

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2022/0812/VAR	CASE OFFICER Chris Hobson
LOCATION:	ATTLEBOROUGH Land off Carvers Lane	APPNTYPE: Variation of Cond's POLICY: In Settlemnt Bndry CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Places for People Limited c/o Agent Norwich	
AGENT:	Parker Planning Services Ltd Spire House 13-15 Cathedral Street	
PROPOSAL:	Variation of Condition(s) No 2 on 3PL/2014/1264/F - Amendment to approved plans and documents to include new plans to allow for smaller units more suitable for the applicant (Places for People)	

REASON FOR COMMITTEE CONSIDERATION

This application is being referred to Planning Committee as it relates to a major development and has received a number of objections from the local community.

KEY ISSUES

The key issues for consideration is whether the proposed amendments are acceptable, having regard to the following matters:

- Principle of Development
- Housing Type/Mix
- Design, Character and Appearance
- Amenity
- Access/Highway Safety
- Tree Implications
- Planning Obligations
- Other Matters

DESCRIPTION OF DEVELOPMENT

The application seeks approval of a material amendments to the approved permission 3PL/2014/1264/F granted in 2016 for the erection of 91 dwellings, access roads and public open space. The material amendments comprise amendments to the site layout, the hard and soft landscaping of the site, and amendments to the house types including size, design and materials. These amendments follow the purchase of the site by the applicant, Places for People, who are now proposing a development of 90 dwellings all of which 100% would be affordable homes comprising of both affordable rent and shared ownership tenure with 38 being for affordable rent and 52 being shared ownership.

A mix of 1, 2, 3 and 4 bedroom dwellings is proposed as follows:

- 7 no. one bedroom dwellings;
- 44 no. two bedroom dwellings;
- 30 no. three bedroom dwellings;
- 9 no. four bedroom dwellings.

Plots 79-91 (13 dwellings) remain as permitted within permission reference 3PL/2014/1264/F and are under construction. This application is being considered alongside application reference 3PL/2022/0852/F which seeks full planning permission for 8 dwellings, which together with this application would provide a total of 98 dwellings on the whole site.

SITE AND LOCATION

The application site is located on the north-western edge of Attleborough between Carvers Lane and the A11 Trunk Road. The site lies adjacent the Settlement Boundary of the town. The site comprises arable/pasture land, generally flat with the exception of a slight slope down from east to west towards the A11. To the west of Carvers Lane is the built up edge of Attleborough comprising, in the main, modern housing development.

The site has the benefit of planning permission 3PL/2014/1264/F and the applicant has commenced the construction of 13 of the dwellings permitted within this consent. The site is located within the designated settlement boundary of Attleborough in the adopted Breckland Local Plan (2019).

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2014/1264/F - Erection of 91 no. dwellings, access roads, alterations to Carvers Lane, open space, landscaping & assoc. works - Granted.

3PL/2022/0852/F - Erection of 8 dwellings - 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
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets

ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU06	Principle of New Housing
HOU07	Affordable Housing
HOU10	Technical Design Standards for New Homes
INF02	Developer Contributions
NDG	
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

The original permission reference 3PL/2014/1264/F was subject to a s.106 Agreement which secured the following contributions and obligations:

Education Contribution of £392,946. These contributions would be put towards the following identified projects:

- * Nursery provision, increase capacity for local nursery providers
- * Attleborough Infant School, contribute to new classroom to increase capacity of school (Project A).
- * Attleborough Junior School, contribute to new classroom to increase capacity of school (Project A).
- * Attleborough Academy, contribute to new classroom to increase capacity of school (Project A).

Library Provision of £243 per dwelling (total, £22,113) from this development to aggregate with contributions from other development to build an extension at Attleborough library. If the extension does not proceed or the contribution from this development is not required a fall back contribution of £60 per dwelling for use towards library stock, equipment and ICT provision at Attleborough library would be required.

Provision of 30% affordable housing on site.

In addition Norfolk Fire Services has indicated that the proposed development would require 2 fire hydrants.

CONSULTATIONS

ATTLEBOROUGH TC

No objections.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections, subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objections.

HOUSING ENABLING OFFICER

In agreement with the variation to provide more appropriate house types. I confirm I am satisfied with the layout and internal space of the proposed variant dwellings, and would be content for this to go ahead.

