

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2022/1050/D	CASE OFFICER	Rebecca Collins
LOCATION:	DEREHAM Land off Swanton Road	APPNTYPE:	Reserved Matters
		POLICY:	In Settlemnt Bndry
		CONS AREA:	N
APPLICANT:	Abel Homes Ltd Neaton Business Park Norwich Road	LB GRADE:	N
AGENT:	Abel Homes Ltd Neaton Business Park Norwich Road	TPO:	N
PROPOSAL:	Application for Approval of Reserved Matters for residential development of 216 dwellings, landscaping, open space, parking and discharge of Conditions 5, 6, 9, 10, 11, 13, 19, 20, 21, 26 & 29 following Outline approval on 3PL/2015/1487/O.		

REASON FOR COMMITTEE CONSIDERATION

This is a large major application.

KEY ISSUES

Principle of Development
Layout, Appearance and Scale
Residential Amenity
Landscaping
Access and car parking
Flood Risk and Drainage
Ecology

DESCRIPTION OF DEVELOPMENT

Application for Approval of Reserved Matters for residential development of 216 dwellings, landscaping, open space, parking and discharge of Conditions 5, 6, 9, 10, 11, 13, 19, 20, 21, 26 & 29 following Outline approval on 3PL/2015/1487/O and to discharge the affordable housing scheme (clause B, 1, 1.1 of section 106 for the outline planning permission, dated 18 July 2019).

SITE AND LOCATION

The application site is located to the northern side of Dereham and to the east and west of Swanton Road. The site extends to around 10.57 hectares in total and is formed of 2 broadly triangular shaped sites, one either side of the Swanton Road. The site is Greenfield and is currently fallow agricultural land. There are a number of trees and a sparse hedgerow within and bordering the site, however, these are largely confined to the boundaries. Beyond the site to the north and east lies open countryside whilst Neatherd Moor lies to the south and Dereham to the south west and west.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/1487/O Permission 21-01-20

Residential development of up to 216 dwellings, landscaping, open space, parking & access from Swanton Road

3PL/2022/1104/VAR Permission 11-11-22

Variation of Condition 4 on 3PL/2015/1487/O - To change the stated construction and demolition times. The text will go from 'shall not take place except between the hours of 08:00 - 17:30 Monday to Saturday' to be replaced with 'shall not take place except between the hours of 07:30-18:00 Monday to Friday, 08:00 - 13:00 Saturday'

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV04	Open Space, Sport & Recreation
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
HOU01	Development Requirements (Minimum)
HOU07	Affordable Housing
HOU10	Technical Design Standards for New Homes
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

A S106 Agreement was agreed at outline application stage, dated 18 July 2019 and a Deed of Variation (attached to variation of condition application reference 3PL/2022/1104/VAR) dated 5 November 2020 agreed, to secure the following:

- Provision of on site affordable housing at 25%
- Contributions to Library services
- Contributions to local Primary Schools on a pro rata basis
- Public Open Space Contribution and maintenance
- Contribution to Health Facilities
- Green infrastructure contribution.

The applicant also seeks to discharge clause B, 1, 1.1 of the Section 106 Agreement attached to the outline planning permission reference 3PL/2015/1487/O, dated 18 July 2019, which requires a affordable housing scheme to be submitted with the reserved matters application.

A Unilateral Undertaking is required to secure GIRAMs.

CONSULTATIONS

DEREHAM T C

While Dereham Town Council are generally happy with this development they are extremely unhappy and concerned with the proposed treatment of the level crossing. The proposal only provides for a footway on the northside of the level crossing, the Council finds this wholly unacceptable and unsafe. As a minimum there needs to be a footway on both sides of the road, over the level crossing. What is presented in this application is very different from what was shown to the Planning Committee at the outline stage. When the decision was made to approve this application at outline stage, a plan was presented which showed a pedestrian path on the southern side of the level crossing and a shared use walking and cycling route on the north side, creating a safe cycle route to Cemetery Road. This arrangement would have been compliant with the Breckland Policy TR01. The Town Council are mindful that this application could be the first of further applications coming forward on the eastern side of the level crossing. If what is proposed is deemed acceptable then it may not be just for 216 properties, it could be for a much larger number. It is important to get the treatment of the level crossing right for this first application.

