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Dear Sir/Madam

RE: RESPONSE TO RESERVE MATTERS APPLICATION IN RELATION TO THE DEVELOPMENT OF PHASE 1 LAND NORTH AND SOUTH OF DEREHAM ROAD EASTON NORFOLK UNDER PLANNING REFERENCE 2020/0962

I am instructed by Easton Parish Council in the above matter.

I write in reference to the reserves matter application for access, appearance, scale, landscaping and layout under the council's planning reference 2020/0962 at Phase 1 Land North and South of Dereham Road Easton ("the Reserve Matters Application") concerning the development of 292 dwellings and associated works including open space, sustainable urban drainage systems, landscaping, infrastructure and earthworks ("the Development"). The Reserved Matters Application relates to the outline planning permission for the Development under the council's planning reference 2014/2611 ("the Outline Planning Permission").

The purpose of this letter is to set out and make clear the council's continuing obligation to satisfy its public sector equality duty (PSED) under section 149 of the Equality Act 2010 ("the 2010 Act") in relation to all its decision making under the Planning Acts as local planning authority. Such statutory duty is a material planning consideration on the Reserves Matters Application and must be complied with without impediment of past failings of such duty in the council's earlier planning decisions concerning the Development.

Before discussing the PSED further please note that the Parish Council has already provided very considered and detailed comments on the Reserve Matters Application under letter dated June 2020. The Parish Council has also provided in the context of the Reserve Matters Application, and the Outline Planning Permission (and its associated conditions), important observations on the council's statutory public sector equality duty (PSED) under letter dated 10 August 2020. Copies of both letters are enclosed for ease of reference.

Please further note that this letter is therefore intended to be supplemental and additional to the aforementioned earlier correspondence from the Parish Council. The Parish Council fully and strongly maintains its earlier comments and observations for which should be considered together with this letter as part of any planning decision of the council on the Reserve Matters Application.

PUBLIC SECTOR EQUALITY DUTY (PSED)

The PSED is set out in section 149 of the 2010 Act and for ease of reference provides the following statutory duty:

“(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(7) The relevant protected characteristics are— age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex.”

PUBLIC SECTOR EQUALITY DUTY (PSED) AND PLANNING DECISIONS

The court in *R (on the application of Buckley) v Bath and North East Somerset Council* [2018] EWHC 1551 (Admin) provided important guidance on the PSED in relation to planning and development decisions of local planning authorities. These are:

1. PSED applies to planning decisions under the Planning Acts: - a public authority must have due regard to certain PSED matters “in the exercise of its functions”. The grant of outline planning permission and reserved matters approval involves the exercise of a statutory function by the council as local planning authority. Therefore, the PSED does apply and is a material consideration on the planning decisions on the Development including the Reserved Matters Application.
2. PSED is one of substance not form:- the PSED is a statutory duty to have due regard to the specified matters not a duty to achieve a specific result. The duty is one of substance, not form, and the real issue is whether the relevant public authority has, in

substance, had regard to the relevant matters having regard to the substance of the decision and the authority's reasoning.

3. PSED is a continuing duty to be assessed in the context at the time of each decision:- this is particularly important to the Reserved Matters Application for which the equality impacts of the Development must be assessed by the council at the time of each planning decision, in the context of the details for approval, unfettered by the past decisions within its assessment as a material consideration for the planning judgement of the decision maker. As Lewis J stated in the *Buckley case*:

"The fact that the application is for outline planning permission and that certain reserved matters are to be considered at a later stage in the process may affect the content or scope of the duty in particular cases but that does not prevent the duty applying. By way of example, approval of reserved matters such as layout and access may, depending on the circumstances, raise specific equality considerations. Those matters may require little or no consideration at the outline stage but may need to be considered carefully at the stage when those matters come to be considered for approval. Similarly, the fact that the grant of outline planning permission is one stage in a process which has a number of different stages before the development is finally completed may affect the scope of the duty. Again, by way of example, demolition of a dwelling adapted for use and occupied by a disabled person may result in the need to have due regard to the possibility of providing suitable alternative accommodation for that person. The suitability of the actual provision for particular tenants may be better assessed at a later stage in the overall process of development. The impact of demolition of existing homes and adapted dwellings on elderly and disabled persons who occupy them may, however, need to be considered at the time when outline permission is granted". [emphasis added]

PUBLIC SECTOR EQUALITY DUTY (PSED) AND THE RESERVED MATTERS APPLICATION

The Reserved Matters Application includes issues of layout, scale and access for approval. Such issues raise two (2) important and identifiable impacts on equality under the PSED for which due regard must be given by the council in its planning decision making on the Reserved Matters Application. These issues concern the design of shared road and pedestrian spaces and the access and parking arrangements (both individual, communal and visitor) within the Development. Each are discussed in more detail below.

Shared Spaces Scheme

The proposed layout of the Development consists of several proposed non cul-de-sac shared spaces schemes serving a significant number of dwellings and acting as a route of interest to pedestrian users of the wider area. A shared space scheme meaning a level surfaced scheme for mixed unsegregated use of pedestrians and vehicular users.

The Ministry of Housing, Communities & Local Government and Department for Transport letter of 28 September 2018 has warned against such shared space schemes in clarifying:

"While authorities need to ensure that all schemes are designed with the needs of different users in mind, and satisfy their obligations under the equalities legislation, the focus of the pause is on level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres(outside of pedestrian zones). The pause does not apply to streets within new residential areas, or the redesign of existing

residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance." [emphasis added]

The letter goes on to state with particular importance and relevance to the PSED and the factual context of the Reserved Matters Application:

"A proportionate approach should also be taken in applying related aspects of the National Planning Policy Framework, so that the nature of each site, its surroundings and its users are taken properly into account. Giving priority to pedestrians and cyclists, and addressing the needs of people with disabilities or reduced mobility, does not mean that segregated footways or cycle paths are always required. This is especially the case where traffic volume and speed will be low, such as within small housing schemes, or those parts of larger schemes designed as mews or cul-de-sac." [Emphasis added]

The Development, whether it be its dwellings (private or affordable housing) and/or its open spaces and facilities, will serve members of the public with protected characteristics such as the young and old and people with disabilities. The development is not a small housing scheme and these shared spaces schemes cannot be described as 'mews' or 'cul-de-sacs' of 'very low levels of traffic'.

These shared spaces schemes, and their design, are clearly contrary to the above Government advice and moreover demonstrate as explained above the incongruous nature of these shared spaces scheme to the council's PSED for eliminating inequality, and enhancing equality, to members of the public of protected characteristics. For example, young and elderly and people with disabilities such as in wheelchairs or of impaired sight.

Accordingly, the Parish Council strongly contends that these shared spaces schemes are inappropriate for a development of this scale and for roads of this nature such as to create an unnecessary danger and equally unwelcoming environment to persons of protected characteristics. The Reserved Matters Application should therefore not be approved in its current design and any revised design must be re-consulted.

Access and Parking

The access and parking arrangements of the Development draw strongly on the PSED duty in relation to the number of parking spaces but also the location and designation of such parking spaces within the various parts of the Development. This includes but is not limited to: (1) the impact of insufficient off-street parking spaces to on-street 'footway/kerb' parking which impedes pedestrian movement in particular with those of a disability (for example, wheelchair users and people of impaired sight and pushchairs users); and (2) the inequitable spread of parking spaces between occupiers of private dwellings and occupiers of affordable housing (NB. the latter of which represent an equal or greater percentage of members of the public with protected characteristics under the PSED).

The Parish Council strongly contends that the current design includes:

- private garages within the alleged parking space calculations for the Development despite such garages being of a size below minimal standards, and therefore cannot accommodate typical car sizes, such that these garages serve no parking facilities to owners and occupiers.

The resultant effect is an undersupply of parking spaces and an adverse increase in on-street 'footway/kerb' parking which reduces the width of footways and pedestrian routes and generally increases conflict points between pedestrians and vehicular users. In particular, disabled users in wheelchairs and of impaired sight are severely impacted as well as mothers with pushchairs.

- An under-representation of allocated and visitor parking spaces to the affordable housing dwellings compared to private dwellings. Occupiers of affordable housing dwellings are equally, if not more likely to, be represented by people of protected characteristics. These need to be accommodated by adequate allocated and visitor parking spaces. Disabled parking spaces also need to be provided. These issues are highly relevant to the council's PSED within the context of its decision making on the Reserved Matters Application.

