village includes a number of listed buildings and has an extensive conservation area.

The application site is an allocated housing site within the adopted Breckland Local Plan for at least 23 dwellings (Shipdham Housing Allocation 1). The site, as detailed in the planning history, has also been the subject of previous applications for residential development, and outline planning permission was previously granted in May 2017 for 23 dwellings (3PL/2015/1267/O) but has since lapsed.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0864/F - Residential Development for 23 no. dwellings and associated car parking and garages - Refused for the following reason:

"The proposed development would have an unacceptable impact on highway safety as a result of the design of the following highway junctions and their use by large agricultural vehicles, lorries and HGV's, Junction A (Old Post Office Street and Watton Road (A1075)) and Junction B (Bradenham Road and Watton Road (A1075), which would need to cross the highway onto the opposite side to turn into Watton Road. The proposed development would therefore be contrary to policies CP4 of the Adopted Core Strategy and Development Control Policies DPD, policies TR02 and COM01(m) of the emerging Breckland Local Plan, and paragraphs 108 and 109 of the NPPF."

3PL/2015/1267/O - The Cricket Players, Old Post Office Street - Residential development for 23no. dwellings - Approved May 2017.

3PL/2014/1073/O - 14 dwellings on part of the site within the development boundary - Refused March 2015.

3PL/2011/0292/O - Development of 30 dwellings - Refused June 2011.

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
ENV03	The Brecks Protected Habitats & Species
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU01	Development Requirements (Minimum)
HOU02	Level and Location of Growth
HOU06	Principle of New Housing

HOU07	Affordable Housing
HOU10	Technical Design Standards for New Homes
INF02	Developer Contributions
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SRA1	Shipdham Residential Allocation 1 Old Nursery, Land behind Old Post Office Street (LP002)
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Following consultation, the following contributions are recommended and agreed by the applicant, and should be secured through the signing of the section 106 agreement if planning permission is granted:

- 2 affordable units (9%);
- Viability Review Clause with claw back mechanism;
- Open space provision on site and provisions for its ongoing maintenance;
- Education contribution as per NCC Infrastructure response;
- Library service contribution as per NCC Infrastructure response.

CONSULTATIONS

SHIPDHAM P C

Object to application. The proposal of the 4 pedestrian crossings are too many, especially two on the main A1075 and turning left from A1075 onto Bradenham Road junction. The application appears to over engineer a solution to a problem of its own making that is the number of houses planned for the plot. We are concerned that this application offers nothing for the community of Shipdham and everything for the developer and landowner. We agree with the principle of development on this site it has been earmarked for development since 2005, and is integral to the Local Plan and the earlier LDF. But a development of this scale should make provision and recompense to the community in which this is located. We cannot support as a Parish, and as a district, the imposition of a significant development which will adversely impact the local community where no benefits accrue to that community on the grounds of economic hardship.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

CONTAMINATED LAND OFFICER

No objections subject to conditions. The developer is responsible for ensuring that there have been no new sources of contamination on and off-site since the report was first submitted and that all potential risks are considered.

ENVIRONMENT AGENCY

No objections.

ANGLIAN WATER SERVICE

No objections subject to conditions.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

I have no concerns regarding layout with the application.

Boundary Dwellings - It is important that the boundary between public and private areas is clearly indicated. I cannot see from the plans the detail on the boundaries intended for below plots of 3 and 6. Defensive space is important to prevent accidental contact with the dwelling, particularly adjacent amenity spaces. Consider a buffer zone using either 1.2m railings or a 1m mature hedge.

Car Parking - From a crime prevention perspective the car parking on site has been provided in garages or within the dwelling boundary which is supported.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

There would be insufficient capacity at Thomas Bullock CE Primary Academy. Therefore, Norfolk County Council will seek Education contributions for primary school provision as follows:

-Thomas Bullock CE Primary Academy (6 x £14,022 = £84,132)

The contributions will be used to contribute towards the provision or enhancement of educational facilities required as a consequence of the Development.

A development of 23 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of the library. It has been calculated that a development of this scale would require a total contribution of 1,725 (i.e. 75 per dwelling).