The original proposal within the application showed a provision of outdoor playing space in excess of what would be required under ENV04. Quite a few pieces of open space which would not be suitable for play were included in the calculation. The developer was asked to remove these non-play areas from the calculation, which the developer did. Once these pieces of open space had been removed from the calculation, it showed a deficit of 0.126ha. By way of compensating for this under-provision it was suggested that a 5 aside MUGA be included. This will extend the use of the space and enable the space to be used more intensively throughout the winter. It will also ensure that football is retained behind high fencing, reducing the possibility of balls getting into the road. The Town Council found this proposal acceptable and would need for it to be written into the decision notice.

The Town Council felt that a 20mph speed limit would be more appropriate along the frontage of this development.

NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY

No objection to the application but would highlight that a Public Right of Way, known as Dereham Restricted

Byway 31 is adjacent to the Eastern boundary. The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

NORFOLK COUNTY COUNCIL HIGHWAYS

The applicant has sought to address the concerns raised by the highways authority, who now have no objections.

FLOOD & WATER MANAGEMENT TEAM

We have no objection if this reserved matters application is approved.

All information submitted to the planning portal satisfies condition 8.

We are able to recommend that condition 9 is discharged at this time. This is based on information submitted by the applicant that satisfies the concerns previously raised by the LLFA.

HISTORIC ENVIRONMENT SERVICE

As we do have an approved archaeological written scheme of investigation in place we are pleased to recommend that part A of condition 26 of application reference 3PL/2015/1487/O can be discharged. However, parts B and C must remain in place and not discharged in order to ensure that the final approved report, any publication and the archives are completed and deposited.

HOUSING ENABLING OFFICER

It is noted that 52no affordable housing units are proposed, which meets the requirements of the s106. Of these, 19no appear to be shared ownership and 33no rent, which broadly meets the 65/35 in favour of rent requirement in the s106. The properties are of an appropriate size and type, all at least meeting NDSS standard; it is pleasing to see that some exceed this by several sqm. The layout is satisfactory, whilst there is a large area in the east with no affordable housing, it is clear that efforts have been made to integrate the units in a better way than is often seen on sites of this size. Other outstanding matters will need to be picked up in the Affordable Housing Scheme submission, however all seems well at this time.

MID NORFOLK RAILWAY PRESERVATION TRUST

The level crossing leading from the development into Dereham is inadequate for the increased traffic. NCC Highways agreed at the time. The Government's Office of Rail and Road, responsible for level crossings nationally, recommended a new, wider, automatic crossing. The proposal above ignores the fact that the crossing is too narrow for existing traffic, let alone the provision of a footpath. It is likely to result in damage both to MNR infrastructure as well as being dangerous to pedestrians and cyclists. For these reasons the MNR strongly objects to this proposal. It may be necessary to involve the Office of Rail and Road unless this is withdrawn and significant improvements offered.

CONTAMINATED LAND OFFICER

No further comments to make other than the developer notifying the Local Planning Authority of any unexpected contamination, should this arise.

ENVIRONMENTAL HEALTH OFFICERS

Based on the information provided to me at this time; there are no objections to the full discharge of the condition on the grounds of Environmental Protection, providing the development operates in line with the details submitted.

ECOLOGY

No objection subject to securing:

- a) a per dwelling tariff for Norfolk GIRAMS and
- b) mitigation for Nutrient Neutrality as required by Natural England

NATURAL ENGLAND

Please refer to Natural Englands overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

The site is near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and is within the Boards Watershed Catchment (meaning water from the site will eventually enter the IDD).

I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Boards IDD. We request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. Our policy position has changed since our comments of 13/08/2019 relating to outline application 3PL/2015/1487/O such that consent is now not required for the discharge of surface water from this site. We recommend that the LLFAs advice is sought and followed with a view to minimising flood risk.

RAMBLERS ASSOCIATION: NORFOLK AREA

Dereham footpath 29 which runs along the western part of the southern edge of the site, the full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation. To provide good access and opportunities for active travel, we would also suggest that consideration is given to providing connections to both of these routes for those living in the houses to the south east of Swanton Road.

