

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/1311/O	CASE OFFICER	Naomi Minto
LOCATION:	BESTHORPE Land North of Norwich Road Besthorpe Norfolk	APPNTYPE:	Outline
APPLICANT:	Kenninghall Parish Council Trench Farm Fersfield Road	POLICY:	Out Settlemnt Bndry
AGENT:	C D Mountney MRICS Marshams Barn Park Common	CONS AREA:	N
PROPOSAL:	8 Dwelling Houses	LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is a departure from policy and should be considered at Planning Committee for this reason.

KEY ISSUES

- Principle of development
- Impact on character and appearance
- Impact on amenities
- Impact on parking provision and highway safety
- Other matters - trees, ecology, contamination, flood risk, affordable housing

DESCRIPTION OF DEVELOPMENT

The proposal seeks outline permission with all matters reserved, except Access, Layout and Scale, for the erection of eight dwellinghouses. The plans submitted in support of the application indicate provision of two detached dwellings with detached double garages and three pairs of semi-detached dwellings, each with a detached single bay garage. The Design & Access Statement indicates that the proposed dwellings will be a mixture of three, four and five bedroom dwellings.

SITE AND LOCATION

The application site is located on agricultural land north of Norwich Road, Besthorpe. It is outside of any defined Settlement Boundary. There is hedging on the site boundary to the east and west, which includes established trees. The site is located in flood zone 1. A low level of surface water flood risk is identified on the Government's Flood Risk Maps for part of the site. A Public Right of Way known as Besthorpe FP10 is located on the opposite side of Norwich Road. There is also a designated County Wildlife Site (Decoy Common) to the south west of the site (on the opposite side of the A11).

EIA REQUIRED

No

RELEVANT SITE HISTORY

None relevant.

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
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU01	Development Requirements (Minimum)
HOU02	Level and Location of Growth
HOU05	Small Villages and Hamlets Outside of Settlement Boundaries
HOU06	Principle of New Housing
HOU07	Affordable Housing
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

A section 106 agreement could be entered into to secure the community benefit(s) from this scheme. However, it is not considered necessary in this instance for the reason(s) given below.

CONSULTATIONS

BESTHORPE PARISH COUNCIL

No objection but please note there is a significant ditch bordering the front of the site, it is important this ditch is not compromised by the development.

CONTAMINATED LAND OFFICER

No objection, subject to condition.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

No objection.

ENVIRONMENT AGENCY

No objection.

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

REPRESENTATIONS

A Site Notice was put up on 28 September 2021 and seven neighbours directly consulted. Four letters of representation have been received, including three objections and one letter of support, raising the following main points;

Objections

- Site not allocated for development within the Local Plan. It is also outside of any defined settlement boundary;
- This development will have no benefit to the village of Besthorpe. A contribution to facilities for Besthorpe should be applicable;
- Insufficient local services and facilities available for future occupants and no continuous footpath to Attleborough, therefore a greater reliance on private vehicles for day-to-day needs;
- Highway safety concerns as a result of increased traffic linked to the development and on-street parking forcing pedestrians to walk in the road. No traffic calming measures proposed;
- Flooding - surface water flood risk will increase with additional development in this location. Insufficient drainage along Norwich Road. The ditch along the front of the application site is an essential part of the drainage of water off the highway. If planning is granted, the ditch should be retained and maintained;
- Out of keeping and character with existing development, having regard to the number of dwellings proposed and existing residential development opposite;
- Adverse amenity impact through loss of light, caused by proposed development adjacent to existing residential development. Potential for loss of privacy, having regard to fenestration on existing dwelling adjacent to site. If this application is approved, the design of future dwellings should not include windows that will overlook existing residential development. The development will overlook into habitable rooms of existing dwellings opposite removing all privacy to the front elevations. Noise concerns;
- If approved, a condition should be included to ensure the retention of existing boundary hedgerows, which act as a natural ecological habitat;
- Loss of house value;
- Further development of the field to the rear should be prevented as this could potentially disrupt the surface water flow.

Support

- The trustees of The Mary Bowles Charity are required to do the best they can for the beneficiaries, which in this case are the residents of Kenninghall and Banham. Current income of land is split between two Parishes. To carry on in the way(s) suggested would not be deemed 'achieving the best for the beneficiaries'. Permission would enable the trustees of Kenninghall and Banham to spend the capital to improve the lives and help the residents in times of need, also to invest some capital to achieve a larger income in the years ahead.