Fire hydrant provision would be required on site.

FLOOD & WATER MANAGEMENT TEAM

The LLFA appreciate that the proposed surface water drainage system has been designed to contain the volume of rainfall generated from a 1% Annual Exceedance Probability event (plus an additional allowance of 40% for further climatic change) together with discharging this runoff to the wider watercourse network at QBAR. However, due to the need for more information and updated drainage strategy we maintain our objection to this planning application in the absence of an acceptable Drainage Strategy and/or supporting information relating to:

- A Sustainable Drainage Scheme (SUDS) has not been proposed. A traditional sewer pipe network with additional attenuation has been proposed. There is no clear evidence why SuDS are inappropriate at this location.

- Sufficient water quality parameters do not appear to have been met by the proposed system. It is unclear how surface water runoff from the main estate carriageway will suitably be cleansed prior to its discharge to the wider watercourse environment.

Officer Note: Updated response to the additional information submitted is awaited and will be reported to members.

HOUSING ENABLING OFFICER

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 an application where there are 23 units, such

as this application, it would normally be expected that 5.75 being made up of 5 units a commuted sum of 37,500 would also be payable, this being calculated as 75% of the standard 50,000 per equivalent dwelling, to discharge the fraction 0.75 unit requirement. It is noted no affordable housing is proposed and a viability study provided with the application. Confirmation by viability contractor is required to determine what if any Affordable Housing can be provided. If an independent open book review of the viability determines that it is not viable to provide the policy requirement, a clawback provision will be required as part of the S106 agreement. This will ensure that, should the scheme not be completed within three years from date of planning approval, half of any profits in excess of the percentage stated in the independent review shall be paid as a commuted sum to provide affordable housing in the district, up to an amount where the scheme has made the equivalent of a policy compliant affordable housing contribution. House types H and J will need to be amended to meet NDSS space standards.

Officer Note: Discussion of the development viability and affordable housing provision is discussed in further detail elsewhere in this report. Following review by CP Viability on behalf of the Council and the submission of further viability evidence by the applicants, the Housing Enabling Team have raised no objections to the provision of 2 affordable units on site, to be secured by Section 106 Agreement. The proposed house types H and J have been amended in order to meet the minimum floor space standards set out in the NDSS.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Boards IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions. The supplied tree surveys demonstrates that trees within the development site are of low value and should not be seen as a constraint upon the proposed development. A landscaping plan to include replacement trees should be provided.

HISTORIC BUILDINGS CONSULTANT

No objection in broad terms of principle from an historic built environment perspective as the application site is separated from any non designated or designated heritage assets. The site is however in a prominent location and readily visible from the public realm. It is recommended therefore that the applicant refers to the National Design Guide as a point of reference to ensure that any development here is an appropriate response to context.

HISTORIC ENVIRONMENT SERVICE

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

ENVIRONMENTAL HEALTH OFFICERS

No Comments Received

REPRESENTATIONS

The application has been publicised by letters sent to neighbouring properties, site notice and notice in the local press. The Council has received representations from in excess of 39 separate individuals raising objections for the following reasons:

- Road network is already very busy and infrastructure not adequate for size of proposed development.
- Existing road network including Old Post Office Street is unsafe.

- Harm caused to highway safety from proposed unsafe highway access and arrangements.
- Over development of site and too much development in Shipdham.
- Additional off site parking.
- Site partly outside settlement boundary.
- Impact on surrounding house prices.
- Proposals would drain to private land and pond which already experiences flooding.
- Inadequate notification.
- Development is not needed and is greed on behalf of applicants.
- Proposed road improvements do not solve the existing problems, are unsafe for large and long vehicles and would be detrimental to highway safety.
- Proposed access arrangements are not safe for pedestrians.
- The A1075 already experiences flooding and the proposals would increase the flooding on the main road and private gardens.
- The ditch network proposed to drain water from the site is not adequate and is in private ownership.

