

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2022/0670/D	<b>CASE OFFICER</b>	Chris Hobson
<b>LOCATION:</b>	DEREHAM Land off Shipdham Road, Westfield Road and Westfield Lane	<b>APPNTYPE:</b>	Reserved Matters
<b>APPLICANT:</b>	C/O Lanpro Services Lanpro Services 98 Pottergate	<b>POLICY:</b>	In Settlemnt Bndry
<b>AGENT:</b>	Lanpro Services 98 Pottergate Norwich	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	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		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **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**

Principle of Development  
Highways and Transport Matters  
Character and Landscape and Arboricultural Considerations  
Residential Amenity  
Ecological and Nature Conservation Implications  
Flood Risk & Drainage Matters  
Heritage Considerations  
Other Material Considerations

#### **DESCRIPTION OF DEVELOPMENT**

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.

The proposed link road measures 1.33km in length (measured from the point that it meets Westfield Lane to the point where it connects to the new roundabout on Shipdham Road). The proposed link road is a 6.5m wide Type 1 link road and includes, a 3.0m footway and separate 1.8m cycleway to the north and a separate 1.8m footway to the south. The footways and cycleway are separated from the main carriageway by a 2.0m grass verge.

## **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 subsequent application to 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.

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3PL/2022/0669/VAR

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

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3PL/2022/0671/F

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

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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))

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3PL/2022/1071/O

Outline planning application for development of a maximum of 89 dwellings and associated infrastructure (all matters reserved).

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### **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
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
LBC	Planning(Listed Building & Conservation Areas) Act 1990
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 are still unhappy with the road splitting the estate in half. It would have been preferable and better design for the road to skirt the southern edge of the residential area. As the road is laid out it is neither a good estate road or a good link road. There looks to be at least 16 access points from side streets and parking areas onto the main section of the road. The cycle lane and footway should be given priority at the side streets otherwise the cycle lane will not function as intended, as the stop start nature of the side streets significantly diminish the comfort for cyclists. The Council were concerned about the phasing of the new bridge and felt that the bridge should be completed at the same time as the road.

While it does not form part of this particular application, Councillors were extremely concerned with the indicative layout and density of the 291 residential properties. When further applications for reserved matters comes forward showing the layout of the residential properties the Council would expect to see a master plan for all that land within the Local Plan Dereham Housing Allocation 5.

## **SHIPDHAM P C**

Shipdham Parish Council have noted this.

## **WHINBURGH & WESTFIELD P C**

My Council shares the concerns expressed by Garveston and Dereham Council over the bridge and the road which seems to be confused about its function either as an estate road or a southern bypass, and as a result will fail to satisfy either.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection to principle of the spine road forming phase 1 of this development. However, amendments to the design have been requested.

## **FLOOD & WATER MANAGEMENT TEAM**

We have no objection to this application as we believe, after reviewing the Highways Masterplan and Associated Details Additional plans and holding discussions with the applicant, that there is sufficient space to include the proposed drainage strategy along with any amendments that may need to be made further along in the application process.

## **CONTAMINATED LAND OFFICER**

Comments to Outline Planning Application still 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.

## **NORFOLK RIVERS INTERNAL DRAINAGE BOARD**

No comments.

## **NATURAL ENGLAND**

As submitted, the application could have potential significant effects on the nearby designated sites:

- The Norfolk Valley Fens Special Area of Conservation (SAC)
- The River Wensum SAC
- The Broads SAC
- Broadland Ramsar

In addition to the European sites mentioned above, the application could have potential significant effects on

the European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.

The application could also damage or destroy the interest features for which the underpinning SSSIs of the European sites have been notified.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further information on how the development will achieve nutrient neutrality by clearly setting out the mitigation measures that will be implemented, robustly assessing these with evidence and demonstrating how they will achieve nutrient neutrality for the development, and including them within a phasing plan to demonstrate how they will be delivered according to each phase of the development.
- Further assessment regarding the open space / green infrastructure to be provided by each phase of the development in relation to the potential for an increase in recreational disturbance on nearby European sites.
- This development falls within the Zone of Influence (ZoI) for multiple European designated sites scoped into the Norfolk GIRAMS. Natural England advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development with regard to the reserved matters applications that will deliver new dwellings to ensure that the delivery of the GIRAMS remains viable.