Accordingly, the Parish Council strongly contends that the proposed parking numbers and their layout and access within the Development is wholly incongruous to the council's PSED for eliminating inequality, and enhancing equality, to members of the public of protected characteristics. The Reserved Matters Application should therefore not be approved in its current design and any revised design must be re-consulted.

New special educational needs (SEN) school

It is understood that a new special educational needs (SEN) school is to be built in Easton on land adjacent to the Development. Its presence heightens the PSED issues relevant to the likely occupiers of, and visitors to, the Development with protected characteristics. It is also material generally as a planning consideration in relation to how the design of the layout and access of the Development impacts, and is impacted by, the close proximity to the SEN school.

Accordingly, the Parish Council strongly contends that the presence of the SEN school adjacent to the Development must be a significant relevant factor both in itself but also in the determination of the appropriate and reasonable weight of PSED considerations, discussed above, in the council's decision making on the Reserved Matters Application.

PUBLIC SECTOR EQUALITY DUTY (PSED) AND PAST PLANNING DECISIONS

Notwithstanding and without prejudice to the comments and observations of the Parish Council in the context of the Reserved Matters Application, I would convey the strong concerns of the Parish Council as to the council's past failures to give due regard and substance to the PSED in its planning decisions for the Development including the Outline Planning Permission and its conditions.

The PSED is a continuing statutory duty and one the Parish Council will strongly protect in ensuring it is not forgotten nor ignored in future planning decisions on the Development.

In particular, the Parish Council considers there are strong PSED issues concerning condition 22 (safe crossing over the A47) of the Outline Planning Permission. The Parish Council will closely monitor any decision (including highway works design approval decisions) under this condition to ensure the PSED is given due regard in substantive and not just form. The Parish Council would kindly request that it is consulted on any proposals before a decision is made under this condition 22.

Similarly, the Parish Council considers the council's planning decision for approval of details reserved by condition 33 (design code) of the Outline Planning Permission (granted on 16 December 2019) failed to give legal and factual substance to the PSED. There is certainly no evidence or statement in the decision of any due regard of the PSED having been given by the council in its decision making of

this condition. Accordingly, to the extent the design code is relevant to the decision making for the Reserved Matters Application it is strongly contended by the Parish Council that any planning weight for the design code should be assessed and therein diminished where it is incongruous to the council's PSED, and equality impact assessment, in its decision making (as set out in this letter).

Finally, please note that the Parish Council reserves, and will carefully review and continue to assess, all its rights to legally and administratively bring the council to account on past (and any future) failures of its PSED.

NORFOLK COUNTY COUNCIL

It is appreciated that some issues raised in this letter concern matters for which Norfolk County Council as local highway authority have commented upon and/or may wish to comment further upon as statutory consultee on the Reserved Matters Application. Accordingly, a copy of this letter has been forwarded to them.

I trust the above will be considered by the council in its planning decision on the Reserved Matters Application. Should you have any questions or wish to discuss further please do not hesitate to contact me.

Yours sincerely



Brendon Lee
Associate

CC: Major and Estate Development, Norfolk County Council
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Easton Parish Council

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Phil Courtier
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Date: 10/08/2020

Dear Phil,

While I was reviewing South Norfolk Planning Application 2020/0962. It would appear from initial enquiries some of your officers have not received enough guidance in relation to their Public Sector Equalities Duties in relation to conducting Equality Impact Assessment (EqIA) and as such are failing to consider fully the implications of the Equalities Act 2010 section 149.

I raise this issue in relation to the use of shared roads on new developments, while at present the Government has continued to allow their use in some circumstances they caveat this decision with the following statement '*While authorities need to ensure that all schemes are designed with the needs of different users in mind, and satisfy their obligations under the equalities legislation*'. (see attachment DFT Letter 28th September 2018)

South Norfolk in this case as decision maker must ensure that they have fully complied with PSED and undertaken EqIA's for all schemes that have shared space. In this instance it is argued that the term shared space includes all adoptable shared roads, including any private drives with public use visitor spaces.

Given that under the adopted Easton Neighbourhood Plan September 2018 Policy 10 all roads must be constructed to Norfolk County Council adoptable standards.

How will decision makers be able to consider a planning application without first conducting individual EqIA's on each section of affected road.?

It would not be suitable to just undertake a singular EqIA, as the typography and layout of each area may differ and as such each EqIA must be tailored to that individual area and conducted with rigour.

It should be noted that this is not an obligation on the applicant to provide and undertake, as EqIA's form part of South Norfolk Councils PSED under the Equalities Act 2010.

The responsibility to undertake them lays with the decision maker and are non-delegable. I raise the question of legality of the Design Code that was passed under planning application 2019/1963.

The decision makers did not have all the legally required information. I refer you to the case of *Buckley, R (on the application of) v Bath and North East Somerset Council & Anor* [2018] EWHC 1551 (Admin). This may also mean that the decisions made in the initial outline application 2014/2611 needs to be reviewed.

You may also wish to review all the other applications that have been approved in the past to ensure that PSED was complied with and that EqIA's were undertaken and fully documented within the South Norfolk area and possibly within the Broadland area as well.

We are in discussions with Norfolk County Council with regard to this matter and are looking at its PSED as a technical consultee and adopting authority.

For assistance in this matter, I lay out the following to consider:

Section 149(1) of the Equalities Act 2010 provides: "A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it." 5. The Act sets out 9 protected characteristics in section 4:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity

- Race
- Religion or belief
- Sex
- Sexual orientation

Each of these is a protected characteristic. However, in respect of certain aspects of the policy of the Act marriage and civil partnership status do not have the quality of a “relevant protected characteristic”

The Equality Act 2010 (the Act) defines a disabled person as being a person who has:-

“a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities”.

Some people will not have to meet the definition of disability as the Act classifies people with certain impairments as being automatically deemed disabled and thus protected by the Act.

The Act states that a person who has cancer, HIV infection or multiple sclerosis (MS) is a disabled person. This means people with such impairments are effectively covered from the point of diagnosis and do not need to show that the effects of the cancer, HIV infection or MS have a substantial and long-term adverse effect on their ability to carry out normal day to day activities.

The Act also states that a person who is certified as being blind, severely sight impaired or sight impaired or partially sighted by a consultant ophthalmologist is deemed to be a disabled person.

Section 149 imposes the duty on public authorities (which includes other bodies exercising public functions) to have “due regard” to the three aims set out in the section. This duty applies when the body is “exercising a function. The duty must be fulfilled not only when a body exercises a statutory function under a specific provision of law, but when exercising any discretion vested in it or when carrying out a common law obligation.

Performance of the duty must be an integral part of the formation of the decision and not merely justification for it. There must consequently be sufficient information to enable the necessary balancing exercise to be carried out and that information must be before the decision-maker.

In Elias v Secretary of State for Defence [\[2006\] 1 WLR 3213](#); [\[2006\] EWCA Civ 1293](#) at [274], equality duties are an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation.

In the leading case of *Brown v. Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin), the Court set out some general principles about the steps a public authority should take to comply with the Duty to give 'due regard' to the relevant equality needs.

These include that:

- a. When a public authority makes decisions that do or might affect an equality group, it must be made aware of its duty to have due regard to the equality goals in the Equality Duties. An incomplete or erroneous appreciation of these Duties will mean that 'due regard' has not been paid.
- b. The 'due regard' must be exercised with rigour and with an open mind. It is not a question of 'ticking boxes'. The Duty has to be integrated within the discharge of the public functions of the authority. It involves a conscious and deliberate approach to policy-making and needs to be thorough enough to show that 'due regard' has been paid before any decision is made.
- c. If the public authority has not specifically mentioned the relevant general Equality Duty when carrying out a particular function, this does not mean that the Duty to have 'due regard' has not been performed. However, it is good practice for the policy itself or the public authority to make reference to the Duty and any code or other non-statutory guidance. This will reduce the chance of someone successfully arguing that 'due regard' has not been paid to equality considerations. This is also likely to enable a public authority to ensure that factors relevant to equality are taken into account when developing a policy.
- d. It is good practice for public authorities to keep an adequate record showing that they had actually considered their Equality Duties and pondered relevant questions. Appropriate record-keeping encourages transparency and will discipline those carrying out the relevant function to undertake their Disability Equality Duties conscientiously. If records are not kept, it will be difficult, evidentially, for a public authority to persuade a court that it has fulfilled its general Equality Duty.

