

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2022/0852/F	<b>CASE OFFICER</b> Chris Hobson
<b>LOCATION:</b>	ATTLEBOROUGH Land off Carvers Lane	<b>APPNTYPE:</b> Full
<b>APPLICANT:</b>	Places for People Ltd c/o Agent Norwich	<b>POLICY:</b> In Settlemnt Bndry
<b>AGENT:</b>	Parker Planning Services Ltd Spire House 13-15 Cathedral Street	<b>CONS AREA:</b> N
<b>PROPOSAL:</b>	Erection of 8 dwellings	<b>LB GRADE:</b> N
		<b>TPO:</b> N

#### REASON FOR COMMITTEE CONSIDERATION

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

#### KEY ISSUES

The key issues for consideration are:

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

#### DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the erection of 8 dwellings all of which would comprise affordable housing. The 8 proposed dwellings are part of a broader residential development being built out and provided by Places for People a Registered Provider of social housing and are in addition to those being constructed under permission 3PL/2014/1264/F and those proposed to be varied by application reference: 3PL/2022/0812/VAR.

The application has been amended through the application process to reduce the number of proposed dwellings from 9 to 8 and now proposes the following housing mix:

- two no. two bedroom houses for affordable rent;
- four no. three bedroom houses for affordable rent;
- two no. three bedroom houses for shared ownership.

The proposed dwellings would be accessed by a new vehicular access connection from Snapdragon Close to the southeast. Each dwelling would be provided with two parking spaces.

This application is being considered alongside application reference: 3PL/2022/0812/VAR which seeks permission to vary the approved house types and layout and design of the development permitted under permission reference 3PL/2014/1264/F which granted permission for 91 dwellings. As a result of this application and the amendments being proposed within application reference no. 3PL/2022/0812/VAR a development of 98 dwellings is proposed.

#### **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 part of a broader development site which has been cleared with dwellings granted under permission 3PL/2014/1264/F under construction to the northeast. The site is 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/2022/0812/VAR -.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) - 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
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)
TR01	Sustainable Transport Network
TR02	Transport Requirements

#### **OBLIGATIONS/CIL**

The planning application, albeit itself a minor development of 8 dwellings, would be part and parcel of a larger development comprising of a total of 98 dwellings and accordingly the following planning obligations would be required:

- Library Facilities contribution;
- Education Facilities Contribution;
- Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) Contribution;
- Provision of Affordable Housing.

#### **CONSULTATIONS**

##### **ATTLEBOROUGH TC**

No comments.

##### **HOUSING ENABLING OFFICER**

It is noted that it is proposed as 100% affordable housing, with an appropriate split between rental and shared ownership. The size of home meets the required standard, and the layout is appropriate to the site. It is noted the developer is a Registered Provider, however a S106 agreement will be required to secure the ongoing provision.

##### **TREE AND COUNTRYSIDE CONSULTANT**

01/08/22

Please request a tree survey and arboricultural impact assessment to be undertaken by a suitably qualified arboriculturalist in accordance with BS5837.

03/01/23

No objections subject to appropriate landscaping scheme.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections, subject to conditions.

**CONTAMINATED LAND OFFICER**

A pre-determination questionnaire should be submitted.

**\*\*Officer Note:** A Vulnerable Development Pre-determination Questionnaire has been submitted and comments are awaited. Whilst comments are awaited, it is also noted that the site of the proposed dwellings remains the same as that within extant permission 3PL/2014/1264/F wherein the Contaminated Land Officer raised no objections subject to condition to secure appropriate remediation if any unexpected contamination is found. Therefore, the same condition has been recommended in this regard.

**PAM WINFIELD**

No objections, subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

No objections, subject to conditions.

**OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

The proposed development as an extension to an already permitted development of 91 dwellings would need to provide the following planning obligations:

- Financial contribution towards local primary and secondary education facilities comprising of:  
Attleborough and Rosecroft Primary Schools: 14,022 x 3 = 42,066  
Attleborough Academy: 15,664 x 1 = 15,664;
- A financial contribution towards local library infrastructure equivalent to 75 per dwelling.

**ANGLIAN WATER SERVICE**

No Comments Received

**OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

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 27 separate representations raising objections to the application for the following reasons:

- 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 Snapdragon Close and adjoining network for vehicles to pass.
- Concerns that emergency vehicles will not be able access along Snapdragon Close when parked vehicles are present.
- Concerns whether refuse vehicles will be able to access site, as a result of on street parking, refuse bins etc.
- Loss of bin collection/storage space along Snapdragon Close.
- 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 sheet piling works.