Restricted Byway 31 is legally open to cyclists as well as walkers, though would benefit from some improvements which the developer might fund. Footpath 29 is legally open only to walkers at present, though its surface is in largely good condition and could, through the appropriate processes, be opened to cyclists as well. These routes would then provide off road access to The Neatherd and the town centre, as well as directly to Swanton Road nearer the town than the site road network would allow.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

Norfolk Constabulary have highlighted that this application represents a proposal that will increase pressure on police resources. This development, alongside other development proposals in the area, will place additional pressure on existing resources. Therefore, to address this, further investment will be required to enhance the capacity of the police linked to additional developments in the area. If this is not funded and delivered through the planning system, the consequence is that additional demands will be placed on existing police resources.

Whilst this is an application on a site with existing planning permission, it is considered that future major applications in the area should address the impact on policing in the context of NPPF advice with developer contributions required for infra-structure needed by the police in Dereham to deliver a safe, secure environment, to support the quality of life for residents and to limit the risk (and fear) of crime and disorder.

NORFOLK WILDLIFE TRUST

No Comments Received

UK POWER NETWORKS

No Comments Received

RAMBLERS ASSOCIATION: NORFOLK AREA

No Comments Received

REPRESENTATIONS

Six letters of representation have been received, their comments are summarised as follows:

- The road between this site and the town passes over a level crossing. This crossing is on a curve, and elevated, with no provision for a footpath at presently paid out. The previous consent recognised this fact and included a requirement for the developer to improve this level crossing so as to allow a path to be provided and to upgrade it for the increase in vehicular and pedestrian traffic that the development will cause. The new proposal seems not to include this provision, therefore should be refused on access/public safety grounds.
- A foot path is certainly needed on both sides of the road.
- The rail level crossing is a route used by many to access the Neatherd Moor. Walkers and school children. It is a very dangerous crossing at the moment and with the additional houses will become much busier. A pavement should be included both sides.
- The Mid-Norfolk Railway has used the crossing frequently so the potential for an incident is increased by the new traffic levels.
- There is also the potential to increase the amount of trespass along the railway between Swanton Road and Neatherd Road level crossings due to the lack of proper provision of footpath throughout.
- Dereham already being overdeveloped and traffic frequently gridlocked this is a really stupid place for a new development. The Mid Norfolk Railway forms a natural boundary for the town and the provisions suggested at the level crossing are a joke.
- No provision has been made for the road junctions from Swanton Road and Kings Road going into the town. Swanton Road is also quite busy with traffic coming from Swanton Morley and beyond and this can already be delayed at the Kings Road/Neatherd Road Junction with also significant amounts of school traffic in Kings Road at school run times.

Clr Alison Webb

I am objecting against the lack of footway on the Northside of the level crossing on the proposed application. I am concerned that there would be the temptation to cross over which may result in a fatal accident.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 The principle of development is established by the grant of outline planning permission (ref: 3PL/2015/1487/O) on 21st January 2020. The current application only considers matters relating to appearance, layout, landscaping and scale of the development, which are discussed in the following sections. Access was approved via the Outline Application, which includes access off both sides of the site onto a roundabout onto Swanton Road.

2.0 Layout, Appearance and Scale

2.1 Section 12 of the NPPF and Policies HOU01, GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019) seek to promote high quality design and protect the character of an area, Policy ENV05 seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Layout, appearance and scale are all reserved matters to be considered at this time. Overall landscape impact was considered at outline application stage and the

development of the landscape is considered acceptable in principle on this basis. The proposals mimic that largely of what was shown indicatively at outline application stage with development largely abutting the northern and eastern boundary of the site, surrounded by fields and open countryside (as well as the western boundary where the railway line lies) and with a large area of open space to the southern side of the site. The new open space to the south of the site provides a green transition into the development. Given that the principle of residential development on the site was established at outline and the proposals are similar to that shown, the overall landscape impact is considered acceptable in this instance and the proposals adequately recognise the intrinsic beauty and character of the countryside.

2.2 Access to the site, which was established during the outline application is achieved via a new roundabout on Swanton Road. The site is laid out on either side of Swanton Road, with green space at the point of entrance with the roundabout and dwellings fronting this space. There are circular routes, which lead to the open space to the south of the site. The Design and Access Statement, submitted with the application states 'Small mews/private drive roads lead off the spine road into additional cul-de-sacs. The mews and private drives are designed to be informal to encourage low speeds and a pedestrian, cycle, car sharing environment'.