TREE AND COUNTRYSIDE CONSULTANT

01/08/22

Confirmation should be obtained from the project arboriculturalist that the changes have no additional implications. The AIA/TPP should be updated to reflect any change.

03/01/23

No objections subject to appropriate landscaping scheme.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

I recommend that each plots proposed ground floor plan is reviewed to ensure that its associated parking area can be viewed from an active room and if any plots are found not to have sight of their vehicle from an active room, then it is my recommendation that surveillance is added in the form of a window to the front or side elevation.

ANGLIAN WATER SERVICE

No Comments Received

REPRESENTATIONS

The application has been publicised by way of letters sent to neighbouring property's, site notice and display in the local press. The Council has received 11 separate representations raising objections to the application for the following reasons:

- Additional impact on adjacent dwellings from unnecessary loss of vegetation, and more dwellings facing Carvers Lane.
- Loss of hedgerows and trees as important habitats for birds, insects and wildlife, and detrimental impact on deer and owls and other animals.
- Lack of information of landscaping and replacement planting, and lack of details / loss of childrens play facilities.
- Increased vehicular traffic along Carvers Lane in particular and detrimental impacts on safety of the public including school children, cyclists and dog walkers that regularly use Carvers Lane.
- Inadequate width and access along Carvers Lane and adjoining network for vehicles to pass, lack of visitor parking.
- Concerns whether emergency and refuse vehicles will be able to access site, as a result of on street parking, refuse bins etc.
- Lack of parking provision for proposals, including garages, visitor parking, deliveries lorries etc.
- Increase in amount of on street parking from proposals would worsen existing issues on surrounding roads, including Snapdragon Close, Honeysuckle Way, Bracken Drive, Hazel Road.
- Proposed dwellings not in keeping with existing homes and would not enhance the area.
- Existing flooding of Carvers Lane.
- Impact on existing houses.
- Impact on neighbouring properties from dust and sheet piling works during construction.

- Lack of lighting along Carvers Lane and impact on security of properties along Snapdragon Close.
- Impact from road noise on future occupants of dwellings.
- Impacts on Nutrient Neutrality.
- Over provision of social housing.
- Lack of local infrastructure and access to services and facilities.
- Land better used for community or recreational facilities.
- Proposals would devalue house prices.
- Works allowed to commence before permission has been considered and granted.

****Officer Note:** The matters set out above are discussed in detail below with respect to access, highways impacts, bin storage, amenity, character of the area, ecology, nutrient neutrality and flood risk and drainage.

Matters relating house prices are not material planning considerations that can be taken into account.

With respect to other options of using the land, the site is not allocated in the Local Plan for such uses and already benefits from planning permission for residential development of 91 dwellings.

The works that have commenced on the broader site are those permitted under planning permission reference 3PL/2014/1264/F.

ASSESSMENT NOTES

1.0 Principle of development and is the variation acceptable?

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

1.2 The principle of development was established by the granting of the Outline Planning Permission for 'Residential development of 91 dwellings, access roads and open space', application reference 3PL/2014/1264/F. On this basis, the principle of development cannot be revisited only the variations to that permission, as set out above. Consideration of the amendments and implications is set out below.

2.0 Housing Type/Mix/Size

2.1 Policy HOU06 of the Breckland Local Plan sets out principles for new housing and states that "Higher density proposals will be sought at appropriate locations, including town centres, areas with good public transport accessibility and sustainable urban extensions."

2.2 Policy HOU10 of the Breckland Local Plan requires all new dwellings to meet the Nationally Described Space Standard (NDSS) for dwellinghouses.

2.3 The proposed development now comprises of 90 dwellings all of which are to be affordable homes ranging from 1 bedrooms through to 4 bedroom dwellings. All dwellings are to be two storeys in height each with private gardens and parking provision. The majority of the dwellings (74 of 90) would provide either two and three bedroom dwellings so the proposals would assist in meeting the needs identified in the Strategic Housing Market Assessment (SHMA) which are for two and three bedroom units, whilst also providing for a range of household sizes.

2.4 With regards to the requirements of policy HOU10 of the Local Plan, the proposed dwellings would all meet the necessary NDSS's. Accordingly the size and type of homes are considered to be acceptable.