- Lack of lighting along Carvers Lane and impact on security of properties along Snapdragon Close.
- Impacts on Nutrient Neutrality.
- Over provision of social housing.
- 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 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**

1.1 This application seeks full planning permission for 8 dwellings within the site of the extant planning permission 3PL/2014/1264/F which grants planning permission for 91 dwellings. The site is located within the settlement boundary of Attleborough as designated in the adopted Breckland Local Plan. The proposals would therefore accord with policies GEN05 and HOU03 which seeks to focus new housing within defined Settlement Boundaries and at the higher end of the settlement hierarchy such as Attleborough where significant growth has been planned through the Attleborough SUE.

1.2 It is also noted that planning permission has been granted on the site for residential development (reference 3PL/2014/1264/F) and that this permission has been implemented and is extant. The principle of development was established by the granting of this permission. On this basis, the principle of residential development is acceptable and consideration is given below to the implications of the additional 8 dwellings now being proposed on the site.

### **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 comprises of 8 additional dwellings all to be affordable homes comprising of

2 and 3 bedroom dwellings and all of which being two storeys in height. In providing smaller units (two and three bedroom dwellings) the proposals would assist in meeting the needs identified in the Strategic Housing Market Assessment (SHMA) which were for two and three bedroom units.

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, this site on its own would not ordinarily trigger the requirement to provide affordable housing in line with policy HOU07 of the Breckland Local Plan (adopted) which requires the provision of 25% of residential development to comprise Affordable Housing. In this instance the proposals would however be part and parcel of the same larger site and combined would trigger affordable housing requirement of minimum of 25% (25 units) of the 98 dwellings provided in total. Again as noted above, in this case the applicants are proposing a 100% affordable scheme so the proposals would comply with the requirements of policy HOU07 of the Breckland Local Plan.

2.6 The Housing Officer has subsequently not raised objections to the application. Indeed it is noted that the current proposals represent an over provision of affordable homes when compared to that of Local Plan Policy HOU07 and would therefore provide social benefits through providing for additional affordable homes which weighs significantly in favour of the proposals. Subject to this being secured in the Section 106 Agreement, it is therefore considered that 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." Policy ESD.P3 of the Attleborough Neighbourhood Plan reflects this requirement and states that "All new development should seek to be of the highest sustainable and innovative design quality in terms of both architecture and landscape. "

3.4 The proposed development enables a density of 26.5 dph across the whole of the site, when also considering the current application (reference 3PL/2022/0812/VAR), which seeks permission for amendments to the layout of the remainder of the development comprising of 90 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".

3.5 The proposals would as in the extant permission continue to provide a frontage development with dwellings predominantly addressing Carvers Lane to the southeast. The amended proposals provide four pairs of semi-detached two storey dwellings rather than six larger detached and semi-detached two storey dwellings previously permitted. Whilst the proposals result in a more formal and dense pattern of development and character the general built form, density and pattern of dwellings is not out of keeping with the adjacent residential development seen to the south east. Furthermore, the proposals represent a less dense form than the area permitted and being built out immediately to the northeast (plots 79-91).

3.6 The proposed design would remain domestic in scale sticking to two storeys in height reflecting that seen within the surrounding residential area to the southeast. Car parking is provided within the curtilage of dwellings with good natural surveillance. 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. 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.

3.7 The proposals are therefore considered to accord with the policies contained within the Breckland Local Plan and the relevant parts of 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 (reference 3PL/2014/1264/F) on the same site. With respect to the amenity of future occupants of the proposed dwellings, as in the extant permission on this site an acoustic fence is proposed and is 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 subject to conditions securing approval of a Construction Method Statement and approval of a Noise Impact Assessment and series of mitigation measures. Whilst a Noise Impact Assessment has subsequently been submitted and comments are awaited from the Environmental Health Officer on this, noting their comments, subject to conditions securing an acceptable 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 A number of objections have been received with respect to the impacts of the proposed dwellings and subsequent amendments to the site on existing residents in the surrounding area. 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 on the site or indeed the loss of any significant tree belts that would have otherwise provided screening in the permitted proposals. 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 and would as a result comply with policy COM03 of the Breckland Local Plan.

4.4 A number of objections have also 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 point, and off site highway works remain largely as permitted through the extant permission and the impacts of the proposed access route through Snapdragon Close was assessed and considered acceptable previously. In this instance the number of dwellings being accessed from the extended Snapdragon Close would not increase as a result of the proposals over that permitted in the extant permission. As such the proposed development is not considered to result in significant impact on the amenity of surrounding residents through noise and disturbance from comings and goings and traffic generated by the proposals.