In the case of *Baker v Secretary of State for Communities and Local Government* [2009] PTSR 809 that the duty in question is not to achieve a result but to have due regard to the need to achieve the statutory goals. This distinction, said Dyson LJ, is "vital". And 'due' regard is that which "is appropriate in all the circumstances".

In the case of *R. (Boeyjo) v. Barnet LBC* [2009] EWHC 3261, Jarman J at paras 56-57 Giving due weight to the equality aims.

In the case of *Greenwich Community Law Centre v. Greenwich London Borough Council* [2012] EWCA Civ 496 there was an acceptance of the use of principles set out in *Brown*.

In the case of *Bracking v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345 the

LJ McCombe said (at para 26)

1. (1) As stated by Arden LJ in *R (Elias) v Secretary of State for Defence* [2006] 1 WLR 3213; [2006] EWCA Civ 1293 at [274], equality duties are an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation.

(2) An important evidential element in the demonstration of the discharge of the duty is the recording of the steps taken by the decision maker in seeking to meet the statutory requirements: *R (BAPIO Action Ltd) v Secretary of State for the Home Department* [2007] EWHC 199 (QB) (Stanley Burnton J (as he then was)).

(3) The relevant duty is upon the Minister or other decision maker personally. What matters is what he or she took into account and what he or she knew. Thus, the Minister or decision maker cannot be taken to know what his or her officials know or what may have been in the minds of officials in proffering their advice: *R (National Association of Health Stores) v Department of Health* [2005] EWCA Civ 154 at [26 – 27] per Sedley LJ.

(4) A Minister must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy and not merely as a "rearguard action", following a concluded decision: per Moses LJ, sitting as a Judge of the Administrative Court, in *Kaur & Shah v LB Ealing* [2008] EWHC 2062 (Admin) at [23 – 24].

(5) These and other points were reviewed by Aikens LJ, giving the judgment of the Divisional Court, in *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin), as follows:

i) The public authority decision maker must be aware of the duty to have "due regard" to the relevant matters;

ii) The duty must be fulfilled before and at the time when a particular policy is being considered;

iii) The duty must be "exercised in substance, with rigour, and with an open mind". It is not a question of "ticking boxes"; while there is no duty to make express reference to the regard paid to the relevant duty, reference to it and to the relevant criteria reduces the scope for argument;

iv) The duty is non-delegable; and

v) Is a continuing one.

vi) It is good practice for a decision maker to keep records demonstrating consideration of the duty.

(6) "[G]eneral regard to issues of equality is not the same as having specific regard, by way of conscious approach to the statutory criteria." (per Davis J (as he then was) in *R (Meany) v Harlow DC* [2009] EWHC 559 (Admin) at [84], approved in this court in *R (Bailey) v Brent LBC* [2011] EWCA Civ 1586 at [74-75].)

(7) Officials reporting to or advising Ministers/other public authority decision makers, on matters material to the discharge of the duty, must not merely tell the Minister/decision maker what he/she wants to hear but they have to be "rigorous in both enquiring and reporting to them": *R (Domb) v Hammersmith & Fulham LBC* [2009] EWCA Civ 941 at [79] per Sedley LJ.

(8) Finally, and with respect, it is I think, helpful to recall passages from the judgment of my Lord, Elias LJ, in *R (Hurley & Moore) v Secretary of State for Business, Innovation and Skills* [2012] EWHC 201 (Admin) (Divisional Court) as follows:

(i) At paragraphs [77-78]

"[77] Contrary to a submission advanced by Ms Mountfield, I do not accept that this means that it is for the court to determine whether appropriate weight has been given to the duty. Provided the court is satisfied that there has been a rigorous consideration of the duty, so that there is a proper appreciation of the potential impact of the decision on equality objectives and the desirability of promoting them, then as Dyson LJ in *Baker* (para [34]) made clear, it is for the decision maker to decide how much weight should be given to the various factors informing the decision.

[78] The concept of 'due regard' requires the court to ensure that there has been a proper and conscientious focus on the statutory criteria, but if that is done, the court cannot interfere with the decision simply because it would have given greater weight to the equality implications of the decision than did the decision maker. In short, the decision maker must be clear precisely what the equality implications are when he puts them in the balance, and he must recognise the desirability of achieving them, but ultimately it is for him to decide what weight they should be given in the light of all relevant factors. If Ms Mountfield's submissions on this point were correct, it would allow unelected judges to review on substantive merits grounds almost all aspects of public decision making."

(ii) At paragraphs [89-90]

"[89] It is also alleged that the PSED in this case involves a duty of inquiry. The submission is that the combination of the principles in *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1977] AC 1014 and the duty of due regard under the statute requires public authorities to be properly informed before taking a decision. If the relevant material is not available, there will be a duty to acquire it and this will frequently mean that some further consultation with appropriate groups is required. Ms Mountfield referred to the following passage from the judgment of Aikens LJ in *Brown* (para [85]):

'...the public authority concerned will, in our view, have to have due regard to the *need* to take steps to gather relevant information in order that it can properly take steps to take into account disabled persons' disabilities in the context of the particular function under consideration.'

[90] I respectfully agree....."

(at para 62) 'there is simply not the evidence ... to demonstrate to the court that a focussed regard was had to the potentially very grave impact upon

In the recent case of *Buckley, R (on the application of) v Bath and North East Somerset Council & Anor* [2018] EWHC 1551 (Admin) , the High Court quashed an outline planning permission as it was held that Bath & North East Somerset Council (the "Council") had not considered the impact on groups with protected characteristics, it further stated that the local authority failed to comply with their public sector equality duty.

The question was, did the local authority comply with the public sector equality duty imposed by section 149 of the Equality Act 2010?

To answer this question, the Court had to decide whether the local authority could demonstrate that it had had due regard to the impact of the proposed development on the elderly or disabled occupiers of units.

In this case the Court held that the local authority did not discharge their duty and as a consequence breached their statutory duty and the Outline Planning Permission was quashed. As a consequence of this decision, full considerations must be carried out and clearly demonstrated to the decision maker.

This decision highlights that local authorities must comply with their public sector equality duty when exercising its planning function.

It is hoped that a way forward can be found to resolve this issue as quickly as possible without the need to revert to the law for a resolution in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Milliken', with a long horizontal flourish extending to the right.

Peter Milliken
Chair Easton Parish Council

Persimmon Homes Planning Application 2020/0962

The comments below are the views, comments and objections expressed by Easton Parish Council in respect of the Planning Application (June 2020) presented by Persimmon Homes in planning application 2020/0962.

Easton Parish Council is unable to support this application as it fails to comply with several planning policies. We would ask that this application is **Deferred** permission until the matters listed have been addressed.

- ❖ A 1/5 of all properties on phase one are non-compliant with ENP 7.3 which is a loss of at least 1,260sqm of residential parking.
- ❖ Over a 1/4 of all properties on phase one are non-compliant with ENP 7.4.
- ❖ A 1/5 of all properties parking layouts may lead to neighbourhood disputes and lead to social disharmony. It has been calculated in the region of around 42%¹ of residents on this phase have the potential to be affected by parking disputes.
- ❖ Current density goes against ENP Policy 2 Preserve 'Village Feel', Policy 6.3 Housing & It's Setting and Policy 8 Housing Mix & Character.
- ❖ Housing Mix – mascaraing 4-bedroom homes as 3-bedroom homes – JCS Policy 4.
- ❖ Affordable homes and high-density areas have a disproportionate reduced number of visitor spaces. SNC Place Making Guide SPD 3.7.2.
- ❖ Bin blight continues to be a concern and needs to be designed out ENP 7.5
- ❖ Fear of Crime likely to affect 29% of the residents, due to poorly designed alleyways leading to the rear gardens of properties. Failure to meet ENP 6.6
- ❖ Shared roads have the potential to breach the Equalities Act 2010.
- ❖ Over 47% of plots are accessed from 'Shared Private Drives' – creating conflicts between pedestrians, cyclists and vehicles and failing to meet NPPF para.110.