ASSESSMENT NOTES

1.1 Principle of the Development

1.1 As noted above, the site has been the subject of a number of planning applications and as detailed in the planning history, outline permission was previously granted in 2017 to develop this site for 23 dwellings but has since lapsed. More recently the site has been allocated within the adopted Breckland Local Plan for residential development of at least 23 dwellings. The Local Plan designates Shipdham as a local service centre and the application site would deliver the identified growth required for the village. This is in recognition of local service and facilities within the village, including local employment opportunities. Therefore, the principle of residential development of the type and scale proposed has been established and accords with the development plan. The following sections of the report will consider the proposals against the series of criteria within the Allocation policy.

1.2 The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The NPPF also encourages the location of rural housing where there is access to alternative modes of transport other than the private car and where it will enhance or maintain the vitality of rural communities. The site meets these requirements and therefore the principle of housing is appropriate.

1.3 Furthermore relatively good transport links exist to other higher order settlements. The NPPF advises that developments generating significant amounts of traffic should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, and where there is access to high quality public transport facilities, recognising that this will differ between rural and more urban areas. It is considered that sustainable transport options, although moderate, do exist providing links to higher order settlements.

1.4 The NPPF also seeks, at Paragraph 78, to locate rural housing where it will enhance and maintain the vitality of rural settlements. The NPPF also encourages the avoidance of isolated homes in the countryside. This scheme would help maintain the local services that exist in the village including a number of local businesses. Reasonable alternative transport modes exist and services in neighbouring settlements would benefit. Furthermore this scheme, adjacent to the village settlement boundary, will avoid isolated homes in the countryside, in the provision of rural housing.

1.5 There are moderate economic benefits in the short term including economic activity which would be generated during the construction/disposal phase of development. When considered in conjunction with other approved developments the overall contribution to the local economy would not be inconsequential. Longer term economic benefits would emerge for the village and further afield with the creation of new households.

2.0 Access and Highway Safety Considerations

2.1 Policies TR01 and TR02 of the Local Plan seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

2.2 The previous application 3PL/2017/0864/F was refused due to concerns in relation to highway safety on the surrounding highway network. There have been ongoing consultations between the applicant, Norfolk County Council Highways Authority and the local community following the previous refusal of application 3PL/2017/0864/F in 2019. The applicants have instructed a highways consultant to assist in the revised scheme. The amended scheme includes amended site access layout and a number of off site highway improvements. The Highway Authority have, as in previous applications, raised no objections to the proposed development. The existing alignment and access for residents along Old Post Office street is retained and the proposals now provide for a number of improvements to the existing road layout. As a result the proposals comply with criteria 1 within the housing allocation policy for the site.

2.3 Local representations have continued to raise objections due to the layout of the proposed site access, the proposed road arrangements and the potential impacts on the wider local road network. The applicants have submitted a series of drawings showing the movement paths of a variety of vehicles including articulated lorries, HGV's, combines and tractors and trailers using the improved Bridgham and Watton Road junction. These have been reviewed by the Highways Authority and demonstrate that a variety of agricultural and industrial related vehicles would be able to manoeuvre in a safe manner. The NPPF advises applications should only be refused on highways capacity grounds were the impact would be severe. In this instance it is not considered to be the case as shown by the Highways Authority not objecting to the application.

2.4 The proposals would provide a number of off site highway improvements, including a new 20mph speed restricted zone along Old Post Office Street; safer realignment of the Watton Road and Bridgham Road junction; a new gateway feature into the village to slow speed of vehicles approaching from Watton; additional signage; and additional footpaths and pedestrian crossings.

2.5 Having regard to the above, the proposals comply with the requirements of the site allocation policy, and Policies TR01 and TR02 of the Breckland Local Plan and the policy principles set out within the NPPF.

3.0 Design, Landscape, Character and Appearance of the Area

3.1 Policies GEN02 and COM01 of the adopted Local Plan (2019) and section 12 of the NPPF support high quality design. Policy HOU6 of the Breckland Local Plan (adopted) also states that the "design and layout will optimise the density of the development to a level which is appropriate and justified for the locality"

3.2 The NPPF highlights in paragraph 126 that "The creation of high quality buildings and places is

fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

3.3 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.4 The site is within the Central Breckland Plateau as identified in the 2007 Landscape Character Assessment (LCA). Key sensitivities include open skylines and long views from the elevated road network. There is a desire to conserve woodlands and historic hedge lines. Settlement edge development should preserve historic settings and take into account the open elevated landscape and associated views.