#### **GARVESTONE, REYMERSTON AND THUXTON PARISH COUNCIL**

It is unclear whether this is an estate road or as stated in the ES dated 2015 "designed to function in the longer term as Dereham Southern bypass". The current plans show a 20 mph wiggly estate road with 16 accesses along it and ending in Westfield Lane with a single carriageway bridge to the right with a 3 tonne weight limit leading onto Yaxham Road. It is assumed from the plans that buses/HGVs can only turn left and reach Dereham via Westfield Road and Tavern Lane? The traffic assessments have not been updated since 2015 and do not take into account the 100 + new homes along Westfield Road, school traffic and there appears to be no mitigation to ensure there is no residual cumulative impact on the local road network contrary to the NPPF as well as Policy TR01 Sustainable Transport Network in the Breckland Local Plan. Much of the documentation is out of date and there needs to be an updated traffic assessment. Condition 4 of 3PL/2015/1490/O requires a Phasing Plan for the whole development which should include when the Westfield bridge is to be rebuilt to ensure the development is not in effect a cul de sac with HGVs, buses only able to access the site via Shipdham Road, School Lane and Westfield Road.

NCC Dark Skies policy and the Yaxham Neighbourhood Policy ENV1 requires developments to keep artificial light to a minimum and a Lighting Assessment will be expected to be submitted and agreed by the LPA. This will minimise any light pollution in what is an environmentally sensitive landscape in open countryside.

<b>YAXHAM PARISH COUNCIL</b>	No Comments Received
<b>ECOLOGY</b>	No Comments Received
<b>TREE AND COUNTRYSIDE CONSULTANT</b>	No Comments Received
<b>NATIONAL PLANNING CASEWORK UNIT</b>	No Comments Received
<b>HISTORIC ENVIRONMENT SERVICE</b>	No Comments Received
<b>MID NORFOLK RAILWAY PRESERVATION TRUST</b>	No Comments Received

## REPRESENTATIONS

No neighbour representations have been received but comments from the Dereham Walkers are Welcome and The Ramblers and Yaxham Neighbourhood Plan Working Group have been received and are summarised, as follows:

Dereham Walkers are Welcome and The Ramblers

The proposed link road impacts significantly on Westfield Road. The main site plan shows the link road as simply crossing Westfield Road, but many of the other plans show the link road as occupying the present course of Westfield Road for a significant distance. Whichever of the plans is correct, it is clear that use of Westfield Road will be considerably affected. It is welcome that the affected part of Westfield Road is to be closed to vehicular traffic, though this improvement will be lost if walkers and cyclists have instead to cross, or follow alongside, the new link road. At present, Westfield Road provides a quiet and relatively little used route from that part of Dereham (especially useful to residents of Toftwood) out to Westfield and Whinburgh, and especially Whinburgh FP1 as a route through open country to the south. We would ask that the link road is limited to crossing Westfield Road and not occupying any part of its course, and that the road layout at the crossing point makes it as easy and safe as possible for both walkers and cyclists to proceed along Westfield Road.

Yaxham Neighbourhood Plan Working Group

- It is unclear whether this is an estate road or as stated in the ES dated 2015 "designed to function in the longer term as Dereham Southern bypass".
- The current plans show a 20 mph wiggly estate road with 16 accesses along it and ending in Westfield Lane with a single carriageway bridge to the right with a 3 tonne weight limit leading onto Yaxham Road.
- It is assumed from the plans that buses/HGVs can only turn left and reach Dereham via Westfield Road and Tavern Lane?
- The traffic assessments have not been updated since 2015 and do not take into account the 100 + new homes along Westfield Road, school traffic and there appears to be no mitigation to ensure there is no residual cumulative impact on the local road network contrary to the NPPF as well as Policy TR01 Sustainable Transport Network in the Breckland Local Plan.
- Much of the documentation is severely out of date and there needs to be an updated traffic assessment.
- Condition 4 of 3PL/2015/1490/O requires a Phasing Plan for the whole development which should include when the Westfield bridge is to be rebuilt to ensure the development is not in effect a cul de sac with HGVs, buses only able to access the site via Shipdham Road, School Lane and Westfield Road.
- The Planning, Design and Access Statement relating to this Reserved Matters application proposes an amendment to read that "the development must be carried out in broad accordance" with the approved documents and drawings. Exactly what is the definition of "broad accordance"?
- NCC Dark Skies policy and the Yaxham Neighbourhood Policy ENV1 requires developments to keep artificial light to a minimum and a Lighting Assessment will be expected to be submitted and agreed by the LPA. This will minimise any light pollution in what is an environmentally sensitive landscape in open countryside.