4.5 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 The application has received a number of objections concerning impacts on traffic and existing routes in the area, and that the proposed access route is of inadequate width when vehicles are parked as regularly occurs to allow for access by larger vehicles including emergency vehicles and refuse collection vehicles. However, the proposed development comprising of an extended estate road from Snapdragon Close with turning head in the site, follows the previously approved which benefits from extant permission and which permitted the extension of Snapdragon Close into the southeast corner of the site, with Carvers Lane being closed off either side of the extended estate road. It is noted that no additional dwellings would be served off this access than previously permitted under permission reference 3PL/2014/1264/F. The Highways Authority have raised no objections to the revised layout and proposals noting the limited changes in access and highways layouts over the previous approval.

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 as previously considered acceptable and benefiting from extant planning permission. 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 proposals within this application would sit within the broader site the subject of extant permission



3PL/2014/1264/F and the current application 3PL/2022/0812/VAR which seeks amendments to the approved layout and landscaping. An updated Arboricultural Impact Assessment (AIA), Method Statement and landscaping plans have been submitted to address officers comments. New tree planting is proposed to the front of the dwellings with tree protection fencing proposed around those tree retained to the front and rear of the site.

6.4 The Councils Tree Officer has subsequently raised no objections subject to securing a landscaping scheme including retention of existing vegetation and replacement and additional tree and hedgerow planting. Further requests have been made to provide replacement tree planting along the Carvers Lane frontage. Therefore, subject to conditions to secure an appropriate landscaping scheme including retention of existing trees and hedgerows, and replacement tree planting and soft landscaping the proposals are considered to comply with policy ENV06 of the Breckland Local Plan.

## **7.0 Planning Obligations**

7.1 Policy INF02 of the adopted Breckland Local Plan (2019) states that "The Council will secure site specific maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)), excluding rural exception sites, in order to properly service, manage and mitigate the impact of development, subject to viability". The policy goes on to list the relevant tests for obligations and the types of infrastructure which developments would need to secure, which include affordable housing, formal and informal open space, community infrastructure including education and library facilities, and pedestrian and highway safety improvements.

7.2 With regards to open space, play and sports provision the requirements within Policy ENV04 of the Local Plan to provide outdoor open space, including on site children's play and recreational provision would not ordinarily be applicable to a development of this number of units. However, as the proposed dwellings are part and parcel of a larger residential development that in total would provide for 98 dwellings on the whole site, the requirements for public open space provision is considered necessary. Current Local Plan Policy ENV04 would require the provision of 0.519 Ha of public open space on site on new developments of this size.

7.3 The public open space proposed within the amended broader site being considered under application reference 3PL/2022/0812/VAR, remains in the same location as previously permitted towards the centre of the site and is larger than that previously permitted at 2,550m<sup>2</sup>. The proposals within the accompanying application have been amended to provide details of a locally equipped area of play (LEAP). At only half the current policy requirement in terms amount of open space on site, the amended proposals would conflict with current policy ENV04 of the Breckland Local Plan. In this instance there is an extant planning permission (reference 3PL/2014/1264/F), 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 at plots 79-91. It is also noted that the proposals as amended (under application reference 3PL/2022/0812/VAR) would provide an additional 750m<sup>2</sup> of public open space over the layout permitted under the fall back position, and that this additional space more than accommodates the respective increased amount required for the additional dwellings proposed as a result of this application. So whilst conflict with policy ENV04 of the Breckland Local Plan is identified, noting the proposals are part of an amended scheme that delivers more public open space than the extant permission, in this instance there are important other material considerations, that are considered to outweigh this conflict.

7.4 With respect to the provision of financial contributions towards mitigating the impacts on education and library facilities in the local area, it is noted that Norfolk County Council have identified a need for mitigating the impacts on education and library infrastructure. Following amendments to the application an education

contribution of £28,044 would be necessary towards increasing the capacity of Attleborough Primary and Rosecroft Primary School's and £15,644 towards Attleborough Academy. Required library contributions of £75 per dwelling which would amount to £600 towards improvements to and additional library equipment in the local area.

7.5 The applicants have agreed to enter into a s.106 Agreement to secure the obligations identified above. Subject to this the proposals would accord with policy INF02 of the Breckland Local Plan.

## **8.0 Other matters**

### 8.1 GIRAMS

8.2 With regards to potential impacts on wider protected sites in the District and County, since the 1st April 2022, the Council along with the other LPA's across Norfolk have implemented a Norfolk Green Infrastructure Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). This addresses the recreational impacts and pressure placed on the protected sites in the District and County and requires that a financial contribution per dwelling/unit to be put towards recreational impact avoidance and mitigation measures as set out in the Norfolk GIRAMS. Subject to securing the financial contribution through the s.106 Agreement as identified above, the proposed development would comply with policy ENV03 of the Breckland Local Plan (adopted 2019) in providing adequate mitigation to address the recreational pressures arising from the development.