3.5 As detailed within the outline application the development of the site would be seen in the context of existing development on Old Post Office Street and built form would not extend excessively into the surrounding landscape, half the site being within the settlement boundary. The proposed finishes and development styles, two storey/single storey detached/semi-detached, would be commensurate with the existing pattern of development.

3.6 Whilst a density of 23 dph is considered higher than adjoining development, the site allocation Policy requires the site to deliver at least 23 dwellings. Furthermore the supply of housing should be optimised on appropriate and sustainable sites for development such as this. The proposed density and impact on the character of the area is considered acceptable. The site would not appear overdeveloped or cramped and each property is served by a suitable level of private amenity space. The site would be seen within the context of existing development and whilst the inevitable change in character will have some impact the low set nature of the site will ensure any impact would be localised. Any moderate impact on the character of the area is outweighed by the significant and demonstrable benefits of the development.

3.7 As would be expected at this site, the proposed materials palette references red brick and pantile elements in the finishes. This is in keeping with the predominant materials finish in the immediate area. Furthermore the general mix of two storey/single storey detached/semi-detached is in general keeping with the character of the immediate area and wider village. A sufficient mix is included to offer some variety. The overall scale and massing is also generally in keeping with the local character.

3.8 The site plan demonstrates suitable levels of private amenity space, parking and the incumbent ancillary requirements such as adequate access and turning facilities. The development would provide continuity in the street frontage. The layout retains dwellings fronting on to roads and areas of open space are provided with good natural surveillance, a valuable element of all small housing developments. The space is useable and accessible for all residents. The constabulary's Liaison Officer in relation to designing out crime advises that the layout is relatively suitable, avoiding alleyways and other characteristics which can encourage crime and or result in an unsafe layout. The general layout is considered acceptable.

3.9 As individually designed dwellings, the houses will be a modernised version of typical red brick family homes. As detailed the mix in styles will provide some level of variety, but the use of good quality materials, something that can be secured by condition, will ensure a development that would assimilate into the existing housing stock of Shipdham. As a result the proposals are considered to comply with criteria 2 of the Site Allocation Policy. The design and layout raises no significant issues and is general compliance with policies GEN02 and COM01 of the Breckland Local Plan (adopted).

4.0 Residential Amenity

4.1 Policy COM03 of the Breckland Local Plan (adopted) seeks all new development to protect the amenity of the area, neighbouring and future occupants.

4.2 The proposed development would provide a relatively spacious development served by appropriate levels of both public and private amenity space for future residents. Whilst some concern has been raised about potential impacts on existing residents, adjoining properties are served by spacious rear gardens and this ensures that the proposed development would not appear un-neighbourly or result in excessive losses of outlook from existing houses or rear amenity areas. Whilst there will be an increase in noise from the general comings and goings from the new development, this should not detract significantly from the overall pleasant village feel which is a positive selling point of most village settlements.

4.3 The scheme includes a sewage pumping station which can often be a source of nuisance for neighbouring residents. On this issue the Environmental Health section are content that there would be no significant impacts, and a suitable condition agreeing details of the system and measures to control noise and smells is deemed necessary.

4.4 It is noted that house types B and H include first floor windows in the flank elevations to serve bedrooms. Whilst care should be taken to avoid future issues of overlooking, the windows adjoin private driveways serving the dwellings and although there is the potential for overlooking of adjoining plots any impact would not be, on balance, to an unacceptable level. The proposed development is in generally compliance with policy COM03 of the Breckland Local Plan (adopted).

5.0 Housing Mix, Tenure and Viability

5.1 The development proposes 23 dwellings including 21 market and two affordable homes of predominantly two and three bedrooms. The application proposes a good mix of type, size of dwellings including a detached, semi-detached, a short terrace formats, some properties with large gardens, smaller gardens and ranging from two bedrooms through to four bedroom dwellings. Overall the proposals provide a good balance and would assist in meeting the needs of a range of households and accord with the latest SHMA which seeks to secure predominantly 3 bedroom units for the whole of Breckland.

