

Planning Committee

Agenda

Date

Wednesday 23 January 2019

Members of the Planning Committee

Miss S Lawn
(Chairman)

Mr D B Willmott
(Vice Chairman)

Mr A D Adams
Mr G Everett
Mr R F Grady
Mrs L H Hemsall
Mr R J Knowles

Mr K G Leggett MBE
Mr A M Mallett
Mrs B H Rix
Mr J M Ward

Time

9.30am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Substitutes

Conservative

Mrs C H Bannock
Mr R R Foulger
Mrs T M Mancini-Boyle*
Mr I N Moncur
Mr G K Nurden
Mr M D Snowling MBE
Mrs K A Vincent
Mr S A Vincent
Mr D C Ward

Liberal Democrat

Mr S Riley

Contact

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@BDCCDemServices

*not met training requirement so ineligible to serve

If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Area Planning Manager, Head of Planning or the Head of Democratic Services & Monitoring Officer prior to the meeting.

The Openness of Local Government Bodies Regulations 2014

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**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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- | | | |
|----------|--|----------------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 9 January 2019</u> | 52 – 95 |
| 4 | Matters arising therefrom (if any) | |
| 5 | <u>Application No: 20181294 – Milling tower building and 6 no. storage hopper silos for food processing and production at Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham, NR9 5BU</u> | 3 – 50 |

Please Note: In the event that the Committee has not completed its business by 1.00pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

Trevor Holden
Managing Director

Copies of the applications and any supporting documents, third party representations and views of consultees are available for inspection in the planning control section.



Application No: 20181294
Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham

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Scale:
1:5000
Date:
26-Sep-18



AREA West
PARISH Honingham

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APPLICATION NO: [20181294](#) **TG REF:** 611834 / 310324
LOCATION OF SITE Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham, NR9 5BU
DESCRIPTION OF DEVELOPMENT Milling tower building and 6 no. storage hopper silos for food processing and production
APPLICANT Condimentum Ltd
AGENT Lanpro Services Ltd

Reason at Committee: At the request of the Head of Planning

Summary of decision: Approve subject to conditions

1 INTRODUCTION

- 1.1 At its meeting on 3 October 2018, the Planning Committee considered this planning application and agreed to delegate authority to the Head of Planning to approve it subject to no new material issues being raised before the expiration of the consultation period, subject to conditions. It was decided, in consultation with the Head of Planning, the Portfolio Holder for Planning and the Chairman and Vice-Chairman of the Planning Committee that the further comments received did not constitute new material issues and on 30 October 2018 the planning permission was issued.
- 1.2 A Judicial Review of that decision and the other two Planning Committee resolutions from that same meeting associated with the Food Enterprise Zone was submitted and the Council has resolved to submit to judgement and it is anticipated that planning permission ref: 20181294 will be quashed by order of the Court. Once the planning permission is quashed the planning application remains to be determined and this report brings together the relevant comments received, the issues to be assessed in the determination of the planning application, including an assessment of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2 THE PROPOSAL

- 2.1 The application seeks full planning permission for a milling tower building which measures 20m in length, 15.4m in width and 20m in height, in addition 6 no: storage hopper silos are proposed which are each 10m in height, but the gantries and associated equipment are up to 14.6m in height positioned to the side of the milling building. The application site is 46m x 19.5m (897m²).
- 2.2 The milling building and silos are proposed to be located to the south east corner of the site that had been designated under a Local Development Order (LDO) as a Food Enterprise Zone (FEZ) in proximity to the proposed vehicular access into the FEZ and are aligned roughly parallel to Red Barn Lane, set behind the existing roadside trees. The proposals which are seeking planning permission form part of a wider development by the applicants for a processing plant for mustard and mint together with an external storage area. The details of the processing building and storage area have been considered under the parameters and conditions of the LDO and have been granted. This sets, amongst other matters, an upper height limit for the LDO development at 10m and as the milling building and part of the storage hopper silos exceed that height, they require planning permission.
- 2.3 It is anticipated that the proposed milling building together with the associated processing building on this plot will generate the following vehicular movements:
- 6 HGV movements (3 in/3 out) per week through the year for mustard transportation
 - 6 HGV movements (3 in/3 out) during the harvest period June – September for mint transportation, with some additional tractor / trailer movements during the harvest
 - 25 employees.
- 2.4 The proposed external materials of the mill building will be aluminium cladding finished in matt green up to 10m in height, above 10m the finish will be a 'green colourway', which will graduate from matt green to white at the top of the building.
- 2.5 There are no landscaping proposals within the application site although the wider plot including the processing building will be grassed around the boundaries. A wider strategic landscaping scheme for the entire FEZ will be submitted to comply with the requirements of condition 2.27 of the LDO.
- 2.6 The applicant, Condimentum Ltd is a grower consortium that farms 50,000 acres of land throughout Norfolk extending into the Fens corridor. The consortium will supply Unilever with mustard flour and mint for food production in the Midlands under the Colman's of Norfolk brand. The site will be in

operation 24 hours a day although deliveries of raw materials and dispatch of finished product will be during daytime hours.

- 2.7 An Environmental Statement has been submitted to support the proposals including a Landscape and Visual Impact Assessment, together with a Supplementary Assessment of the impact of the proposals on the listed churches being St Andrews Church, Honingham and the Church of St Peters, Easton.

3 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF), Planning Practice Guidance and other material considerations.
- An assessment of the proposals against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Whether the proposed development results in a significant detrimental impact upon the character and appearance of the surrounding area, heritage assets, residential amenity and highway issues.

4 CONSULTATIONS

Parish Councils:

- 4.1 Honingham:

Object on the following grounds:

The height of the proposed milling tower is 20m, this is double the approved height set for the LDO of 10m (condition 2.22). Should this application be allowed, then a precedent would be set for all future applications thus negating the height restriction of 10m. This height condition had been set because the development area is geographically situated on a ridge and therefore the visual impact on the landscape is huge.

We understand that the cladding to be used is matt green powder coated aluminium (Environmental Statement Volume 1 point 2.2.12) which we believe to be insufficient in reducing the impacts of any associated noise and smell from the manufacturing process. We are also concerned about the containment of flour dust from the milling process and of this getting into the surrounding environment. Additionally we are concerned that the cladding may not provide sufficient protection should a fire break out. At the presentation Condimentum Ltd confirmed that mustard seed has a far higher

oil content than other grains indicating that this would suppress dust emissions. However we would seek to gain assurances that this in turn would not then increase the risk of fire and what systems are in place to contain any potential fire risk.

The village of Honingham is regularly used as a rat run and we do not believe there is significant evidence of the potential impact of traffic on the village and how this will be managed. Included in this are concerns that the additional cars travelling through the area from those employed to work at the site will utilise Honingham as a route to work, therefore increasing traffic problems already experienced in the village. Condimentum Ltd confirmed on 10 September that their business plan included increasing staff over 3-5 years from the initial 25 to 40 which would continue to contribute towards the traffic problem in Honingham.

The A47, the Easton roundabout and both Blind Lane and Taverham Road are already congested on a daily basis with regular problems and queues occurring on the local road network. We do not believe that access to the site is currently appropriate and that little consideration has been given to those living in the area and the impact increased traffic will have.

The application does not appear to have taken into account the accumulative affect, such as the proposal for a large number of new houses in Easton, close to the proposed site. The potential pollution from noise, light, smell and dust emissions could have a detrimental effect on the local area. We would expect that this would increase over 3-5 years in line with the business plan presented on 10 September and that the future impact of this growth has not been taken into consideration.

We wish for these concerns to be taken into account and given fair consideration during the application process.

4.2 Easton:

Object until such time as all the outstanding matters raised have been satisfactory answered. We further request that this planning matter remains under the decision making powers of the planning committee until all outstanding questions have been answered and the consultation period is closed.

We contend that within any consultation there is an established legitimate expectation information provided must be meaningful and give the consultee the full opportunity to respond in an informed manner. I refer you to *R v N E Devon HA ex p Coughlan* [2001] QB 213. At [108]

Under the doctrine of legitimate expectation we would expect that all meaningful information is supplied so as to allow a consultee the full

opportunity to respond in an informed manner. I refer you to R. v. Inland Revenue Commissioners, ex parte M.F.K. Underwriting Agents Ltd. (1989) [1990] 1 W.L.R. 1545 at 1569–1570, High Court (Queen's Bench) (England & Wales)

The following questions remain unanswered:

1. Does Broadland agree that the application details for the creation of 25 jobs are incorrect against the “development” of 896m² for the tower and silos?
2. Can this separate application rely on the permitted food related uses of the LDO or does the applicant need to establish this against the Council's Development Management Plan?
3. What are the implications of the precedents for the remainder of the LDO site in allowing 20m high buildings within his defined area?
4. If Broadland confirms that reliance on the LDO for site usage is acceptable [Q2 above], does the change of the height restriction, which was approved by full Council, need to be referred back to it for consideration?
5. Both the LDO and the Condimentum sites are forecast to have an economic benefit for the county. How will Broadland verify these unsubstantiated assertions noting that public money is required to make both viable? Is Broadland aware that Condimentum is applying to NALEP for financial assistance and that NALEP has already confirmed that it has agreed funding to Honingham Thorpe Farms for LDO infrastructure (see Board papers for September 2018)?
6. Is Broadland aware that within the Environmental Statement – Volume 2 s1.6.4 that a number of the statements made in relation to 20m issues on alternative sites which were considered are misleading?

