

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2021/0625/F	<b>CASE OFFICER</b>	Chris Hobson
<b>LOCATION:</b>	SHIPDHAM The Old Waggon And Horses Chapel Street	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr Dodd Care of Agent Bowbridge Homes (Shipdham) Limited	<b>POLICY:</b>	In Settlemnt Bndry
<b>AGENT:</b>	Bowbridge Homes (shipdham) Limited . Corby	<b>CONS AREA:</b>	Y
<b>PROPOSAL:</b>	Demolition of old public house and retail. Full planning application for erection of 7 affordable dwellings, access and associated infrastructure at Chapel Street, Shipdham.		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

Previous applications on the site have been controversial and the site is considered to be a sensitive locally.

#### KEY ISSUES

- Principle of Development;
- Housing Type, Size, Mix;
- Design, Character and Appearance;
- Heritage Considerations;
- Access and Highway Safety Considerations;
- Residential Amenity;
- Flood Risk and Drainage;
- Ecology Considerations;
- Other Material Considerations

#### DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the demolition of the existing buildings on the site (former public house and retail unit) and the erection of seven affordable dwellings and associated access, parking, landscaping. and infrastructure including sub-station. The application proposals comprise of seven two storey semi-detached dwellings providing five no. three bedroom homes and two no. two bedroom homes.for mixed affordable tenure including rent and shared ownership. Each dwelling would be provided with private gardens to the rear with parking to be provided in a shared courtyard in the centre of the site.

#### SITE AND LOCATION

The application site is located to the Northern side of Shipdham near the centre of the village. The site is

comprised of an existing dwelling, formerly the Old Wagon and Horses public house, a garage and a small row of shops containing a fish and chip shop and a dog grooming parlour. The northern boundary of the site abuts a coal yard where permission has been granted for 90 new homes under application reference 3PL/2013/0095. The south western part of the site lies within the Shipdham Conservation Area.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2020/1005/VAR - Variation of Condition No's 2, 6 & 7 of permission 3PL/2016/0655/F - Demolition of old Public House, central garage and retail units. Erection of convenience store, retail units and flats. Variations: Condition 2, revised to allow for a revised access and layout for the development. Condition 6, delivery times revised to 06:00 - 20:00 hours Monday to Sunday. Condition 7, customer opening hours revised to 07:00 to 22:30 hours Monday to Sunday - Permitted.

3PL/2020/0035/VAR - Variation of conditions 8, 9, 14, 15, 19 & 21 3PL/2016/0655/F - revised wording of conditions. - Granted - 03/04/20.

3PL/2019/1308/VAR - Variation of Condition 2 of 3PL/2016/0655/F - Revised access and layout - Refused - Dismissed at appeal.

3PL/2016/0655/F - Demolition of old Public House, central garage and retail units. Erection of convenience store, retail units and flats - Granted.

**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
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
HOU06	Principle of New Housing
HOU07	Affordable Housing

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

#### **OBLIGATIONS/CIL**

No planning obligations are considered necessary with respect to education, library infrastructure, open space and health infrastructure due to the scale of development proposed. However, the proposals are for a scheme of entirely affordable homes and therefore the retention of these for an affordable form of tenure in perpetuity would need to be secured by way of binding obligations contained in a Section 106 Agreement.

#### **CONSULTATIONS**

#### **SHIPDHAM P C**

No objections, however the Parish Council wish to raise the following matters:

1. Shipdham Parish Council are very disappointed by the lack of understanding in the Design and Access Statement where the village is incorrectly labelled a town and other sloppy errors. It is unacceptable in the current climate and given the significance of the development that the applicant cannot even be bothered to carry out a rudimentary check of the environment and wider community in which the development is being placed.
2. The current application appears to replace that of 3PL/2020/1005/VAR which previously was approved with a garage, dog groomer and fish and chip shop. This application was initially hard fought (and hard won by the local community) given the initial removal of the garage and other businesses at an earlier stage in the application process. On one occasion a decision to remove those businesses was criticised by the Planning Committee and rejected on the grounds that it was contrary to the rural employment objectives enshrined and promoted within the new Local Plan. The fact that the garage business had its lease cancelled, and the other businesses treated in a similar fashion, in order to get vacant possession to the site does not diminish the fact that this site originally received permission for small, rural business opportunities and now does not. This is contrary to the spirit of the new local plan and cannot and should not be condoned in any way.
3. The supporting information to the application refers to a vacant site , derelict premises , and dilapidated beyond repair . Neither of these conditions existed when the application was first made and, as mentioned above, should not be considered a supporting argument to promote the application on the grounds that the vacancy, dilapidation and relating dereliction was due to the deliberate actions of the applicant, nothing more. As mentioned elsewhere, and as observed by the community, the site used to be occupied by a number of small businesses including a fast food outlet. The deliberate and planned removal of these raises questions as to the sustainability of the development without travelling outside of the village, despite the welcome addition of affordable homes.