2.5 With respect to the provision of affordable homes, policy HOU07 of the Breckland Local Plan (adopted) requires the provision of 25% Affordable Housing on residential sites of this size and the proposals would comply with this requirement by providing a 100% affordable scheme. The Housing Officer has subsequently not raised objections to the application and has welcomed the amended house types and mix and notes that the dwellings are all of appropriate size. It is noted that the current proposals represent a significant over provision of affordable homes when compared to that of the extant permission which provided for 30% of the scheme being affordable homes and current Local Plan policy requirement. The proposals currently being considered therefore not only comply with relevant Local Plan Policy HOU07 but also allow for significant social benefits through the provision of a significant additional number of affordable homes, which weighs in favour of the proposals. Subject to the policy required level of affordable housing being secured, as set out in the Section 106 Agreement, the proposals would comply with policy HOU07 of the Breckland Local Plan (adopted 2019).

3.0 Design, Character and Appearance

3.1 The NPPF highlights in paragraph 126 that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

3.2 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.3 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."

3.4 The overall layout of the proposals take the same approach as previously considered acceptable with the site access arrangements as previously permitted and sections of Carvers Lane being closed off to motorised vehicles. The proposed road layout also remains largely unaltered with a new estate road weaving through the site from Carvers Lane in the south to Bryony Way at the northeast corner with a small number of cul-de-sacs located off either side. With respect to the proposals within the northernmost part of the site, those at plots 75 and 76 continue a frontage on to Carvers Lane with plots 70-74 creating a small cluster of dwellings mimicking the layout immediately the south, whilst plots 77-78 relate well to the dwellings at plots 79-87 which are being built out under the extant permission (reference 3PL/2014/1264/F)

3.5 The public open space also remains in the same location towards the centre of the site and is slightly larger than that previously permitted at 2,550m² and does provide for a locally equipped area of play (LEAP). Policy ENV04 of the Breckland Local Plan would require the provision of 0.519 Ha of public open space on site on new developments of this size. At only half the current policy requirement in terms amount of open space on site the amended proposals would conflict with policy ENV04 of the Breckland Local Plan. However, as noted elsewhere in this report this application seeks only amendments to a previously permitted scheme. In this instance there is an extant planning permission which is a valid fallback position noting that there is real prospect of this coming forward given that the applicants have already commenced development

of part of this permitted scheme. It is also noted that the proposals as amended would provide an additional 750m² of public open space over the layout permitted under the fall back position.

3.6 The proposed development now enables a density of 26.5 dph across the whole of the site when also considering the current application (reference 3PL/2022/0852/F) which seeks permission for 8 dwellings. This is considered appropriate to its edge of settlement location and for a market town where significant growth is envisaged predominantly through the Attleborough SUE in the current plan period. The proposed density is not considered out of character with the residential areas bordering the site to the east. Indeed this reflects the approach to density set out in Policy HOU06 of the Breckland Local Plan which accepts densities should reflect their context. It is also noted that paragraph 124 of the NPPF seeks to make the efficient use of land whilst taking into account the "the desirability of maintaining an area's prevailing character and setting".

3.7 The proposed layout and design would appear domestic in scale sticking to two storeys in height with dwellings laid out to create a continuous street frontage. Noting the comments of the Police Architectural Liaison Officer car parking is provided on private drives within the curtilage of dwellings in the vast majority of cases. These are either immediately in front of or to the side of each dwelling, and have natural surveillance either from the dwellings themselves or from adjacent dwellings or other dwellings within the street that face on to these private drives. Where this is not possible, in small shared parking areas these are located immediately to the front of the respective dwellings with good natural surveillance from the ground and first floor facing windows.

3.8 The proposed dwellings all reflect a conventional appearance in their design, with pitched roofs, some featuring traditional chimney, cill and header brick detailing and conventional proportioned window and door designs. Brick and timber cladding and pantiles are the predominant materials with some rendered properties being added to the scheme to provide sufficient variety to the materials palette. The design approach which runs through the development would create a sense of identity and its own sense of place but also would not appear discordant with the adjacent modern residential development to the east.

