

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2022/0669/VAR	CASE OFFICER	Chris Hobson
LOCATION:	DEREHAM Land off Shipdham Road, Westfield Road and Westfield Lane	APPNTYPE:	Variation of Cond's
APPLICANT:	Glavenhill Strategic Land (Number 1) Limited C/O Lanpro Services 98 Pottergate	POLICY:	Part In Set Bndry
AGENT:	Lanpro Services 98 Pottergate Norwich	CONS AREA:	N
PROPOSAL:	Variation of Condition(s) 3 (plans list), 5 (Travel Plan), 6 (Transport Assessment Addendum) and 20 (Off-site highway improvement works) on application reference 3PL/2015/1490/O		
		LB GRADE:	N
		TPO:	Y

REASON FOR COMMITTEE CONSIDERATION

This application has been sent to Planning Committee from Chairman's Panel being a major development and following a call in by the Ward Member.

KEY ISSUES

Is the variation acceptable?

DESCRIPTION OF DEVELOPMENT

Variation of Condition(s) 3 (plans list), 5 (Travel Plan), 6 (Transport Assessment Addendum) and 20 (Off-site highway improvement works) on application reference 3PL/2015/1490/O.

This application is submitted concurrently to (i) an application for the approval of all matters reserved under the outline planning permission as it relates to Phase 1 of the development, the internal link road (3PL/2022/0670/D); and (ii) a separate full planning application to seek approval for a new roundabout to Shipdham Road (3PL/2022/0671/F), of an alternative design to that approved under the outline planning permission.

This S73 application seeks amendments to a series of conditions on the outline planning permission (3PL/2015/1490/O) to ensure that they support and are consistent with, the detailed internal link road and the new roundabout design (which have been developed by the applicant in consultation with Norfolk County Council Highway Officers).

SITE AND LOCATION

The application site comprises of the Dereham Housing Allocation 5 designated in the adopted Breckland

Local Plan. The site extends to around 25.6 hectares in total and is presently comprised of greenfield agricultural land located towards the southern edge of Dereham. The application site is located between Dereham between Shipdham Road and Yaxham Road, Straddling Westfield Lane south of Westfield Road and Boyd Avenue / School Road. Existing residential development lies to the north of the site on Westfield Road and Boyd Avenue. The site is bounded to the south by the River Tud and to the east by the Mid Norfolk Railway. The site is host to a large number of mature and semi mature trees as well as hedgerows to field boundaries.

The site benefits from outline planning permission reference 3PL/2015/1490/O for the residential development of 291 dwellings along with link road and associated works and public open space.

EIA REQUIRED

Yes - Noting that this is a variation of an earlier permission that was deemed to be EIA development, it is concluded that this application is EIA development. The applicant have submitted with this application an Environmental Statement Compliance Statement and the ES submitted with the outline application. Regulation 9(2) of the EIA Regulations states "(2) Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent." The application has been screened on this basis and it is considered that the environmental information before us is adequate to assess the significant effects of the development on the environment, which has been taken into consideration in the assessment process, as set out below. On the basis of this assessment, no further information is considered to be required and the requirements of the Environmental Impact Assessment regulations are considered to have been met.

RELEVANT SITE HISTORY

3PL/2015/1490/O Permission 25-06-20

Residential development for a maximum of 291 dwellings, link roads, open space and recreational space, together with demolition of existing railway bridge at Westfield Lane and construction of a replacement two-way railway bridge.

3PL/2022/0670/D

Application for Approval of the First Reserved Matters (Appearance, Landscaping, Layout and Scale) as they relate to phase 1 of the development being the internal link road - Following outline permission 3PL/2015/1490/O

3PL/2022/0671/F

Development of new roundabout junction and associated works on Shipdham Road (A1075)

3PL/2022/1065/VAR

Variation of Conditions 3, 15, 16 & 17 on 3PL/2015/1490/O - Amendments to the wording of Condition 3 (Approved Drawings and Documents); Condition 15 (flood and ecological works to the River Tud); and Condition 16 (Construction Environmental Management Plan (CEMP)); Condition 17 (Ecological Management Plan (EMP))

3PL/2022/1071/O

Outline planning application for development of a maximum of 89 dwellings and associated infrastructure (all

matters reserved).