## ASSESSMENT NOTES

### 1.0 Principle of Development

1.1 The principle of development has been 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. At Outline application stage the matter of access was considered, leaving only matters of landscaping, scale, layout and appearance to be considered at reserved matters stages.

1.2 This application is the first of the reserved matters pursuant to Outline application reference 3PL/2015/1490/O and is for the internal link road only. The matters of landscaping, scale, layout and appearance will be considered having reference to the road only (as this is the only matter applied for at this stage). Comments with regards to the layout, appearance etc of houses will be considered with the relevant application(s) once received.

1.3 Relevant conditions on the Outline Planning Approval (conditions 4 and 5), which require details to be submitted with the first Reserved Matters Application have also been considered below.

## **2.0 Highways and Transport Matters**

2.1 Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety. Major development proposals should include an assessment of the impacts of new development on the existing transport network.

2.2 Paragraph 112 of the NPPF states:

*Applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.*

2.3 The access points for the development were considered and agreed at Outline application stage. Application reference 3PL/2022/0669/VAR seeks to vary the access point off Shipdham Road. An alternative general arrangement plan for the proposed roundabout has been developed that follows a slightly amended geometry to that considered at the Outline application stage. It is this alternative roundabout design that the proposed internal link road is shown to connect to within this reserved matters application. The Outline application conditions 3 and 20 make reference to the previously approved roundabout. On that basis, the variation of condition application has been submitted to allow for the new roundabout arrangement, which allows for the proposed link road. Subject to approval of that variation of condition application, then this application is considered acceptable.

2.4 Furthermore with regards to condition 3 of the Outline planning application, the offsite highway works referenced within the Transport Assessment Addendum, specifically the junction between Westfield Road and Westfield Lane, have also been revisited and an alternative arrangement to the Westfield Road and Westfield Lane Junction has been proposed. This amendment is also subject to a variation of condition application and subject to being acceptable in that regard, is also acceptable in terms of this application.

2.5 This reserved matters application is for the internal link road only. The Highways Authority have been consulted on the proposals and raise no objections, subject to some amendments to the detailed design of the link road. These amendments have been provided and the final comments of the Highways Authority are awaited. On this basis and subject to no objections from the Highways Authority then the proposed reserved matters access and route is considered acceptable and in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

2.6 Comments have been raised by Dereham Town Council, local Parish Council's, the Yaxham Neighbourhood Plan group and Dereham Walkers are Welcome and The Ramblers. Concerns include the link to Westfield Road, this was already agreed at Outline application stage and although currently under consideration in variation of condition application reference 3PL/2022/0669/VAR, this application is not the correct application to consider access as this is not a reserved matter i.e. the access point, the off-site works or its extent. The road itself has been re-designed and is under consideration by the Highways Authority, as this is part of the layout of the site, this is a matter for consideration, as set out above. The Highways Authority have no objection to in principle to a link road in this location.

2.7 Other matters raised include concerns regarding the positioning of the road and stating 'it is neither a good estate road or a good link road'. The link road was shown at outline stage indicatively in this location. The applicants state 'The alignment, geometry and position in of the proposed link road has been designed on the advice of Norfolk County Council Highway Officers and in accordance with new national highway standards LTN1/20. The proposed link road will be 30mph and also function as a bus route with bus stops on the carriageway edge'. The location of the link through the estate is considered preferable by officers to creating a rat-run round the edge of the estate, it will slow traffic speeds down, through the presence of houses and pedestrians and forms an integral part of the design of the estate. It also provides an optimum route for new residents to access the bus route. The Highways Authority have no objection to principle of the link road forming phase 1 of this development and in this location. In addition, condition 6 of the outline consent requires the road to run through the development and makes the following points:

- *A direct and continuous link road, including a 3m footway/cycle along one side, to be provided within the site between Shipdham Road, Westfield Road and Yaxham Road (via Westfield Lane)*
- *A 3m wide footway/ cycle way to be provided for Westfield Road from where the internal east-west link road meets Westfield Road extending to the northern site boundary (own emphasis).*