Note: At a public meeting in Honingham on 10 September a representative of Condimentum Ltd admitted that no formal enquiries had been made about height for these other sites.

7. The statement of the site at Snetterton discounted because of travel times from the farms growing mint is questionable, again indicating a biased statement of alternatives considered.

Note: At the public meeting in Honingham on 10 September Mr Bond, a mint grower, stated that travel time had to be within 2 hours and not the 1.5 hours stated in within the Environmental Statement – Volume 2 s1.6.3?

Note: Our research shows the following data which suggests that the statement and location options may not have been considered with the rigour required under current regulations. Travel distances and speeds to achieve 1½ hour limitation:

Whissonsett to Snetterton 30.4 miles average speed 20.26 mph

Kirby Bedon to Snetterton 29.3 miles average speed 19.53 mph

Blofield to Snetterton 36 miles 24 mph

Stokesby to Snetterton 38 mile 25.33 mph (using mid distance route)

8. As noted above, an EIA accompanies the application relating to changes in landscaping issues only, relying on the Screening Opinion within the LDO for all other environmental issues. The scope of the development has changed since the May 2017 Screening Opinion as demonstrated by 100 acre Food Enterprise Park development actively marketed by the developer. Please confirm whether you have taken legal advice on whether this can be treated as an amendment to the 2014 EIA Regulations or whether a complete new Screening Opinion under the 2017 Regulations needs to be determined?

9. The environmental statement also anticipates a screening statement related to the Habitat Regulations. Can you confirm the Council's intention to prepare an HRA screening?

10. We are concerned that if the exception is granted for the Milling Plant it will set a precedent for other exceptions on the remainder of the LDO. Is there a mechanism by which this can be prevented?

11. Concerned that condition 2.16 would not be suitable as a sole means of controlling noise levels. Condition 2.16 has a single measurement for the total site development measured at the southwest corner of the site and does not seem to take account of noise travel at height. This position is upwind of the village of Easton and as such offers no protection against noise travel via the prevailing wind direction from this development to the east of the LDO. Currently residential properties are about 800m from the proposed site with limited to no natural noise screening barriers. Under South Norfolk Planning Application 2014/2611 the new residential dwellings will be within 500m of the proposed milling tower. We have requested that there is a need for a new noise survey of this planning proposal which combines all process that will take place on complete site that is utilising this 20m high milling tower and the cumulative effect of other occupiers. What has been done in relation to obtaining a new noise survey?

12. Concerns about condition 2.17 and 2.18 as Easton is in the direct line of the prevailing wind. What is being suggested to deal with the issue of odour and dust from the plant?

13. The visual survey has shown that the tower is clad in a way as to blend into the landscape. However, on the plans it is shown in single colour green. Please confirm which is the correct colour for this proposal?

14. When the Local Development Order for this site was drafted and implemented by Broadland) a number of provisions were adopted so as to minimise any likely visual impact would have on the local area. A key element of this was the setting of a maximum roof height of 10m. The current proposal is in contravention of section 2.22 of the LDO. We would also draw to your attention Policy 1 Heritage Protection which forms part of the adopted Easton Neighbourhood Plan (ENP), the proposed application site is only 800m direct line of sight away from the Grade 1 Listed Church of St Peter. The proposed site is situated on a plateau at approximately 48m above sea level on open flat arable land. This proposal would potentially lead to degradation in the setting of the Church of St Peter and as such is contrary to ENP Policy 1. The developer has not provided any satisfactory evidence to prove that this is not the case and does not seem to have considered Policy 4 of the ENP which requires development proposals in the immediate vicinity of the Church should demonstrate that they have been designed so that they do not generate substantial harm to the setting of the building. Development proposals should ensure that their arrangement of open space and landscaping are designed in a fashion that would protect and enhance the setting of the Church. We note that Historic England have also raised concerns and requested further information on the visual impact in their letter of the 31 August 2018. Have these concerns been raised with the applicant and once new information is forthcoming will a further consultation period be entered into?

4.3 Marlingford & Colton:

Wish to clarify that a joint response with Easton Parish Council which raised a list of questions was submitted and in addition the Parish Council request that the exit from the food hub be left turn only.

Broadland District Council:

4.4 Environmental Health Officer:

Original comments:

So far as noise is concerned I think the most logical move would be to ensure that the development does not exceed the condition requirements in the LDO at 2.16. The milling tower will emit noise as will overhead conveyors and this can be mitigated by good design but the noise consultant must ensure that 2.16 conditions are complied with and leave headroom for the rest of the development so you would think that a high level of attenuation will be required.

I have had no experience of odour from these processes but am aware that even 'pleasant odours' give rise to complaints if the intensity and duration are high. LDO condition 2.17 is what we have however and it would seem again logical to use this condition. There are 3 houses that I could see and they are some distance away and not in the direction of the prevailing wind.

LDO condition 2.18 is concerned with dust and the proposals give an opportunity to review how the development controls dust effectively. In practice I would imagine that dust control could be achieved by using bag filters that emit to the internal atmosphere of the mill. I would welcome confirmation of the dust control strategy for the complete proposal including the LDO part.

In addition could you please remind the applicants that combustion processes may require chimney height approval depending on fuel and combustion rate? In addition if they intend to use a private water supply it needs its borehole siting, design and construction together with sampling approved before use commences. We would be happy to discuss any matters directly with the developers.

Comments on further details:

Based on the further details provided in respect of the processes involved in the storage and milling of mustard I would suggest that a condition is imposed in respect of dust control measures which go beyond the scope of LDO condition 2.18. I confirm that the wording of the emissions condition of the LDO can be re-imposed. I would like to review the noise condition requirements and will confirm my advice in due course.

Further comment on noise aspects:

Request that a condition is imposed to set a 10dB factor to be subtracted from the permitted LDO noise condition no: 2.16 as set out in the draft noise report for the applicant. In addition a noise contour for each of the parameters set in table 1 of the LDO noise condition should be included, extending at least 800m from all site boundaries.

4.5 Conservation Officer (Arboriculture & Landscape):

- A comprehensive Landscape & Visual Impact Assessment has been provided to help establish the potential impacts the proposed development would have on the site and wider landscape.
- It has been assessed that the sensitivity of the landscape to development is high, with the most sensitive characteristics being the open skyline of the ridgeline to the west of Easton, the setting of St Andrews Church and the diverse topography containing mature woodland blocks.

- The impact on residential properties is assessed to be negligible or nil.
- Cumulative impacts include, the character of the immediate landscape will change significantly due to the tall and noticeable buildings, with the visual impact assessed as negligible to major adverse.
- The visual assessment has included nine viewpoints to demonstrate the key views and vistas; with photographs to demonstrate the visibility of the development and to assign a level of magnitude and nature of visual impact; before and after the establishment of mitigation plantings.
- View point two, looking north-westwards from Easton is shown to have a magnitude of major with the nature of the visual impact before and after planting of major adverse.
- View point six, looking north-east from Marlingford Road is shown to have a magnitude of major with the nature of the visual impact considered major adverse, changing to minor neutral following the successful establishment of planting to maturity.
- The other viewpoints fall within the moderate to negligible range for magnitude of effect and sensitivity of receptors.
- It is clear that the development will have an impact to the character of the landscape due to the visibility of the buildings and more significantly that the milling tower would stand some 20m high, which due to the topography of the site will be difficult to screen and for which mitigation in the form of new tree planting would take many decades to take effect and would not completely remove the impact the development will have.
- At this stage no soft landscaping scheme has been submitted, if the development is approved, the landscaping scheme should be designed to ensure the maximum level of mitigation can be provided to help lessen the impact on the wider landscape.
- Drawings No.5940_059_ 901_ F & 5940_061_D detail the site layout and site services, I can find no details relating to the existing trees Root Protection Areas (RPAs), the RPAs should be added to the drawings and the routes of the proposed service trenches and hardstanding should avoid these.
- An AIA should be provided which covers the existing trees and this should include a Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS).

4.6 Head of Economic Development:

The Colman's Carrow works site is to close by the end of 2019 with the operation shifting to the Midlands. This proposal will ensure that the

processing of mint and mustard is retained locally as opposed to be undertaken outside of the region. This will initially provide jobs for 25 skilled local people that would otherwise be lost, with the potential to expand and employ more. It will also ensure that the Colman's of Norwich brand is retained globally which, given the heritage of this brand, is extremely positive news and a perfect anchor tenant for the Food Enterprise Park which will no doubt stimulate further investment in the site.

Condimentum Ltd. is a new business venture made up of a local consortium of mint and mustard growers. It will facilitate the processing of mint and mustard and therefore enable the growers to move from supplying Unilever with raw ingredients, as they do currently, to supplying them with a processed product which is worth considerably more. It will therefore capture significant value within the supply chain that otherwise would be exported elsewhere.

This proposal is exactly what the Greater Norwich Food Enterprise Zone Local Development Order was intended to achieve and is a positive sign of it working which is great news for the local economy. I am extremely supportive of this planning application and believe we should all be extremely proud that we have helped to facilitate this.