2.3 The houses are mainly red brick, with occasional houses in key positions finished in white render to add punctuation to the street scene. Areas of natural timber cladding and smaller windows are used to add visual variety. Windows and fascias are dark grey, rainwater goods are zinc-coated steel. A flat plain tile is used with red and dark grey tiles used to give further variety across the site.

2.4 The proposed residential scheme will provide 216 dwellings on a site area of 10.6ha. This equates to a density of 20.38 dwellings/Ha, achieving a low density similar to the surrounding context. Although relatively low density in the context of Section 11 of the NPPF, this is in line with the permission granted at outline application stage and is an acceptable density given the wider character of this area. The accommodation mix proposes a range of dwellings from one bedroom to four bedrooms, as follows:

1-bedroom - 16no. units, all are affordable.

2-bedroom - 52no. units, of which 24 are affordable.

3-bedroom - 108no. units, of which 12 are affordable.

4-bedroom - 40no. units, of which 2 are affordable.

A total of 216 dwellings, of which 54 are affordable (25%).

2.5 The Affordable Housing officer states with regards to the affordable housing proposed:

'It is noted that 52no affordable housing units are proposed, which meets the requirements of the s106. Of these, 19no appear to be shared ownership and 33no rent, which broadly meets the 65/35 in favour of rent requirement in the s106. The properties are of an appropriate size and type, all at least meeting NDSS standard; it is pleasing to see that some exceed this by several sqm. The layout is satisfactory, whilst there is a large area in the east with no affordable housing, it is clear that efforts have been made to integrate the units in a better way than is often seen on sites of this size.'

2.6 The actual number of affordable houses to be provided is 54. The affordable housing proposed is a mix of dwellings which includes 1, 2, 3 and 4 bedroom houses. Affordable dwellings are located in five parcels, to allow easy management by social landlords, as set out by the applicants. The Housing Officer raises no objection to the affordable housing mix or layout and on this basis, it is considered acceptable.

2.7 The house types are considered acceptable, given the character of the area, the detailing proposed and

mix of housing and green spaces. The house types are common to this developer and consistent with development permitted elsewhere. The streets are well surveyed by a range of house types and subject to some minor amendments suggested and made by the applicants, the proposals would contain, where relevant, dual elevations to adequately survey car parking, open spaces and streets. The house types are considered to meet or exceed The Department for Communities and Local Government's Technical Housing Standards - nationally described space standard March 2015 and meet Building Regulation requirement of 110 l/h/d in accordance with condition 28 of the outline planning permission and Policy HOU10 of the Breckland Local Plan (adopted 2019).

2.8 The total amount of recreation space required under ENV04 is 13,320m² (play areas = 4160m², outdoor sport = 9160m²). The proposal exceeds this requirement and provides 14,060m² (surplus of 740m²). On this basis, the proposals are considered to accord with Policy ENV04 of the Breckland Local Plan.

2.9 The proposal seeks to discharge condition 27 relating to phasing. The proposed phasing of the development is considered acceptable and can be discharged.

2.10 On the basis of the information set out above the layout, appearance and scale of the proposals are considered acceptable and in accordance with Section 12 of the NPPF, HOU01, HOU07, HOU10, GEN02, ENV04 and COM01 of the of the Breckland Local Plan (adopted 2019).

Residential Amenity

2.8 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

2.9 The site is well laid and spaced out to provide adequate amenity levels including reasonably sized rear gardens for all new properties, in character with the surrounding area. The proposed dwellings are positioned with a minimum distance of 20m for direct back to back two storey building relationship creating good standards of privacy. The majority of existing residential properties are significantly distanced from those proposed, either separated from the site by the railway line and large area of open space to the east or Swanton Road and the large area of open space proposed to the south. On this basis the proposal is considered acceptable in terms of overlooking, overshadowing and overbearing. Noise and disturbance during construction stages will be dealt with by a construction management plan, required by condition, at outline application stage. Also, details of boundary treatments will be conditioned to ensure the amenity of future occupants is protected.

2.10 The dwellings submitted have been revised in consultation with officers and where appropriate dual elevations have been added to provide surveillance and add interest in the street scene. The proposals are therefore considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019).