Notwithstanding the above comments, Shipdham Parish Council guardedly welcome an application with the specific the condition that all the dwellings are affordable dwellings as stated It is envisaged that 100% of the dwellings will be provided for mixed tenure housing to be provided by a Registered Provider. As a Parish Council we would want it noted that this provision should be accepted as such, and at face value, rather than

subsequently be negotiated down on the basis of affordability or economic viability.

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

The Update Ecological Appraisal (Greenwillows Associates; April 2021) highlights building 11 was assessed as having high suitability to support roosting bats and buildings 1 and 2 were assessed as having low potential to support roosting bats and therefore further emergence/re-entry surveys are required in accordance with the Bat Conservation Trust's guidelines (Collins, 2016) prior to determination of the application.

Officer Note: Updated comments following submission of further information awaited and will be reported at Committee.

#### **HISTORIC ENVIRONMENT SERVICE**

The proposed development site occupies a street-frontage location within the historic core of Shipdham in an area which historic maps indicate has been a focus of settlement activity since at least the eighteenth century. A wide range of artefacts of Roman to post-medieval date have previously been found in fields to the north of the proposed development site. Consequently there is potential that heritage assets with archaeological interest (particularly buried archaeological remains relating to medieval to post-medieval settlement) will be present at the site and that their significance will be adversely affected by the proposed development. A condition is therefore necessary to secure the approval and implementation of a written scheme of investigation prior to commencement of development.

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

No comments. The proposal is a minor development and should be assessed by the Local Planning Authority.

#### **ENVIRONMENTAL HEALTH OFFICERS**

Based on the information provided to me at this time, I recommend approval providing the development proceeds in line with the application details and subject to conditions to control hours of construction works and operation of equipment and prevent burning of material on site.

#### **CONTAMINATED LAND OFFICER**

No objections subject to conditions.

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

No objections.

#### **HISTORIC ENGLAND**

No comments.

#### **HOUSING ENABLING OFFICER**

Welcome the provision of 7 additional units of affordable housing. The usual requirement is for a split of tenure of affordable housing 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. From the information provided the tenure split has yet to be set. Given this policy requirement, we would seek a 70/30 split, namely 5 no rent homes and 2 no shared ownership homes.

The affordable housing mix proposed in the application is for 7 houses, 2 no 2 beds and 5 no 3 beds. I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2 bed 4 person units are provided so it would be preferred if the ratio of 2 to 3 beds was changed to reflect this. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses.

The attached document contains details of the NDSS space standards used by Breckland Council to promote deliverability and to meet need for affordable housing. All new homes across all tenures should meet these standards, and any that do not are likely to result in an objection from us.

The 2Bed 4Person houses and the 3Bed 5Person houses meet the space standards. However, the 3Bed 6person houses are significantly undersized, and do not even meet the standard for 3b5p homes over 3 storeys; it should be noted the 3 storey threshold is higher to account for the 2nd staircase and circulation space. As it stands, we could only consider these as 3b4p homes, a type we do not presently accept. Given the comments above about including more 2b homes, this may be a way of resolving the issue.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

A S.106 Agreement will be required to secure the affordable housing.

#### **ANGLIAN WATER SERVICE**

No comment.

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

No Comments Received

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No Comments Received

#### **HISTORIC BUILDINGS CONSULTANT**

No Comments Received

### **REPRESENTATIONS**

The application has been publicised by way of letters sent to surrounding properties, a notice displayed at the site and publication on the weekly list. The Council has received 8 representations raising objections to the proposals for the following reasons:

- Loss of employment uses and businesses on the site.
- Conflict with planning policies including policy EC04 of the Breckland Local Plan.
- No jobs and employment generated by proposals.
- The supporting commercial statement is inadequate, misleading, incorrect and includes errors.
- The previous businesses including garage, take away and dog groomers were forced to leave by previous owners.
- The people of Shipdham should be asked what is needed.