4.7 Historic Environment Officer:

Of particular concern is the potential impact upon the settings of the Grade I listed St Peter's Church at Easton and the Grade II* Listed St Andrew's Church, Honingham.

St Andrew's Church sits on the north side of the A47, in a valley position with views up the hill to the south towards the application site. There are established hedges to the south side of the A47 and this existing tree cover and the further landscaping proposed will mean that only glimpses of the new tower would be seen. In addition the heavy traffic along the A47 forms part of the setting of St Andrew's Church.

At St Peter's Church, Easton tree planting that has taken place in recent years means again that there would be only glimpses of the new tower.

However, the following should be noted:

- (1) The new landscaping will take years to establish and it cannot be guaranteed that the existing tree and hedge cover will remain.
- (2) No photographs illustrating the winter landscape have been provided. These would almost certainly show increased visibility of the new tower.

There will undoubtedly be harm to the settings of the two churches described above. The harm will be greater to these buildings than to other residential and commercial heritage assets in the vicinity because the proposed tower will compete in the landscape with the church towers. However, given the current and proposed hedging and tree cover and the distant nature of the affected views, then I would judge the harm caused by damage to the settings to be 'less than substantial' to the significance of the listed buildings although more than 'minimal'.

As such, you may judge the public benefits of the scheme to outweigh the harm. The quality of the landscaping to be provided is key to ensuring that the level of harm is minimised.

4.8 Design Advisor:

As you are aware the warehouse part of the application comes under the Local Development Order in place for the site. There was a design input into the LDO particularly relating to colour materials and form and scale of buildings. Those parameters are set out in the LDO and should be followed for the warehouse element of the proposal, which will be determined under the existing LDO.

The remaining part of the proposal – that which falls outside the parameters set by the LDO and is for the milling building and for the associated silos located to the south of the warehouse – is subject to a separate planning application as it falls outside of the parameters set in the LDO specifically as regards the height of the milling building and the silos.

It is understood from the supporting statements that the height is required as the milling is a vertical gravity fed process and the silos as a number of different mustard seeds are blended together during process to manufacture the product.

In terms of design both the building and the silos are very utilitarian in terms of design which reflects their functional use. It would neither be appropriate nor desirable to attempt to “pretty” up the buildings. The visual outcome of this would be potentially far greater. The simple utilitarian forms would be less visually intrusive and the correct strategy regarding visual mitigation is considered to be a combination of landscape screening and the use of colour on the simple forms to help better assimilate them visually within the landscape.

The whole site has undergone a strategic landscape study which forms part of the LDO. This suggests the planting of strategic landscape belts across the whole of the enterprise zone although this would not necessarily preclude the use of additional planting and landscaping as part of this additional application.

The application site is to the south central part of the enterprise zone and the tallest element is situated to the south of the proposed warehouse building.

The submitted visual impact looks at the development from a number of key points around and away from the site. It recreates both close and distant views and imposes the buildings on the montage to show the visual impact of the development from those points.

During consultation for the LDO issues were raised about the potential impact of development on the open countryside and also on key existing buildings within that landscape. In particular the Church of St Peter at Easton to the east of the site and the church of St Andrew Honingham which sits low immediately to the north of the A47 to the north west of the proposal.

Whilst currently St Peters is not intervisible with the site due to landscaping, it has to be acknowledged that the landscaping may alter with time. The landscaping in question however is significant and both around and within the churchyard it is unlikely that it will be removed in the short or medium term, which would allow the landscaping proposed as part of the enterprise zone as a whole the opportunity to mature.

St Andrew's tower is currently visible in long views from Blind Lane and will therefore have the potential to be viewed with the development from Blind Lane. However the siting of the tallest element on the southern boundary will mean this impact is only perceived in close proximity to the development from Blind Lane. From the churchyard, again, mature planting in and around the churchyard currently screens the proposed development and indeed the enterprise zone from the immediate setting of the church. As with St Peters it has to be acknowledged that the landscaping may alter with time. The landscaping in question however is significant, both around and within the churchyard and it is unlikely that it will be removed in the short or medium term, which would allow the landscaping proposed as part of the enterprise zone as a whole the opportunity to mature.

The visual impact of the building is likely to be at its greatest (apart from immediately adjacent to the milling tower) in long views to the site from the north and south. From the north at Taverham Road north of the A47 and from the south in glimpsed views from the minor road network to the south of the site.

From the north the building is likely to be more visible as it is viewed from rising ground across the floor of the valley which will have a neutralising effect over the landscaping owing to the elevated position of the view point. Given the considerable distances involved and the visual distraction of the remainder of the enterprise zone once developed it is considered that the visual impact of the milling tower will be negligible although clearly apparent.

It has been suggested that the cladding of the building should adopt a colour graduation from dark (low) to light (high) in order to further visually assimilate the building into the landscape. This is a proven and effective way of mitigating visual impact but the colour choice is critical in achieving this. They should be selected to be site specific and to blend in so far as possible with the lower background. This can be successful even quite close to the building.

There are other elements of the scheme which would have the potential to increase visual impact namely external lighting to the milling building and the silos and gantries and these would need to be carefully considered / conditioned. Security fencing and signage are two further elements which require consideration / condition.

In conclusion whilst it is accepted that the proposal for the milling building represents a deviation from the LDO in terms of its height, it represents a very small part of the built form of the enterprise zone as envisaged. Clearly it would not be desirable for the whole of the zone to be built out higher than the parameter height set in the Order. Each case however must be taken on its own merits and in this case compared to the developable area of the application site, the percentage of built footprint proposed over the parameter height is modest.

In this instance and given the relatively small envelope proposed. The increase in height is not considered to impact so adversely on the surrounding landscape as to justify refusal. The principle of development on the enterprise zone is established by the LDO and the application seeks to modify that for a small part of one unit of development. Taken in isolation and balanced against the proposed mitigation both to the building itself and the potential to further mitigate through landscaping, the proposal is considered to be acceptable in terms of visual impact. The building will be seen, but within the context of the enterprise zone the increased visual impact in this instance is considered to be acceptable.

South Norfolk Council:

4.9 Would wish to ensure that Broadland District Council as the determining authority consider the following issues in their determination of the application:

- setting of the listed building;
- landscape and visual impacts;
- noise, dust and odour.

These matters should be considered by Broadland District Council in their determination of the application for all receptors regardless of which district

these lie within. Furthermore, Broadland District Council should have regard to any comments previously submitted by SNC on the LDO where relevant to this planning application on those aspects highlighted.

Norfolk County Council:

4.10 Highway Authority:

No objection as there is limited impact on the local highway network.

4.11 Lead Local Flood Authority:

The development is classed as minor development – standing advice issued.

To ensure that development is undertaken in line with Paragraph 103 of the National Planning Policy Framework the LLFA recommends that LPA's satisfy themselves of the following considerations prior to granting permission for minor development:

1. Is the development site currently at risk of flooding?

The risk of flooding on the current site should be acknowledged using national flood risk datasets such as the Environment Agency's Risk of Flooding from Surface Water maps. If any areas at risk of flooding are identified, these should be avoided from development or adequate flood resilience measures incorporated in the design.

2. How does the site currently drain?

The method through which the site currently drains should be described, such as whether there are existing infiltration features, ordinary watercourses within or at the boundary of the development, or existing surface water sewer infrastructure.

3. How will the site drain?

The proposed method for draining the site should be in accordance with the sustainable drainage hierarchy; with a preference for shallow (<2m deep) infiltration measures, followed by measures to drain to a nearby watercourse, otherwise discharging to a surface water sewer. The last method of draining a site would be to either a combined/foul sewer, or via deep infiltration methods (>2m below ground level).

4. What sustainable drainage measures have been incorporated into the design?

Surface water drainage systems should replicate natural drainage processes as closely as possible. Sustainable Drainage Systems (SuDS), such as permeable paving, swales, green roofs/walls or attenuation basins should be preferred on all development sites ahead of conventional drainage measures (piped systems). Geocellular storage crates can provide elements of SuDS such as attenuating the amount of water to prevent an increase in flood risk, however without another SuDS component (swales, filter drains or strips) they do not provide any water quality treatment.

Minor development commonly includes extensions that may build over existing surface water drainage infrastructure. We recommend that any existing drainage scheme is diverted rather than built over as this can lead to internal property flooding if not adequately designed. If it cannot be diverted a minimum of two inspection / maintenance manhole chambers should be provided at either end of the pipework which will be built over in discussion with the LPA and / or Building Control. If the drainage is Anglian Water Services infrastructure, suitable build-over agreements, in consultation with them, should be in place prior to seeking planning approval or starting construction.

Due to the risk of rapid inundation by floodwater, basements should be avoided in areas at risk of flooding. The LPA may hold additional guidance for basement extensions, e.g. within relevant Strategic Flood Risk Assessments (SFRAs).

Other:

4.12 Historic England:

Original comments:

Historic England has concerns regarding the application on heritage grounds. The proposed silos would be 20m in height despite 10m being set as a parameter in the Local Development Order (LDO) covering the Food Enterprise Zone. We are concerned about the visual impact on the setting of the Grade I Listed St Peter's Church and Grade II* Listed St Andrew Church, causing harm to their historic significance in terms of the National Planning Policy Framework.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 189, 192, 193, 194, 196 & 200 of the NPPF. In particular the application does not contain sufficient information to allow full assessment of this impact as required by paragraph 189. We would not support the application as it stands, but recommend further details are requested.