5.2 With respect to the provision of affordable homes, policy HOU07 of the Breckland Local Plan (adopted) requires the provision of 25% Affordable Housing on residential sites of this size. The applicant has submitted a viability appraisal of the development and consider that the scheme cannot viably provide for any affordable housing. The council has had the findings independently appraised on their behalf by CP Viability who conclude that a scheme which provides between 2-3 affordable units would be viable. Following further evidence submitted by the applicants viability consultants CP Viability have recommended that the provision of 2 affordable dwellings would be an acceptable level. The applicant has since agreed to provide 2 affordable homes on site in addition to financial contributions totalling £92,349 towards local education and library facilities.

5.3 The Council's Housing Enabling Team have reviewed the position and raised no objections to the provision of 2 affordable dwellings on site. These are to be secured via a Section 106 Agreement which would include a claw back mechanism to ensure that if the scheme does become more viable then a financial contribution is secured towards affordable housing provision off site.

5.4 With regards to the requirements of policy HOU10 the proposed dwellings would all meet the necessary Nationally Described Space Standards. Accordingly the size and type of homes are considered to be

acceptable.

6.0 Planning Obligations / Infrastructure Requirements and Viability

6.1 The proposed dwellings will result in increased demand on local services and facilities. As detailed above the response from Norfolk County Council suggests contributions under Section 106 of the Town and Country Planning Act 1990. Any contributions requested must meet the tests in that they are necessary to make the development acceptable in planning terms; are directly related to the development; and fair and reasonably relate in scale and kind to the proposed development. The request for education contributions, in this case at the Thomas Bullock CE Primary Academy, is a common enough expense generated by a new development and meets the tests. In addition, the requested financial contribution towards local library facilities is also deemed appropriate. The contributions towards a fire hydrant are to be secured by condition.

6.2 Policy ENV04 of the Local Plan requires for a proposal of this number of units and mix to provide outdoor open space, including on site childrens play and recreational provision. The proposed scheme provides for on-site public open space in the form of two small areas of open space which provide opportunities for informal childrens play and amenity space. The proposals provide approximately 390 m2 of public open space on site, which is well below the amount of on site open space required in Policy ENV04 of 1,446m2. As such the proposals would not comply with the requirements of Policy ENV04 of the Breckland Local Plan.

6.3 However, noting the size and shape of the site, the requirements in the site allocation policy to provide for at least 23 dwellings it is not considered that a scheme providing any significantly greater amount of on site open space would be achievable whilst meeting other policy objectives. In such circumstances policy ENV04 does allow for the provision of a financial contribution to provide additional or improved facilities off site. However, in light of the viability position of the scheme it is noted that no further financial contributions could be secured without reducing or removing the provision towards either affordable housing, education or library facilities. The laying out, detailed specification and its ongoing maintenance would be secured in perpetuity through the legal agreement.

7.0 Flood Risk and Drainage Considerations

7.1 Policy ENV09 seeks to ensure that flood risk is not increased elsewhere as a result of development and where feasible development has a neutral or positive impact on surface water drainage and management.

7.2 The site is located in an area at very low risk of flooding from all sources including fluvial, surface water, ground water, reservoirs, and canals. The proposals are therefore not considered to be at any significant risk of flooding. Following objections and request for further information by the Lead Local Flood Authority (LLFA) with respect to the proposed surface water drainage strategy, the applicant has provided an updated Flood Risk Assessment and revised surface water drainage strategy which has been shared with the LLFA. An updated response from the LLFA is awaited. This response will be reported in due course to Planning Committee.

7.3 With regards to foul water provision, the application has been supported by a Flood Risk Assessment and Drainage Strategy which has included a Pre-Planning Assessment by Anglian Water. The proposals would connect to the existing main foul system and provide for a pumping station and connections. Anglian Water have confirmed that there is available capacity in the existing network and that the Shipdham - Carbrooke Road Waste Water Recycling Centre has sufficient capacity for the loads generated by the proposed development. As a result Anglian Water have subsequently raised no objections subject to conditions securing the provision of an approved foul water drainage scheme. The proposals therefore accord with criteria 5 of the Site Allocation policy of the Local Plan (adopted).