3.9 The design, siting and height of boundary treatments is considered acceptable with a mix of close boarded timber fencing and brick walls to private rear gardens and low bow top rail fencing and knee rail fencing to more prominent locations adjacent to the public realm and public open space. It is noted that a 0.7 metre taller acoustic fence is proposed along the top of the earth bund on the northwest boundary of the site with the A11. However, noting the good screening provided by the belt of trees along the south-eastern side of the A11 and that the extant permission proposed the existing earth bund also be raised, the proposals would not cause any significant additional impacts over the permitted scheme. Accordingly whilst in conflict with policy ENV04 the layout, scale, appearance and design of the proposed amended layout and house types is considered to accord with policies GEN02, COM01, and HOU06 of the Breckland Local Plan and policy guidance within the NPPF.

4.0 Amenity

4.1 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.

4.2 The impacts on residential amenity were considered during the grant of full planning permission on the site and the proposals seek an amended layout and series of house types to that permitted under permission 3PL/2014/1264/F. With respect to the amenity of future occupants of the proposed dwellings, as in the extant permission, an acoustic fence would be required along sections of the northwest boundary of the site

adjacent to the A11 albeit the proposed fence would be 2.5m in height rather than 1.8m in height on a raised earth bund. It is noted that the Environmental Health Officer has raised no objections to the revised scheme. Therefore, subject to conditions securing a Noise Impact Assessment and provision of any necessary acoustic attenuation measures, the revised scheme is considered to provide for adequate levels of amenity for future occupants.

4.3 With respect to the impacts on existing residents, the revised proposals do not result in the proposed dwellings being significantly nearer to existing dwellings than those previously permitted and overall the proposed dwellings retain adequate separation distance to neighbouring dwellings to avoid significant harm by way of loss of outlook, loss of daylight or loss of privacy. A number of objections have been received from surrounding residents with respect to the impacts on amenity and the impacts of traffic including noise and disturbance from the proposed access arrangements. However, the proposed access points, access routes and off site highway works remain as permitted through the extant permission and the impacts of the proposed amended access routes through Honeysuckle Way, Snapdragon Close, and Bryony Way were assessed and considered acceptable previously. Whilst the revised layout allows for an increased number of dwellings, the impacts of those additional 8 dwellings is considered under a separate application (reference 3PL/2022/0852/F). Overall though the proposed revised design and layout would not cause any significant additional impacts on the residential amenity of surrounding residents over the permitted layout.

4.4 The proposals are therefore considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019), which seek to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

5.0 Access/Highway Safety

5.1 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.

5.2 A number of objections have been received from the local community with respect to the highways implications of the development. The proposed revised layout follows the permitted scheme which involves a new access into the site being from Carvers Lane at the southeast corner of the site, with the new estate road continuing north through the site into Bryony Way and Honeysuckle Way to the northwest of the site. Further off-site highway changes involve creating links through to small cul-de-sacs of dwellings from Honeysuckle Way and Snapdragon Close. Noting the limited changes in access and highways layouts, the Highways Authority have raised no objections to the revised layout and proposals. It is noted that as in the extant permission the closure of sections of Carvers Lane to motor vehicles providing a safe route for pedestrians and cyclists offers benefits for sustainable travel as secured in the extant permission.

5.3 Having regard to the above, whilst the proposals would result in disruption to traffic locally during the construction period, the proposals in highway terms remain largely as previously considered acceptable and permitted. The proposals would not result in severe impacts on the function and safety of the highway network and the proposals would comply with Policy TR02 of the Breckland Local Plan (adopted 2019) and the policy guidance and principles set out within the NPPF.

6.0 Tree and Landscape Implications

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

6.2 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."

6.3 The revised scheme as in the extant permission results in the loss of a number of trees within and along the boundaries of the site including along Carvers Lane. It is noted that much of the vegetation clearance has already been undertaken on site albeit it is noted that one of the category B trees not permitted for removal has been removed in error by the applicants. As requested by the Council's Tree Officer a revised Arboricultural Impact Assessment (AIA) and Method Statement has been submitted.

6.4 The Council's Tree Officer has reviewed the updated Arboricultural reports and has raised no objections subject to adequate retention of mature vegetation and appropriate planting and landscaping scheme. Updated landscaping proposals have been submitted which do include replacement planting scheme include tree and hedgerow planting in particular along the Carvers Lane frontage. However, further requests have been made to amend the proposed landscaping scheme to show greater retention of mature vegetation and replacement tree planting. Noting that the proposal represents an amendment to the extant permission, which also necessitated the loss of trees and hedgerows, subject to a condition securing replacement tree planting equivalent to 2:1 for the category B trees lost and 1:1 for category C tree's lost, and equivalent lengths of replacement native species hedgerow.