Further comments:

The Supplementary Landscape and Visual Impact Assessment – Listed Buildings dated 18 September 2018 contains detailed assessment of the impact of the proposed development on the listed churches and additional images from viewpoints around them. Part of the new assessment is a plan of the zones of theoretical visibility (ZTV) specifically related to the churches. This appears to show less visibility, particularly at Honingham than the previous plan did, but the images are from appropriate locations. It is unfortunate that these images were taken while the trees were in leaf and no topographic wirescapes have been prepared to remove the seasonal and ultimately temporary effect of vegetation. However, the images do suggest that even the taller parts of the proposed development would not have a pronounced impact on the experience of being near the listed buildings. It is possible that a viewer in the areas of open land between Honingham and the development site would perceive both in combination and more clearly than in views from the churchyard. However, based on the assessment we consider it unlikely there would be little impact amounting to harm to the historic significance of the churches and would therefore not object to the application.

4.13 Natural England:

No objection, considers that the proposed development will not have significant adverse impacts on statutorily protected sites and landscapes.

4.14 Highways England:

Comments awaited.

4.15 Campaign to Protect Rural England:

We appreciate the requirement for a milling tower of 20m height for this operation, and to a lesser extent the silos which also exceed the 10m height limit, which necessitates a separate planning application as this exceeds the maximum height for structures within the Food Enterprise Zone, under the terms of the LDO.

It is a concern that the first application for premises within the area covered by the LDO already seeks to exceed the parameters laid down by the LDO. We are concerned in case this application, if approved, will then serve as a precedent for future applications. While we appreciate that each application will be judged on its own merits, this should include not taking any previous applications such as this one which would breach the LDO if approved, as giving a green light for further breaches.

The Food Enterprise Zone must not be allowed to become an area where buildings over 10m are the norm, as this would have an unacceptable negative visual impact on the surrounding countryside.

District Councillors:

4.16 BDC – Cllr S Woodbridge:

No comment received.

4.17 BDC – Cllr J Copplestone:

I would like to submit comment in support of the GN Food Enterprise Zone.

We are currently in extremely uncertain and difficult times for farming and food producers in the UK. This is an extremely significant proposal that is being submitted by local farmers who have an outstanding tradition of supplying Colman's (Unilever). It will create a state of the art facility which will employ 25 skilled local people and with the potential for expansion and therefore more people to be employed, as well as many associated jobs in businesses locally.

It will enable farmers to progress from suppliers of raw produce, by adding value in the supply of processed products, hence retaining all of the associated value locally. This is exactly what we envisaged when we embarked upon the Greater Norwich Food Enterprise Zone Local Development Order. I support this proposal on the basis that it will kick start development of the Food Enterprise Park.

4.18 BDC – Cllr S Clancy:

With reference to the above planning application, as you will appreciate in my former role as Economic Development Portfolio Holder and Deputy Leader of BDC I was actively involved in the process of the delivery of the LDO at Honingham which resulted in the FEP this represents the single largest economic development opportunity for the land based industry sector in the GNDP area and probably in Norfolk.

The above application represents a significant investment opportunity, and a new business to the site, which is most encouraging, and will assist in giving confidence to other businesses to locate on the site. Condimentum's location on the FEP will potentially keep the name Colman's alive in Norfolk, and will support local growers and service support businesses in Norfolk, with the opportunity to expand into other locally produced added value food based products.

For Condimentum to operate successfully there will be an operational requirement for a milling tower and product storage hoppers, these form part of their essential Infrastructure build requirements within the development proposal.

It is vitally important to the Norfolk Economy especially post brexit that we encourage UK added value food production, and support local jobs, skills and potentially R&D, therefore I am fully supportive of this exciting proposal.

4.19 SNC – Cllr M Dewsbury:

I am writing to object to this application and to voice local concerns as to why it is not acceptable in this area.

You will be aware that there was considerable concern regarding the amount of traffic and type of processing which might take place within the Food Hub when it was originally proposed. Broadland District Council reassured people that they would put in place conditions to protect the neighbourhood and local environment. The conditions imposed do not appear to provide much protection as the first application for the site is seeking to break down those constraints and put up structures over 10 and 20m in height.

These structures would have a detrimental effect on the views around Colton Road, Church Lane and Blind Lane and a major visual impact on the landscape when viewed from the north, north / east across the river valley because they would be based high on the ridge between two river valleys.

References to 'expanding the range of processing / manufacturing' on the site and 'growing the business' indicate that if allowed the number of highly visible structure could increase, maybe becoming a major industrial area. Will the Planning Committee consider limiting the number of high buildings at this, the highest point on the Food Hub site?

As there has been flooding on the A47 in the past there are concerns about the references to the surface water scheme and a proposed infiltration lagoon being subject of yet another planning procedure in the future and they are wondering: Will this be because they are not likely to meet the conditions imposed on the site via the LDO?

The wind blows mainly from the west so people are concerned about the possibility of odours blowing over the residential area of Easton. The application states that the residential area is over 800m away, and although mentioning that 900 more homes have been agreed for Easton, does not acknowledge that one of the agreed sites for development is currently the allotment land opposite the church which is much closer to the site than the rest of the village. This new housing development would be affected by the passing traffic as well as the visual impact of the high buildings.

In conclusion, the milling tower and the storage silos would be a major intrusion into the landscape in this area and have a detrimental effect on the housing development planned for the opposite side of the road.

5 PUBLICITY

5.1 Site Notices: 14 August 2018 (original); 14 September 2018 (EIA)

Last expiry date: 14 October 2018

5.2 Press Notices: 28 August 2018 (original); 18 September 2018 (EIA)

Last expiry date: 18 October 2018

5.3 Neighbour notification:

Red Barn & Red Barn Cottage, Blind Lane, Honingham

Expiry date: 13 October 2018

6 REPRESENTATIONS

6.1 The Red House, Mill Road, Marlingford:

I am very concerned about the whole plant being built, but I am particularly worried about the proposal for the milling tower, which is taller than the height specified in the Land Development Order, and six storage hoppers which also exceed the allowed limit.

Two and a half years ago I was prescribed medication which adversely affected my hearing, causing extreme noise sensitivity, tinnitus and hearing distortion. My symptoms are exacerbated by unpleasant and loud noise and noises which most people would not normally be bothered by.

It is inevitable that if this plant was given the go ahead then it would add to the noise pollution in the area. We can already hear the constant drone of traffic noise from the A47 as the sound carries across the villages. The Colman's milling plant is closer to us than the A47 and the increased height proposed for the milling towers will cause the noise to travel further. The milling towers would be in use 24/7 and the constant noise would make my life unbearable.

Many haulage lorries will be required to transport the produce once it has been milled which will further add to the volume of traffic on the roads. I am blind and enjoy walking in our village. The potential of having haulage lorries

driving down country lanes would further increase the dangers of me walking by myself and would thus impact greatly on my quality of life.

I am getting fed up of the constant desire to urbanise this area and to make it part of Norwich. I love it for the peaceful, rural part of Norfolk that it is and wish it to remain so.

6.2 The Red House, Mill Road, Marlingford:

Very disappointed at Colman's factory relocating to the countryside. If they intend to flout the Local Development Order guidelines, which are so intentionally weak, then they should have the decency to keep to the principals of a high standard of design appropriate to the rural location and landscape and ensure that they invest some of their 'millions' in the new Norwich plant by only building on a lowered ground base so these monstrosities cannot be seen and heard for miles around. (We can already hear the noise from the A47 and every concert at the Norfolk Showground.) No consideration is given to the poor people in the surrounding rural villages whatsoever; otherwise they wouldn't want to build on the south eastern part of the site, no doubt the highest part and nearest to Colton. Again totally ignoring the LDO. Colman's, you should be ashamed of yourselves.

6.3 1 Horse & Groom Yard, Colton:

If the conditions and restrictions under which the LDO was approved are to be broken by the first user of the site, it renders any protections those conditions may have afforded meaningless. Worse, it may set a precedent for other applications and planning anarchy will thus have been firmly established by our councillors and their planners.

Further comments:

These applications seek to use the LDO site, yet seem to apply a bizarre mixture of LDO conditions and extra-LDO justifications to support them. Either they are entirely independent applications - in which case, of course, they cannot apply any of the LDO pre-conditions or exemptions - or they are seeking to vary the LDO conditions for the site, which must be a matter for consideration by the Full Council. As they stand, it would seem that the Council's officers cannot properly consider them until proper clarification and answers to the many questions they raise have been properly answered. It seems entirely possible that any Council officer recommending their adoption in their current form would be acting ultra vires.

6.4 Church Farm House, Honingham:

We recognise that the Council has a seriously difficult choice to make

If it grants planning approval for the mill building (1) This doubles the height limits it made a condition of all buildings within the area of the LDO. (2) This sets a precedent that implies the Council would seriously consider any other applications to change the height conditions. (3) It also suggests that the Council might consider significant amendments to any other conditions of the LDO. (4) Although the Council spent years considering the LDO it would imply the Council now believes the original conditions were not properly thought through. (5) The Council could no longer claim that it took the results of extensive local consultation seriously into account in setting the conditions of the LDO if it was then prepared to relax them.