8.0 Ecological Implications

8.1 Both policy ENV02 of the Local Plan and the guidance contained within section 15 of the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

8.2 A Protected Habitat and Species Survey has been submitted in support of this application (Anglian Ecology, June 2015). This concludes that there are minimal ecological constraints despite the field/grassland nature of the site. NCC Ecologists advise that should the Council be minded to approve this development they recommend that a Biodiversity Method Statement and details of ecological enhancements are submitted to and approved prior to development commencing. Conditions have also been recommended to prevent vegetation clearance in the bird nesting season and ensure any lighting that is erected is designed to minimise light pollution and impacts on wildlife. The application can be conditioned accordingly and would therefore accord with the above policies of the Local Plan.

9.0 Tree / Landscape Features

9.1 Policy ENV06 of the Breckland Local Plan requires existing trees and hedgerows should be retained and integrated into proposed development. The proposals would retain existing hedgerows to the north and eastern boundaries of the site, in accordance with policy ENV06 and criteria 3 of the Site Allocation policy.

9.2 The site does not contain any trees of significant arboricultural value and the Council's Tree Officer has not raised objections subject to conditions. The applicants have submitted an Arboricultural Method Statement to address the concerns of the Tree Officer with respect to impacts of the proposed off site highway improvement works on nearby mature trees. As a result, the proposals are not considered to have any significant impacts on important tree and landscape features and would accord with policy ENV06 of the Breckland Local Plan (adopted).

10.0 Historic Environment

10.1 Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (as amended) states that the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

10.2 Paragraph 192 of the NPPF states that when determining applications LPA's should take account of, "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."

10.3 The site has archaeological potential as confirmed by NCC Environment Services, whom have not raised an objection subject to a condition for further investigation. With regards to the impacts on designated and non-designated heritage assets in the surrounding area, given the separation distance, intervening vegetation and buildings it is not considered that the proposed development would have an adverse impact on the character and appearance of the Conservation Area. Accordingly the proposed development is considered to accord with policies ENV07 and ENV08 and with criteria 6 of the Site Allocation policy of the Breckland Local Plan (adopted).

11.0 Ground Conditions / Contamination

11.1 The proposed development does not raise any significant concerns in relation to potential contamination. Conditions regarding ground gas, remediation and unexpected contamination are deemed reasonable and necessary. The scheme is in accordance with policy COM03 of the Breckland Local Plan (adopted).

12.0 Third Party Representations

12.1 It is considered the majority of third party representations have been addressed as part of the assessment undertaken above. Comments have been received regarding the amount of development in Shipdham and the level of services and infrastructure available in the village, however the village is a Local Service Centre and has been deemed appropriate for housing growth in the adopted Local Plan. Indeed the site is allocated for the amount of development proposed and the proposals are considered to strike a reasonable balance in optimising the site and retaining the village character of Shipdham.

13.0 Conclusion and Recommendation

13.1 The proposed scheme would deliver additional housing within the designated settlement boundary within the Breckland Local Plan (adopted) and on an allocated housing site. The proposals however do not comply with policy ENV04 of the Local Plan in a deficient provision of public open space. In this regard independent review of the viability of the proposals demonstrates that the scheme could not viably provide for off site contributions towards public open space without reducing or removing the provision of mitigation towards local education and library facilities or the provision of affordable housing. On balance it is considered that such other facilities should be given greater priority and accordingly contributions are sought towards local education, and library facilities and the provision of 2 affordable dwellings on site.

13.2 The proposals would respond favourably to the broad policies, objectives of the Local Plan and would deliver an allocated housing site which would make use of a site in a sustainable location with access to a good range of services and facilities provided within the Local Service Centre. As a result the proposals are in broad accordance with the policy guidance contained within the Breckland Local Plan (adopted), and the NPPF.

