

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2022/0671/F	CASE OFFICER	Chris Hobson
LOCATION:	DEREHAM AND SHIPDHAM Land to the east of Shipdham Road	APPNTYPE:	Full
APPLICANT:	C/O Lanpro Services Lanpro Services 98 Pottergate	POLICY:	Part In Set Bndry
AGENT:	Lanpro Services 98 Pottergate Norwich	CONS AREA:	N
PROPOSAL:	Development of new roundabout junction and associated works on Shipdham Road (A1075)		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

This application is before Planning Committee having been to the Chairmans Panel where it was referred to Planning Committee being a related to a major and strategic development.

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the construction of a new roundabout junction and its associated works along the Shipdham Road (A1075), Dereham. The proposed roundabout junction would form part of a link road and junction improvement works granted planning permission under permission reference 3PL/2015/1490/O as part of the residential development of 291 dwellings along the southern edge of Dereham between Shipdham Road and Westfield Road, and Westfield Lane and Yaxham Road (Land now Dereham Housing Allocation 5).

The current proposals represent an amendment to the previously approved scheme following updates to the geometry, alignment and location of the roundabout. The roundabout within this application is sited further west towards the existing Shipdham Road (A1075) and allows for the provision of a fourth arm in the future due west of Shipdham Road which would serve Dereham Housing Allocation 2.

SITE AND LOCATION

The application site comprises of an irregular parcel of land along the Shipdham Road (A1075) and includes a portion of open arable land to the east side of the Shipdham Road. The proposed roundabout would be located on land east of the existing Shipdham Road alignment and to the south of residential properties at Mill Court. The site is located within the Settlement Boundary of Dereham and partially located within the site 'Dereham Housing Allocation 5' allocated for approximately 290 dwellings within the adopted Breckland Local Plan.

EIA REQUIRED

Yes - Noting the cumulative effects of development, it is concluded that this is EIA development as the proposed junction is part and parcel of this broader EIA development and the proposals being necessary and part of the link road are an integral part of this 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 and on this basis no further information has been requested.

RELEVANT SITE HISTORY

3PL/2015/1490/O - 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. - Granted - 25/06/20.

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 - Under consideration.

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 - Under consideration.

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
DHA2	Dereham Housing Allocation 2: Land to the west of Shipdham Road (LP011)
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
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

DEREHAM T C

Not happy with how the cycle lane integrates with the carriageway on Shipdham Road, all cyclist will be traveling into Dereham but there is no provision to cross the carriageway to enable cyclists to conveniently cross. Provision could be made for cyclists to cross at the pedestrian crossing points.

SHIPDHAM P C

Noted and no comments made.

NORFOLK COUNTY COUNCIL HIGHWAYS

Norfolk County Council would not wish to object to the principle of a redesigned roundabout to serve the permitted development to the east. However, this full planning application does not appear to be directly linked to the adjacent development and needs to be considered on its own merits. As such the County Council would be unlikely to support the construction of a roundabout in isolation from any development. Additionally, the County Council have not been provided with sufficient information to undertake any technical vetting of the proposed roundabout and no modelling of it has been undertaken. Furthermore, I note the applicant has undertaken a stage 1 safety audit, which has highlighted numerous problems that should be addressed before consideration of the proposed roundabout progresses any further.

Officer Note: Further information has been submitted and NCC Highways Authority have been consulted and updated comments are awaited. These will be reported in due course.

FLOOD & WATER MANAGEMENT TEAM

While this is a full application, the additional land-take beyond the previously granted outline permission (3PL/2015/1490/F) comprises the existing carriageway, Shipdham Road, and the development is not considered vulnerable in itself.

The applicants have also submitted the FRA and Indicative Drainage Strategy considered at outline stage for

consideration. Noting the land ownership and that this junction redesign is part of a much broader highway scheme encompassing land to the east, there should be adequate space for surface water attenuation to be provided for off-site.

Taking in to account these points raised, discussions between both the applicant and the planning authority and under what the LLFA deem to be uncommon circumstances, we will revise our position but will raise the following points first:

The applicant has provided an FRA and an Indicative Drainage Strategy at outline planning stage and although outline planning permission was granted, we will expect additional information to be submitted prior to commencement of any works taking place on site.

As stated in our letter correspondence to the planning authority on 27 October 2022, we note that no additional flood risk or drainage strategy amendments were submitted for the LLFA to review. Additionally, Norfolk County Council Highways Authority had not given written confirmation that they would be adopting design and build responsibilities.