The applicants state that the connectivity strategy for the Outline planning application '*is supported by this reserved matters application and delivers the following:*

- *Segregated cycleway and footway on the northern side of the proposed link road and a further footpath to its south with new pedestrian crossing points at dedicated locations.*
- *The new cycleway will connect to Shipdham Road and Westfield Lane.*
- *Removing vehicular traffic from the section of Westfield Road located to the north of the proposed link road between it and Westfield Lane to the north to allow future use as a cycleway.*
- *The provision of a new segregated footpath / TROD to Westfield Road to the south of the proposed link road'.*

2.8 On the basis of the above, the proposed link road is considered to accord with Paragraph 112 of the



NPPF in giving priority to pedestrian and cycle movements and providing access to all modes of transport; and allowing for the efficient delivery of goods, and access by service and emergency vehicles by providing a link through the estate but also to the wider area. On this basis the proposed link road design and location is considered acceptable.

2.9 Dereham Town Council have raised concerns about the number of access points to the link road, however these will be confirmed when the housing reserved matters applications are approved and the Highways Authority raises no objection in principle at this stage. The proposed link road is a 6.5m wide Type 1 link road and includes, a 3.0m footway and separate 1.8m cycleway to the north and a separate 1.8m footway to the south. The footways and cycleway are separated from the main carriageway by a 2.0m grass verge. On this basis, it is considered that there will be good accessibility through the site by cycle. Condition 6 of the Outline planning permission includes specifications for the link road, the specification in this application is slightly different to the design specification set out within Condition 6 and that described within the Transport Assessment Addendum listed as an approved document on the Decision Notice. As such, a variation of condition application has been submitted to vary the wording of condition 6 to allow for this new specification and proposed footway and cycleway dimensions. Provided the variation of condition application is approved, then the proposal is considered acceptable on this basis.

2.10 Dereham Town Council raised concerns about the phasing of the new bridge and felt that the bridge should be completed at the same time as the road. The delivery of the Bridge is not part of this reserved matters application and secured through condition 23 on the outline planning permission, which requires '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', which include the bridge works. Concerns have also been raised that Condition 4, the submission of a phasing plan, has not been complied with. Condition 4 does not however, require details of the phasing of the bridge, this is secured in the above mentioned condition. However, phasing plan(s) have been submitted with this application and contain sufficient information to satisfy the requirements of condition 4.

2.11 Concerns have been raised that the traffic assessments have not been updated since 2015 and do not take into account new homes along Westfield Road. Outline planning permission has been granted for 291 dwellings on this site. There is a further application been submitted for 89 dwellings, which will be considered on its own merits and require justification in terms of any additional traffic/highways impact. However, this application does not support or allow for additional homes. The impact of the development on the local highway network was considered in detail at outline application stage including the cumulative impact of development and this was deemed acceptable. Any later applications would need to be considered on their own merits in this regard. Given the proposal is for no additional dwellings than that already approved then there is no requirement for a further transport assessment, at this stage. On that basis, it is not considered that the highways impact from this proposal would be severe and the proposals do comply with Section 9 of the NPPF as well as Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

### **3.0 Character and Landscape and Arboricultural Considerations**

3.1 Section 12 of the NPPF and GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019) seek to promote high quality design. Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019) seek to protect the character of an area, Policy ENV05 seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted 2019).

3.2 The proposed carriageway is divided from the proposed footpath and cycleway by a 2m grass verge. The proposed carriageway will be constructed from asphalt.

3.3 The link road in itself is likely to have landscape impacts as it cuts through existing open countryside and has limited landscaping proposed. However, this is the first reserved matters for 291 residential properties, already permitted through the Outline Planning Application. Given that route was shown on the Outline planning permission, that the proposed new dwellings (design, scale and layout to be approved in future reserved matters applications) will flank the road and as the link road is unlikely to be delivered without the proposed residential dwellings, which will largely disguise the road, then the proposal is likely to have an acceptable landscape and character of the area impacts.