It appears the applicant recognises the need for a limited Environmental Statement.

The Council has previously recognised the "elevated position of the site within its wider context" and the applicant notes "the most significant and sensitive landscape characteristics are the open skyline of the ridge..." Further, the 2017 FEZ Landscape Strategy report recognises "a severe adverse change in the character of the view southwards from Taverham Road..." and "a severe adverse change in the character of the close views to the site..."

The list of items proposed to mitigate the effects of the development are substantially unchanged from those agreed by the Council as conditions to the LDO limiting building heights to 10 metres.

The applicant notes that "the proposed development is located on high land in an area devoid of development and potentially highly visible". The applicant suggests that nevertheless the 20 metre height of the milling tower should be acceptable.

The Council's credibility and the extensive work it undertook to allow proper consideration before granting the LDO including this site, will all be in question if planning permission is granted.

6.5 Church Farm Cottage, Taverham Road:

The 20m tower proposed is condemned in almost every section of the Broom Lynne Landscape and Visual Impact Assessment. It will 'significantly change' the character of the present arable landscape - a landscape in 'good' condition - to one of commercial activity and will 'degrade the character of one of the principal gateways to Norwich'. Already condemned it seems by the applicant!

It is a very tall and ugly tin shed, inappropriately placed where it will be visible for miles on an open skyline from every direction. It will become Easton's church's missing steeple!

There is a very poor case indeed made by 'The Need for the Development' submission. There are so many brownfield commercial site opportunities within the specified critical 1.5 hour travel time. This siting is simply about bowing to commercial interest, with very little real respect to the character and beauty of the countryside. An impartial view of this and its impact would never have even considered such a location.

The submission pays lip service to the various planning hoops it needs to negotiate in terms of its siting and impact mitigation. (That it is a small tower, limited heavy traffic, lighting only to 2m, some (possible) landscape mitigation, etc etc). In fact, the reality is that further related development is already flagged up in the submitted Statement. So, this doubling of the Council's imposed LDO height restriction immediately sets an early precedent in the history of this poorly located LDO. What further flaunting of the Council's much trumpeted LDO 'design guidelines' will come with further submissions should this extremely tall tower be approved?

The Council and its planners are at a crossroads here. Should this proposal be permitted and a precedent is set, our beautiful Norfolk countryside is at immense risk of further widespread and inappropriate development.

6.6 Red Barn Cottage, Blind Lane, Honingham:

I am strongly opposed to this planning application. I directly alongside Red Barn shown on the maps. The scale and height of the milling tower at 20 metres (double the limit of 10 metres set when the LDO was granted) and the six silos at height from 11.5 metres - 14.4 metres will have a detrimental impact on the views from our property and will spoil our enjoyment of our home in its rural setting. Our home is not labelled, taken into consideration or mentioned throughout all the application papers and the Zone of Theoretical Visibility Exercise. I feel that this is deceitful & is lying by omission. When it says 'Impact on Residential properties will be negligible or nil' they are not taking into account our property which is the closest residential property to the site.

The LDO was approved with conditions set to safeguard the landscape and character of the area. The height limitation was imposed for good reason. The site location on higher ground, on a broad ridge between two river valleys is a highly sensitive area viewed from miles around. This view is enjoyed by many and should not be spoiled for profit. The Norwich half marathon runs past here; cyclists, joggers and walkers regularly use this route.

To put up 7 buildings which each exceed the height limit & one by double should be refused. If granted this will forever be a blot on the landscape and spoil the enjoyment of the area for many.

This is the first project to be interested in the LDO site. It will make an absolute mockery of the planning process to allow the first applicant to flaunt the LDO restrictions which were supposedly set to protect the area. If the first applicant on the LDO site is allowed to break the height restriction & by so much & so many buildings, then this sets a precedent for all other future interested LDO applicants to challenge every LDO restriction set.

I implore you to reject this application.

6.7 Red Barn Cottage, Blind Lane, Honingham:

I am opposed to this application. This LDO, together with its rules & regulations, was adopted in 2017. This is the first plan to be submitted and wishes to break the building height regs. by a substantial amount. The applicant has considered other sites but rules out those with height restrictions. Why is it felt this site is OK?

To allow the first applicant to exceed the regs. in this way leaves the door open to every applicant to challenge every regulation covering this site.

It would be a complete mockery of the regulations and make Broadland DC planning department look ridiculous. The regulations were put in place to be at least an attempt to protect the environment and surrounding area in general.

The photographs in the Environmental Statement vol 2 never show my home. Our home is never mentioned. We can only hope that BDC planning department take one of its residents into consideration.

If this were to be allowed, it would say that the very important regulations governing the maximum height of structures on the site, (only a year old), are wrong. As I have said, that argument could then be applied to everything, a very dangerous precedent.

Also, what does this say about the applicant in this case, that they wish to site their factory so it stands out like a sore thumb in a lovely area of Norfolk countryside? The applicant must also suspect or believe that BDC won't stand by the conditions it itself set.

6.8 19 Aldryche Rd. Norwich:

I refer to the above planning application for a mustard milling tower and six silos covering an area of 896m², situated within a small part of the Food Enterprise Zone at Honingham which is covered by a Local Development Order (LDO) granted on 31 October 2017. It is understood that the applicant is relying on the LDO for the remainder of this milling plant development.

Clause 2.3 of the LDO states, “for the avoidance of doubt, that applicants are not excluded from applying for planning permission for developments that are not permitted by the Order”. It is clear that the milling plant development breaches the conditions of the LDO for at least one of the conditions, namely height restrictions. There are no details on whether other restrictions can be met and the application relies on future design submissions for the LDO site and / or cumulative effects in conjunction with the remainder of developments on the rest of the LDO site.

Notwithstanding the freedom to submit an application for a non-compliant development within the LDO area, I question the validity and logic for this planning application for a part of a development only rather than an application for the whole of the scheme. If granted, a precedent will be set for a revised height allowance of 20m under the LDO, which will modify a decision of the Council.

Firstly, I draw attention to anomalies and inadequacies in the planning application form for this standalone submission, specific to an isolated area within a larger development for the milling facility which itself is within the area covered by the LDO:

1. The application cannot rely on the LDO. This is a separate standalone submission.
2. Section 8 of the form states there is no vehicular and/or pedestrian access from the public highway. Without reliance on the proposals for the LDO these statements are incorrect.
3. Section 18 states that the number of employees is 25. Clearly this is incorrect as this number applies to the whole scheme and all personnel will not all be working in the milling tower or silos which is the specific aspect of this application.
4. At section 9 the applicant states that no parking is relevant to this proposal. This must again assume that parking relies on the LDO for parking required for any employees directly required for these specific elements of the whole scheme.
5. Section 23 requires details of Pre-application Advice received from the Council. The statement does not provide any details merely stating that discussion meetings took place.

The Council failed to respond to a Screening Opinion application 20181090 but the applicant has chosen to submit an Environmental Statement (ES) for the whole milling plant development in support of this limited planning application for the milling tower and silos. Having elected to make the submission, it is important that it conforms to the requirements of Schedule 4

of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. A majority of the Environmental Topics listed, namely Agriculture, Air Quality, Archaeology, Ground Conditions, Ecology, Noise, Socio Economics and Transport are stated as scoped out by reason of these being deemed not to apply in the LDO Screening Opinion carried out under the 2011 Regulations or covered under the conditions attached to the Order. These aspects have not been considered and therefore do not comply with Schedule 4.

7. The conditions under the LDO for Noise sets a limit for the whole of the LDO at the south west corner of the site. The ES does not provide details of noise emissions from the milling plant site in isolation or combined with other developments to establish whether these limits are achievable. The ES also fails to determine the impact of noise to the east of the site in the village which is approximately 800m distant at the closest point and in the direction of the prevailing winds.

8. The statement for Socio Economic Impact is inadequate, simply relying on the creation of 25 jobs without reference to socio considerations such as the detrimental effect of increased traffic on Easton, Honingham or other villages. It is likely that the jobs are not new vacancies available for people in the surrounding villages but existing posts filled by personnel working at the Colman's milling and production plant at Bracondale. The employees will create additional traffic with attendant pollution but with no economic benefit to the local community as the transferred employees will continue to use their incomes within their existing residential and wider areas.

9. The details provided under highways gives firm numbers for HGV movements amounting to 12 per week but are silent on the daily number of tractor and trailer movements. Non HGV movements are not conditioned by the s106 Agreement of the LDO and could have a major impact on the other roads in the area. The ES should not only provide these numbers but assess the impact.

10. The site location plan at 2.3.1 of the Design and Access Statement shows access to Blind Lane and A47 turning right out of the site. This ignores condition 2.20 of the LDO which requires the closure of Blind Lane to vehicular traffic.

11. The design showing a system of collection surface water pipework discharging to a "sewer" in the spine road is incompatible with the surface discharge proposed in the application by Honingham Thorpe Farms for discharging condition 2.27 as application 20181336.