13.3 The proposed scheme is of appropriate design and is sensitive to its rural context and character of the village. Conditions are recommended to ensure appropriate mitigation and improvements are provided in respect of wildlife and nature conservation interests, trees and landscape features, highway infrastructure; surface water drainage. There are no outstanding objections from consultees and the scheme has been amended several times during the application to address the comments of consultees.

13.4 It is therefore recommended that permission is granted subject to no adverse comments being raised by the LLFA, and subject to conditions and following the execution of a suitable Section 106 Agreement to secure the planning obligations identified above.

CONDITIONS

1

Full Permission Time Limit (3 years)

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

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990 (as amended).

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.

3 No dwelling shall be occupied until details of the proposed

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

Reason for condition:-

To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

4 No works shall commence on the site until such time

Prior to the commencement of development, detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason for condition:-

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

5 Prior to the construction/occupation of the final dwelling

Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the written 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 2019).

6 Before any dwelling/industrial unit is first occupied the

Prior to first occupation of the development hereby permitted the road(s)/footway(s)/cycleway(s) shall be constructed to binder course surfacing level from the dwelling/industrial unit to the adjoining County road in accordance with the details to be first submitted to and 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 2019).

7 Prior to the first occupation/use of the development hereby

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan drawing Proposed Road Layout Drawing No. 19202-11 Rev H). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 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 2019).

8 Notwithstanding the details indicated on the submitted

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise first agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Proposed Road Layout Drawing No. 19202-11 Rev H) have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

9 Prior to the first occupation/use of the development hereby

Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 8 shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

10 External wall and roof materials to be agreed

Notwithstanding the details hereby submitted, no development shall commence above slab level until details of the external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of external wall, roof materials, details of window and door designs, materials and finish. The development shall be completed in accordance with the approved materials and specification.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy GEN02, COM01 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

11 Drainage condition

Prior to commencement of development, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall be developed in accordance with the submitted Flood Risk Assessment and Drainage Strategy Report (BHA Consulting, Document Ref: 2971, Version: V3, Dated: 12 March 2021) together with the SuDS & Surface Water Drainage Maintenance & Management Plan (BHA Consulting, Document Ref: 2971, Version: V3, Dated: 12 March 2021), and shall address the following matters:

I. Detailed designs, modelling calculations and plans of the proposed watercourse extension including Bio-retention area are submitted to and agreed by the Local Planning Authority.

II. II. Post development external ground levels are submitted demonstrating that finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including ordinary watercourses, SuDS features and within any proposed drainage scheme) and at least 150mm above ground level, whichever is the more precautionary.

III. III. 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.

The approved scheme will be implemented prior to the first occupation of the development. Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163 by ensuring the satisfactory management of local sources of flood risk and ensure there is no adverse impact from fluvial flooding on the development or an increased risk of flooding elsewhere. The details are required prior to the commencement of development because they have implications on the detailed design of the whole scheme and site layout and construction

12 Precise details of foul water disposal

Prior to any development commencing above ground level and the construction of any drainage systems on site, precise details of the means of foul water disposal shall be first submitted to and approved in writing by the Local Planning Authority. The approved foul water system will be made available and fully functional for each dwelling prior to their first occupation.

Reason for condition:-

Details are required at an early stage in accordance with Policies in accordance with Policies ENV09 and COM03 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

13 Trees and hedges

No development shall commence on site until an updated Tree Protection Plan and Arboricultural method Statement have been submitted to and approved in writing by the Local Planning Authority. 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). 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 or until the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:-

Details are required prior to commencement in the interests of the satisfactory appearance of the development and the protection of existing trees and hedges, having regard to Policies GEN02, COM01 and ENV06 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

14 Boundary screening to be agreed

Prior to first occupation of any of the dwellings hereby approved, a scheme for the provision of boundary screening, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be completed prior to the first occupation of the dwelling which the screening adjoins.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policies GEN02, COM01 and COM03 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

15 Landscaping - details and implementation

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

Reason for condition:-

To ensure the satisfactory appearance of the development and surrounding area, in accordance with Policies GEN02, COM01 and ENV05 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

16 Compliance with submitted Ecology Report

The development shall take place in complete accordance with the approved Preliminary Ecological Appraisal 'Cricket Players, Old Post Office Street, Shipdham' (prepared by Anglian Ecology, dated September 2019), with particular regard to the avoidance and mitigation measures sections 7.1, 7.2 and 7.3 of the report, and the timescales for implementation contained within the report.