3.4 As set out above, one concern is the position of the link road through the site and not to the south of the development. As above, the concern is by having a route outside of the development, bypassing the town, this will create a fast route, which will have a greater landscape impact and not be inclusive with the development. Policy GEN02 requires high quality design in all development, which respects and is sensitive to the character of the surrounding area; creates high quality, safe and sustainably designed buildings, places and streets; and maximises connectivity within and through a development and to the surrounding areas, including the provision of high quality and safe pedestrian and cycle routes. It is not considered a route outside the development would meet the aims of GEN02 of the Breckland Local Plan (adopted 2019). As above, the proposed link road is considered to be in the optimum position to serve the development and limit its landscape and character impact once the rest of the development is constructed.

3.5 The link road will pass through some sections of existing hedgerow and will require the removal of a number of trees. A full assessment of the impact of the proposed development on existing onsite vegetation and the potential need and methods for mitigation has been submitted with the application, along with a landscaping plan, which shows the landscaping to be removed, to make way for access points and green verging to the highway.

3.6 An Arboricultural Method Statement has been produced by Ravencroft Arboricultural Services and is submitted in support of this reserved matters application. A total of eleven individual trees designated BS5837:2012 category B, twelve individual trees designated category C, and three category U trees require removal in order to facilitate the proposed link road. Also, one section of category B hedgerow and sections of two category C hedgerows will require removal. It is proposed that a total of no fewer than 22 new trees be planted within available remaining space to mitigate for the loss of the category B trees (a ratio of 1:2) and 12 new tree planted in replace of the category C trees. This can be secured through an appropriately worded planning condition.

3.7 Tree protection measures are proposed to protect retained trees during the construction phase. A condition is proposed in this regard, as well as to retain trees, not to be removed to make way for the development.

3.8 The proposed landscaping with this application is limited in scope (required by condition 12 of the outline planning permission) but given the wider site will be delivered by further reserved matters applications, it is considered appropriate to apply a condition requiring further landscape details to be provided to tie in with later reserved matters application(s). On this basis, the landscaping proposed is considered acceptable and in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

#### **4.0 Residential Amenity**

4.1 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks 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.

4.2 The road is largely significantly separated from existing residential dwellings by the approved development site. The road will integrate with the new development and is as was shown indicatively at outline application stage. It is not considered that this proposal would have a significant impact on amenity due to the distances involved, and as it will serve the new dwellings proposed, which will ultimately provide a barrier to existing residential properties. On this basis is considered to conform with Policy COM03 of the Breckland Local Plan (adopted 2019).

## **5.0 Ecological and Nature Conservation Implications**

5.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019) require the protection and enhancement of biodiversity. A response from our ecologist is awaited and subject to no objections and the following the proposal is considered to accord with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019).

### **5.2 Dark skies**

The dark skies policy in the Yaxham Neighbourhood Plan, is noted. The site falls outside the Yaxham Neighbourhood Plan boundary and therefore the policies therein do not apply. However, the Outline planning permission does include conditions to limit or control lighting within the application site which should protect local dark skies. On this basis, the proposals are considered acceptable and the site has outline planning permission for residential development.

### **5.3 Nutrient Neutrality**

This application has been assessed against the conservation objectives for 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). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed.

5.4 Despite Natural England's comments and request for additional information, the application has to be assessed by the Local Planning Authority as the competent Authority. The development proposed does not involve the creation of additional overnight accommodation and is such, it has been assessed as unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment. On this basis, the application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

### **5.5 GIRAMs**

Evidence from the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation strategy shows that schemes like this (in combination with other development) in this zone, will have a likely significant effect on those sites by recreation impact i.e. visiting sites for recreational purposes. Breckland District Council along with all other Norfolk Local Authorities are charging an index linked one-off tariff of £185.93 per dwelling/unit to go towards the Norfolk Recreation Impact Avoidance Mitigation Strategy. All

schemes, which are likely to have a recreational impact on these protected wildlife sites are liable to pay this tariff. This funding would be spent strategically on measures to mitigate the effects of development across the area on European Protected Sites. By paying the tariff, the recreation effects the site, in combination with other similar development, are considered to be mitigated. However, despite, Natural England's comments, as above, no overnight stays are created by this permission (this will be payable on later permissions for residential development), therefore the application has also been screened in this regard, also using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended) and no GIRAMs payment is required, at this stage.

## **6.0 Flood Risk & Drainage Matters**

6.1 Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019) seek 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.