ASSESSMENT NOTES

1.0 Principle of development

1.1 The proposal seeks outline permission with some matters reserved, for the erection of eight dwellinghouses on land outside of any defined Settlement Boundary. Matters for consideration at this stage include, access, layout and scale. The relevant policy to consider in terms of the principle of development is Policy HOU 05 of the Breckland Local Plan (adopted 2019) (BLP). It states that development in smaller villages and hamlets outside of defined Settlement Boundaries will be limited, apart from where it would comply with other policies within the development plan and if all of the following criteria are satisfied:

- i. The development comprises of sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway;
- ii. It is of an appropriate scale and design to the settlement;
- iii. The design contributes to enhancing the historic nature and connectivity of communities; and
- iv. The proposal does not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene.

1.2 In order to be considered as infill development, the BLP defines infill as building taking place on a vacant plot in an otherwise built up street frontage. A development will generally have built development along the road on either side of the site and be similar to adjacent properties, in terms of its visual impact, plot size, dwelling size, floor levels and scale. The applicants state 'the development comprises an infilling/rounding-off of already developed land to either side and is opposite and adjacent to several sites that have acquired planning consent for residential development in recent years'. However, in this instance, whilst it is acknowledged that there is existing residential development to the east of the site, to the west are several large ponds, a garden centre / farm shop and agricultural land beyond. Therefore, the development is not considered to comprise sensitive infilling when having regard to the definition set out in Policy HOU 05 of the BLP. In addition, given the current use of the field for agricultural purposes with no other residential development approved on the land, the proposal would not represent rounding off of buildings on land, which is already partially developed.

1.3 In terms of points ii and iii above, this is an Outline application and the only matters for consideration at this stage relate to access, layout and scale. Therefore, finer design considerations would form part of the assessment of the reserved matters application, in the event this application is approved. In terms of scale, this is considered in further detail in section two (impact on character and appearance) of the Officer's Planning Committee report.

1.4 In respect of point iv above and having regard to the existing character and appearance of the area, it is considered that the proposed development could fit in with the existing built development without harming or undermining a visually important gap, subject to the dwellings being well designed with careful consideration

of the styles of existing residential development, within the vicinity of the site.

1.5 The Local Planning Authority is advised that the land to which this application relates is held in trust by Kenninghall Parish Council on behalf of The Mary Bowles Charity (MBC). The land was put in trust by the charity for the benefit of the residents of both Kenninghall and Banham. The Trustees consider that the charity in its current form is not fit for purpose, with only a modest agricultural rent for income being produced. Under the terms of the MBC, income has to be split between the parishes of Kenninghall and Banham.

1.6 The MBC is therefore seeking to increase capital in order to enable the charity to assist with social care, mental health and overall wellbeing for the residents of both Kenninghall and Banham. The Local Planning Authority is advised that the proceeds of the sale of the land (with planning permission) would give both parishes the opportunity to invest the money to give greater return than the income of current yearly rent. Some capital would be held back for emergencies, such as the floods of 2020 where the MBC were able to offer some assistance to local people directly affected by the floods, as well as to improve the assets of both parishes for future years. A breakdown of how the funds would be used is provided at Appendix A of the Design & Access and Planning Statement (issue 4, dated 16 November 2021).

1.7 In light of the above considerations, whilst it is accepted that the application is contrary to Policy HOU 05 of the BLP, it is considered that the public benefits of the proposal, described above are considered material planning considerations, which are sufficient to outweigh the harm caused by development in this location, in this instance. This is considered to accord with Policy COM 04 of the BLP, which states *'The creation, enhancement and expansion of community facilities will be supported where this would enhance the existing offer, benefit the local economy and be of a suitable scale and type for its location and in locations in close proximity to the area that they will serve'*. In addition, the dwellings are not considered isolated in accordance with paragraph 80 of the NPPF. Therefore, given that the community benefit from the scheme is considered to outweigh the principle policy objection then there is a requirement to ensure funds generated by the development are used in their entirety for charitable purposes, for both parishes of Kenninghall and Banham. This could be achieved via a S.106 Agreement.