12. The ES fails to consider any cumulative Environmental Impacts (clause 5e) for Phase 2 of the Food Enterprise Park which is currently being

marketed. Although this is not an approved project, it is clear from the actions and statements of the applicant, the two LPAs and NALP that a phase 2 development is a firm intention. The deliberate policy to ignore environmental issues for the whole 40 hectares results in the consequential short sighted policy for consideration of the requirements of phase 1 only in critical issues such as utilities and drainage. The designs, and therefore the environmental impacts, should be for the whole 40 hectares ensuring that capacities are adequate for the whole development.

13. No consideration is given to the planning permission for an additional 890 houses at Easton granted by South Norfolk (2014/2611), either in the cumulative impact or adverse interaction such as noise as noted above. No details are provided on aspects such as air quality, dust and light pollution etc and implications for the enlarged village.

14. The Landscape and Visual Impact Assessment included in the ES which reinforces the Landscape Strategy prepared for the LDO concluding that the mitigation proposals in the Landscape Strategy are considered to be effective in mitigating some of the visual effects with local screening, *“although the milling tower will remain a noticeable built element in the landscape from certain locations”*. These mitigation measures still remain a strategy yet to be agreed under condition 2.27 of the LDO.

15. The ES provides details of five theoretical sites which it states have been considered by the applicant. These brief statements do not satisfy clause 2 of Schedule 4 of the 2017 regulations which requires, “A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”. This is considered by the applicant at paragraph 3.2.4 which paraphrases the Schedule as, “An outline of the main alternatives considered and an outline of the main reasoning for the preferred development option taking into account the associated environmental impacts”. The Schedule does not mention outline and requires a comparison of the environmental effects.

a. The reason given for selection of this location, stated as “the LDO site has been assessed and considered from a planning and environmental perspective and offers an appropriate platform and location for a proposal of this nature” is very weak. It equally applies to three of the other four sites. This is not a reason for selection of this site in preference to the others.

b. The de-selection of the other sites appears to be based on one or two negative aspects, none of which are explored in any detail. The reasons are again weak and questionable particularly for Snetterton where infrastructure already exists and there is a precedent for tall buildings. The stated reason for rejection as “this was considered to be situated too far from the mint growers”

does not withstand scrutiny as it can be reached from all four farms well within the 1½ hours transport time limitation.

c. Rejection of two of the sites is on commercial economic grounds either of possible decontamination costs or rent levels. Again no evidence is provided in support.

d. There is no discussion on the options for maintaining or breaking with the Colmans historic link for processing these two crops on the same site. The crops are not grown on the same farms and it is understood that the four mint farms are local to Norwich but the mustard farmers are situated to the west of the county and in the fens.

16. The statement concerning St. Peter's Church, Easton that "It is not considered that either its immediate or wider setting will be adversely impacted upon by the application proposals. Neither will there be any direct physical impact on the building as a result of the application proposals. As a result, it is not considered that there will be any adverse impact upon the significance of the Church as a heritage asset" ignores the wider implications of the proposed changes to Church Lane as the HGV traffic route which should be an integral part of the ES considerations. There are significant implications to the church setting precipitated under these proposals.

The reliance on the negative screening opinion for LDO in satisfying the environmental issues for this separate application is not justified.

Unfortunately, the details of the LDO site are still shrouded in mystery and until these are known and the outstanding conditions agreed, it is impossible for any third party separate application to be adequately considered unless it provides a complete self-sufficient solution to all planning issues. Clearly this application does not.

I am sympathetic to the situation of the mustard and mint farmers caused by the business decisions of the multinational Unilever organisation to the detriment of the local economy, and hope that their endeavours in finding the right site to process their produce is successful. However, I do not believe this location to be appropriate. My concerns remain that this 20 hectare site (alone or as the first phase of a larger development) has not been properly evaluated as suitable for industrial processes. The current application from Condimentum is embroiled in the difficulties now being encountered by the lack of foresight in preparing the LDO, particularly concerning HGV highway access and drainage. Notwithstanding the legal advice at the time concerning the Screening Opinion, it is becoming more and more apparent that fully explored solutions and impact assessments should have carried out for those items covered as conditions of the LDO.

Further comments:

Requests that his dissatisfaction with the attempted manipulation of the planning system be registered, which he hopes will be overturned by a Judicial Review. Either the planning application for the 20m milling tower and 6 silos up to 14m in height is considered on its own, which does not provide the stated additional jobs and economic benefit, lacking detail of how the buildings will be accessed from the road and should be refused; or the whole of the milling plant site of 1.6 hectares as permitted under the LDO is considered with a relaxation for the structures in excess of the 10m height limit. The LDO and conditions were determined by the full Council and therefore should be referred back to it to approve any changes after further public consultation. Acceptance of the recommendation by officers to delegate this to the Head of Planning to approve based on the details within the committee report would be a neglect of the Committee's responsibilities.

Officer comment – These comments were submitted before the previous Planning Committee in October 2018 and refer to the recommendation at that time.

6.9 Easton & Otley College, Easton:

On behalf of Easton and Otley College I would like to support the application to create a mustard and mint processing facility at the Food Enterprise Park.

The concept of the Food Enterprise Zone was to encourage the processing of raw materials in the county rather than exporting the added value processes to other counties and regions and by doing so retain as many jobs and as much added value as possible in the county. The potential loss of the iconic mustard and specialist mint processing from Norwich and Norfolk would be a backward step for the diversity of agricultural cropping, specialist skills and employment opportunities in the county.

The improvements to Church Lane proposed under the Section 278 arrangements are to be welcomed especially at the beginning of the development of the Food Enterprise Park and prior to the upgrading and alterations to the A47.

The College hope to be able to work alongside the businesses locating on the Food Enterprise Park to create education opportunities adjacent to the College's own estate without the need for extensive travel to view a range of career opportunities and to provide upskilling and CPD opportunities for staff employed within the Food Enterprise Park and see this particular application as a potential exemplar of that work.

6.10 The AF group:

I would urge all relevant bodies to look favourably on this application and the associated 278 highway improvements proposal. Norfolk needs to allow such

development to take place and to keep production of such products that Condimentum will make within the county. This is not only important for employment and business within Norfolk; it is also important to the wider agricultural community. As we enter into the uncertainty of Brexit having the certainty of a business wanting to invest in agricultural processing in this area should be celebrated and given every chance to succeed.

AF is a business that is situated at Honingham Thorpe Farm. We are owned by over 3,000 farmer members who are spread all over the UK but employ over 130 based in one purpose built office. We have our headquarters in Norfolk for historical reasons but as we continue to grow I need to ensure the longevity of the suitability of our location. The ability to attract high calibre staff is key to such longevity. The success of businesses such as Condimentum is important as it will attract other businesses to the area making the area a hub for employment.

6.11 8 The Boulevard, Thorpe End:

You will be aware of the concerns expressed throughout the granting of the LDO for the Food Industrial Zone above Easton. I am also aware that my letter of 8 July remains unresponded to or acknowledged. In the absence of any responses, either to Lanpro or myself, the applicant has submitted a planning application on behalf of 'Condimentum Ltd' registered as 20181294 for the Mustard and Milling Plant and the mint processing plant, noting that a screening response has not been received in due time.

The application defines the Use Classification as B1c. The screening direction issued by the Secretary of State on 17 July 2017 states that the LDO Schedule 2 1(a) will not permit general manufacturing, offices, storage and distribution falling within categories B1b, B1c, B2 or B8. This is also noted under Clause 2.2 of the LDO although clause 2.3 allows exceptions to be applied for. This implies that the application should include all buildings and not just the Milling Plant and Silos.

The application is carefully considered, (for the first time) in terms of landscape impact and the breaking of LDO Condition 2.22 is a matter for further and future implication in respect of the area and any precedent set. The application is also specific to the tower and silos, stating that all other buildings and matters are compliant with the LDO conditions (see above).

However, as far as is known, there is yet to be a response to the Church Road works proposed and the issues raised by interested parties, reference condition 2.20 and 2.21. Although outside the scope of this application, the site entrance shown on these application drawings seems at variance with the earlier application. Comments on the drawing 5940/061 stating 'proposed new access road and future access road to Honingham Thorpe food enterprise park', and 5940/059 'existing road to be upgraded for access' and

‘access to Blind Lane and A47’ reinforces concerns that these proposals have not yet achieved a sensible compliance.

Conditions 2.25 and 2.26 state that “Prior to the commencement of any development hereby permitted, a strategic foul and surface water disposal scheme shall be submitted and agreed in writing...” Reason – to ensure the satisfactory development of the site and to provide adequate protection to sensitive receptors nearby, notably the River Tud. (Although the Yare lies to the south of this high ground and is also potentially vulnerable.)

The application documents continue to indicate that strategic proposals by Messrs Rossi Long will be submitted. However, the documents actually submitted are at variance one with another as the Cole Easdon indicates outfalls to the future central spine highway and the site infrastructure plan 5940/ 061 discharges to the proposed access road. Neither indicates how the connections are to be made for the pumped main foul sewage at Easton or the location of the surface water drainage “off-site” lagoon.

This is not the protection that was promised by the conditions and indeed “off-site” again implies that these works are outside the LDO boundary and need Lead Flood, Anglian Water and the Environment Agency approvals. The proposals should clearly identify how the LDO conditions are met.