3.0 Landscaping

3.1 Policy ENV01 of the Breckland Local Plan (adopted 2019) seeks to safeguard, retain and, where opportunities arise, enhance the network of green infrastructure in the District. Policy ENV05 of the Breckland Local Plan (adopted 2019) seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted 2019).

3.2 The outline application, committee report, set out, *'the entrance gateway has been designed to form an*

attractive at the entrance to the site, which shows open space and a substantial landscape buffer along the southern boundary of the site with Neatherd Moor. This open space also serves to provide a Green Infrastructure connection between Neatherd Moor and the Mid-Norfolk Railway line and the S106 agreement with the outline application secures a £22,000 contribution to improve public rights of way near the site'. This is considered in accordance with Policy ENV01 of the Breckland Local Plan (adopted 2019). The section 106 also requires the delivery of open space in accordance with adopted policy, in accordance with Policy ENV04 of the Breckland Local Plan (adopted 2019). The Town Council raised concerns with regards to the provision of useable open space, despite the applicant stating 'The total amount of recreation space required under ENV04 is 13,320m² (play areas = 4160m², outdoor sport = 9160m²)' and being agreed with by officers. The applicants have further included a MUGA into their proposals on the request of the Town Council and on this basis, both parties are satisfied. The proposals are therefore considered to accord with ENV04 of the Breckland Local Plan (adopted 2019).

3.3 The Tree Officer is in general support of the landscaping of the site, however, raised concerns that all of the open space is to the boundaries of the two sites. However, as set out above, and discussed and shown at outline application stage, this is to provide a Green Infrastructure connection between Neatherd Moor and the Mid-Norfolk Railway line. On this basis, the proposed layout of open space and landscaping is considered acceptable in this instance.

3.4 The applicants have sought to discharge Condition 23, as part of this application. However, this is a compliance condition so it is not considered necessary to discharge the condition, at this time. The applicant has been approached about removing condition 23 from the description of development, which they have agreed to and reference to this condition has been removed from the description of development.

3.5 The site has been discussed with the Tree Officer who has no objections. On this basis, the proposal is considered to comply with Policies ENV01, ENV05 and ENV06 of the Breckland Local Plan (adopted 2019).

4.0 Access and car parking

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

4.2 Access to the site was determined at outline stage and therefore can not be revisited at this stage. In terms of local highway improvements the TA incorporates a new 4 arm roundabout to Swanton Road, new footways to Swanton Road and footway provision over the Mid Norfolk Railway line. However, the internal layout of highways has been assessed and subject to amendments made by the applicants, as requested by the Highways Authority, they raise no objections to the proposals.

4.3 With regards to the Railway Crossing, the outline committee report stated *'the applicant will provide improvements to the Mid Norfolk Railway crossing'*, this was also a requirement of Dereham Housing Allocation 3. Condition 18 of the outline consent states:

A. Notwithstanding the details indicated on the submitted drawings no works shall commence above slab level unless otherwise first agreed in writing by the Local Planning Authority, until detailed drawings for the off-site highway improvement works as indicated on Drawing Nos. 19-168-TR001 and 15-296-DE-100-001 F

and including a scheme for a Zebra Crossing on Cemetery Road and the access roundabout (15-296-TR-003) have been submitted to and approved in writing by the Local Planning Authority.

B. Prior to the first occupation of any of the dwellings hereby approved the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed.

Reason for condition:

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

4.4 Drawing Nos. 19-168-TR001, as set out in the condition, shows a footpath only on the southern side of the railway crossing, which is considered an improvement to the current road/crossing layout. Condition 18 requires detailed drawing of the works to be submitted prior to commencement of works above slab level (in accordance with Drawing Nos. 19-168-TR001) and works carried out to the railway crossing (as well as other offsite highway works) prior to first occupation.

4.5 The concerns raised by neighbours and the Town Council and Ward Councillor regarding the railway crossing are noted. However, this matter was agreed at outline application stage and conditioned under condition 18. Furthermore, it is not a matter relating to appearance, layout, landscaping and scale of the development and therefore, it is not a point for consideration in the determination of this application.