### 8.3 Nutrient Neutrality

8.4 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 outside of the catchment area of the sites as identified by Natural England. The development proposed does involve the creation of additional overnight accommodation. The proposed development would discharge foul water into the existing main sewage system operated by Anglian Water and would be treated at the Attleborough Sewage Treatment Works which is within the CAMEO catchment, which subsequently discharges treated water westwards into the Little Ouse River and Wash to the northwest. With regards to the discharge of surface water it is proposed to drain surface water following attenuation on site into the surrounding ditch network which discharges in to the Thet (Upstream Swangey Fen) which itself then discharges westwards into the Little Ouse River and northwards subsequently via Relief Channel to The Wash. As a result this would avoid discharge into the watercourse network of the affected Habitat Sites. Therefore, the proposed foul and surface water outflows would not discharge into the affected catchments as such it is unlikely to lead to a significant effect on the above Habitat Sites.

8.5 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. Therefore, the application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

### 8.6 Ecology

8.7 The impacts of the broader residential development of the application site on ecology, biodiversity value and nature conservation interests were considered and assessed when planning permission 3PL/2014/1264/F was granted. This permission has been implemented and the adjacent plots 79-91 are under construction. The proposed dwellings being located within the extent of the permitted dwellings and are not considered to significantly change the ecological impacts, which were assessed previously and conditions attached to secure appropriate mitigation. This includes conditions to ensure that mitigation measures for European Protected Species (reptiles) are carried out.

8.8 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 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 recommended to secure the submission and approval of biodiversity enhancement measures on site in order to ensure that the proposals comply with policy ENV02 of the Breckland Local Plan that requires all development to secure biodiversity net gains.

8.9 As noted above the recreational impacts from the proposed dwellings on protected habitat and wildlife sites in the District and County would be mitigated by way of a financial Contribution towards the GIRAMS. Subject to such a contribution being secured through a s.106 Agreement the proposals would accord with policy ENV03 of the Breckland Local Plan and allow for the requirements of the LPA as competent authority under the Conservation of Species Habitats Regulations 2017 (as amended) to be complied with.

#### 8.10 Flood Risk and Drainage

8.11 Policy ENV09 of the Breckland Local Plan states that "All new development will:

- be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles.
- incorporate appropriate surface water drainage mitigation measures to minimise its own risk of flooding and should not materially increase the flood risk to other areas. Particular care will be required in relation to habitats designated as being of international importance in the area and beyond which are water sensitive, as well as habitats designated of regional or local importance."

8.12 The site is located within Flood Zone 1 and is therefore at low risk of flooding from rivers, canals, reservoirs, from tidal events and is at low risk from surface water flooding. The proposals would involve new dwellings on a site benefiting from extant permission and in an area where dwellings were previously permitted in an alternative layout. It is proposed to drain surface water as part of the wider surface water drainage strategy for the site the subject of extant permission reference 3PL/2014/1264/F and as varied by application reference 3PL/2022/0812/VAR which is currently under consideration. As part of the discharge of condition 20, a detailed surface water drainage strategy for the wider site has been approved. Nevertheless as the proposals seek full planning permission a condition is necessary to ensure the dwellings within the scope of this application adequately manage and drain surface water to safeguard future occupants from flood risk and avoid increasing flood risk elsewhere.

8.13 Subject to this condition being included and noting that there is no significant change to the previously approved drainage strategy and measures in this regard, over and above what was agreed previously, it is considered that the proposals would be in accordance with policy 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.

#### 8.14 Ground Conditions

8.15 The proposed dwellings would be located within the wider residential development site the subject of the extant permission reference 3PL/2014/1264/F. Matters of potential land contamination on this site were considered when granting this permission and conditions were included to secure the provision of any necessary remediation and protection measures if contamination were to be found on site. The Council's Contaminated Land Officer has requested the completion of a Vulnerable Development Questionnaire which has been submitted and does not identify any sources of ground contamination and pollution. Whilst comments of the Contaminated Land Officer are awaited, it is noted that the proposals relate to the same site and the same type of use, and that there has been no significant change to site characteristics and use in the mean time. The proposals would not be more vulnerable than the use previously granted permission and accordingly it is recommended that these same conditions will be replicated, should permission be granted.