Following this, the LLFA requested that the following information be submitted:

- Submission of a detailed Flood Risk Assessment, Surface Water Drainage Strategy and full design outputs that clearly identifies the proposals for the new roundabout junction and associated works.
- How the drainage proposals will interact with the wider development.
- That the design of the roundabout can meet NCC Highways Authority adoptable standards.

We therefore have no objection subject to conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

Having screened the application, the site in question lies outside the Internal Drainage District of the Norfolk Rivers Internal Drainage Board and as per our Planning and Byelaw Strategy the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has no comments to make.

NATURAL ENGLAND

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

CONTAMINATED LAND OFFICER

My previous comments apply

ENVIRONMENTAL HEALTH OFFICERS

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.

TREE AND COUNTRYSIDE CONSULTANT

The submitted AIA has identified a large number of quality trees and hedgerow that will require removal or be adversely affected by the proposal. It appears that the layout has not taken into account the arboricultural constraints associated with the site. It would seem that adjustments could be made to reduce the arboricultural impacts. Further information should also be provided to determine that status of hedgerows and whether or not they would qualify as important as defined by the 1997 Regulations. The current proposal is contrary to council policy and does not not comply with ENV06.

HISTORIC ENVIRONMENT SERVICE

The proposed roundabout and access road are located in an area were cropmarks of a ditch and enclosure have previously been recorded. A geophysical survey and very limited trial trenching in 2016 proved that those features Bdo exist, but the trenching was too limited to fully characterise them and failed to examine their surroundings and Bcontext. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological Bre mains) will be present at the site and that their significance will be adversely affected by the proposed Bdevelopment.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. We suggest that the conditions are imposed accordingly.

NATIONAL PLANNING CASEWORK UNIT

I confirm that we have no comments to make on the environmental statement.

ENVIRONMENT AGENCY

No Comments Received

ECOLOGY

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 an objection from a neighbouring land owner with respect to impact of the roundabout layout and design on the ability to access to their adjacent business and land, and whether the proposed design would require sections of their land. Further discussion of this is set below.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 The application seeks full planning permission for a new roundabout and associated realignment to Shipdham Road (A1075) as part of broader works to provide a link road to the south of Dereham and providing the residential site allocations. The new roundabout being proposed would sit within the designated settlement boundary of Dereham and involve works within allocated Dereham Housing Allocation no.5. Given that the proposed highway infrastructure would provide access and therefore also enable the delivery of the adjoining housing allocations either side of the Shipdham Road the principle of the proposals would be

acceptable and accord with policies GEN03, GEN05, DHA2 and DHA5 of the Breckland Local Plan.

2.0 Highways and Transport Considerations

2.1 Policy TR02 of the Breckland Local Plan (adopted 2019) states that proposals will be permitted that mitigate impact on the local or strategic highway network arising from the development. Policy TR02 also requires new development 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.

2.2 The proposals seek to provide an updated road and junction design to that which was secured through the conditions attached to the outline planning permission 3PL/2015/1490/O for the residential development of 291 dwellings within the site and on land to the east of the site. A new roundabout junction to connect a new distributor road with the Shipdham Road (A1075) was part of highways mitigation measures and obligations secured through the outline permission. The amended siting and alignment now incorporates the existing highway carriageway further west to that shown in the indicative plans secured at outline stage, and is also now designed to also future-proof for access points west of Shipdham Road in order to access other allocations in the Local Plan.

2.3 The Highways Authority have raised concerns regarding the proposed redesigned roundabout junction and amended plans and additional information has been submitted to address these concerns. The proposed design has been supported by road safety audit and tracking plans. Updated comments from the Highways Authority are awaited and will be reported in due course. Subject to the Highways Authority raising no objections to the proposed roundabout junction, the proposals are considered to accord with policies TR01 and TR02 of the Breckland Local Plan.

3.0 Character and Landscape Considerations

3.1 Policy ENV05 states that "The landscape of the District is valued for, its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. Development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside."

3.2 Policy COM01 further states that "New development should be designed to the highest possible standards. All new development must achieve a specification of high architectural, urban and landscape design quality and contribute to the distinctive character and amenity of the local area."

3.3 Given the similarity of size, design and location the broad impacts of the revised junction arrangement align with those secured through the outline planning permission. The current proposals whilst involving additional road infrastructure within the open arable fields would be located within the adopted highway and allocated residential development site. Accordingly, through the extant permission it has been accepted that the character and appearance of this edge of Dereham would significantly change once the development comes forward. The proposed amended junction would not impact on the broader swathes of open space sitting along the southern edge of the site and open land retained between the site and River Tud.