We are surprised that the guidance for the development of phase 1 as set out in the Design Code that satisfied condition 33 of planning application 2014/2611 and approved in December 2019 under planning application 2019/1963 has not been fully adhered to.

A number of the technical reports have also raised concerns in the language used which at times is at best vague and where these reports have suggested further detailed investigations these have not been supplied to confirm the viability of this first phase of the development.

This planning application will have an enormous impact on the day-to-day lives of every resident of the village of Easton and will change the village for ever – this is why it is so important to get this right first time – there will not be another chance. It is a reminder that early engagement in pre-application is seen to have significant benefit as identified in the National Planning Policy Framework (NPPF).

Policy EAS 1 is the relevant site allocation policy concerning this reserve matters application. Within the requirements of EAS 1 (number 17) and the subsequent specific details stipulated in the Decision Notice of 2014/2611 (Condition 22) are not addressed as part of this application. We feel that Condition 22 needs to be satisfied to ensure that if this application is approved, its design is appropriate and suitable so that there is no mismatch in approval outcomes.

¹ Based on 2019 data suggesting the average UK household is 2
<https://www.statista.com/statistics/281627/households-in-the-united-kingdom-uk-by-size/>

The current application as it stands is at conflict with several policies within the Easton Neighbourhood Plan (ENP) especially in the area of allocated parking per dwelling Policy 7.3 and Policy 7.4.

This application also fails to comply with the Parking Standards for Norfolk Guide (2007) which states that '*garages will only be counted as car parking spaces where they are large enough to function as a car parking space and provide some domestic storage. It is considered that the minimum internal dimensions of a garage to fulfil these functions is 7.0m x 3.0m.*'

We feel that Persimmon Homes has attempted to undermine and mislead South Norfolk Council's Planning Department by providing misleading statements as to the number of bedrooms a property has. This in turn reflects on the minimum number of parking spaces needed per plot for compliance with policy 7.3 of the ENP. Which states the minimum number of parking spaces dependant on bedroom numbers.

As part of the review process, each house type was reviewed to understand the sizing of each garage and space for parking that is provided to each plot. We have identified each plot and if a conflict exists between ENP policy 7.3 and 7.4 of this application as well as potential neighbour parking dispute areas of concern.

We have provisionally accepted several properties subject to the comments being addressed otherwise we would regard them as not meeting policy requirements of the Local Plan.

The applicant has described several properties as having 3 bedrooms and a study for this application while elsewhere in the county the same properties with the same dimensions are marketed and sold as 4-bedroom homes. Each of these properties has the study on the 1st floor and are larger than the 3rd bedroom of bungalow type A88B. This would seem to be a very clear attempt at deception, in an attempt to circumvent ENP Policy 7.3.

We have attached the scale drawings and listed below the garages to illustrate why they do not conform with the Parking Standards for Norfolk Guide (2007) which supports our contention as to noncompliance with ENP 7.3. None of the listed garages provides the minimum length of 700 cm and a width of 300 cm, and as such cannot be regarded as providing a car parking space.

A single-detached garage described on this application has a usable length of 576.08 cm and a usable width of 268.56 cm.

A double detached garage described on this application has a usable length of 573.19 cm and a usable width of 280.10 cm. (left garage) and 270.00 cm (right garage)

A Downing house type has a garage with a usable length of 481.37 cm and a usable width of 255.39 cm. If an internal door is fitted the usable length of the garage reduces to 370.17 cm and a usable width of 178.95 cm due to door swing.

A Fenchurch house type has an internal double garage with a usable length of 501.21 cm and a usable width of 258.62 cm in each bay. If an internal door is fitted the usable length of the left side garage reduces due to door swing.

A Oxford house type has an internal double garage with a usable length of 586.59 cm and a usable width of 250.04 cm in each bay. The door leading through the garage to the plot rear reduces the usable length of the left side garage to a maximum of 509.21cm.

A Roseberry house type has a garage with a usable length of 480.79 cm and a usable width of 268.37 cm.

A Rufford house type has a garage with a usable length of 485.36 cm and a usable width of 238.18 cm.

A Strand house type has a garage with a usable length of 496.54 cm and a usable width of 264.63 cm. If an internal door is fitted the usable length of the garage reduces to 372.07 cm and a usable width of 186.82 cm due to door swing.

A Winstar house type has a garage with a usable length of 498.27 cm and a usable width of 274.41 cm. If an internal door is fitted the usable length of the garage reduces to 419.37 cm and a usable width of 204.09 cm due to door swing.

Pages 5 to 14 list each plot and our views on them concerning parking.

Garage locations

A number of the garages seem distant from the homes they should be associated with – poor design. This includes Plots **80 / 86 / 114 / 115 / 117 / 124 / 199**

Visitor Parking

We are pleased that visitor parking has been provided in some areas of the development we are however concerned at the lack of equality of distribution in which larger private ownership homes seem to have a much higher degree of visitor parking. While those living in affordable homes and high-density areas have a disproportionate reduced number of visitor spaces per dwelling compared to larger home types. The parish council is opposed to this form of social disconnect which promotes the divide between social-economic groups. This goes against ENP Policy 2 Preserve 'Village Feel', Policy 6 Housing & Its Setting, the lack of suitable visitor parking detracts from the principals of ensuring the village of Easton continues to look and feel like a semi-rural village while accepting new homes in the area.

Visitor spaces that are counted towards community accessible visitor spaces should not be positioned on private drives as this limits usability and may lead to conflicts between individuals. What are the rights of access to visitor spaces and who will maintain them?

Bin Storage

ENP policy 7.5 requires all properties are provided accessible screened storage space for refuse and recycling within the properties curtilage. EPC makes the following comments concerning this policy and its context with this application.

Bin blight continues to be a concern and needs to be designed out. While this application shows the general day to day storage areas within most rear gardens there is a concern that in several cases these bins will not be placed in their designated screened storage

areas and will be left at the front of properties due to the distance the designated areas are away from the front of the property.

Concerning the Refuse Plan EAS-PL04 Rev: A, a number of the bin collection points (BCP) are of concern as they may become unofficial parking or dumping areas. We are extremely concerned about BCP 18 which is on a private drive leading to six affordable designated rental properties and is positioned directly in front of Plot 140.

In line with policy 7.5, we would look for all BCP's to be screened and designed in a way as to stop motor vehicles from using them as stopping or longer-term parking area.

Issues with layout have resulted in a number of homeowners having a considerable distance to drag their bins to the BCPs. The largest distance is estimated at over 100 meters.

Listed below are some of the plots with drag distances in excess of 30 meters:

Plot	Drag Distance
45	50m
46	50m
47	40m
49	40m
91	40m
97	45m
114	50m
115	50m
182	50m
183	65m
184	75m
185	100m
186	100m plus
187	100m plus
278	40m
285	40m
286	40m

A number of BCPs are not located adjacent to adopted highways and are located on 'private' space, therefore expecting refuse collectors to leave highway to facilitate collections. Some of these BCPs seem some distance from the highway which will result in a refuse collector walking excessive distance with multiple bins (back and forth).

BPCs effected are: **3 / 5 / 6 / 7 / 8 / 10 / 11 / 12 / 13 / 14 / 16 / 33**

Number of bins in BCPs will be excessive – waste bin, recycling bin, food waste (Governments intension to introduce by 2023) and garden waste. SNC also allow 'side waste' to be collected – where are householders expected to put this.

The BCPs are going to look unsightly and spoil the street scene.

These BCPs are only required due to the extensive use of 'unadopted roads. If all roads were adopted - they are all required to be built to adoptable standard - then there would be no need for so many BCPs.