#### 8.16 Waste Collection

8.17 A number of the objections received concern potential access issues for refuse vehicles and the requirements for additional waste collection areas along Snapdragon Close. However, as noted elsewhere within the report the proposed access route and extension of Snapdragon Close to provide a cul-de-sac of 10 dwellings is part of a scheme benefiting from extant permission. In light of the fallback position that the same access arrangements and number of dwellings could be built under permission reference 3PL/2014/1264/F as currently proposed it is not considered that the proposals would result in any additional harm to justify refusal in planning terms.

8.18 With regards to the proposed dwellings each would have space in private side and rear gardens for bin storage with space within the application site for a communal collection point on bin day, and noting the dwellings would be part of a site wide scheme being delivered and maintained by Places For People, the applicants would be able to secure an ongoing management regime for the storage and collection of household waste. Subject to a condition securing further details of a scheme setting out arrangements for household waste collection including method and service arrangements, it is considered there would be adequate arrangements to secure the handling of waste from the site, in order to safeguard the amenity of existing and future residential occupants in line with policy COM03 of the Breckland Local Plan.

### **9.0 Conclusion**

9.1 The proposed development of 8 dwellings would involve the additional provision of affordable homes within the settlement boundary of Attleborough and on a site that already benefits from extant planning permission. The additional dwellings and subsequent design, layout and density is considered acceptable and to reflect the character of the surrounding area. The proposals would not significantly change the impact of the development on the surrounding landscape, the townscape of Attleborough, the 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, which include only minor amendments to the already approved access point for the scheme. For these reasons the proposal is recommended for approval, subject to the imposition of conditions and the completion of a s.106 Agreement to ensure adequate mitigation measures towards avoiding recreational disturbance to protected habitat and wildlife sites in the District and County, and towards library and education facilities and securing the provision of policy compliant affordable housing, as set out above, to reflect the proposals increased number of dwellings on a larger residential development.

#### **RECOMMENDATION**

The application is being recommended for approval subject to the conditions set out below and a s.106 agreement being completed to secure the planning obligations set out above.

**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 External materials and samples to be approved**

The development shall be carried out in complete accordance with the approved external materials as shown on CLAT-CF-ZZ-XX-DR-A-0507\_6534 P4 Proposed Site Plan. 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 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).
- 5 Soft landscaping scheme to be submitted**

Notwithstanding the details hereby approved, prior to the commencement of development above slab level 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 download 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**

**6 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 within the first planting season November/March following the commencement of work on site or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the local planning authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

**This condition will require to be discharged**

**7 Standard estate road conditions**

No works shall commence on the site to provide the access, roads, footways, cycleways until such time as detailed plans of the roads, footways, cycleways, and associated surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved details and shall be completed prior to the occupation of the final dwelling hereby permitted. approved specification to the satisfaction of the Local Planning Authority.

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**

**8 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 in consultation with the Highway Authority.

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).

**9 Highway improvements-offsite A**

Notwithstanding the details indicated on the submitted drawings, prior to the commencement of development above slab level, a detailed scheme for the off-site highway improvement works as indicated on drawing number CLAT-CF-ZZ-XX-DR-A-0507\_6534P4, Proposed Site Plan, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the proposed off-site highway works along Carvers Lane either side of the permitted access road from Snapdragon Close, and timescales for their completion. The dwellings hereby approved shall not be first occupied until the off-site highway improvement works have been completed to the written satisfaction of the Local Planning Authority.

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 Non-standard condition**

Means of vehicular access to and egress from the development hereby permitted shall be derived from and to Snapdragon Close only.

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).

**11 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:-

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).

**12 Ecological Enhancement Plan**

Prior to the commencement of development above slab level of the dwellings hereby permitted, 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.

**13 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 amended by an updated Noise Impact Assessment or 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

**14 Foul Water Drainage**

Prior to the commencement of any development above slab level, a scheme for the provision, implementation, ownership and maintenance of the foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. 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.

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).

**15 Surface Water Drainage**

Prior to the commencement of any development above slab level, an updated surface water drainage scheme 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.

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.

**16 Construction Method Statement**

The development including all construction works within each phase of the development shall take place in accordance with the details set out in the approved Traffic Management, Compound & Phasing Plan, Drawing NHAH3-5-TMP-01C. 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.

**17 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.

**18 Fire Hydrants**

Prior to the commencement of development above slab level, a scheme for the provision of fire hydrants (served by mains water supply) serving that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the applicant has provided the hydrant in accordance with the approved scheme.

Reason for condition:- In order to secure the provision of fire hydrant infrastructure and safety and amenity of future occupants, in accordance with Policies INFO2 and COM03 of the Breckland Local Plan (Adopted) and policy guidance contained within the NPPF.

**19 Unexpected Contamination**

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

Reason for condition:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework.

**21 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.

**22 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.

**25**

**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.