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

COM03	Protection of Amenity
DHA5	Dereham Housing Allocation 5: Land to the east of Shipdham Road (LP030)
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
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
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

The Outline planning application (3PL/2015/1490/O) was approved, subject to the following S106 obligations:

- Provision of on-site affordable housing at 40%
- Contribution to Library Services 21,825 pounds sterling
- Contribution to Early Years and Primary Education on a pro rata basis 1,210,976 pounds sterling
- NHS contribution of 91,740 pounds sterling
- Public Open Space Maintenance Contribution
- Off site works associated with the restoration of the River Tud circa 182,5500 pounds sterling

- Onsite Open Space totalling 12.63 ha
- Offsite green space to be reverted to low intensity grazing land totalling 13ha
- Works to improve the off-site PROW network

CONSULTATIONS

DEREHAM T C

Councillors have concerns about varying conditions 3, 5, 6 and 20. Councillors would like to be consulted on the travel plan when it comes forward.

NORFOLK COUNTY COUNCIL HIGHWAYS

Condition 3 - I have no comment on the proposed variation.

Condition 5 - I would have no objection to the proposed amendment to exclude the current reserved matters application for the spine road and ensure the travel plan is submitted / approved with the first reserved matters application for any residential development.

Condition 6 - I have no objection to the cyclepath requirement being amended to reflect the requirements of LTN 1/20, to provide segregated pedestrian / cycle facilities on at least one side of the spine road.

Condition 20 - I have no objection in principle to this condition being updated to reflect revised drawings.

However, the proposed drawings the applicant proposes to be included in this condition have not yet been approved.

FLOOD & WATER MANAGEMENT TEAM

No objection to this application as we see no direct impact to the roundabout drainage at this time. However, wish to include an informative that detailed designs and related drainage strategy details must be presented to the LLFA at such a time when the applicant discharges the conditions set at outline planning stage, 3PL/2015/1490/O, in particular Condition 4 relating to the surface water drainage strategy.

CONTAMINATED LAND OFFICER

My previous comments to the outline planning application apply.

ENVIRONMENTAL HEALTH OFFICERS

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

NATURAL ENGLAND

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

The site is near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and is within the Boards Watershed Catchment (meaning water from the site will eventually enter the IDD). We note that this particular Variation of Conditions is not related to any conditions that the Board would comment on. However, we previously commented on the application at Land off Shipdham Road, Westfield Road and Westfield Lane under reference: 3PL/2015/1490/O (our ref 18_00808_P), advising that any discharge of surface water to a watercourse would require consent under Byelaw 3 of the Boards Byelaws. Due to a change in the Boards policy, discharge to a watercourse outside of the Internal Drainage District now does not require consent under Byelaw 3. However, if 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.

YAXHAM PARISH COUNCIL

Yaxham Parish Councillors are concerned about the impact on the neighbouring road network since there appears to be no mention of when, or if, the railway bridge leading from the development site to the Yaxham Road (B1135) is to be rebuilt. The indicated cost some years ago was well over 1 million. The present weight limit on the hump back bridge would restrict both buses and HGVs and there is no indicative travel plan or bus routing other than more traffic up Westfield Road.

SHIPDHAM P C

Shipdham Parish Council have noted this.

WHINBURGH & WESTFIELD P C

My Council continues to have concerns about access and the bridge, and echos the comments made by Yaxham PC and Dereham TC

MID NORFOLK RAILWAY PRESERVATION TRUST

I have no idea if matters of preventing trespass and lights shining in train drivers eyes were discussed at that time.

I see that the MNR's formation borders on part of the application site and I also note that there is potential for undermining the railway formation by introducing different surface water drainage arrangements.

What I can say, is that the Developer's arrangements on site must ensure that all such matters are addressed to the MNRPT's satisfaction.

ANGLIAN WATER SERVICE

No Comments Received

HISTORIC ENVIRONMENT SERVICE

No Comments Received

ECOLOGY

No Comments Received

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

NATIONAL PLANNING CASEWORK UNIT

No Comments Received

REPRESENTATIONS

The application has been publicised by way of letters sent to surrounding properties, notices displayed on site, and notice displayed in the local press.

The Council has received one third party or public representations to date. Their comments are summarised, as follows:

- This development cannot be supported by the infrastructure currently nor the proposed changes, which are inadequate, and an additional roundabout will add to the already increasing congestion.
- This is not carbon friendly considering the council's plan to reduce carbon emissions.
- It is also does not consider all aspects on the effect on the surrounding community, including local facilities, such as the schools and medical practises, which are already overstretched.
- It will have an adverse effect on the environment with no enhancements to the natural environment, but indeed will have a very negative effect, impacting the flood plain, which is already seen numerous flooding

events in recent years.

- The proposal includes demolishing a historic railway bridge synonymous with the area - not acceptable. On top of this, the bridge acts as a deterrent for using the link to Shipdham Road as a 'rat-run' past a school and narrow road School Lane. This is not even to mention the serious traffic issues this route already faces during school hours. Adding a two-way railway bridge will only encourage further traffic, adding a fundamental risk to children and other road users.