1.8 The applicants have submitted information in this regard, which states 'the owner of the land, which is the Mary Bowles Charity, is managed by four Trustees all of which are Kenninghall parish councillors. The Charity will continue after the sale of the land and be responsible for the distribution of the funds in accordance with its Constitution, and, are legally required to do this following Charity Commission rules. The Constitution requires the funds to be distributed for the benefit of the residents of Kenninghall and Banham. With this in mind, the LPA question what the S.106 Agreement will achieve other than reducing the amount of funds available for distribution'.

1.9 The matter has been considered by the Local Planning Authority and in discussion with the Council's appointed Solicitor. It is considered that it would be difficult to secure an enforceable planning obligation in this regard. This is because the applicant will be seeking to sell the land with the benefit of planning permission, so that the proceeds of sale can be used for the various purposes indicated within the Design & Access and Planning Statement. This gives the Council nothing to enforce the obligations against as the land it is secured against will have already been sold.

1.10 On this basis, a balancing exercise has been taken and it is accepted that if the application is approved, any profit generated from the sale of the land would be invested within the communities of Kenninghall and Banham, having regard to the requirements of the Charity (the MBC Trust).

1.11 The representations with regards to community benefits for Besthorpe are noted. However, as set out

above, there is no means of securing these through this application. Therefore, although regrettable, there are still notable community benefits from this scheme, which are supported.

1.12 In conclusion, the development has been put forward to maximise capital, in order to enable the MBC to assist in distributing funds where required, for the benefit of the residents of both Kenninghall and Banham Parishes. The public benefits in terms of the creation, enhancement and expansion of community facilities, in accordance with COM 04 of the BLP are given significant weight and are considered to outweigh the negative impacts of development in this location, which is outside of any defined settlement boundary and of which is not considered to represent sensitive infilling and rounding off, as required by Policy HOU 05 of the BLP.

2.0 Impact on character and appearance

2.1 Policies GEN 02 and COM 01 of the Breckland Local Plan (adopted 2019) (BLP) require all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape / townscape effect of any increased density.

2.2 The application has been submitted in Outline, with only access, layout and scale as matters for approval at this stage. Therefore, design and landscaping would be properly assessed at the reserved matters stage. The proposed layout plan shows how the eight dwellings with associated garages, parking provision and amenity space would fit on the site. The layout is considered acceptable, demonstrating that eight dwellings could fit on site through provision of a mix of styles. Therefore, it is considered that the proposed development would be acceptable, in terms of its scale and layout and would not cause undue detriment to the existing varied character and appearance of the area, subject to condition. The proposals are therefore considered to accord with Policies GEN 02 and COM 01 of the BLP.

3.0 Impact on amenities

3.1 Policy COM 03 of the BLP seeks to protect residential amenity. It states that all new development must have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The application is supported by a layout plan. The layout plan shows how eight dwellings could fit on the site with sufficient external amenity space, parking provision (for six, three bedroom dwellings, one, four bedroom dwelling and one, five bedroom dwelling) and on site vehicle turning, as well as visitor parking.

3.3 It is acknowledged that this is an Outline application, with details of access, layout and scale for consideration. Details relating to the design of the dwellings and landscaping would be dealt with at the reserved matters stage. Further consideration would be given at that stage in relation to protecting the amenity of existing residents and future occupants of the dwellings. The proposal is therefore considered to comply with the requirements of Policy COM 03 of the BLP.

4.0 Impact on parking provision and highway safety

4.1 Policies COM 01(m) and TR 02 of the BLP seek to ensure that all access and safety concerns are resolved in new developments. Policy HOU 06 of the BLP requires sufficient parking for all new development. Paragraphs 110 and 111 of the NPPF (2021) are also relevant considerations.

4.2 Whilst it is noted that local representations have been received, raising concerns in respect of highway

safety, it is accepted that following the submission of revised plans, the Local Highway Authority has raised no objection to the proposal, on highway safety grounds, subject to the inclusion of conditions.

4.3 Furthermore, the revised plans indicate sufficient parking and turning space on site for the proposed dwellings. In addition, provision of garages will ensure that there is safe storage provision for bicycles. In light of the above considerations, the application is considered to be compliant with Policies COM 01(m) and (n), TR 01, TR 02 and HOU 06 of the BLP, as well as having due regard to paragraphs 110 and 111 of the NPPF.