### **ASSESSMENT NOTES**

#### **1.0 Principle of Development and Uses**

1.1 Planning permission has previously been granted on this site (application reference 3PL/2016/0655/F), for the demolition of old Public House and existing central garage and retail units, and the erection of convenience store, retail units and flats. The most recent permission on the site (ref. 3PL/2020/1005/VAR) granted permission to re-position the access and locate the convenience store to the east of the access with parking to the rear and 8 residential dwellings north of the car park. Retail units and the car garage were located to the west of the access road which would serve the permitted residential site to the north on the

former coal yard where permission has been granted for 90 new homes under application reference 3PL/2013/0095.

1.2 This current application relates to the land to the west of the access road and proposes the erection of seven two storey two and three bedroom affordable homes. These would replace the previously permitted three retail/commercial units accommodated within a two storey 'L' shaped building comprising of a dog grooming parlour, hot food takeaway and office space, and a car garage.

1.3 Policy 11 of the NPPF seeks to make efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This policy, as well as Section 5 of the NPPF, seeks to make as much use as possible of previously-developed or 'brownfield' land. Policy 8 of the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

1.4 Policies GEN01 and GEN03 of the adopted Local Plan (2019) support sustainable development in settlements such as Shipdham, being a Local Service Centre. Policy GEN05 supports development located in defined settlement boundaries, such as this.

1.5 Policy COM04 requires that, "Proposals, including change of use (outside permitted development rights), which result in the loss of local community buildings (most recently used for this purpose where the use has ceased), will not be permitted unless: It can be demonstrated that there is no local need for the facility or that its continuing function is no longer viable following appropriate marketing; or An equivalent facility in terms of quality is provided to serve the same community in an accessible location;"

1.6 Policy EC05 goes on to state that "The retail role of local service centres will be maintained. The importance of rural shops and facilities will be a material consideration in any application that would result in their loss."

1.7 The proposals would result in the loss of the former public house and take away unit and car garage on the site. It is noted that the extant permissions set out above also involve removal of the existing units, but these would be replaced within new commercial units and car garage on this application site. The current proposals would therefore result in the permanent loss of retail units and facilities which would conflict with policy EC05 which seeks to maintain the retail role of local service centres.

1.8 With respect to the above and the requirements of policy COM04, the applicants contend that there is no demand for the units and speculative commercial development previously proposed, and have submitted a Commercial Statement which has set out the current market trends within Shipdham and surrounding area, including market towns and villages and the provision of the commercial uses and businesses within Shipdham. The Commercial Statement has been revised following requests by Officers. This highlights the broader long term and structural issues facing the retail sector and the issues facing retail sectors in villages and market towns in the surrounding area. The Commercial Statement also highlights the existing presence of other retail and commercial facilities in the village and that the permitted CO-OP store on the adjacent site would meet a need for core food and convenience retail needs of the surrounding area.

1.9 The responses received from the local community contend the conclusions and content of the supporting report, and the reasoning for the existing premises now being vacant. It is nevertheless recognised that the proposals benefiting from extant permission would now be speculative given that those individual businesses and occupants of the existing premises have either closed or relocated to other premises. It is also recognised that any willing developer bringing the site forward would need to achieve a reasonable level of profit to make the development viable and have a reasonable likelihood of achieving this. In this regard, the

updated Commercial Statement has provided an overview of the viability of a speculative development of both new build commercial floorspace as that previously permitted or a refurbishment of existing space. Both scenarios result in clear and substantial deficits noting the assumptions used and that the assumed rental yields are reasonable.