6.5 Subject to such a condition, the proposals are not considered to cause any over-riding harm to landscape features over and above the extant permission, and are therefore considered to respond adequately to the requirements of policy ENV06 of the Breckland Local Plan.

7.0 Other matters

7.1 GIRAMs

7.2 As described in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMs), it is important to consider the requirements in terms of NN and GIRAMs and the fallback position with regards to this site.

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

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

"a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. The current proposal therefore, in my view, offers an opportunity for a

more comprehensive and coherent redevelopment of the site, as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights".

7.5 In the Court of Appeal Lord Justice Lindblom confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement, as follows:

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

7.6 With regards to 'real prospect', the applicants are obviously pursuing development having implemented the extant permission and are part way through providing plots 79-91 under this permission. The applicants have also submitted a number of applications with us currently for consideration to ensure the development of the site (including a further application for 8 dwellings reference 3PL/2022/0852/F) is brought forward within the scope of their house types and development viability. On this basis, it is considered that there is a clear desire of the landowner to develop and maximise the value of the site.

7.7 There is potential betterment to the site in terms of making more efficient use of land to provide 98 dwellings in total through the concurrent application for 8 dwellings (reference 3PL/2022/0852/F), however, the merits of the 8 dwellings will be assessed separately. Likewise there is no significant change to the previously approved scheme (by this application), including the overall layout, access, land use and housing numbers and therefore the development is considered acceptable in principle. This application does not change the parameters of the approved scheme. On the basis of the above, it is considered that a fallback position can be relied on.

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

7.9 Ecology and Flood risk

7.10 Matters of ecology and flood risk were fully considered when full planning permission was granted under reference 3PL/2014/1264/F. The proposed amendments to the layout are not considered to significantly change the drainage and ecological impacts of the development, which were previously considered acceptable and conditions attached to secure appropriate foul and surface water drainage infrastructure and mitigation measures with respect to reptiles.

7.11 With respect to surface water and foul water drainage, detailed schemes were submitted and subsequently approved to discharge the requirements of conditions 19 and 20 of the extant permission. The development has now subsequently commenced with respect to part of the site in accordance with the approved details. Whilst the layout of plots and house types has changed, the proposed road layout and total amount of parking and hardstanding areas have not changed significantly and the surface water drainage strategy remains as approved to provide on site attenuation in underground pipe network and tanks before restricting discharge into the adjacent ditch network and River Thet. Conditions have therefore been appropriately worded to ensure the detailed design is updated to reflect revisions to the layout of plots and hardstanding areas.

7.12 Both policy ENV02 of the Breckland Local Plan (adopted) and the guidance contained within section 15 of the NPPF which have both been updated since the grant of the earlier permission require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. A condition is therefore recommended to secure the submission and approval of a scheme of on site ecological enhancement measures.

7.13 Subject to these conditions and given that there is no significant change to the application in this regard, over and above what was agreed previously and the proposals remain in accordance with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019), which requires the protection and enhancement of biodiversity and Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019), which seeks to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere.

UJ7.14 Ground Conditions

7.15 Likewise matters of potential land contamination were considered when granting permission reference 3PL/2014/1264/F and conditions were included to secure the provision of any necessary remediation and protection measures if contamination were to be found on site. It is recommended that these conditions will be replicated should permission be granted.

8.0 Conclusion and Balancing Exercise

8.1 The proposed alterations to an extant full planning permission are minor in nature and would not significantly change the impact of the development on the landscape, trees and character of the area, impact the amenity of neighbouring properties or future occupants and in terms of ecology and flood risk. The Highways Authority raise no objections to the amendments proposed, which do not alter the already approved access points for the scheme. The conflict with policy ENV04 of the Breckland Local Plan in respect of the under provision of public open space weighs against the proposals. However, noting the presence of a fallback position and that the proposals not only provide a greater amount of public open space than that secured under this fallback position (permission reference 3PL/2014/1264/F) and the revised proposals enable the provision of 90 affordable homes, the social benefits of which have been given significant weight, this conflict is not considered to outweigh these important material considerations. For these reasons the proposal is recommended for approval subject to the imposition of conditions from the earlier consent, updated where relevant, as set out above and where details have already been submitted and approved.

RECOMMENDATION

The application is being recommended for approval, subject to the conditions set out below.