4.6 The application also applies to discharge conditions 13 and 19 of the Outline planning permission. The Highways Authority are satisfied that the Construction Management Plan is acceptable and this condition can be discharged. Condition 18 deals with the offsite highway work, which are currently under technical review and cannot be discharged until the Highways Authority complete this process and condition 19 is with regard to a Travel Plan, for which comments are awaited.

4.7 It is also noted that the proposal complies with the Council's adopted car parking standards. The proposals are therefore considered to accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

5.0 Flood Risk and Drainage

5.1 Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019) seek to minimise the risks of flooding by directing new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. The site lies in flood zone 1, at the lowest risk of flooding. Information has been submitted in regard to the detailed proposals for the site and as required by conditions 8, 9 and 10 of the outline planning permission. In this regard both the LLFA and Anglian Water have been consulted.

5.2 The application seeks to discharge conditions 8 and 9 relating to surface water flood risk including that the reserved matters application be accompanied by a revised outline surface water drainage strategy (condition 8). The LLFA have been consulted and subject to the further requested information, which has now been provided, they raise no objection to this reserved matters application and layout. The LLFA have also assessed the information submitted with regards to the outline and detailed surface water drainage strategy (required by conditions 8 and 9) and have confirmed that they are satisfied that these conditions can be discharged.

5.3 With respect to foul water, Condition 10 required the submission of a foul water drainage strategy which

has been submitted. Anglia Water have confirmed that the foul water drainage strategy is acceptable and advised that this condition can be discharged.

5.4 On the basis of the above and the additional information provided, then the proposal is considered acceptable in terms of flood risk and drainage in accordance with Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019).

6.0 Ecology

6.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019) require the protection and enhancement of biodiversity. Our ecologist have been consulted and raise no objections to the proposals, subject to securing, the following:

- a) a per dwelling tariff for Norfolk GIRAMS and
- b) mitigation for Nutrient Neutrality as required by Natural England

6.2 A Unilateral Undertaking (UU) will be entered into to address the increase in recreational pressures on Habitat Sites.

6.3 The applicant is working with the Local Planning Authority to address the matter of Nutrient Neutrality and find an acceptable mitigation scheme which is acceptable to Natural England and the Local Planning Authority as Competent Authority. This matter will be addressed through the completion of an Appropriate Assessment as required under the Habitat Regulations (2017) and it is therefore requested this be delegated to officers.

6.4 The proposal seeks to discharge condition 11 relating to ecology, specifically the installation of bird and bat boxes, and condition 21 with regards to an ecological management plan. Our ecologist state:

'Both Conditions 11 and 21 are considered within the submitted LEMP. We are satisfied that the submitted information includes the detail required by condition 11 and 21 to demonstrate compliance. However, as required by condition 11 and as stated within the document, the layout plan should include six bat boxes. Section 4.8.1 of the document states six standalone bat boxes will be installed, but the plans only show five. As required by the condition, the plans should be updated to include the six standalone boxes. We are satisfied with the other biodiversity enhancements which have been recommended and are shown on the layout plans, and the LEMP includes the detail required by Condition 21. We note that the Masterplan has altered since the Outline application. However, the LEMP included an updated site assessment and so we are satisfied that ecology has been considered in relation to the updated Masterplan'.

6.5 Subject to the addition of one bat box, our ecologist has no objections in this regard, so these conditions can be considered to be discharged. The applicants have submitted a plan showing the inclusion of 15 bat boxes (5 standalone and 10 integrated into dwellings on the eastern boundary (this is reflected in the wording of condition 9, as proposed at the end of this report). On this basis the proposals are considered acceptable in this regard.

6.6 Subject to the signing of a Unilateral Undertaking for GIRAMs payment and delegation of the matter of Nutrient Neutrality, to be resolved through Appropriate Assessment undertaken by officers, in consultation with Natural England, then the proposal is considered acceptable and in accordance with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019).

7.0 Other Matters

7.1 Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019) states that planning decisions should take account of ground conditions, pollution and contamination risk. Our contamination team have been consulted and state 'No further comments to make other than the developer notifying the Local Planning Authority of any unexpected contamination, should this arise'. This matter has been conditioned on the outline planning permission and therefore do not need to be repeated on this consent. The proposal seeks to discharge conditions 5 and 6 relating to contamination, as the contaminated land team have no objections in this regard, these conditions can be considered to be discharged. The proposal is therefore considered to accord with Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019).