- Significant loss of agricultural land that is urgently required considering the current and future demands of the population.

- Felling veteran trees and removing hedgerows will undoubtedly cause the loss of birdlife and other wildlife that require such environments.

- There is no evidence of any new build site in Norfolk and surrounding areas, that either replicates or enhances the current natural environment it replaces.

ASSESSMENT NOTES

1.0 Is the variation acceptable?

1.1 In deciding an application under section 73, the Council may only consider the question of the conditions subject to which planning permission should be granted, along with any other material considerations which may have changed significantly since the original grant of permission.

1.2 The principle of development was established by the granting of the Outline Planning Permission for 'Residential development for a maximum of 291 dwellings, link roads, open space and recreational space, together with demolition of existing railway bridge at Westfield Lane and construction of a replacement two-way railway bridge', application reference 3PL/2015/1490/O. On this basis, the principle of development cannot be revisited only the variations to that permission, as set out above.

1.3 The applicant has set out in their covering letter the changes they wish to make to the Outline Planning Permission, application reference 3PL/2015/1490/O, as follows:

'The general arrangement of the roundabout connecting the proposed internal link road to Shipdham Road to the west of the outline planning permission site was shown at the outline application stage on plan reference: 141431 RLC-00-00-DR SK102 Rev P2 which is referred to in the list of approved plans and documents referenced within condition 3 and in Condition 20.

The alignment of the roundabout has been updated following the grant of outline planning permission and the amended design has been informally agreed through . . . pre-application discussions with Norfolk County Council Highway Officers'.

1.4 The Highways Authority have been consulted on the revised proposals and raise no comment on the proposed variation to condition 3, which will include an update to the plans list, as proposed. With regards to condition 20, they state *'I have no objection in principle to this condition being updated to reflect revised drawings. However, the proposed drawings the applicant proposes to be included in this condition have not yet been approved'*. Condition 20 requires further details to be submitted prior to works above slab level, so the detailed plans will be approved (in consultation with the Highways Authority) prior to this stage. A roundabout in this location was shown at outline application stage, the amends merely change the general alignment of the roundabout onto Shipdham Road. On this basis, the amends are considered minor in nature and acceptable.

1.5 In addition to the above the applicants state:

'Some small refinements have been made to the highway works proposed for the junction of Westfield Road and Westfield Lane which were shown on plan reference: 141431 SK-101 P3 which formed page 11 of the Transport Assessment Addendum approved as part of the outline planning permission.

These refinements have again been informally agreed through pre-application discussions with Highway Officers and are shown on plan reference: 0155.C022.P1 which is enclosed with this application. This application seeks to update condition 3 of the outline planning permission to include reference to this additional drawing'.

1.6 Again these amendments are minor in nature and to an already approved access point. The Highways Authority have no objections, as set out above.

1.7 Given that access has already been approved in these locations and the Highways Authority have no objection to the amendments and will have the ability to agree the detailed plans prior to construction above slab level, then the proposal is considered acceptable and in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019). These Policies seek to mitigate impact on the local or strategic highway network, to ensure safe access, avoid inappropriate traffic generation and provide appropriate on site parking provision. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. On the basis of the above, the highways impacts are not considered to be severe.

1.8 Condition 5 of the outline planning permission requires the submission of a Travel Plan with the first reserved matters application, which has been submitted separately under application reference 3PL/2022/0670/D and is for the the internal link road only. The applicant states:

'The first reserved matters application is limited to the proposed internal link road and does not include any residential areas. As such, the location of pedestrian, cycle and public transport infrastructure within the residential areas are yet to be considered and the information requested by the condition is not yet available.

The reason for the condition is to create a healthy, inclusive and safe place and to reduce greenhouse conditions. This can be best achieved through the appropriate design of the residential areas which will be carried out as part of subsequent reserved matters applications.

As such, this application seeks to amend the wording of condition 5 to in effect require the site wide travel plan to be submitted and agreed "with the first reserved matters submission for residential development".'