3.4 Therefore, subject to sensitive approach to the planting and landscaping of the verges and highway edges, it is not considered that there would be any significant impact on the character and appearance of the site over and above the extant permission and. Condition is nevertheless included to ensure appropriate design and provision of soft landscaping alongside the highway infrastructure. Accordingly, the proposals

would not conflict with policies ENV05 and COM01 of the Breckland Local Plan (2019).

4.0 Arboricultural Considerations

4.1 Policy ENV06 of the Breckland Local Plan requires existing trees and hedgerows should be retained and integrated into proposed development.

4.2 The proposed relocated roundabout junction as in the previous scheme proposed at outline stage would necessitate the removal of a significant length of hedgerow and number of trees. As now proposed, this includes 13 (12 category B) trees and one category C tree, along with a category C mixed species young hedgerow being lost along the eastern side of Shipdham Road. The Council's Tree Officer has requested that adjustments be considered to retain more of the hedgerow and further evidence with respect to the value of the hedgerow. The applicants have advised that in order to secure the necessary highways specifications for a distributor road junction in the form of a roundabout necessary to aid traffic flows, and amount and type of traffic and speeds required, that a design and alignment as proposed is necessary, which necessitates the removal of a large length of hedgerow and significant number of trees.

4.3 Policy ENV06 does advise that "Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought (MM130). Where the loss of a tree is accepted in these circumstances, developers will be required to ensure the loss is suitably compensated for, taking into account the size and condition of the tree."

4.4 Noting the concerns of the Tree Officer and that the proposal represents an amendment to the previous new roundabout layout which also necessitated the loss of the majority of the hedgerow, a condition is recommended to secure the planting of an equivalent length of replacement native species hedgerow and tree planting equivalent to 2:1 for the category B trees lost (26) and 1:1 for the category C tree lost (1), and in particular along the eastern side of Shipdham Road which sits within the broader residential development site and sits at the southern entrance into Dereham and adjacent to areas of open space indicated in the site wide masterplan. Subject to the condition set out above, the proposals are not considered to cause any over-riding harm to landscape features over and above the extant permission.

5.0 Ecology and Nature Conservation Implications

5.1 Both policy ENV02 of the Breckland Local Plan (adopted) and the guidance contained within section 15 of the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Policy ENV03 of the Breckland Local Plan (adopted) requires that a Habitat Regulations Assessment be undertaken for development that may have a significant effect on the Breckland Special Protection Area (SPA) and the Breckland Special Area of Conservation (SAC) and that development will only be permitted where it has been demonstrated that the proposal will not adversely affect the integrity of these habitat sites.

5.2 The application has been supported by the previous Environmental Statement used to assess the impacts of the broader permission 3PL/2015/1490/O, along with an Environmental Statement Compliance Statement, which in this respect notes that "the proposed amendments will not alter the geographical extent of the proposed development and as such, will not alter the effects of the development on ecological habitats and nearby protected sites. The site has remained in use as agricultural land since the grant of outline planning permission."

Protected / Priority Sites

5.3 The proposed works would sit on the edge of Dereham and within relative proximity to a number of protected wildlife sites. These include the Norfolk Valley Fens SAC and the river Wensum SAC as well as Badley Moor and Potting and Scarning Fens SSSIs. The site is also upstream of Mattishall Moor SSSI, (linked by a drain to the river Tud) and the river Wensum SSSI. The revised junction would sit closer to the existing built form of Dereham to the west and the land take and use of the proposed roundabout junction would be no greater than the indicative scheme secured in the extant permission. Given the similarity of the location, design and specification of the roundabout, the air borne impacts of pollution from the use of the revised junction and impacts of dust during construction phase are not considered to affect any of the surrounding protected sites to any greater degree than the permitted scheme. Accordingly, the proposals would not result in any significant adverse impacts on the surrounding wildlife sites over and above the permitted scheme.

Protected and Priority Species

5.4 The habitats on and adjoining the site remain as previously assessed and considered within application 3PL/2015/1490/O. The proposed revised junction would incorporate works within the highway and cultivated arable field which would as noted above necessitate the loss of hedgerow and trees. The loss of these habitats was considered and accepted as part of application 3PL/2015/1490/O and conditions were included on the outline permission to mitigate for the loss and provide enhancements. The applicants have confirmed that when the trees were surveyed as part of the current application no bat roosts or such features were recorded. Further surveys of the trees would be necessary prior to the commencement of development and their removal, and informative included to highlight this. The proposed junction forms an important part of the link road infrastructure and broader masterplan for the development which includes sufficient land within the applicants ownership to deliver sufficient ecological mitigation including habitat provision if found to be necessary. Therefore, subject to no objections being raised by the Council's Ecologist and the same conditions being attached as those attached to the broader permission for the remainder of the site, the proposals would provide adequate mitigation and enhancement to ensure no over-riding impacts on nature conservation interests and biodiversity net gain is secured, in accordance with policies ENV02 and ENV03 of the Breckland Local Plan (2019).