7.2 The proposal seeks to discharge condition 26 relating to archaeology. Our historic environment team has been consulted and state '*As we do have an approved archaeological written scheme of investigation in place we are pleased to recommend that part A of condition 26 of pp. 3PL/2015/1487/O can be discharged. However, parts B and C must remain in place and not discharged in order to ensure that the final approved report, any publication and the archives are completed and deposited*'. On this basis, part A of condition 26 is considered to be discharged only.

7.3 The proposal seeks to discharge condition 28 relating to water efficiency. However, this is a compliance condition so it is not considered necessary to discharge the condition, at this time. The applicant has been approached about removing condition 28 from the description of development, which they have agreed to and reference to this condition has been removed from the description of development.

7.4 The proposal seeks to discharge condition 29 relating to nationally described space standards. The proposed dwellings all meet the nationally described space standards, in accordance with Policy HOU10 of the Breckland Local Plan (adopted 2019) and therefore, this condition, requiring details with the reserved matters is considered to be complied with.

7.5 The applicant also seeks to discharge clause B, 1, 1.1 of the Section 106 Agreement attached to the outline planning permission reference 3PL/2015/1487/O, dated 18 July 2019, which requires a affordable housing scheme to be submitted with the reserved matters application. The scheme has been submitted and the Housing Officer has no objections and on that basis, this clause of the s.106 is considered discharged.

8.0 Conclusion/ Planning Balance

8.1 The principle of development for the erection of dwellings has been established by the grant of outline planning permission. The current application only considers matters relating to appearance, layout, landscaping and scale of the development together with S106 compliance and discharge of outline planning conditions, where applicable. The reserved matters have been found to be acceptable on balance, with no harm significantly outweighing the benefits of the proposals. Therefore, it is recommended that the application is approved subject to the conditions listed below, a signed Unilateral Undertaking for GIRAMs and delegation of the matter of Nutrient Neutrality, to be resolved through Appropriate Assessment undertaken by officers, in consultation with Natural England.

RECOMMENDATION

Recommend Approval, subject to the conditions listed below, a signed Unilateral Undertaking for GIRAMs and delegation of the matter of Nutrient Neutrality, to be resolved through Appropriate Assessment undertaken by officers, in consultation with Natural England.

CONDITIONS

1 Reserved Matters - time limit

This approval is granted following the grant of Outline Planning Permission reference 3PL/2015/1487/O dated 21st January 2020 and the subsequent variation application reference 3PL/2022/1104/VAR dated 11th November 2022. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.

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

2 In accordance with submitted plans NEW 2017

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

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

3 Boundary treatments.screening to be agreed

The boundary treatments, as shown on the approved plans, reference 1425_GEN_100 Rev G shall be completed prior to first occupation of the dwelling to which it adjoins or in accordance with a timetable to be first agreed in writing by the Local Planning Authority. Development shall be carried out in its entirety in accordance with the approved details.

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

This condition will require to be discharged

4 External materials as approved

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings / Design and Access Statement.

Reason for condition:- To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM03, GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

5 MUGA

Prior to first occupation of 80% of the dwellings in the northern phase (Phase 3, as shown on plan reference DER/CMP/01) full details of a MUGA including a timetable for delivery, schedule of management and maintenance, shall be submitted to, and approved in writing by, the LPA. The MUGA shall be delivered in accordance with the approved details.

Reason for condition:- To ensure that the development delivers appropriate open space provision in accordance with Policy ENV04 of the Breckland Local Plan (adopted 2019).

6 Condition 5 (contamination)

Pursuant to condition 5 of planning permission 3PL/2015/1487/O dated 21st January 2020,

the submitted site investigation and risk assessment, reference GN24086 Site Investigation Report, March 2021 to determine the nature and extent of any contamination on the site, is considered acceptable and hereby approved. The development shall take place in accordance with the approved details.

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 with Policy 14 of the NPPF and Policy COM03 of the Breckland Local Plan.

7

Condition 6 (Remediation)

Pursuant to condition 6 of planning permission 3PL/2015/1487/O dated 21st January 2020, the submitted remediation scheme, reference GN24086 Site Investigation Report, March 2021, is considered acceptable and hereby approved.