Plot	Type	Bedroom	Parking	Garage	EPC View	comments
1	Hatfield	3	2	1	Accept	
2	Hatfield	3	2	1	Accept	
3	Hatfield	3	2	1	Accept	
4	Hatfield	3	2	1	Accept	
5	Redcar	3	2	0	Accept	
6	Redcar	3	2	0	Accept Provisional	Concern pavement and verge parking
7	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
8	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
9	Hanbury	3	2	0	Accept	
10	Hanbury	3	2	0	Accept	
11	Hanbury	3	2	0	Accept	
12	Hanbury	3	2	0	Accept	
13	Hanbury	3	2	0	Accept	
14	Hanbury	3	2	0	Accept Provisional	Concern pavement and verge parking
15	A88B	3	2	1	Accept	
16	Banham	2	2	0	Accept	
17	Banham	2	2	0	Accept	
18	Banham	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
19	Banham	2	2	0	Not Acceptable	Entry-exit to parking bays on a bend non-compliance ENP Policy 7.4
20	A88B	3	2	1	Accept Provisional	concern entrance on a bend
21	A88B	3	2	1	Accept Provisional	
22	Clayton	3	2	1	Accept Provisional	Concern pavement and verge parking
23	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
24	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
25	Bungay	1	2	0	Accept	
26	Bungay	1	2	0	Accept	
27	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
28	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
29	Clayton	3	2	1	Accept Provisional	Concern pavement and verge parking Concern Bin storage becomes parking area if not fenced
30	Clayton	3	2	1	Accept Provisional	Concern pavement and verge parking Concern Bin storage becomes parking area if not fenced

31	Chedgrave	2	2	0	Accept	
32	Chedgrave	2	2	0	Accept	
33	Bungay	1	2	0	Accept	
34	Bungay	1	2	0	Accept	
35	Chedgrave	2	2	0	Accept	
36	Chedgrave	2	2	0	Accept	
37	Chedgrave	2	2	0	Accept	
38	Chedgrave	2	2	0	Accept Provisional	Concern pavement and verge parking
39	Clayton	3	2	1	Accept Provisional	Concern pavement and verge parking Concern Bin storage becomes parking area if not fenced
40	Rufford	3	2	0	Accept	
41	Coltishall	3	2	0	Accept	
42	Coltishall	3	2	0	Accept	
43	Coltishall	3	2	0	Accept	
44	Alnwick	2	2	0	Accept	
45	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
46	Clayton	3	2	2	Accept	
47	Bawburgh	3	2	0	Accept	
48	Alnwick	2	2	0	Accept	
49	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
50	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
51	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking Concern Bin storage becomes parking area if not fenced
52	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
53	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
54	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
55	Souter	3	2	0	Accept	
56	Bawburgh	3	2	0	Accept	
57	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
58	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
59	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
60	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
61	A88B	3	2	1	Accept	

62	Hanbury	3	2	0	Accept	
63	Clayton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
64	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking
65	Alnwick	2	2	0	Accept Provisional	Concern Plot 066 parking in front of the door
66	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
67	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
68	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
69	Hanbury	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
70	Hanbury	3	2	0	Accept Provisional	Concern Plot 069 parking in front of the property
71	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking
72	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
73	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
74	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
75	Souter	3	2	0	Accept	
76	Coltishall	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
77	Coltishall	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
78	Coltishall	3	2	0	Accept	
79	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking
80	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking
81	Rufford	3	2	0	Accept	
82	Hatfield	3	2	1	Accept	
83	Hatfield	3	2	1	Accept	
84	Alnwick	2	2	0	Accept	
85	Alnwick	2	2	0	Accept	
86	Hatfield	3	2	1	Accept Provisional	Concern pavement and verge parking
87	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
88	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
89	Clayton	3	2	1	Accept Provisional	Concern pavement and verge parking
90	Hanbury	3	2	0	Accept	Subject to boundary conformation Re ENP Policy 7.4
91	Hanbury	3	2	0	Accept	Subject to boundary conformation Re ENP Policy 7.4
92	Hanbury	3	2	0	Accept	Subject to boundary conformation Re ENP Policy 7.4

93	Rufford	3	2	1	Accept	
94	Rufford	3	2	1	Accept	
95	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
96	Moseley	3	2	0	Accept Provisional	Concern Plot 097 parking in front of property Possible neighbour disputes
97	Moseley	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 096 Possible neighbour disputes
98	Moseley	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 097 Possible neighbour disputes
99	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
100	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
101	Moseley	3	2	0	Accept	
102	Moseley	3	2	0	Accept	
103	Hanbury	3	2	0	Accept	
104	Clayton	3	2	0	Accept Provisional	Concern pavement and verge parking Concern parking bay to close to Plot 105
105	Winster	5	3	1	Accept Provisional	Concern parking bay from plot 104 to close to the property
106	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
107	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
108	Winster	5	3	1	Accept	
109	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
110	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
111	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
112	Winster	5	3	1	Accept	
113	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
114	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
115	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
116	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
117	Clayton	3	2	1	Accept Provisional	Concern parking on a shared surface
118	Clayton	3	3	1	Accept Provisional	Concern parking on a shared surface
119	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
120	Souter	3	2	0	Accept Provisional	Concern parking bay from plot 121 to close to property Possible neighbour disputes
121	Souter	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 120 Possible neighbour disputes
122	Souter	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 121 Possible neighbour disputes
123	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size

124	Clayton	3	2	1	Accept Provisional	Concern parking on shared surface Concern parking on the footpath
125	Rufford	3	2	1	Accept	
126	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
127	Oulton	1	1.5	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
128	Rufford	3	2	1	Accept	
129	Hatfield	3	2	1	Accept Provisional	Concern parking on a shared surface
130	Hatfield	3	2	1	Accept Provisional	Concern parking on a shared surface
131	Chedgrave	2	2	0	Accept Provisional	Concern plot 132 parking in front of property Possible neighbour disputes
132	Chedgrave	2	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 120 Possible neighbour disputes
133	Chedgrave	2	2	0	Accept	
134	Hanbury	3	2	0	Accept Provisional	Concern plot 135 parking in front of property Possible neighbour disputes
135	Hanbury	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 134 Possible neighbour disputes
136	Hanbury	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 135 Possible neighbour disputes
137	Hanbury	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 138 Possible neighbour disputes
138	Hanbury	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 139 Possible neighbour disputes
139	Hanbury	3	2	0	Accept Provisional	Concern plot 138 parking in front of property Possible neighbour disputes
140	Hatfield	3	2	1	Accept Provisional	Concern Bin storage area for HA housing close to front door Possible neighbour disputes
141	Coltishall	3	2	0	Accept Provisional	Concern plot 142 parking may lead to neighbour disputes
142	Coltishall	3	2	0	Accept	
143	Chedgrave	2	2	0	Accept	
144	Chedgrave	2	2	0	Accept	
145	Coltishall	3	2	0	Accept	
146	Coltishall	3	2	0	Accept	
147	Chedgrave	2	2	0	Accept	
148	Chedgrave	2	2	0	Accept	
149	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
150	Alnwick	2	2	0	Accept Provisional	Concern plot 151 parking in front of property Possible neighbour disputes
151	Alnwick	2	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 150 Possible neighbour disputes
152	Alnwick	2	2	0	Not Acceptable	Non-compliance ENP Policy 7.4 Concern parking in front of plot 151 Possible neighbour disputes
153	Roseberry	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
154	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size

155	Marlborough	5	4	2	Accept	
156	Strand	5	3	1	Accept	
157	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement parking
158	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
159	Strand	5	3	1	Accept	
160	Strand	5	3	1	Accept	
161	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
162	Whitehall	3	2	1	Accept Provisional	Concern pavement parking
163	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
164	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
165	Whitehall	3	2	1	Accept Provisional	Concern pavement parking
166	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement parking
167	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
168	Oxford	4	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
169	Oxford	4	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
170	Whitehall	3	2	1	Accept Provisional	Concern turning area for Plot 169 directly outside front door Possible Neighbour disputes
171	Strand	5	3	1	Accept	
172	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement parking
173	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement overhang
174	Strand	5	3	1	Accept Provisional	Concern Pavement overhang
175	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement overhang
176	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement parking
177	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
178	Whitehall	3	2	1	Accept Provisional	Concern verge parking
179	Whitehall	3	2	1	Accept Provisional	Concern verge parking
180	Mayfair	4	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
181	Marlborough	5	4	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
182	Fenchurch	5	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
183	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
184	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
185	Fenchurch	5	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking

186	Marlborough	5	4	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Possible neighbour disputes Plot 186
187	Oxford	4	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Possible neighbour disputes Plot 187
188	Marlborough	5	4	2	Accept Provisional	Concern pavement parking
189	Marlborough	5	4	2	Accept Provisional	Concern pavement parking
190	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
191	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
192	Oxford	4	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
193	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
194	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
195	Whitehall	3	3	1	Accept Provisional	Concern pavement, verge and drive parking
196	Mayfair	4	3	1	Accept Provisional	Concern pavement and drive parking
197	Fenchurch	5	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern Drive parking
198	Fenchurch	5	2	2	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
199	Whitehall	3	3	1	Accept Provisional	Concern pavement and drive parking
200	Strand	5	3	1	Accept	
201	Whitehall	3	2	1	Accept Provisional	Concern pavement parking
202	Whitehall	3	2	1	Accept Provisional	Concern pavement parking
203	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
204	Downing	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
205	Whitehall	3	2	1	Accept Provisional	Concern pavement parking
206	Whitehall	3	2	1	Accept Provisional	Concern verge parking
207	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
208	Whitehall	3	2	1	Accept Provisional	Concern verge parking
209	Whitehall	3	2	1	Accept Provisional	Concern verge parking
210	Mayfair	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
211	Hatfield	3	2	1	Accept Provisional	Concern pavement and drive parking
212	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
213	Alnwick	2	2	0	Accept Provisional	Concern plot 212 parking in front of property Possible neighbour disputes
214	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
215	Alnwick	2	2	0	Accept	
216	Redcar	3	2	0	Accept	Note on plan parking miss numbered

217	Redcar	3	2	0	Accept	
218	Alnwick	2	2	0	Accept Provisional	Concern plot 219 parking in front of property Possible neighbour disputes
219	Alnwick	2	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
220	Alnwick	2	2	0	Accept	
221	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
222	Hanbury	3	2	0	Accept	
223	Hanbury	3	2	0	Accept	
224	Hanbury	3	2	0	Accept	
225	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern verge parking
226	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size Concern pavement parking
227	Alnwick	2	2	0	Accept	
228	Alnwick	2	2	0	Accept	
229	Chedgrave	2	2	0	Accept Provisional	Concern plot 230 parking in front of property Possible neighbour disputes
230	Coltishall	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
231	Coltishall	3	2	0	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking for house size
232	Coltishall	3	2	0	Accept Provisional	Concern plot 231 parking in front of property Possible neighbour disputes
233	Loddon	4	3	0	Accept	
234	Loddon	4	3	0	Accept	
235	Coltishall	3	2	0	Accept Provisional	Concern plot 236 parking in front of property Possible neighbour disputes
236	Coltishall	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
237	Coltishall	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
238	Chedgrave	2	2	0	Accept Provisional	Concern plot 237 parking in front of property Possible neighbour disputes
239	Redcar	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
240	Redcar	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
241	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
242	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
243	Sutton	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
244	Souter	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
245	Redcar	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
246	Redcar	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
247	Oulton	1	2	0	Accept	

248	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
249	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
250	Alnwick	2	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
251	Alnwick	2	2	0	Accept Provisional	Concern plot 250 parking in front of property Possible neighbour disputes
252	Moseley	3	2	0	Accept Provisional	Concern Parking overhang on pavement
253	Moseley	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
254	Moseley	3	2	0	Not Acceptable	Concern parking provision not with in property boundary non-compliance ENP Policy 7.4
255	Moseley	3	2	0	Accept Provisional	Concern Parking overhang on pavement
256	Coltishall	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
257	Coltishall	3	2	0	Accept Provisional	Concern plot 256 parking in front of property Possible neighbour disputes
258	Hanbury	3	2	0	Accept Provisional	Concern pavement parking
259	Clayton	3	2	0	Accept Provisional	Concern pavement parking
260	Chedgrave	2	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
261	Chedgrave	2	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
262	Coltishall	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
263	Coltishall	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
264	Chedgrave	2	2	0	Accept Provisional	Concern plot 264 parking in front of property Possible neighbour disputes
265	Chedgrave	2	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
266	Chedgrave	2	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
267	Hanbury	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
268	Hanbury	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
269	Winster	5	3	1	Accept	
270	Souter	3	2	0	Accept Provisional	Concern plot 271 parking in front of property Possible neighbour disputes
271	Sutton	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
272	Sutton	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
273	Souter	3	2	0	Accept Provisional	Concern plot 272 parking in front of property Possible neighbour disputes
274	Chedworth	4	2	1	Not Acceptable	Non-compliance ENP Policy 7.3 failure to provide adequate parking Concern pavement and shared surface parking
275	Hatfield	3	2	1	Accept Provisional	Concern pavement and drive parking
276	Rufford	3	2	1	Accept	
277	Hanbury	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage
278	Hanbury	3	2	0	Accept Provisional	Confirmation required that parking is within property curtilage

279	Rufford	3	2	1	Accept	
280	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
281	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
282	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
283	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
284	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
285	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
286	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
287	Moseley	3	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
288	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
289	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
290	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
291	Oulton	1	2	0	Not Acceptable	Concern parking provision Neighbour disputes non-compliance ENP Policy 7.4
292	Hatfield	3	2	1	Accept Provisional	Concern pavement and drive parking

Highways

We could not find design layout for Pumping Station road junction with Dereham Road.

Street Hierarchy

Design Code (page 34) states “The development will be based on four street character types. Access is via a primary Green Spine road route through the site. **Secondary streets link to the Green Spine road at key junctions and lead to Lanes and Shared Private Drives.** The street types also will give the development character and identity and provide a sense of place.”

The third sentence of the statement within the Design Code demonstrates that ‘Secondary Streets’ – and only ‘Secondary Streets’ – link directly to the ‘Green Spine Road’ with ‘Secondary Streets’ lead to ‘Lanes’ and ‘Shared Private Drives’. Therefore, the Design Code is stipulating that ALL ‘Lanes’ and ‘Shared Private Drives’ are only accessed from ‘Secondary Streets’. This is not the layout illustrated PLANNING_LAYOUT_-_PHASE 1-6665263 which **FAILS** to comply to the agreed Design Code and requires amending.

Shared Roads

The Parish Council continues to have serious concerns regarding the use of shared roads on residential developments. At present, the government has halted their use in towns and city centres because of safety concerns.

The government has its concerns as to their continued use. In July 2018 following a report by the Women and Equalities Committee recommending a halt to shared-space schemes, which “are a source of concern to many disabled people across the country”. The government wrote to local authorities asking them to pause all such schemes.

Shared roads have continued in some areas, in May 2019 the minister for disabled people wrote to the housing secretary urging that urgent action is taken over this issue.

The president of the National Federation of the Blind UK, stated: “A pavement gives the opportunity for a blind person to access the local area knowing that they will not walk into moving traffic and this is as important in any housing estates as it is in any town or city centre.”

It is our understanding that Richard Bacon MP has also raised his concerns around shared roads on new housing developments with the chief planning officer for South Norfolk and Broadland District Councils and is in discussions with MHCLG concerning this matter.

On the 7th January 2020, the National Federation of the Blind UK (NFGUK) and 112 other organisations representing people with disabilities handed in a petition to 10 Downing Street calling for an end to shared-space roads on new developments.

National Planning Policy Framework (NPPF) gives significant weight to promoting safe communities (in section 8 of the NPPF). This is highlighted by the provision of paragraph 91, which states *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

a) street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.....

b) *are safe and accessible*.... through the use of clear and legible pedestrian routes.....

It is a failure of the planning system to continue to allow shared roads and is in our opinion a clear and blatant discrimination against disabled people and it has to stop.

This continued use of shared roads is a potential breach of the Equalities Act 2010 and breaches several Articles within the United Nations Convention on the Rights of Persons with Disabilities including but not limited to Article 4.1(a) and Article 9. 1.(a)

Share Private Drives: Code 3.9.

Share Private Drives are defined “as the most minor streets within the layout.” Sadly, this is not the case with a staggering to see 139 plots - over 47% of the total plots - are accessed from Share Private Drives.

All ‘shared private drives’ are required to be consulted to adoptable NCC Highways standard, as a requirement of ‘local planning policy’ (ENP Policy 10). No mention of the requirement is made in the Design Code Compliance Statement May 2020.