1.9 It is agreed that the Travel Plan is required to encourage sustainable travel from residential development, permitted by the outline planning application. The Highways Authority have no objections to the proposed amendment to exclude the current reserved matters application for the spine road and ensure the travel plan is submitted / approved with the first reserved matters application for any residential development. On this basis, the proposal is considered acceptable and in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

1.10 Condition 6 of the outline planning permission requires reserved matters applications to adhere to the internal site measures detailed in the approved Transport Assessment Addendum (dated October 2016). In this regard the applicant states:

'In their written pre-application response Highway Officers confirmed "since the consented scheme was permitted, the advisory note LTN1/20 has been published which states shared use foot / cyclepath should only be provided as a last resort and that cyclists and pedestrian should be segregated from each other" and therefore "it is the view of the County Council that the design of the Link Road should better reflect LTN1/20 and provide a segregated footway and cyclepath."

The detailed design of the proposed link road that is submitted as part of the concurrent reserved matters submission for Phase 1 of the outline permission has been updated to respond to highway officers' request for a 3m cycleway and a separate 1.8m footway on one side and a further 1.8m footway of the other.

This application seeks to amend the wording of condition 6 to reflect this amendment'.

1.11 Based on the fact that this would be a positive improvement to the layout of the application site, particularly the link road and that it would update the proposals to meet current highways guidance, to which the Highways Authority have no objection to the cyclepath requirement being amended to reflect the requirements of LTN 1/20, to provide segregated pedestrian / cycle facilities on at least one side of the spine road. On this basis, the proposal is considered acceptable in this regard and in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

2.0 Other matters

2.1 Nutrient Neutrality and GIRAMs

With regards to matters of Nutrient Neutrality (NN) and GIRAMs, pursuant to this application, as the site falls within catchment area of the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations) and Natura 2000 Designated Protected Wildlife Sites within Norfolk (The Brecks, North Norfolk Coast and The Broads), as described in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMs), it is important to consider the requirements in terms of NN and GIRAMs and the fallback position with regards to this site.

2.2 Outline Planning permission was granted on 25th June 2020 (3PL/2015/1490/O) for a two year period for the submission of the first reserved matters, expiring on 24th June 2022. The first reserved matters was received on 8th June 2022 and therefore the permission is considered extant.

2.3 In respect of the fall-back position, the Mansell v Tonbridge and Malling Borough Council case, is considered to set the basis for establishing 'fallback'. This case involved the demolition of a barn and bungalow and the construction of four detached dwellings. Class Q in the Town and Country Planning (General Permitted Development) Order 2015 ("GPDO") authorised the barn to be converted into up to three residential units. This alternative Class Q development was considered to be a 'fallback' position for justifying development in this location and was given material planning weight by the Council in granting that permission. Specifically, the Planning Officer advised the Council's Planning Committee that:

"a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. The current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site, as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights".

2.4 In the Court of Appeal Lord Justice Lindblom confirmed the legal considerations in determining the

materiality of a fallback position as a planning judgement, as follows:

- Where there is "real prospect" of a development (Class Q) of coming forward. He stated it does not have to be probable or likely, a possibility will suffice. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.
- It concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position.
- It confirmed that the fallback position can be a material planning consideration in the determination of a planning application.

2.5 With regards to 'real prospect', the applicants are obviously pursuing this application and have submitted a number of applications with us currently for consideration to ensure the future development of the site (including a further application for 89 dwellings). On this basis, it is considered that there is a clear desire of the landowner to develop and maximise the value of the site.

2.6 There is potential betterment to the site in terms of making more efficient use of land through the new application for 89 dwellings, however, the merits of this will be assessed separately. Likewise there is no significant change to the previously approved scheme (by this application), including housing numbers and therefore the development is considered acceptable in principle. This application does not change the parameters of the approved scheme. On the basis of the above, it is considered that a fallback position can be relied on.

2.7 Given that the applicants have an identified fallback position, whereby NN and GIRAMs do not apply, then it is considered unreasonable to apply them to this application.

2.8 Amenity

The proposals are minor amendments to plans and conditions and are not considered to impact the amenity of nearby neighbouring properties or that of future occupants, over and above that already agreed at outline application stage. The proposals are therefore considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019), which seek to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

2.9 Character and design

The proposals are minor amendments to plans and conditions and are not considered to significantly change the character of area or landscape, over and above that already agreed at outline application stage. The proposals are therefore considered to accord with Section 12 of the NPPF and GEN02 and COM01 of the Breckland Local Plan (adopted 2019), which seek to promote high quality design and Policy ENV05 of the Breckland Local Plan (adopted 2019), which seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Trees and landscaping will be considered further at reserved matters stage but the proposed amendments in this application are not considered to change these matters over and above that already agreed at outline application stage. On this basis, the proposals are also considered to accord with Policy ENV06 of the Breckland Local Plan (adopted 2019).