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development hereby approved, unless otherwise first agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 with Policy 14 of the NPPF and Policy COM03 of the Breckland Local Plan.

8

Condition 9 (FRA)

Pursuant to condition 9 of planning permission 3PL/2015/1487/O dated 21st January 2020, the detailed designs of the surface water drainage scheme, as submitted (reference 1425_JPM_FRA_03-23_Rev B, March 2023) are considered acceptable and hereby approved. The approved scheme shall be implemented prior to the first occupation of the development.

Reason for condition:- To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, in accordance with the NPPF and ENV09 of the Breckland Local Plan.

9

Condition 10 (Waste Water)

Pursuant to condition 10 of planning permission 3PL/2015/1487/O dated 21st January 2020, the waste water scheme reference 1425_JPM_FRA_03-23_Rev B, March 2023, is considered acceptable and hereby approved. The development shall be carried out in complete accordance with the approved details.

Reason for condition:- To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the

lifetime of the development, in accordance with the NPPF and ENV09 of the Breckland Local Plan.

10 Condition 11 (Ecology)

Pursuant to condition 11 of planning permission 3PL/2015/1487/O dated 21st January 2020, the provision of 15 no. bat boxes within the site, and the provision of bird boxes within the site, as shown on plan reference Landscape and Environmental Management Plan, Riverdale ecology, August 2022, is considered acceptable and hereby approved. The development shall be carried out prior to first occupation of any of the dwellings hereby approved.

Reason for condition:- In the interests of maintaining and enhancing biodiversity and ecological value of the site and surrounding area. In accordance with policies ENV02 and ENV03 of the Breckland Local Plan and policy 15 of the NPPF.

11 Condition 13 (CMS)

Pursuant to condition 13 of planning permission 3PL/2015/1487/O dated 21st January 2020, the Construction Method Statement and Traffic Management Plan, reference Construction Method Statement, September 2022, and Drawing DER_CMP_01, is considered acceptable and hereby approved.

The approved statement shall be adhered to throughout the construction period and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise first agreed in writing by the local planning authority.

Reason for condition:- In the interests of residential amenity and highway safety. This is required prior to commencement of development in order that the appropriate measures can be implemented to ensure there would be no significant impact on residential properties throughout all construction works on site. In accordance with policies COM03, TR01 and TR02 of the Breckland Local Plan.

12 Condition 19 (Travel Plan)

A. Pursuant to condition 19 of planning permission 3PL/2015/1487/O dated 21st January 2020, Interim Travel Plan, July 2022, is considered acceptable and hereby approved.

B. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Part A of this condition. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied, subject to any approved modifications to be first agreed by the Local Planning Authority as part of the annual review.

Reason for condition:- To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment. In accordance with policies TR01 and TR02 of the Breckland Local Plan.

13 Condition 20 (Slab Levels)

Pursuant to condition 20 of planning permission 3PL/2015/1487/O dated 21st January 2020,

the slab levels shown on plan reference Engineering Masterplan Sheets 1 - 7, 1425_ENG_001 - 007, are considered acceptable and hereby approved. The development shall be carried out in accordance with the approved details.

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 GEN02, COM01 and COM03 of the Breckland Local Plan.

14 Condition 21 (LEMP)

Pursuant to condition 21 of planning permission 3PL/2015/1487/O dated 21st January 2020, the landscape and ecological management plan (LEMP), reference Landscape and Environmental Management Plan, Riverdale ecology, August 2022, is considered acceptable and hereby approved. The development shall be carried out in accordance with the approved details.

Reason for condition:- Details are required prior to commencement to provide habitat loss mitigation in accordance with Policy 15 of the NPPF and Policy ENV02 of the Breckland Local Plan.

15 Condition 26 (Archaeology)

A) Pursuant to condition 26 of planning permission 3PL/2015/1487/O dated 21st January 2020, the archaeological written scheme of investigation, reference PCA-Swanton Road-Dereham-EXC-PD-RM, December 2022, is considered acceptable and hereby approved.

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

and,

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

Reason for condition:- Details are required prior to commencement to protect the significance of heritage assets in accordance with Policy 16 of the NPPF and Policies ENV07 and ENV08 of the Breckland Local Plan.