6.2 The LLFA initially raised concerns with regards to the proposals but it has since been explained of the applicant's intention to drain the surface water run-off from the internal link road via a filter drain or under-drain swale network, as also detailed in the Highways Masterplan. Taking this into consideration the LLFA require a full drainage strategy at subsequent application stages that strictly conforms with this strategy in accordance with the layout presented to them part of the Reserved Matters application, along with all relevant supporting information to demonstrate compliance with the NPPF and Norfolk County Council Developer Guidance. On this basis, the LLFA have no objection to this application as they believe, that there is sufficient space to include the proposed drainage strategy along with any amendments that may need to be made further along in the application process. On this basis, it is not consider that this proposal would result in significant flood risk elsewhere and the proposals are considered to accord with Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019).

## **7.0 Heritage Considerations**

7.1 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.

## **8.0 Other Material Considerations**

### **8.1 Conditions**

Some of the conditions of the Outline Planning Approval require discharge with the first reserved matters, these include condition 4, the phasing plan, this matter has been addressed above.

8.2 Condition 5 requires a Travel Plan. The applicants Design and Access Statement says in this regard 'With the first reserved matters being limited to the proposed link road, it is not possible, nor is it considered necessary to comment upon the measures needing to be delivered within the residential areas to support sustainable modes of travel. As such, a Travel Plan is not submitted in support of this reserved matters application and an application is submitted concurrently to amend the trigger for submission of the Travel Plan as noted within Condition 5 to the 'first reserved matters application involving the provision of housing'. A variation of condition application has been submitted alongside this application and subject to that application being approved then this proposal is considered acceptable having regard to condition 5.

8.3 Conditions 3, 6 and 20 are also proposed to be amended through the variation of condition application, as set out above in the Highways section of the report.

8.4 With regards to the above-mentioned application the applicants state 'The above amendments are clearly considered to be minor in nature. The principles of the outline permitted development and its highway and connectivity strategy remain unaltered from that agreed at the outline stage'. On this basis and that they have been applied for in a variation of condition application(s), subject to those applications being acceptable on their own merits and approved prior to this application, then this proposal is considered acceptable.

#### 8.5 Contamination

Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019) states that planning decisions should take account of ground conditions, pollution and contamination risk. No objections have been raised by the contaminated land officer in this regard and reference is made to comments made at Outline application stage. These comments suggested conditions, which were applied to the outline planning permission. Therefore, on this basis they do not need to be repeated here and the proposal is considered in accordance with Section 15 of the NPPF and COM03(8) of the Local Plan (adopted).

### 9.0 Conclusion

9.1 The proposed development is considered acceptable having regard to the previous Outline planning permission and conditions therein, the Development Plan and any other relevant material planning considerations, as set out above. On this basis, the application is recommended for approval, subject to no objections being raised by the Highways Authority and Council's Ecologist, and the conditions set out below.

#### RECOMMENDATION

The application is recommended for approval, subject to the Highways Authority and Council's Ecologist not raising objections and subject to conditions.

#### CONDITIONS

1

##### **Reserved Matters - time limit**

This approval is granted following the grant of Outline Planning Permission reference 3PL/2015/1490/O dated 25th June 2020. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.

Reason for condition:- For the avoidance of doubt and to ensure that the development accords with conditions attached to the outline planning permission for the proposal, including time limits specified for commencement, resulting in appropriate development of the site.

**2 In accordance with submitted plans NEW 2017**

The development shall be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:- To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).

**3 Soft landscaping scheme to be submitted**

Prior to commencement of development of the link road hereby approved, a landscaping scheme demonstrating how the link road and adjacent verge will be incorporated into the wider landscaping strategy for the whole site approved under application reference 3PL/2015/1490/O, which shall take into account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority.

These details should include:

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

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

Reason for condition:- In the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**4 Tree Planting Scheme**

A scheme for the planting of trees across the whole site (application reference 3PL/2015/1490/O) which shall include no fewer than 34 new trees to mitigate the loss from the development involved in this reserved matters application, shall be planted, in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of the link road hereby approved. The Tree Planting Scheme shall include a programme of when the planting works will take place and a management strategy for the long term survival of the trees. 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:- To mitigate for the loss of significant trees and hedgerows in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

**5 Fencing protection for existing trees**

Prior to the commencement of works, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site

huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS4837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:- The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**6**

**Retention of trees and hedges**

No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the Local Planning Authority.

Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:- To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy ENV06 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

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