2.10 Ecology and Flood risk

Matters of ecology and flood risk have been considered above and the proposals are considered acceptable in that regard. The amendments to conditions are not considered to change the conditioned flood risk and ecology works, which were agreed as acceptable at outline application stage. On that basis, there is no significant change to the application in this regard, over and above what was agreed at outline application stage and the proposals remain in accordance with Section 15 of the NPPF and policy ENV02 of the

Breckland Local Plan (adopted 2019), which requires the protection and enhancement of biodiversity and Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019), which seeks to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere.

2.11 Heritage Considerations

A Heritage Impact Assessment was submitted with the outline planning application to consider and assess the proposal to demolish the railway bridge in context of its non-designated heritage asset (NDHA) status. Paragraph 203 of the NPPF states that the impact of an application on the significance of a NDHA should be taken account of in the determination of the planning application. In this instance, 'Bridge 1692' was considered of local significance only with limited architectural or aesthetic value. It has also been subject of several 20th century repairs that are considered unsympathetic. On this basis, the outline planning permission considered that its loss was acceptable, subject to appropriate mechanisms to evidence and record the bridge prior to its removal. This was ensured via a planning condition. The proposals are not considered to harm any other nearby heritage assets due to be being significantly detached. On this basis and that the harm to non-designated heritage assets has already been assessed at Outline application stage and the removal of the Bridge agreed then the proposal is considered to accord with Policy ENV08 of the Breckland Local Plan and Section 16, specifically paragraph 203 of the NPPF.

3.0 Conclusion

3.1 The proposed alterations are to the outline planning permission are minor in nature and would not significantly change the impact of the development on the landscape, trees and character of the area, impact the amenity of neighbouring properties or future occupants and in terms of ecology and flood risk. The Highways Authority raise no objections to the amendments proposed, which include only minor amendments to the already approved access points for the scheme (as well as to triggers and plans within the conditions). For these reasons the proposal is recommended for approval subject to the imposition of conditions from the earlier consent, updated where relevant, as set out above and where details have already been submitted and approved.

RECOMMENDATION

The application is recommended for approval subject to the imposition of conditions.

CONDITIONS

- 1 Outline Time Limit (2 & 3 years) Part Early Delivery**
The application shall take place within the time limits as set out in condition 1 of the Outline Planning Permission reference 3PL/2015/1490/O.

Reason for condition:-
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 Standard Outline Condition**
No development whatsoever within a Phase, as defined by Condition 4, shall take place until the plans and descriptions giving details of the reserved matters relating to that Phase have been submitted to and approved by the Local Planning Authority and these plans and

descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

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In accordance with submitted

The development must be carried out in strict accordance with the application form, and approved documents and drawings listed at the bottom of this notice, unless otherwise first agreed in writing.

Reason for condition:-

To ensure the satisfactory development of the site.

4

Phasing of development

A Phasing Plan for the whole development hereby permitted shall be submitted to and approved in writing to the Local Planning Authority with the first Reserved Matters application. The Phasing Plan shall include:

- A Phasing Plan detailing the location of the Phases
- Timing and Sequence of the Phases
- Number of dwellings and amount and type of open space in each phase

The development shall take place in strict accordance with the approved Phasing Plan unless otherwise first agreed in writing with the Local Planning Authority.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990.

This condition will require to be discharged

5

Travel Plan

A Travel Plan for the whole development hereby permitted shall be submitted to and approved in writing to the Local Planning Authority with the first Reserved Matters application for residential development. The Travel Plan shall include:

- An analysis of how to best incorporate infrastructure for pedestrians, cyclists and public transport, including desire lines and key connection points.
- Evidence of further consultation with local bus service providers including feasibility of buses serving the site internally and along its boundaries.

The development shall be carried out in accordance with the approved Travel Plan.

Reason for condition:

To ensure the development creates a healthy, inclusive and safe place and reduce greenhouse gas emissions having regard to paragraphs 91, 103 and 150 of the National Planning Policy Framework 2019 and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

6

Principles of layout and route

The reserved matters applications shall adhere to the internal site measures detailed in the approved Transport Assessment Addendum (dated October 2016) including:

- A direct and continuous link road, including a segregated footway and cyclepath, to be provided within the site between Shipdham Road, Westfield Road and Yaxham Road (via Westfield Lane), the design of the Link Road should reflect advisory note LTN1/20.
- A segregated footway and cyclepath to be provided for Westfield Road from where the internal east-west link road meets Westfield Road extending to the northern site boundary (to reflect advisory note LTN1/20).
- Where a bus service provider has indicated that a bus service through the site is feasible as detailed by Condition 5, details of number and location of covered bus stops
- Provision of lit, covered and secure cycling parking to serve on-site Sports Open Space/ Facilities where proposed within a Phase.