CONDITIONS

- 1 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).
- 2 Material Amendment**

This permission seeks a material amendment to planning permission 3PL/2014/1264/F. The development must commence in accordance with the time scale and conditions set out in the original permission unless varied by this permission.

Reason for condition:- To comply with section 92 of the Town & Country Planning Act 1990 (as amended).

3 External materials and samples to be approved

The development shall be carried out in complete accordance with the approved external materials as shown on Proposed External Finishes Plan, dwg no. CLAT-CF-ZZ-XX-DR-A-0510_P6. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy COM01, COM03 and GEN02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

4 Prior approval of slab level

With the exception of the dwellings at plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, which shall be carried out in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0224/DOC, prior to the commencement of the development in each phase(s) precise details of the slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall also provide comparative levels with adjoining properties and such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with Policy COM01, COM03 and ENV09 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

5 Landscaping

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), reference no. JBA 14 44 AIA AR06 Rev B, dated 9th November 2022 prepared by James Blake Associates. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

6 Soft landscaping scheme to be submitted

Prior to the commencement of development full details of landscaping, 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 down load on the Council's website. The development shall accord with the approved details.

Reason for condition:- Details are required prior to commencement, 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

7 Implementation of submitted/approved landscaping scheme

All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out DATA ERROR!!!

This condition will require to be discharged

8 Estate Road Condition

The roads, footpaths, cycleways shall be maintained in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2018/0218/DOC, and shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason for condition:

To ensure the satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

9 Standard estate road conditions

With the exception of the dwellings at plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, which shall be carried out in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC, prior to the commencement of the development dwellings in each phase(s) above slab level, detailed plans of the roads, footways, cycleways, and any associated surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall thereafter be carried out in accordance with the approved plans.

Reason for condition:-

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

10 Road Surfacing

Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) serving that dwelling shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority, with the exception of the dwellings at plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, which shall be carried out in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC.

Reason for condition:-

To ensure satisfactory development of the site in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

11 Standard estate road condition

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing by the Local Planning Authority prior to the commencement of development above slab level, with the exception of the dwellings at plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, which shall be carried out in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC.

Reason for condition:-

To ensure the satisfactory development of the site in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

12 Highway improvements-offsite A

The dwellings hereby approved shall not be first occupied until the off-site highway improvement works approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC have been completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

13 Traffic regulation orders

With the exception of the dwellings at plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, no works shall commence on the site until the Traffic Regulation Order for the prohibition of motor vehicles on various sections of Carvers Lane has been secured.

Reason for condition:-

In the interests of highway safety in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

14

Requirement for traffic monitoring

A programme of traffic monitoring including traffic surveys along Carvers Lane from Honeysuckle Way to Blackthorne Road, shall be undertaken in accordance with the methods set out in the approved baseline traffic survey, including surveys undertaken upon the occupation of the 25th dwelling, and again upon the occupation of the 50th dwelling.

Reason for condition:-

To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019)..

This condition will require to be discharged

15

Requirement for additional transport assessment

No further development above 75 dwellings shall take place until, a Traffic Assessment, based upon the traffic generation rates demonstrated by the monitoring programme approved pursuant to Condition 14 above and including details of any necessary traffic management measures, and timescales for their implementations have been submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council, as the Local Highway Authority. Any further development shall take place in full accordance with the approved traffic management measures and timescales for their implementation.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed in accordance policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

16

Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance policies COM03 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

17 Ecology Method Statement

The development shall accord with the mitigation set out in section 8 of the Phase 1 and European Protected Species Report by Aurum Ecology dated November 2014. The bank where the reptiles are located (as identified in the Protected Species Report) shall be bound by reptile fencing and the area shall remain unaffected throughout the development.

Reason for condition:-

In the interests of the biodiversity of the site and to ensure the protection of European Protected Species in accordance with Policies ENV02 and ENV03 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

18 Ecological Enhancement Plan

Prior to the commencement of development above slab level of the dwellings hereby permitted within each phase, with the exception of plot nos. 79-91, an on site Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Plan shall set out full details, including drawings at appropriate scale showing the location, design and any specifications of the ecological enhancement measures to be implemented on site; and include timescales for their implementation and completion. The development shall thereafter be carried out in accordance with the approved details and approved scheme implemented in accordance with the approved timescales contained therein.