The documents further state over 9,940 sq. metres of impermeable area (why a solid concrete apron?), with unattenuated flows to FEZ drain, makes no reference to Green Roofs (Design Code 4.3) and absolutely no effort to meet the intent as stated in previous studies to discharge surface water at matching rates to open field agricultural use. It therefore becomes an engineering requirement to have large bunded areas or attenuation storage in the surface water discharge lines to reduce flows or contain contamination or accidental discharges. A single bypass type petrol interceptor is inadequate.

Similarly, multiple safeguards eg alternate power supply, should be required to any pumped foul water (which contains acid discharge), failure of which could also rapidly affect the surrounding flood plains and water courses.

The application states that surface water drainage will be dealt with by SUDS techniques. However, given the fact that surface water drainage absorption does not readily take place in the area of the LDO, as provided by the WSP test and Rossi reports, it is important that the technique is provable and demonstrated. It is vital that the second tier arrangement does not apply, i.e. via ditches and culverts to water courses. These would rapidly discharge to the Tud (and hence the Wensum) or the Yare rivers.

The precautionary principle to risk management should apply. If an action or policy has a suspected risk of causing harm to the public or the environment, the burden of proof that is not harmful falls upon those taking that action?

This multiple risk site being placed upon the high ground within rapid discharge distance of the rivers, one a protected SAC, a source of drinking water for the Norwich population, requires a full and proper provision and the LDO conditions applied to ensure the public and environment safety.

It remains a potentially contaminating, industrial site area in totally the wrong place.

This is still no masterplan for the area and applications continue to be made piecemeal.

One has no intention of taking on the Might of the Mustard Consortium (the MMC), but do consider that the conditions applied by the LDO, particularly those impacting the infrastructure proposals should be upheld and this planning application 20181294 deferred until those aspects are resolved in detail accordingly.

6.12 3 Horse and Groom Yard, Colton:

Firstly, I would like to start by saying that I feel that it is a shame that this planning permission has been put in so soon after the LDO has been approved and that the people who commented on the Food Hub LDO had asked to be informed of further developments with it were not contacted by email. I feel like it has been sneakily put in and people have had limited chance to comment.

It was obviously upsetting when the LDO was agreed, but we felt a small sense of reassurance that particular rules were in place such as building height, noise, use etc. I had anticipated this would happen, but it is very concerning to see that straight away, before anything has been built under the LDO rules, there is a planning permission application in for a monstrous building. A 20m high building is not suitable for the countryside in such an elevated position; it would be much more suited to an edge of city position or on waste land beside a motorway where existing structures are similarly tall. Obviously this is something stated in LDO point 2.22 that buildings should not exceed 10m and gave people reassurance that this is what would be considered suitable and no more for “satisfactory development of the site” so therefore you yourselves have said that more than 10m would be unsatisfactory, and here we have planning permission for double that height. Therefore if you approved this planning permission you are approving unsatisfactory development of the site.

Additionally I remain concerned about the traffic plans for the road. We know at present that lorries are a problem down that road and it would make much more sense for an internal road coming into the industrial estate from much closer to St Peters church. I have lost all faith in planning matters regarding

this as it seems that people want to push this ahead at any cost. The FEZ statement says:

FEZs will ensure that communities are able to grow their businesses while allowing them to protect their valuable countryside. They will give power to local people – allowing them to decide what kinds of businesses should be in their FEZ and where it should be located, developing those areas that their region excels in.

I very much struggle to see how either of these purposes of the FEZ are being carried out as local people (except perhaps one person) are not being given any power and are being ignored at every turn, and additionally no growth of businesses are being carried out (or indeed any enterprising as far as I can see) because all we are doing is moving one Norfolk business to another site and reducing the number of people working at that factory. It is not benefitting local people as only 25 jobs will be retained but a vast community will be affected by inappropriate countryside development.

6.13 Additional letters of support supplied by the applicant from:

Norfolk Chamber of Commerce, Frontier, Agrovista UK, Food & Drink Forum, British Beet Research Organisation, Ben Burgess, Norfolk and New Anglia Local Enterprise Partnership for Norfolk and Suffolk (LEP).

7 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018 and Planning Practice Guidance (PPG) 2014 web based guidance:

- 7.1 Sets out the overarching planning policies on the delivery of sustainable development for rural communities through the planning system. It states that significant weight should be placed on the need to support economic growth and productivity taking account of both local business needs and wider opportunities for development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended (2014) – (JCS):

- 7.2 Policy 1: Addressing climate change and protecting environmental assets

Amongst other items, set out that the environmental assets of the area will be protected, maintained, restored and enhanced.

7.3 Policy 2: Promoting good design

All development will be designed to the highest possible standards, creating a strong sense of place. In particular, development proposals will respect local distinctiveness.

7.4 Policy 5: The economy

The local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations. The rural economy and diversification will also be supported.

7.5 Policy 6: Access and transportation

Seeks to concentrate development close to essential services and facilities to encourage walking and cycling as the primary means of travel with public transport for wider access.

7.6 Policy 17: Smaller rural communities and the countryside

Farm diversification, home working, small-scale and medium -scale commercial enterprises where a rural location can be justified, including limited leisure and tourism facilities to maintain and enhance the rural economy will also be acceptable. Other development, including the replacement of existing buildings, will be permitted where it can be clearly demonstrated to further the objectives of the JCS.

Broadland Development Management DPD 2015 – (DM DPD):

7.7 Policy GC1: Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

7.8 Policy GC2: Location of new development

New development will be accommodated within settlement limits defined on the proposals map. Outside of these limits, development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the development plan.

7.9 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid

any significant detrimental impact.

7.10 Policy EN2: Landscape

In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD.

7.11 Policy EN4: Pollution

Development proposals will be expected to include an assessment of the extent of potential pollution. Where pollution may be an issue, adequate mitigation measures will be required. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.

7.12 Policy TS3: Highway safety

Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

7.13 Policy CSU5: Surface water drainage

Amongst other things, mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

Landscape Character Assessment SPD:

- 7.14 Identifies the application site as falling within the Weston Green Tributary Farmland.

Other material considerations:

- 7.15 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 7.16 Planning (Listed Buildings and Conservation Areas) Act 1990:

Sections 16(2) and 66(1) provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the buildings or its setting or any features of special architectural or historic interest which it possesses.

Easton Neighbourhood Plan (Does not form part of the Development Plan, as not part of Broadland District):

7.17 Policy 1: Heritage Protection

Development proposals should preserve the local heritage of listed buildings and their settings or any features of special architectural or historic interest which they possess. Where appropriate these listed buildings should be enhanced and their setting preserved as part of any adjacent or associated development.

7.18 Policy 4: Church of St Peter

The integrity and setting of the Church of St Peter will be safeguarded. Any development proposals in the immediate vicinity of the church should demonstrate that they have been designed so that they do not generate substantial harm to the setting of the building. Development proposals should ensure that their arrangement of open space and landscaping are designed in a fashion that would protect and enhance the setting of the church.

7.19 Policy 12: Traffic impact

Proposals for new major residential or commercial development should quantify the level of traffic movements they are likely to generate with other developments in Easton and the adjoining area and the potential impact of this traffic should be assessed together with measures to mitigate any negative impacts on road safety, pedestrians, safe road crossings, cyclists, parking and congestion within Easton.

8 LOCATION AND DESCRIPTION OF SITE

8.1 The application site forms part of an agricultural field, used for arable purposes, in the same way as the surrounding land. The site itself is located in the south east corner of the site that has been granted as a FEZ under the LDO on relatively raised ground compared to the land to the north and the south east and the valleys beyond. The southern field boundary is marked by roadside trees and hedgerows with a new tree belt planted on the field side of the boundary. To the east of the site are a line of mature trees interspersed with hedgerows.

8.2 The nearest residential neighbour is Red Barn Cottage some 430m to the south west. The edge of the built up area of Easton is approximately 830m to the north east and blocks of vegetation exist between the site and Easton. The Grade I Listed Church of St Peter is on the western edge of Easton. The Grade II* Listed St Andrews Church, Honingham is approximately 1,040m to the north west of the site, just beyond the A47.

9 PLANNING HISTORY

- 9.1 [20170052](#): Greater Norwich Food Enterprise Zone. Local Development Order Approved October 2017.
- 9.2 [20181090](#): Application for screening opinion of proposed development for the processing of agricultural produce / manufacture of food products. No decision.
- 9.3 [20181177](#): Details of vehicular access to the site and proposed improvements to Church Lane, as requested by condition 2.20 of Local Development Order ref: 20170052. Approved 21 December 2018.
- 9.4 [20181336](#): (1) Infiltration lagoon to serve Food Enterprise Park; (2) Submission of details under condition 2.25 of the Local Development Order ref: 20170052. Approved 21 December 2018.
- 9.5 South Norfolk Council planning application ref: 2014/2611: The erection of 890 dwellings; the creation of a village heart to feature an extended primary school, a new village hall, a retail store and areas of public open space; the relocation and increased capacity of the allotments; and associated infrastructure including public open space and highway works. Outline application approved 1 November 2016 (reserved matters to be submitted before 1 November 2021 with a 3 year commencement of development following approval of the last reserved matters).