Reason for condition:

To ensure the development creates a healthy, inclusive and safe place and reduce greenhouse gas emissions having regard to paragraphs 91, 103 and 150 of the National Planning Policy Framework 2019 and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

7

Detailed Phasing of development within a Phase

Prior to any development whatsoever within any Phase, as defined by Condition 4, a detailed Phase Delivery Plan shall be submitted to and approved in writing to the Local Planning Authority. The Detailed Phase Delivery Plan relating to that Phase shall include:

- The delivery of open space and landscaping within a Phase linked to the number of dwellings to be occupied and their locations
- The delivery and surfacing of roads, footpaths, cycle paths within a Phase linked to the number of dwellings to be occupied and their locations
- The delivery of street lighting within a Phase linked to the number of dwellings to be occupied and their locations

The development construction works and occupation shall take place in strict accordance with the approved detailed Phase Delivery Plan unless otherwise first agreed in writing with the Local Planning Authority.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990 and to enable a controlled phased occupation of development within the approved Phases. Required prior to the commencement of the development to ensure a satisfactory form and delivery of development and occupation.

This condition will require to be discharged

8

Drainage

Prior to commencement of development within a Phase, as defined by Condition 4, in accordance with the submitted FRA 'Proposed Residential Development Land East and West of Westfield Road Toftwood, Dereham, Norfolk' (RLC Reference 41431), detailed designs of a Surface Water Drainage Scheme incorporating the following measures shall be submitted to and approved in writing with the Local Planning Authority for that Phase. The scheme shall address the following matters:

I. Provision of surface attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change. The design of surface attenuation features should incorporate an emergency spillway and appropriate freeboard allowances, set at a minimum of 300mm.

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

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

III. Finished ground floor levels of properties should be a minimum of 300mm above anticipated flood levels, in 1% annual probability event plus climate change, from all sources of flooding (including the drainage system).

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

V. A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

VI. Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability. This will include surface water which may enter the site from elsewhere.

VII. The proposed maximum restricted discharge rate is 45.0l/s (total for all nine land parcels at 5.0l/s for each land parcel) as stated within Section 6.38 of the FRA. However, this should be less than or as close as practicable to the greenfield runoff rates for all events up to and including the 100% annual probability plus climate change rainfall event.

The approved scheme for that phase shall be implemented and completed in full prior to first occupation of any dwelling within that phase or in accordance with a timetable to be first submitted to and agreed in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement to prevent flooding in accordance with National Planning Policy Framework 2019 paragraph 163, 165 and 170 by ensuring the satisfactory management of local sources of flooding, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and policy ENV09 Breckland Local Plan (adopted).

This condition will require to be discharged

9

Contaminated Land - Desk Study/Site Investigation

Prior to the commencement of the development within a Phase, as defined by Condition 4, the following details shall be submitted to and approved in writing by the Local Planning Authority for that Phase:

A. Desk Study

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

B. Site Investigation

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

C. Remediation Scheme

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

D Implementation of Approved Remediation Scheme

The approved remediation scheme for that Phase must be carried out in accordance with its terms prior to the commencement of development within each phase, unless otherwise first 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 for each Phase that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason for condition:-

The details are required prior to the commencement of the development 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 from the outset of the development in accordance with paragraph 170 of the National Planning Policy Framework 2019.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

This condition will require to be discharged

10 Precise details of foul water disposal

Prior to any development commencing above the laying of foundations within a Phase, as defined by Condition 4, precise details of the means of foul water disposal relating to that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Phase foul water system will be made available and fully functional for each dwelling prior to their occupation.

Reason for condition:-

Details are required to prevent risks of flooding in accordance with Section 14 of the NPPF and Policy ENV09 of the Breckland Local Plan (adopted).

This condition will require to be discharged

11 Roads, footways, cycleways & street lighting details

No works shall commence within a Phase, as defined by Condition 4, until such time as detailed plans of the roads, footways, cycleways, external street lighting have been submitted to and approved in writing by the Local Planning Authority for that Phase. All works shall be carried out in accordance with the approved plans for that Phase prior to first occupation of any dwelling within that phase or in accordance with a timetable which shall first be submitted to and approved in writing with the Local Planning Authority.

External lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

Reason for condition:-

Details are required prior to commencement 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 paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

12 Standard outline landscaping condition

No development whatsoever shall take place within a Phase, as defined by Condition 4, until the plans and descriptions giving details of the landscape reserved matters for that Phase referred to above have been submitted to and approved in writing by the Local Planning Authority and these plans and descriptions shall provide for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The

landscaping and tree planting shall be carried out in accordance with the scheme as approved during the planting season of the November/March immediately following the commencement of the development within that Phase, or within such longer period as may be first agreed in writing, with the Local Planning Authority, and in accordance with 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 first gives written consent to any variation.