1.10 In terms of the extent of local need for such facilities and retail space, the supporting report considers both the existing market and supply of such premises and business and broader market signals. This demonstrates ample provision of car garages in the village and surrounding area, and that there are similar dog grooming businesses operating locally. The Commercial Statements conclusions regarding the lack of demand for retail/commercial units generally in light of the current broader retail sector issues and current trends in the surrounding area are acknowledged. In light of this and the existing facilities within the village and the conclusions from the high level financial appraisal it is considered that the combined effect will be to limit the demand for bringing forward the permitted scheme but also refurbishing the existing units and putting to viable use. As a result, it is considered that the proposals would not conflict with the objectives of policy COM04 which seek to retain community facilities where there is sufficient demand and need for them.

1.11 On the basis of the above and that the proposals make effective use of a brownfield site supported by sections 8 and 11 of the NPPF, to deliver much needed affordable homes the proposals are considered acceptable and to be in accordance with policies GEN01, GEN03, GEN05 and to not conflict with the objectives of policy COM04 of the Breckland Local Plan (adopted). In not replacing the existing or previously permitted commercial units, the proposals would though conflict with policy EC05 of the Breckland Local Plan (adopted) and consideration of this harm against the other aspects of the proposals is set out below.

## 2.0 Housing Mix, Tenure and Viability

2.1 The development proposes seven dwellings all of which would be affordable two (two) or three (five) bedroom homes. The application proposes semi-detached dwellings and a short terrace format of dwellings each with private gardens and allocated parking. Overall the proposals provide 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.

2.2 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 proposals would therefore provide five additional affordable dwellings over the policy requirement. Policy HOU07 of the Local Plan requires 70% (five) of the units be affordable rent and 30% (two) to be shared ownership/equity. The Council's Housing Enabling Team have reviewed the position and commented that the proposed split of two and three bedroom homes should be amended to provide more two bedroom units than three bedroom units. The applicants intended registered provider of affordable homes 'Places for People' have advised the proposed split is a result of their review of demand in the area. Overall the Housing Team have raised no objections to the proposals subject to these being secured through a legal agreement, an appropriate mix of tenures to meet the need identified within the SHMA. The provision of the dwellings as affordable in perpetuity and to an agreed tenure mix are to be secured via a Section 106 Agreement.

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

## 3.0 Design, Layout, Character and Implications on Character and Appearance of the Conservation 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 proposed scheme incorporates a row of three two storey dwelling fronting Chapel Street with two pairs of semi-detached two storey dwellings fronting the new access road running north to the permitted residential site on the former coal yard. The design of the frontage dwellings follows that previously permitted and is of traditional form, style and materials. The scheme has been amended to take on board comments of officers and the Historic Buildings Officer to provide a more traditional appearance and include additional areas of soft landscaping, reduced frontage parking.

3.3 The two storey scale and layout of the proposed buildings suitably reflects existing buildings within Shipdham which are predominantly two storey and provides strong active frontages and helps create a streetscene along both Chapel Street and the new access road. The proposed dwellings would also correspond well with the permitted scheme on the eastern side of the access road with dwellings fronting either side of the new road.

3.4 For these reasons the application is considered to comply with policies GEN02, COM03 of the Local Plan and 12 of the NPPF.

#### 4.0 Heritage Considerations

4.1 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."

4.2 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."

4.3 The application site lies partially within the designated Shipdham Conservation Area. Following amendments the historic buildings officer raises no objections to the proposals. The proposals would appropriately respond to the scale, layout, heights, materials and styles of buildings within the Shipdham Conservation Area and therefore the proposals would preserve the character of the Conservation Area. Therefore, the proposal is considered in accordance with section 16 of the NPPF, ENV07 of the adopted Local plan and Section 77 of the Planning (Listed Building and Conservation Area) Act (1990), which all seek to preserve and enhance the character and appearance of Conservation Areas.

4.4 With regards to other undesignated heritage assets and below ground archaeological features, the site has archaeological potential as confirmed by NCC Environment Services, whom have not raised an objection subject to a condition requiring the approval and implementation of a scheme of archaeological investigation. Accordingly subject to such a condition, 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).

#### 5.0 Residential Amenity

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



5.2 The proposed scheme comprises of a short row of two storey dwellings located along the Chapel Street frontage of the site which would face two storey dwellings on the south side of Chapel Street along with three single storey dwellings along the northeast corner of the site which would front on to dwellings previously permitted to the east of the site. Given the distance from the proposed dwellings to those dwellings to the south of Chapel Street it is not considered that the proposed dwellings would cause unacceptable impact on the amenity of occupants of these dwellings. The proposals are therefore not considered to result in significant harm to the amenity of nearby residents and the proposals would comply with policy COM03 of the Breckland Local Plan.