5.0 Trees

5.1 Policy ENV 06 of the BLP states that trees and significant hedge and shrub masses form part of the green infrastructure and should be retained as an integral part of the design of development. Whilst there are not trees on site, there are trees and hedging located on the east and west boundaries of the site. The Tree and Countryside Officer was therefore consulted on the application and raised no objection to the proposal. In light of the above, the application is considered to be compliant with Policy ENV 06 of the BLP.

6.0 Ecology

6.1 Policy ENV 02 of the BLP states that all new development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any). The site is located in close proximity to several ponds. Therefore, it is considered that there is potential for great crested newts to be present on the site.

6.2 Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making great crested newts European Protected Species. The extant government circular on planning and biodiversity (Circular 06/2005) makes it explicit that *"the presence or absence of protected species, and the extent to which they could be affected by a proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision."*

6.3 Given the presence of several ponds in close proximity of the site, our Ecologist was consulted on the application. However, to date no formal response has been received. Subject to no objection being raised by them, the application will be considered to be compliant with Policy ENV 02 of BLP, subject to conditions.

7.0 Contamination

7.1 Paragraph 183 of the NPPF (2021) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner. The Contaminated Land Officer advised based on both the accuracy of the information provided and the current records held on file to date, they have no objection to the proposal, subject to the inclusion of conditions to alleviate environmental concerns.

8.0 Flood risk

8.1 Policy ENV 09 of the BLP states that all new development will be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles, as well as incorporating appropriate surface water drainage mitigation measures to minimise its own risk of flooding and not materially increase the flood risk to other areas. Several objections have been received, raising flood risk concerns. Having checked the Government's flood risk maps, it is accepted that the site is in Flood Zone 1. It is however also noted that part of the site is identified as being at a low risk of surface water flooding.

8.2 The applicant has therefore submitted a Flood Risk Assessment for further consideration. It includes mitigation measures to help reduce the risk and impact of flooding on and off site. The Council's Drainage Consultant advised that although the surface water and flood risk has been accurately assessed on site, the report fails to adequately demonstrate that the ditch network can cope with the increased volume of water in the long term, having regard to climate change and likely increased flood risk. They further advised that the hydraulic capacity has not been assessed and raised questions regarding what will happen to the water once in the ditch network, where will it go and will it cause flood risk off-site. In addition, the Drainage Consultant acknowledged that a desktop study has been undertaken. However, they considered it necessary that an on-site investigation should be undertaken too. They concluded that a feasible drainage strategy needs to be shown at the Outline stage.

8.3 The applicant submitted an e-mail providing further drainage details and a ditch capacity document and upon a further re-consultation with the Drainage Consultant, no further comments have been raised. The Local Planning Authority is therefore content with the mitigation measures put forward in the Flood Risk Assessment, as well as further clarification received in respect of surface water drainage. The application therefore has due regard to Policy ENV 09 of the BLP, subject to condition.

9.0 Affordable housing

9.1 Policy HOU 07 of the BLP states that residential development proposals capable of delivering 10 or more units, or the site has an area of 0.5 hectares or more will be expected to deliver a proportion of the development as affordable housing on-site to help meet existing and future affordable housing needs of the District. The original application form submitted with the application stated that the site area was 0.5 hectares in size. The Design and Access Statement submitted in support of the application also indicated "*it is proposed that the section of land, extending to 0.5ha, immediately fronting Norwich Road only is developed*".

9.2 Given the need for affordable housing had been triggered, the agent was notified that affordable housing provision would also be required and would need to be covered within a S.106 Agreement. The agent has since submitted revised documents, which indicate that the site is 0.49 hectares and therefore does not trigger the need for affordable housing. It is accepted that the Local Highway Authority requested the red line to be adjusted to omit highway owned land. This has reduced the site area to 0.49 hectares. In light of the above, it is accepted that the revised application now complies with the requirements of Policy HOU 07 of the BLP and no affordable housing provision is required.

10.0 Conclusion

10.1 In terms of the overall planning balance of the scheme, it is considered that this application has provided sufficient justification to demonstrate that the proposed development would secure significant funding for the public benefit of people within the Parishes of Kenninghall and Banham. Whilst the proposal is contrary to Policy HOU 05, the material consideration of the public benefits in terms of the creation, enhancement and expansion of community facilities, in accordance with COM 04 of the BLP, has been given significant weight and is, when applying the planning balance, looking at the Development Plan as a whole,

considered to outweigh the negative impacts of development in this location.