Reason for condition:-

Details are required prior to commencement to protect existing trees in accordance with ENV06 of the Breckland Local Plan (adopted).

This condition will require to be discharged

13 Grazing Land

The land to the south of the development site and to the north of the River Tud as defined by drawing Plan 1 reference: 001 Rev B, dated 20.12.2018 as "Off Site Open Green Space", shall be used for grazing land in perpetuity.

Reason for condition:-

To provide a landscape buffer for the protection of the appearance and character of the edge of the Market Town of Dereham in accordance with ENV05 and ENV06 of the Breckland Local Plan (adopted).

14 Tree Planting Off-Site

Prior to works progressing above slab level for any of the dwellings hereby approved, a scheme for the provision of at least 50 trees to be planted, including their location, species, size and ongoing maintenance and management in the area to the south of the development site and north of the River Tud, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in full prior to occupation of the 150th dwelling, or such other timetable which shall first be submitted to and agreed in writing with the Local Planning Authority, and kept in accordance with the management scheme for the following 5 years.

Reason for condition:-

To mitigate the emissions from the development and increase biodiversity value in accordance with Policy ENV06 of the Breckland Local Plan (adopted).

15 Off-Site Works to River Tud and land to the East

Prior to occupation of the 75th dwelling, or such other timetable which shall first be submitted to and agreed in writing with the Local Planning Authority, the flood and ecological works to the River Tud and land to east of the application site as shown on the Masterplan (reference 101; Lanpro; October 2015) shall be completed in full, in accordance with approved plans and documents listed below:

- Restoration of River Tud, Method and Management Statement December 2018
- Wetland restoration proposal at River Tud meadows (Dereham): supporting information (27-05-2018)
- Flood Defense Application Drawings September 2015 (references 001, 002, 101 -105, 201

-220, 301 - 303)

These works shall form part of the first Phase of Development as defined by condition 1 and 4, unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

To prevent flooding in accordance with National Planning Policy Framework 2019 paragraphs 163,165 and 170 by ensuring the satisfactory management of local sources of flooding, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events for the lifetime of the development together with the protection of local wildlife and near to the site.

16

Construction Environmental Management Plan

No development within a Phase, as defined by condition 4, shall take place (including demolition ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for that Phase including enhancement areas as shown on the Masterplan (reference 101; Lanpro; October 2015) and section of the River Tud proposed for modification has been submitted to and approved in writing by the local planning authority. The CEMP shall be informed by an updated ES Ecology and Nature Chapter or updated surveys. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason for condition:-

Details are required prior to commencement for the protection of local wildlife and near to the site having regard to Policy ENV02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

17

Ecological Management Plan

An ecological management plan (EMP) for the site including enhancement areas as shown on the Masterplan (Lanpro; October 2015) and the section of the River Tud proposed for modification informed by an updated ES Ecology and Nature Chapter or updated surveys shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development or in accordance with a timetable to be first agreed in writing by the Local Planning Authority. The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed,
- b) Ecological constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives including mitigation detailed in the ES submitted with the application namely that for

- creation of new habitats including ponds, woodland and modification of sections of the River Tud,
- Enhancement of existing riparian habitats,
- protection and enhancement of hedgerows,
- Eradication of variegated Yellow Archangel
- Creation of long-term opportunities to attract new species and improve the suitability of the enhancement sites for wintering and potentially breeding waters
- No. of nest boxes for birds, no. of bat boxes and habitat enhancements

- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The EMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan shall be secured by the developer. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action shall be identified, agreed and implemented so the development still delivers the fully function biodiversity objectives of the originally approved scheme.

The development shall be carried out and implemented in full accordance with the approved EMP for that Phase and each phase then managed and maintained in line with the approved EMP.

Reason for condition:-

Details are required prior to commencement for the protection of local wildlife and near to the site having regard to Policy ENV02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

18

Boundary screening to be agreed

Prior to any works progressing above slab level within each Phase, as defined by Condition 4, a scheme for the provision of boundary screening for that phase, shall be submitted to and approved in writing by the Local Planning Authority for approval. Such scheme as may be agreed shall be completed prior to 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 Policy COM03 of the Breckland Local Plan (adopted).