PLANNING_LAYOUT_-_PHASE 1-6665263 fails to identify the “Macadam – Private Drives” in the Hard Landscaping Key as being to “Adoptable Specification” unlike the Asphalt Roads and Footpaths

The key does identify Block Pave – Brindle will be construct to the required standard but only on ‘share surface roads’, NOT ‘share private drives’. (“* Where brindle block paving is used for shared surface roads, roads to be constructed to adoptable specification with block paved finish”)

The application requires amendment to demonstrate clearly that all shared private drives are constructed to NCC Highways adoptable standard.

Formal Play areas

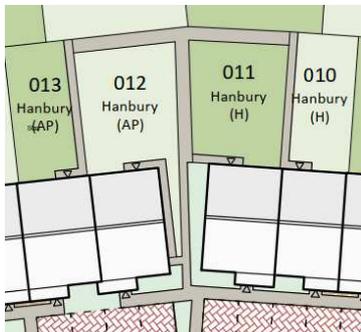
The Parish Council raises concerns to the positioning of visitor spaces next to LAP’s and would look for clarification on this matter given it was opposed on safety grounds concerning planning application 2019/1251. We note that the Police have also raised concerns within their additional comments dated 2nd July 2020.

It should be noted that the Parish Council will only adopt children’s play areas in which we have been involved in the design and our preferred supplier is used. The reason behind this is to ensure a single contractor can service and maintain all the play areas which provide a major cost saving to the parish. Our preferred supplier is a local company called Action Play and Leisure.

Designing out Crime

Further to the concerns raised by Norfolk Constabulary's Designing Out Crime Officer we firstly fully endorse the comments made and support the changes requested. Having reviewed the shared pathways on phase 1, we are very concerned that 85 properties on this phase have the potential to provide unnecessary recesses and casual access to rear of dwellings. In turn this has the potential to increase the fear of crime to 29% of the residents on phase 1.

The closest reminder of this type of design is from the Victorian terraces that are found throughout the country which leads to higher level of domestic dwelling crimes in such areas. Easton Parish Council request that in an effort to protect residents from potential crime wrought iron security gages are fitted with either centre key or code locks at the front build line of all properties that have a shared pathway to the rear of the property.



For ease we have listed all the plots likely to need this type of crime reduction measure. Plots **10, 11, 12, 13, 23, 24, 27, 28, 31, 32, 35, 36, 37, 38, 40, 41, 42, 49, 52, 53, 54, 57, 58, 59, 60, 72, 73, 74, 75, 76, 77, 91, 97, 98, 121, 122, 131, 132, 135, 136, 137, 138, 142, 143, 144, 145, 146, 147, 151, 152, 219, 220, 223, 224, 230, 231, 232, 235, 236, 237, 238, 247, 248, 249, 250, 251, 253, 254, 255, 256, 264, 265, 270, 271, 272, 280, 281, 282, 284, 285, 286, 287, 288**

We note the comments made by NPS Property Consultants Ltd on behalf of Norfolk Constabulary and look to understand further what infrastructure they are looking to have provided within the village to support this development.

2014/2611 Discharge of Conditions 31 & 32 Report

Page 7 s3.6 does not identify the 10m buffer zone on phase 1. All buffer zones should be created in advance of any development and at least 2 years before the building of any new homes within 30m of the edge of the buffer zone. The reason for this is to ensure ENP Policy 9 Privacy of Existing Homes is fully implemented.

Should the applicant wish to build within this area before the privacy buffer is established we would ask that a condition is set in which they must erect a 1.8m high close board fence utilising concrete posts and concrete gravel boards, along the inside edge of their buffer boundary zone before any work on site is undertaken within that area to respect the privacy of existing residents.

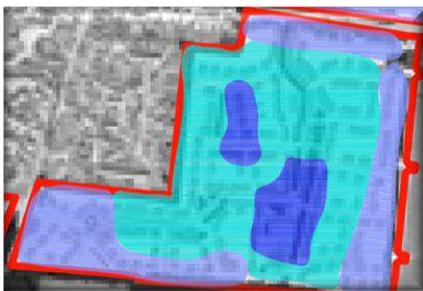
We would further require an undertaking that anyone employed or sub-contracting within this area should not at any time be allowed to remove their tops while on-site and speak in an offence manner that may be overheard by the existing residents.

Density

The creation of larger and denser area is not acceptable. The principle of smaller and more distributed denser areas should be reverted to.

The current application has diverged from the agreed Design Code 2019. It is felt that this revised density places too much emphasis in one main area rather than spread within the totality of this phase of the development. This places it at odds with ENP Policy 2 Preserve 'Village Feel', Policy 6.3 Housing & It's Setting and Policy 8 Housing Mix & Character.

Design code 3.3. Principles agreed in Design Code of (as originally proposed) 'as opposed to in smaller more distributed sectors.' have been disregarded. As a result, the densities no longer follow the principles of the Design Code.



Original agreed density 2014



Design Code 2019



Current application

While the Parish Council accepts, they do not have the same level of technical knowledge as experts in a given field, we make the following comments based on local knowledge and understanding of our area.

Layout

A number of plots including but not limited to 167, 169 and 187 have their frontage dominated by gable end walls a path width away. This is going to cause extensive shadowing, block light and effect the wellbeing of the residents of these properties.

Noise

While we accept in principle the limited report prepared by Adrian James Acoustics Limited as to possible noise generated by the music festivals at the Royal Norfolk Show Ground (RNSG). We have concerns that unless noise reduction measures are implemented on the boundary treatment between Phase 1 and the RNSG any new residents may suffer noise blight. We understand that Adrian Nicholas, Senior Community Protection Officer was consulted as to noise levels. We would request that a time-limited condition is set on this application that will require the applicant to provide suitable noise protection measures if residents are unduly affected by the noise generated from the RNSG, this is to safeguard residents rights to a private and family life and those of the RNSG to conduct their business. We would suggest the condition is in place for 10 years from completion of phase 1 of the development, it should be monitored by SNC and the costs of such monitoring should be borne by the applicant of this planning application

Surface & Foul water Reserve Matters Supporting Documents Phase One Land at Easton prepared by Richard Jackson Engineering Consultants 20 March 2020.

We have a concern that the suggestion within the report looks under section 2.12 for NCC Highways to adopt the swales and for Anglia Water to adopt the basins. This will leave the village in a position that should things go wrong, the residents are faced with the prospect of dealing with large bureaucratic entities.

As a parish council, we would look to see that they are maintained by a management company and the costs recovered from the residents of this development rather than having further burden placed upon the limited public purse.

It should also be noted that the SuDs Maintenance Plan is at odds with NCC Highways maintenance policies as they will only provide very limited cuts per year and have stated they will not clear litter from them.

It is clear from the report that parts of the site have serious issues concerning infiltration which is most likely due to large clay pockets which are found in many areas of the village at a variety of depths.

We refer to the Geosphere Environmental Report 4444, GI/GROUND/AH, LF, TP/30-1-20/V1 which is buried within the Richard Jackson Engineering report starting page 78.

The Executive summary, when read in conjunction with the rest of the report, highlights several concerns: in that Test Pit 08 and Test Pit 09 failed the infiltration tests, we refer to our comments on clay pockets above.

We understand that it is suggested prudent to undertake further investigations on-site and we would look to ensure that the LLFA is rigorous in its review of the drainage reports and ensure that all necessary investigation is completed before this application is considered.

We highlight the following additional issues within this report;

- Page 9. 2.2.2 Risk studies need to be assessed as a well existed to the East of the burial pit and was capped for fear of contamination in the 1960ies
- Page 10. 2.3 highlights the need to also conduct further ground gas monitoring.
- Page 9. 4.1 Concern is raised by the use of the wording Budgetary constraints it would seem the applicant has limited the scope of the investigation limiting the thoroughness of their findings.
- Page 9. 7.1.4 We note no investigations have been conducted on the phase 5 site and we would suggest that as the foul water pumping station area should be regarded to form part of the phase 1 investigations.
- Page 21. 8.1 due to the current findings within this report more details are needed to ensure vertical loads are safe within each area of the build.

We also note the concerns raised by the Environment Agency in their response to this application which also highlights the lack of detailed ground investigations.

- Surface & Foul Water Reserve Matters Supporting Documents states (section 2.5) “...foul water sewer connection would need to be investigated further.”
- This needs to be reappraised, with actual known connection numbers.