Reason for condition:-

In order to protect wildlife and nature conservation interests within and around the application site, and to mitigate the ecological impacts of the development having regard to Policy ENV02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

17 LEMP

No development shall take place (including any demolition, ground works or site clearance) until a biodiversity method statement has been submitted to and approved in writing by the

Local Planning Authority. The content of the method statement shall include:

- .Purpose and objectives for the proposed works,
- .Creation of new wildlife features e.g. bird and bat boxes, hedgehog gaps and insect bricks, tree, hedge and wildflower planting and establishment
- .Detailed designs and/or working methods necessary to achieve the stated objectives
- .Extent and location of proposed works shown on appropriate scale maps and plans,
- .Timetable for implementation, demonstrating that works are aligned to the proposed phasing of construction,
- .Persons responsible for implementation of the works,
- .Initial aftercare and long-term maintenance;
- .Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason for condition:- The site is located within a strategic GI corridor (identified as part of the Greater Norwich GI Strategy) and in accordance with Policy ENV 01 Green Infrastructure should be enhanced. New developments are expected to exploit opportunities to incorporate GI and enhance existing connectivity. Also, Policy ENV 02 Biodiversity protection and enhancement development should accord with the mitigation hierarchy, provide appropriate mitigation and compensation, and demonstrate net gains for biodiversity.

18 Non-standard condition

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason for condition:-

In order to protect wildlife and nature conservation interests within and around the application site, and to mitigate the ecological impacts of the development having regard to Policy ENV02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

19 Full details of external lighting

Prior to commencement of development above slab level a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

1. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and
2. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed other than that within the curtilage of the dwellings hereby permitted without prior consent from the local planning authority.

Reason for condition:-

In order to ensure those ecological enhancement measures are integrated into the site and design of the final scheme being implemented on site. In order to protect wildlife and nature conservation interests within and around the application site, and to provide ecological enhancements having regard to Policy ENV02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

This condition will require to be discharged

20 Fire Hydrants

Prior to the commencement of any works above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of two fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the approved hydrant(s) for that Phase 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).

This condition will require to be discharged

21 Construction Method Statement

No development shall take place, with the exception of site investigation, clearance and preparation, until a Construction Method Statement including Construction Traffic Management Plan and Access Route, has been submitted to, and approved in writing by, the local planning authority. The approved Statement and Construction Traffic Management Plan and Access Route shall be adhered to throughout the construction period. The Statement and Plan shall provide details of the:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. hours of construction works on site, hours of deliveries made to and from the site; and hours of operation of plant, machinery and equipment.
- viii. Construction Traffic Management Plan and Access Route to incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' to ensure no other local roads are used by construction traffic.

Reason for condition:-

The details are required prior to the commencement of the development in the interests of the amenity of the area and to ensure a safe development from the outset of the development. In accordance with Policies GEN02 and COM03 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

22 Site Investigation/ remediation

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. 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.

B. 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 conducted 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 with Section 15 of the National Planning Policy Framework.

This condition will require to be discharged

23

Ground gas condition

The development shall include ground gas protection measures, or a site investigation may be undertaken to provide site specific assessment which would need to be acted on accordingly. The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be constructed and completed in accordance with the approved specification at such times as may be specified in the approved scheme.

Reason for condition:-

Details are required prior to commencement to ensure a safe development in accordance with Section 15 of the National Planning Policy Framework.

This condition will require to be discharged

24

Contaminated Land - 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 Policy COM03 of the Breckland Local Plan (Adopted).

This condition will require to be discharged

27

Note Legal agreement re: afford hsg, p open space & fin cont

The permission is subject to a legal agreement dated xxxxx requiring the provision of affordable housing, public open space, and financial contributions towards local service projects.