This condition will require to be discharged

19 Archaeological work to be agreed

No development within a Phase, as defined by Condition 4, shall take place until:

A) an archaeological written scheme of investigation for that Phase has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation;

B) No development shall take place other than in accordance with the written scheme of investigation approved under Part (A);

C) The development within a Phase shall not be occupied until the site investigation and post investigation assessment for that Phase has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Part (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

To ensure the potential archaeological interest of the site is investigated in accordance with policy ENV07 of the Breckland Local Plan (adopted). These details are required prior to commencement of the development to ensure that any archaeological remains are properly protected and recorded.

This condition will require to be discharged

20 Off-site highway improvement (roundabout & PRow) details

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site, unless otherwise first submitted to and agreed in writing by the Local Planning Authority, until detailed drawings for the off-site highway improvement works as indicated on Drawing No. 0155.C003.P5 (including Roundabout and Public Rights of Way works) 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 paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

21 Off-site highway improvement (roundabout & PRow) delivery

Prior to first occupation of the 50th unit of the development, or such other timetable, which has been first submitted to and agreed in writing by the Local Planning Authority, the off-site highway improvement works (including Roundabout and Public Rights of Way works) referred to by Condition 20 shall be completed and available for public use.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed having regard to paragraph 108 of the National Planning Policy Framework 2019 and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

22 Off-site highway improvement (railway bridge) details

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site, unless otherwise first agreed in writing with the Local Planning Authority, until detailed drawings for the off-site highway improvement works as indicated on Drawing No. 141431-SK03-Rev P3 (railway bridge), 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 paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

23 Off-site highway improvement (railway bridge) delivery

Prior to first occupation of the 150th residential unit of the development, or such other timetable as is first submitted to and agreed in writing by the Local Planning Authority, the off-site highway improvement works (including Public Rights of Way works) referred to by condition 22 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 paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted).

This condition will require to be discharged

24 Parking for construction workers

Development shall not commence within a Phase, as defined by Condition 4, until a scheme detailing provision for parking for construction workers for the duration of the construction period for that Phase has been submitted to and approved in writing by the Local Planning Authority. The approved 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 paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted).. This needs to be a pre-commencement condition as it deals with the construction period of the development.

This condition will require to be discharged

25 Construction Traffic Management Plan

Prior to the commencement of any works within a Phase, as defined by Condition 4, a

Construction Traffic Management Plan and Access Route for that Phase which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

For the duration of the construction period all traffic associated with (the construction of) the development shall comply with the approved Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise first approved in writing by the Local Planning Authority.

Reason for condition:-

In the interests of maintaining highway efficiency and safety in accordance with paragraph 108 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted). This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

This condition will require to be discharged

26

Railway Line protection from balls

Full specification details of fencing to prevent balls from straying onto the railway line adjacent to the sports pitches shall be submitted with the relevant reserved matters application/s which includes proposals for sports pitches. The approved fencing shall be erected prior to the first use of the playing pitch and retained and maintained in that form thereafter.

Reason for condition:-

In order to ensure that the use of the recreation open space/playing pitches does not adversely impact on the operation of the adjacent railway, in accordance with Policy COM03 of the Breckland Local Plan (adopted).

This condition will require to be discharged

27

Full details of external lighting

Prior to first occupation of any dwelling within a Phase, as defined by Condition 4, details of any external lighting for that Phase shall be submitted to and approved in writing by the Local Planning Authority, and only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

Reason for condition:-

In the interests of amenity and prevent of pollution in accordance with Policy COM03 of the Breckland Local Plan (adopted).

This condition will require to be discharged

28

Hours of operation during construction

Any works relating to the development shall not take place outside the hours of 07:30 to 18:30 Monday to Friday, 08:00 to 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays unless first agreed in writing by Local Planning Authority.

Reason for condition:-

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

29 Fire Hydrants

Prior to the commencement of any works above slab level within a Phase, as defined by Condition 4, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) serving that Phase of development. No dwelling shall be occupied within that Phase until the approved hydrant(s) for that Phase have been provided in accordance with the approved scheme.

Note - One 90mm main Fire Hydrant shall be required per 50 dwellings rounded up.

Reason for condition:-

In order to secure the provision of fire hydrants to serve the development.

This condition will require to be discharged

30 non standard condition

No works shall take place to the railway bridge known as 'Bridge 1692' until a detailed report recording the construction methods, materials and architectural details of the bridge has been submitted to and approved in writing by the local planning authority.

Reason for condition:-

To ensure that an accurate record is made of this non-designated heritage asset in accordance with the advice set out in Paragraph 199 of the NPPF and Policy ENV08 of the Breckland Local Plan (adopted).

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