Reason for condition:-

In order to ensure those necessary ecological enhancement measures are integrated into the site and design of the final scheme being implemented on site. In order to protect wildlife and nature conservation interests within and around the application site, and to provide ecological enhancements having regard to Policy ENV02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

19 Noise

The development shall be carried out in accordance with the noise mitigation measures set out in paragraphs 2.1 & 2.53 (pages 5-16) of the submitted Noise Mitigation Report dated 6 March 2015 by Adrian James Acoustics, or as otherwise set out in an updated Noise Impact Assessment/Noise Assessment Report that has first been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:

In the interest of the amenities of future occupants in accordance with Policies COM03 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

20 Foul Water Drainage

With the exception of plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, prior to the commencement of any development above slab level within each phase(s), a scheme for the provision, implementation, ownership and maintenance of the foul water drainage within that phase(s) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. The foul drainage system and infrastructure for the dwellings hereby permitted within plots nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, shall be carried out in accordance with the details

approved pursuant to discharge of condition application reference no. 3PL/2017/0224/DOC.

Reason for condition: - To ensure a satisfactory method and provision of foul water drainage infrastructure and interests of amenity of future occupants and surrounding residents, in accordance with policies COM03, INF02 ENV09 of the Breckland Local Plan (Adopted).

21

Surface Water Drainage

With the exception of the development of plot nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, prior to the commencement of any development above slab level within each phase(s), an updated surface water drainage scheme for that phase(s), shall be submitted to and agreed with the Local Planning Authority. The scheme shall accord with the Flood Risk Assessment (ASD Consultants dated March 2018, Title: FINAL UPDATE Discharge of Condition 20 Planning Permission 3PL/2014/1264/F REPORT REF: 1010/NMT/FRAFU/03-18 March 2018) approved pursuant to discharge of condition application reference no. 3PL/2017/0224/DOC and address the points set out below. The surface water drainage system and infrastructure for the dwellings hereby permitted within plots nos. 79-91 as shown on approved drwg no. CLAT-CF-ZZ-XX-DR-A-0505_6534 P8, Proposed Site Plan Phase 3, shall be carried out in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0224/DOC.

I. Provision of surface water 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 in 100 year return period, including allowances for climate change flood event.

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

- 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
- 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

III. Plans showing management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 years probability. This will include surface water which may enter the site from the east.

IV. Details showing the proposed alterations to ground levels in the location of the attenuation tanks to provide additional storage in the event of overland flow from outside of the proposed development, including the expected extent of flooding for the assessed flood volumes.

V. Details of how all surface water management features to be designed in accordance with CIRIA (C697) The SuDS Manual, or any subsequent update, including appropriate treatment stages for water quality prior to discharge.

VI. Confirmation from the Internal Drainage Board that the proposed rates and volumes of surface water runoff from the development are acceptable.

VII. A management and maintenance plan stating who will adopt and maintain all surface water drainage features including the upgraded culvert for the lifetime of the development.

VIII. Timescales for the completion of the drainage scheme within each phase, and or phases of the development.

The approved drainage scheme for that phase shall be completed prior to the first occupation of the dwellings in that phase(s) or as otherwise set out within the approved timescales.

Reason for condition: To prevent flooding in accordance with policy ENV09 of the Breckland Local Plan (Adopted) and National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

22 Construction Method Statement

The development including all construction works within each phase of the development shall take place in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC. The approved Plan shall be adhered to throughout the construction period for each phase.

Reason for condition:- In the interests of the amenity of the area and to ensure a safe development in accordance with Policies TR02, COM03 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

23 Hours of construction

Construction works on site shall only take place during the following times; Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works permitted on a Sunday or bank holiday.

Reason for condition: - In the interest of the amenities of future occupants in accordance with Policies COM03 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

24 Fire Hydrants

No dwelling within each phase shall be occupied until the applicant has provided the hydrant(s) in accordance with the details approved pursuant to discharge of condition application reference no. 3PL/2017/0218/DOC.

Reason for condition:- In order to secure the provision of fire hydrants in accordance with Policy INF02 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

25 When off-site road improvements are required

NOTES:

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary

Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Graham Worsfold tel: 01362 656211.

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

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

26 Street lighting

Street lighting is a concurrent power of the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways.

Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.

29 Variation of approved plans

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

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