Nutrient Neutrality

5.5 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. The development proposed does not involve the creation of additional overnight accommodation and is such it is unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment. This 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).

Green Infrastructure Recreation Avoidance Mitigation Strategy (GIRAMS)

5.6 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. In this instance as the proposals themselves would not generate additional recreational pressure no mitigation in this respect is necessary.

6.0 Amenity Implications

6.1 Policy COM03 of the Breckland Local Plan (2019) seeks to prevent development that would have an unacceptable effect on the residential amenity of neighbouring occupants and in particular with regard to this application requires consideration be given to potential noise, vibration, odour, light and other forms of nuisance and pollution.

6.2 The proposed roundabout junction sits approximately 60 metres from the nearest residential properties to the north with commercial premises located to the west of the proposed junction. Noting the existing relationship of dwellings to Shipdham Road and the previously consented scheme under permission 3PL/20215/1490/O the proposals would not give rise to any significant amenity impacts over the scope of the scheme previously considered at outline stage. It is also noted that the Council's Environmental Health Officer have raised no objections subject to conditions. A condition has been recommended requiring the submission and approval of a Construction Management Plan (CMP) to appropriately manage construction operations and mitigate amenity impacts during construction.

6.3 Having regard to the above, given the surrounding context, the above mitigation measures, it is considered that the proposals would not cause any unacceptable impact on the amenity of nearby residents and accords with policies COM01 and COM03 of the Breckland Local Plan (adopted 2019) in respect to amenity impacts.

7.0 Flood Risk and Drainage Implications

7.1 Policy ENV09 seeks to ensure that flood risk is not increased elsewhere as a result of development and where feasible development has a neutral or positive impact on surface water drainage and management. Criterium 6 of the Site Allocation Policy reflects the requirements in the NPPF and policy ENV09 in requiring schemes are supported by a site specific flood risk assessment.

7.2 Clearly the proposed works would involve new road infrastructure and carriageways and associated grass verges which may have localised impact on hydrology and surface water flows along the Shipdham Road. However, the proposed development would not create additional buildings, nor significantly alter ground levels or generate a use that would be susceptible to flooding. The proposals comprise an amended roundabout/junction design to that considered within outline permission 3PL/2015/1490/F and that indicative scheme granted in 2020. Whilst the application is in full, the scope of the additional land take beyond that previously granted comprises of the existing carriageway of the Shipdham Road, and that the development proposed is not considered vulnerable in itself. It is also noted that the application site is also not subject to surface water or fluvial flood risk. Noting the land ownership and that this junction redesign is part of a much broader highway scheme encompassing land to the east, there is adequate space for surface water attenuation to be provided for off-site.

7.3 Both the Environment Agency and LLFA have confirmed they do not object and subject to conditions. Having regard to the above, the proposed development is acceptable in respect of flooding and drainage and

accords with Policy ENV09 of the adopted Local Plan. A condition has been recommended requiring the proposed surface water drainage scheme to be completed prior to first operation of the development.

8.0 Heritage Considerations

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

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

8.3 Paragraph 193 of the NPPF also states that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

8.4 Policy ENV08 requires that with respect of assets of archaeological significance an archaeological evaluation will be required. Where appropriate archaeological remains should be left in situ and only where the benefits of the development outweigh the importance of leaving the remains in situ, will development be permitted subject to undertaking satisfactory excavation and recording.

9.0 Other Material Considerations

9.1 Impacts on Surrounding Uses/Businesses & Allocations

9.2 An objection has been received with respect to the impact of the revised roundabout design on the ability of adjacent land owners accessing their land and business. The proposed amended junction and roundabout would be located adjacent to an existing nursery business on the west side of Shipdham Road, where works are underway to redevelop the site following fire damage. It is also noted that this site is allocated for residential within the adopted Breckland Local Plan. Nevertheless, the business currently remains operational and is an important local business providing employment for a significant number of local persons. The applicants have submitted further information to demonstrate that the new roundabout junction could be constructed and retain the access point into the nursery site in its current position. The proposed new junction layout and design has been the subject of pre-application discussions with the Highways Authority who would subsequently adopt and approve the final detailed drawings and specifications. As noted above whilst final comments of the Highways Authority are awaited, it is noted that they would not object to the principle of the redesigned roundabout. With respect to the adjacent land's allocation in the Breckland Local Plan, it is also noted that the amended junction design demonstrates that in the future a fourth arm could be added to the proposed roundabout in order to serve the adjacent residential allocation west of the Shipdham Road. Accordingly, it is considered that the amended roundabout would not compromise the existing business operation and fetter the interests of the adjacent land owner.