5.3 It is noted that a number of dwellings are located adjacent to the site access and border the site and in line with the requests of the Environmental Health Team and in the interests of the amenity of these existing residents, a condition has been recommended requiring the construction works accord with the submitted Construction Management Plan.

### New Residents

5.4 All of the proposed dwellings have suitable private rear garden space and have been arranged in a manner to prevent any unacceptable levels of overlooking, overshadowing or creating a sense of enclosure. The proposals have been amended to comply with the National Described Space Standards (NDSS) required within policy HOU10 of the Breckland Local Plan.

5.5 Based on the foregoing the proposals provide for acceptable levels of residential amenity for future occupants and the proposed development complies with Policies GEN02, COM01 and COM03 of the Breckland Local Plan.

### 6.0 Highways, Access and Car Parking

6.1 Policy TR01 of the Breckland Local Plan (adopted) 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 of the Local Plan 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.

6.2 The proposals have been reviewed by the Highways Authority with respect to safety of all users of the highway and the proposed arrangements are considered acceptable. The proposals would replace existing commercial units on site and noting the extant permissions on the site the current proposals of seven dwellings is not considered to result in significant additional levels of traffic over that previously permitted. The Highways Authority have reviewed the proposed scheme and raised no objections. The proposals are therefore considered to be in accordance with Policies TR01 and TR02 of the adopted Local Plan.

6.3 The proposals provide two parking spaces per dwelling and two visitor spaces which would accord with the levels of car parking required by policy TR02/Appendix 2 of the Local Plan, which requires a minimum of two car parking space per dwelling.

6.4 The proposed access and car parking arrangements are considered to remain acceptable are in accordance with Policy TR02 of the adopted Local Plan (2019)

### 7.0 Flooding and Drainage

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 manages surface water to prevent increasing flood risk elsewhere.

7.2 The vast majority of the site is within Flood Zone Risk 1 which has the lowest risk of flooding from all sources as identified by the Environment Agency's mapping system. The proposed dwellings would therefore not be at any significant risk of flooding. Whilst the LLFA do not wish to comment on the application, the site is a brownfield site with significant areas of hardstanding and as a result subject to the appropriate design the proposals are not in principle envisaged to result in any significant increase in the risk of flooding elsewhere. In order to ensure that surface water and rainwater are appropriately designed into the scheme and subsequently managed to avoid risk of flooding of the dwellings and surrounding properties, a condition is recommended to ensure an appropriate surface water drainage strategy is approved prior to the commencement of development (with the exception of demolition and the creation of the site access) and securing the ongoing management of the drainage system.

7.3 With respect to foul water, this is proposed to drain via gravity connection into the existing foul water network. Anglian Water have been consulted but have not provided comments due to the limited size and scale of development proposed. Given the limited number of dwellings proposed it is not considered that the volumes of foul water generated would in principle compromise the existing network. In order to ensure that appropriate foul drainage scheme is provided a condition has been recommended accordingly. Subject to conditions the development is therefore acceptable in respect of flooding and drainage and accords with Policy ENV09 of the Breckland 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 Preliminary Ecological Appraisal and Addendum have been submitted in support of this application. This concludes that there are minimal ecological constraints. Further information has been submitted following requests by the NCC Ecologist for further information with respect to Bat Surveys and the methodology of appraisal of impacts on Great Crested Newts. Updated comments from NCC Ecologists are awaited and will be reported to Committee. Subject to these comments and should the Council be minded to approve this development conditions have been recommended to secure the implementation of an Ecological Mitigation and Enhancement Strategy. The application can be conditioned accordingly and subject to further comments from the NCC Ecologist, the proposals would accord with the above policies of the Breckland Local Plan (adopted).

## 9.0 Other Material Consideration

### 9.1 Ground Conditions / Contamination

9.2 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. Subject to conditions the proposed development would be in accordance with policy COM03 of the Breckland Local Plan (adopted).