10.2 As the community benefit(s) are considered to outweigh the principle policy objection then it is necessary to ensure that the monies are spent on the communities. A S.106 Agreement to secure funding for public benefit is considered difficult to enforce in this instance. However, given the nature of the application for charitable purposes by a registered charity, it is accepted that funds generated from the sale of the land with planning permission, would be distributed for the public benefit of Kenninghall and Banham residents, as required by the terms of the MBC.

10.3 Furthermore, it is considered that the site can accommodate eight dwellings without causing significant impact on amenity, ecology, trees/hedging, highway safety and character and appearance of the area. In addition, the application is considered to have due regard to affordable housing, flood risk and contamination considerations. As stated within the report, full details, in terms of the appearance / design and landscaping will need to be properly assessed at Reserved Matters stage. Accordingly, the application is recommended for approval, subject to no objections being raised from our ecologist and the conditions listed below.

RECOMMENDATION

Recommended for approval, subject to no objections from our ecologist and the following conditions.

CONDITIONS

- 1 Outline permission -time limit**

Approval of the details of the design and external appearance of any buildings to be erected, together with precise details of the type and colour of the materials and the landscaping of the site (herein after called 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of THREE YEARS from the date of this permission.
Reason for condition:-
The application is for Outline permission only and gives insufficient details for the proposed development and to comply with Section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 Outline - time limits for implementation**

The development hereby permitted shall be begun either before the expiration of FIVE YEARS from the date of this permission, or before the expiration of TWO YEARS from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
Reason for condition:-
To comply with section 92 of the Town & Country Planning Act 1999 (as amended).
- 3 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
Reason for condition:-
To ensure the satisfactory development of the site, in accordance with Policy COM 01 of the Breckland Local Plan (adopted 2019).
- 4 Number of dwellings only (outline)**

The reserved matters referred to above shall relate to the construction of eight dwelling(s) only.

Reason for condition:-

To ensure that the development is compatible with the form and character of the surrounding area in accordance with Policy COM 01, COM 03 and GEN 02 of the Breckland Local Plan (adopted 2019).

5 Boundary treatments.screening to be agreed

Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed before the buildings are first occupied.

Development shall be carried out in its entirety in accordance with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with Policy COM 01 and GEN 02 of the Breckland Local Plan (Adopted 2019).

This condition will require to be discharged

6 Landscaping scheme to be submitted - hard and soft

Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. These details shall include:

- hard surfacing materials;
- means of enclosure;
- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.)

Soft landscaping shall include:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme

Reason for condition:-

Details are required prior to commencement in the interests of the satisfactory appearance of the development in accordance with policies GEN 02 and COM 01 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

7 External wall and roof materials to be agreed

No development shall commencement above slab level, unless or until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

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 Policies COM 03, GEN 02 and COM 01 of the of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

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

Prior to the first occupation of any of the dwellings hereby permitted, the vehicular access shall be constructed in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority, in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

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

Prior to the first occupation of any of the dwellings hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

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

Prior to first occupation of any of the dwellings hereby permitted, the proposed access, parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

11 Development shall not commence until a scheme detailing

No development shall commence until a scheme detailing provision for on-site parking for construction workers, delivery unloading arrangements and wheel cleaning arrangements, for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for condition:-

To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019). This needs to be a pre-commencement condition as it deals with the construction period of the development.

12 Net Gain in Biodiversity

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

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV 02 of the Breckland Local Plan (adopted 2019).

13 Flood Risk

The development shall comply with the measures as outlined in the submitted Flood Risk Assessment & Surface Water Drainage Strategy dated September 2021.

Reason for condition:-

To prevent unacceptable flood risk in accordance with Section 14 of the NPPF and Policy ENV 09 of the Breckland Local Plan (adopted 2019).

14 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. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework.

17 NOTE NCC Inf 2 When Vehicular access works required

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group.

Please contact Kay Gordon kay.gordon@norfolk.gov.uk.

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the

expense of the developer.

18 NOTE NCC Inf 8 Flood Risk and Water Management

Where works affect the flow of an ordinary water course then under the terms of the Flood and Water Management Act 2010; Land Drainage Act 1991; and Water Resources Act 1991; you need to contact the Flood Water Management team at water.management@norfolk.gov.uk or Tel: 0344 800 8020.

22 Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.