9.3 Ground Conditions / Contamination

9.4 The Council's Contaminated Land Officer has reviewed the details of the proposed development and has raised no objection subject to conditions including to require further investigation should unexpected contamination be encountered during construction. On this basis and subject to appropriately worded

conditions the development is acceptable in relation to contamination and complies with Policy COM03 of the Breckland Local Plan (adopted 2019).

10.0 Conclusions

The proposed development would help deliver key highway infrastructure for the permitted residential development and allocated residential sites to the south of Dereham as designated within the adopted Breckland Local Plan. The proposed amended junction design would not significantly impact on the surrounding landscape, residential amenity, landscape features and nature conservation and wildlife interests over an above the scheme considered within the grant of outline planning permission 3PL/2015/1490/F. Conditions have been recommended to ensure impacts on traffic, transport connectivity are not severe. Conditions are recommended to ensure appropriate mitigation is provided in respect of potential archaeological impacts, impacts on wildlife and nature conservation interests, trees and landscape features and surface water drainage. As a result, the proposals are in accordance with the policy guidance contained within the NPPF and core policies within the Breckland Local Plan (adopted 2019).

RECOMMENDATION

Accordingly the application is recommended for approval subject to conditions and no objections being raised by the Highway Authority and Ecologist.

CONDITIONS

- 1 Full permission 3 year time limit**
The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason for condition:- To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 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 Drainage**
Prior to the commencement of development, 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. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and at the invert depth of any proposed infiltration drainage features.
Or
If infiltration is proven to be unfavourable, then greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates for events

up and including the 1% annual exceedance probability (AEP) event plus climate change will be attenuated to the equivalent greenfield rate for all rainfall events up to and including the 1% AEP. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network, where applicable.

Or

Confirmation from the Internal Drainage Board that the proposed rates and volumes of surface water runoff from the development are acceptable, where necessary

II. 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.

III. 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.

IV. The design of any proposed infiltration or attenuation features will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted 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 the 1% AEP rainfall event plus climate change allowance. This will include surface water which may enter the site from elsewhere

V. Details of how all surface water management features are to be designed in accordance with the Design Manual for Roads and Bridges, including appropriate treatment stages for water quality prior to discharge.

VI. 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.

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).

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This condition will require to be discharged

Contaminated Land - Desk Study/Site Investigation

Prior to the commencement of the development, 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

5 Roads, footways, cycleways & street lighting details

Notwithstanding the details indicated on the submitted drawings, no works shall commence to provide the development hereby permitted 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. All works shall be carried out in accordance with the approved plans prior to the development hereby approved being first brought into use.

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

6 Full details of access to west, inc levels, sections, plans

Notwithstanding the details indicated on the submitted drawings, no works shall commence to provide the development hereby permitted until such time as detailed plans of the road, roundabout, footways, cycleways, showing how they would adjoin any existing vehicular access points on Shipdham Road (A1075) and these access points would be maintained have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of levels, surfacing and construction, and both plans and sections drawings at an appropriate scale. All works shall be carried out in accordance with the approved plans prior to the development hereby approved being first brought into use.

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).

7 Tree Planting Off-Site

Prior to the commencement of the development hereby approved, a scheme for the provision of at least 27 trees and a native species hedgerow of minimum 250 metres in length to be planted, including their location, species, size and ongoing maintenance and management, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in full prior to roundabout being first brought into use, 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).

8

Construction Environmental Management Plan

No development hereby approved shall not be commenced, (including demolition ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for the permitted development including enhancement areas as they relate to the

approved ecological restoration works only 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

9

Ecological Management Plan

An ecological management plan (EMP) for the site including enhancement areas as they relate to the approved ecological restoration works only 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

10

Archaeological work to be agreed

No development hereby approved shall be commenced 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

11

Parking for construction workers

Development shall not commence within a Phase, 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

12

Construction Traffic Management Plan

Prior to the commencement of the development hereby approved, 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

13

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).

14

Full details of external lighting

Prior to development hereby permitted first being brought into use, 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

21

NOTE : Hedgerow Regulation

The applicant should check the need to obtain a Hedgerow Removal Notice under the 1997 Hedgerow Regulations.

[Click here to view Draft Decision Notice](#)