## 10.0 Conclusion and Planning Balance

10.1 The proposals would provide seven new homes within a sustainable location within the Local Service Centre of Shipdham and on a previously developed site surrounded by other similar residential properties. Also weighing in favour of the proposals and of significant benefit is the provision of seven affordable homes, which would assist in meeting the clear need for affordable homes in the District and in rural areas and also of three bedrooms as demonstrated by the SHMA.

10.2 However, the site has extant permission for the provision of mixed use development comprising, retail units (dog grooming, take away) office, car garage and residential, the commercial uses which would not be provided within this current proposal and as such the existing take away unit and former public house which sit on the site would be lost. By not maintaining the supply of commercial premises within the village there would be conflict with policy EC05 of the Local Plan. However, on the basis of the evidence before officers, it is considered that the harm to the retail function of the village noting supply of other premises, past and current retail market trends would not be substantial and would be outweighed by the benefits of delivering additional affordable homes.

10.3 For the reasons given above and subject to the amended plans received, the proposal are considered acceptable and in accordance with the Development Plan and NPPF. The application is therefore recommended for approval, subject to conditions set out below, no objections being received from the Ecologist, and the applicant entering into a Section 106 Agreement to secure the affordable housing provision.

#### **RECOMMENDATION**

The application is recommended for approval subject to the conditions set out below, no objections being received from the ecologist, and subject to entering into a Section 106 Agreement to secure all the proposed dwellings as affordable homes in perpetuity.

#### **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 works shall commence on the site until such time**  
Prior to the commencement of development with the exception of demolition, site clearance, site investigation and remediation, detailed plans of the roads, footways, cycleways, street lighting, and road 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).

**4 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).

**5 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).

**6 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 RDC1138\_105B - Planning Layout). 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).

**7 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 and in the interests of the character and appearance of the Shipdham Conservation Area, as required by Policy GEN02, COM01 and ENV07 of the Breckland Local Plan (Adopted).

**This condition will require to be discharged**

**8 Drainage condition**

Prior to commencement of development with the exception of demolition, site clearance, site investigation and remediation, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a maintenance programme of the drainage system and who will adopt and maintain the all the surface water drainage features for the lifetime of the development. The development hereby permit shall be completed in accordance with the approved details and no dwelling shall be occupied until the approved drainage scheme has been completed.

Reason for condition:-

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

**9 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**

**10 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**

**11 Landscaping - details and implementation**

Prior to the commencement of development above slab level of any of the dwellings hereby approved, a scheme of hard and soft 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**

**12 Compliance with submitted Ecology Report**

The development shall take place in complete accordance with the approved Ecological Mitigation and Management Strategy (EMMS) 'Site: Land off Chapel Street, Shipdham Client: Bowbridge Homes Ltd' ref: BG00721b; (prepared by Gray Ecology, dated August 2021), with particular regard to the mitigation and enhancement measures set out in Table 2 in Section 4 of the report, and the timescales for implementation contained within this section of 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.

**13 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**

**14 Construction Method Statement**

No development shall take place, with the exception of demolition, site investigation, site clearance, 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**

15

**EH Condition**

No demolition, site clearance or construction shall be carried out, no construction machinery operated nor construction deliveries taken at or construction waste dispatched from the site outside the hours of 07:30 - 18:00 Monday to Friday, 08:00 - 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason for condition:-

In the interest of the amenities of nearby residents. In accordance with Policy COM03 of the Breckland Local Plan (Adopted).

16

**EH condition**

Burning of any materials on site during the construction, site clearance or demolition phase is not permitted.

Reason for condition:-

In order to protect the amenities of nearby properties in accordance with Policy COM03 of the Breckland Local Plan (Adopted).

17

**Site Investigation/ remediation**

Prior to the commencement of the development hereby approved with the exception of demolition and the removal of fuel tanks, the following details shall be submitted to and approved in writing by the Local Planning Authority :

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. 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.

**C. 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**

**18 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**

**19 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**

**20 Archaeological WSI condition**

A) No development with the exception of demolition, site clearance, site investigation and remediation shall take place until, an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme



shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under part (A) of this condition, and any addenda to that WSI covering subsequent phases of mitigation.

and,

C) The development shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under part (A) of the condition and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

Details are required prior to commencement to secure the recording and preservation of previously below ground heritage assets in accordance with Policy ENV07 and ENV08 of the Breckland Local Plan (Adopted).

23

**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.