The supporting documentation shows the soil and infiltration testing is incomplete and requires further testing to the original target depths of 4 meters, which has not been completed. Without this robust testing how can there be any confidence in the drainage strategy for the proposed development.

- The trial pits only went to a maximum depth of 2 meters.
- The boreholes reached a maximum depth of only 1.6 meters with one only managing to reach 0.7 meters in depth.

Local knowledge of the area has previously raised the issue of clay belts and the failure of water to infiltrate the clay belt, this results in the surface water flooding.

Due to the depth of the infiltration basins, these should all be fenced off from the public due to safety concerns. The land they are on does not count towards public open space. It needs to be proven that these basins do not hold water even for short periods. A concern is that they are designed to hold water at a depth greater than 1 m and have a total depth of between 1.6m and 1.8m below ground surface level.

Only once it can be proven that they do not hold water should they be allowed to count as public open space. We would look to the LLFA to guarantee that they will not hold water at any time, with water draining through the surface layer with limited to no delay even under extreme conditions.

Swales

As a surface water drainage solution, Swales are not the favoured approach of the Local Planning Authority. An open ‘sewer’ in which will collect litter and discarded bags of ‘dog excrement’. A swale will require frequent maintenance and cleaning to remain serviceable – who is going to undertake and pay for this work?

Already reported as part of this application is the recommendation of the consultant expert employed by Persimmon Homes (see page 25) that “..... **did not conform to the requirements of the guidance and therefore it is not recommended that soakaways are adopted within these areas.**”

A number of the Swales are located with ‘Private Drives’. This presents a number of issues to resolve.

- How will Highways access (separate Section 38 agreements with each homeowner)? – unlikely.
- Will NCC Highways adopt the ‘Private Drive’ element that crosses each swale? – unlikely.

- Who takes responsibility for the bridges over the swale or tunnels under the 'Private Drive'? – unknown!

Locations effected include areas close to plots **25 / 26 / 51 / 63 / 281**

We would look for all swales to be proven not to hold water even in a 1 in a 100-year event, together with an established management plan undertaken which ensures weekly litter and debris clearance of the swales.

We would look to the LLFA to guarantee that they will not hold water at any time, with water draining through the surface layer with limited to no delay even under extreme conditions.

Document	Recommendation	Finding	Comment
<p>Surface & Foul Water Reserve Matters Supporting Documents.</p> <p>Project no: 49120 Rev A</p> <p>Dated: 20/03/2020</p>	<p>The conclusions were that the site was suitable for residential development, that a reduced flow is likely to be needed off the site to greenfield runoff to an Anglian Water sewer or a watercourse to the south of the site which flowed into the River Yare, and that attenuation will be needed on site.</p> <p>SuDS Maintenance Plan.</p>	<p>It indicated that connection to the surface water manholes ref 8552 and 8452 at a rate of 9.5L/s maximum were acceptable and that the foul water sewer connection would need to be investigated further.</p> <p>Maintenance of the second category (for example shared permeable pavements/soakaways and highway gullies, swales) in this case will be the landowner, property owner(s) or the highway authority for associated highway drainage.</p>	<p>Further clarity and appraisal should be undertaken.</p> <p>Maintenance Plan for Swales required, to include cutting, litter clearing, etc...</p>
<p>Pre-Planning Assessment Report LAND AT EASTON 147824/903865930/6/0059850 (Appendix C)</p> <p>Dated: 26/06/2019</p>	<p>Should your assumptions or evidence change then an alternative solution, connection point or flow rate may be required.</p> <p>You are therefore advised to update Anglian Water with the</p>	<p>Outlines process, easement required for all 1,000 homes, water recycling services, surface water disposal, budget costs – fixed and variable – and connection points.</p> <p>Summarised in section 2.5 In terms of the surface water and</p>	<p>The Anglian Water Report is generic and covers all 1,000 homes (all of EAS1 allocation) over a 12-year build schedule.</p>

Document	Recommendation	Finding	Comment
	<p>key supporting evidence at your earliest convenience.</p>	<p>foul water disposal, a preplanning report for the discharge from the site was prepared by Anglian Water dated 26 June 2019, referenced Land at Easton, reference number 147824/903865930/6/0059850.</p> <p>It indicated that connection to the surface water manholes ref 8552 and 8452 at a rate of 9.5L/s maximum were acceptable and that the foul water sewer connection would need to be investigated further.</p>	
<p>Land at Easton – 49120 – Foul Water Proposals – AW Correspondence Dated: 18/03/2020</p>	<p>Detailing acceptable water connections for Phase 1.</p>	<p>Connection details;-</p> <p>Phase 1(North) for 247 units, along with 96 units from Phase 5 (East), connecting at manhole TG1410 0801 (NGR TG1405910855) on Dereham Road.</p> <p>Phase 1(West) for 47 units connecting at a new manhole downstream of manhole TG1310 9601 (NGR TG1397710601) on Bawburgh Road.</p>	<p>The ‘AW Correspondence’ confirms limitations to connecting at manhole TG1410 0801 (NGR TG1405910855) on Dereham Road, although does not seem to consider the additional 64 dwellings that will be connected to this manhole in application 20191251.</p> <p>This needs to be reappraised, with Anglian Water’s support, with all the facts and actual connection numbers.</p>

Document	Recommendation	Finding	Comment
<p>Geosphere Environmental Ltd Surface & Foul Water Reserve Matters Supporting Documents (Appendix F)</p> <p>Dated: 20/01/2020</p>	<p>....it would be prudent to undertake further investigation to obtain more data on the soils at depth. This is likely to comprise either Light Cable Percussion Boreholes to provide strength data at depth and/or trial pitting to depths of at least 4.0m bgl to prove the consistency in the soils across the site.</p> <p>Considering the above, it would be prudent to undertake further investigation to obtain more data on the soils at depth. This is likely to comprise either Light Cable Percussion Boreholes to provide strength data at depth and/or trial pitting to depths of at least 4.0m bgl to prove the consistency in the soils across the site.</p>	<p>However, as mentioned previously, soil strength data was obtained to a maximum depth of 1.45m bgl only due to drilling refusals and therefore soil strength and characteristics below this depth are not known.</p> <p>Although the above NABP (Nett Allowable Bearing Pressure) are considered suitable based upon the results of in situ strength testing, it is noted that the windowless sampler boreholes did not achieve the target depth of four meters due to the density of the soils and subsequent refusals. Whilst dense soils are considered advantageous for the proposed foundation design, the soil conditions at greater depths could not be assessed and therefore it is not known whether looser soils exist at depth.</p>	<p>Data incomplete and testing FAILED to carry out to target depth of 4m.</p> <p>The trial pits only went to a maximum depth of 2 meters, with the Windowless Sample boreholes only reaching a maximum of 1.6 meters while one only managing to reach 0.7 meters in depth.</p> <p>Soil consistency is unknown. More testing and analysis is required and recommended by the consultants employed by Persimmon Homes.</p>

Document	Recommendation	Finding	Comment
<p>Geosphere Environmental Ltd Surface & Foul Water Reserve Matters Supporting Documents (Appendix F)</p> <p>Dated: 20/01/2020</p>	<p>It is therefore considered that soakaways are designed to infiltration values representative of the areas in which they are to be installed. Elsewhere on the site (TP08 and TP09), infiltration was not recorded to be appreciable or did not conform to the requirements of the guidance and therefore it is not recommended that soakaways are adopted within these areas."</p>	<p>Based upon the results of the infiltration testing, it is clear that infiltration within all test locations (with the exception of TP08 and TP09) was appreciable, with infiltration rates ranging between 9.05x10⁻⁰⁵ m/s and 6.33x10⁻⁰⁷ m/s.</p> <p>TP08 is within the proposed housing development area for house construction.</p> <p>TP09 is located on the proposed route of the swale.</p>	<p>It should be necessary to robustly demonstrate that the infiltration levels meet required standard.</p> <p>If the consultants employed to test and provide supporting evidence were unable to do so then more work is required to satisfy the condition.</p> <p>As the consultant is NOT recommending adoption how can it be appropriate to build homes?</p> <p>This raises the serious question of the effectiveness of the 'swale' system as part of the sites drainage strategy.</p> <p>Much more work is required to being confidence</p>