10 APPRAISAL

- 10.1 The main issues to be taken into consideration in the determination of this application are an assessment of the proposals against the development plan, the NPPF(2018), the Planning Practice Guidance, and other material considerations, including the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Easton Neighbourhood Plan and whether the proposed development results in a significant detrimental impact upon the character and appearance of the surrounding area, heritage assets, residential amenity including consideration of noise, dust and odour and highway issues.

Policy Framework:

- 10.2 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This point is reinforced by the NPPF, which is a material consideration as is the Planning Practice Guidance. The

parts of the development plan that are relevant to this application are the JCS, DM DPD and the Landscape Character Assessment SPD.

- 10.3 Policy GC2 of the DM DPD states that new development will be accommodated within defined settlement limits. Outside of these limits, development that does not result in any significant adverse impact will be permitted where it accords with a specific allocation and / or policy of the Development Plan. The site is outside any defined settlement limit but has been granted as a Food Enterprise Zone under the LDO.
- 10.4 Policy 5 of the JCS supports economic growth both in urban and rural locations and specifically advances 'the development of a flagship food and farming hub serving the needs of Norfolk and supporting the agri-food sector in and around greater Norwich'. Furthermore Policy 17 of the JCS allows development in the countryside where it can be clearly demonstrated to further the objectives of the JCS. It is considered that the development of the LDO site furthers the economic objectives of the JCS. As such these are the 'in principle' policies of the development plan that support the proposal outside of the settlement limit.
- 10.5 The requirements of Policies GC4 (Design), EN2 (Landscape), EN4 (Pollution), TS3 (Highway safety) and CSU5 (Surface water drainage) of the DM DPD require assessment and each is assessed in the relevant site specific matters below.

Landscape:

- 10.6 In considering the effect of the proposals on the character and appearance of the surrounding area it is necessary to assess the site itself which forms part of an agricultural field, currently used for arable purposes, within an extensive undeveloped rural landscape which is interspersed with trees and blocks of vegetation. The application site is on raised ground compared to the wider landscape, particularly to the north and south east of the site. The southern field boundary is marked by a combination of trees and hedgerow together with a newly planted landscape strip on the field side of the hedgerow. The eastern field boundary is formed by a hedgerow and mature trees. Policy GC4 bullet i) requires that proposals pay adequate regard to the environment, character and appearance of an area and Policy EN2 requires that the character of the area should be protected.
- 10.7 A detailed Landscape and Visual Impact Assessment (LVIA) has been submitted and includes nine viewpoints from the locality to establish the effect of the proposals on the landscape. The LVIA concludes that the landscapes sensitivity to the proposed development is high, however no significant areas of settlement will be directly affected by the proposals and although in close proximity to the site the mill building will appear as a tall and noticeable feature, the strategic planting required as part of the LDO condition will

provide some visual mitigation on the local scale. The level of impact ranges from major in proximity to the building, to moderate in locations further from it, and after the successful establishment of planting to maturity this impact will reduce further to minor neutral. It should also be noted that this impact will be further mitigated by the proposed use of a graduated colour finish on the milling building from green to white, which is a visual treatment so that the upper part of the building could blend with the skyline, thereby assisting to reduce the full effect of the 20m height.

- 10.8 It is considered that the proposals have had regard to the environment, character and appearance of the area by the submission of the detailed LVIA together with the design of the proposals, the colourway treatment to help blend with the skyline and the location of the taller buildings in proximity to retained trees to the south and east of the proposals. Although it is noted that there is an impact on the character and appearance of the surrounding area, particularly in proximity to the proposed milling building and silos before the strategic landscaping planting becomes established, this does not significantly and demonstrably outweigh the economic benefits of approving this application.
- 10.9 In terms of the request for the imposition of a landscaping scheme for the proposed works it is considered that it is not necessary in this case as a strategic landscaping scheme is to be submitted and approved for the entire FEZ site under the requirements of condition 2.27 of the LDO. Furthermore a condition requiring tree protection of the retained trees in proximity to the application site is also not required as condition 2.29 of the LDO states: *'Retained trees shall be protected in accordance with the relevant sections of BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations'* which is considered to be adequate to ensure that the retained trees will be protected during the construction period.

Heritage assets:

- 10.10 In addition to the visual impact of the proposals on the landscape it is also necessary to consider the impacts of the proposals on the heritage assets in the area. Section 16 (Conserving and enhancing the historic environment) of the NPPF and sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the buildings or its setting or any features of special architectural or historic interest which it possesses.
- 10.11 The applicant has submitted a Supplementary Landscape and Visual Impact Assessment – Listed Buildings, to allow this assessment which sets out the characteristics and photographic viewpoints from the two listed churches in the locality and their relationship to the proposals. The churches are the Grade II* St Andrews Church, Honingham which is 1,040m to the north west

of the application site and the Grade I Church of St Peter, Easton which is 830m to the north east of the application site. The assessment concludes in both cases that the impact on the churches and their churchyards is negligible and neutral due the distances involved, the vegetation that exists between them and in the case of St Andrews Church the topography, as the church is at a much lower point in the valley. This assessment has been considered by Historic England and the Council's Historic Environment officer and both their comments are set out at paragraphs 4.7 & 4.12 above. Historic England states *'even the taller parts of the proposed development would not have a pronounced impact on the experience of being near the listed buildings. It is possible that a viewer in the areas of open land between Honingham and the development site would perceive both in combination and more clearly than in views from the churchyard. However, based on the assessment we consider it unlikely there would be little impact amounting to harm to the historic significance of the churches and would therefore not object to the application'*. The Historic Environment officer considers *'The harm will be greater to these buildings (the churches) than to other residential and commercial heritage assets in the vicinity because the proposed tower will compete in the landscape with the church towers. However, given the current and proposed hedging and tree cover and the distant nature of the affected views, then I would judge the harm caused by damage to the settings to be 'less than substantial' to the significance of the listed buildings although more than 'minimal'*.

- 10.12 On the basis of these comments and the assessment submitted it is considered that it has been demonstrated that the proposals will have less than substantial harm on the setting of the listed churches. Paragraph 196 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. In this case the economic benefits of providing employment and securing the first development on the LDO site and the associated increased revenue in the area and for the District is considered to be a public benefit which outweighs the less than substantial harm to the listed churches.

Residential amenity:

In this case there are no immediate residential properties to the application site; Red Barn Cottage is the nearest dwelling which is approximately 430m to the south west of the application site. To the east of the application site, approximately 650m away, within South Norfolk Council's administrative area outline planning permission was granted under ref: 2014/2611 for a major housing scheme of 890 dwellings. No details have been submitted to identify the position of dwellings on the residential scheme. The current proposals are not considered to have an unacceptable visual impact on any existing or proposed residential property or settlement. In granting the LDO, conditions were imposed which set out the acceptable parameters for noise, dust and

emissions from the FEZ development and the conditions identify the relevant monitoring points for each element. In terms of noise this is the south west corner of the site (close to Red Barn); dust is to be monitored on the boundary of any residential property and emissions are monitored 'outside of the site'. The Council's Environmental Health officer has considered the processes involved in the use of the milling building in terms of noise, dust and emissions and has concluded that the existing LDO condition (2.17) in respect of odour should be re-imposed for this application. He has requested the imposition of a specific condition in respect of dust, which has been agreed with the applicant and will be imposed. In respect of noise he has requested that in this case 'a 10dB factor be subtracted from the permitted LDO noise condition no. 2.16, and a noise contour for each of the parameters set in table 1 of the LDO noise condition should be included, extending at least 800m from all site boundaries'. It is not considered to be reasonable to subtract a factor of 10dB from the permitted noise level set by the LDO noise condition, as the proposal needs to be considered in its own rights given that a separate planning application has been submitted for it. The potential noise from the as yet unspecified FEZ developments cannot be predicted and therefore it is recommended that the noise condition no. 2.16 is re-imposed to serve as the permitted noise level for the entire site. It will be for the promoter and developer of the FEZ site to ensure that the uses that are developed in combination across the FEZ site do not breach the LDO noise limits at the specified monitoring point. It is therefore considered that the requirements of Policies GC4 bullet point iv) and EN4 of the DM DPD have been complied with.

Highways:

- 10.13 In turning to the highway issues it is noted that the applicant anticipates that the proposed use of the plot including the proposed mill building the silos and the processing building covered by the LDO submission will generate the traffic movements set out at paragraph 2.3 above. On this basis the Highway Authority has no objection as there is limited impact on the local highway network. It should be noted that the details submitted under ref: 20181177 set out the proposed works to the highway. It is considered that the requirements of Policy TS3 of the DM DPD have been complied with.

Other material considerations:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

- 10.14 The applicant has submitted an Environmental Statement (ES) in support of the planning application and under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the District Council has to follow a set of procedures in terms of consultation, publicity, assessment and determination of such applications. The relevant consultees were notified that an ES had been submitted and the comments received are

set out in sections 4 and 6 of the report. In addition, as required the Secretary of State was consulted on the proposals including the submission of the ES and it was confirmed that on behalf of the Secretary of State there are no comments to make.

10.15 Under part 26 of the EIA regulations 2017, when determining the planning application the relevant planning authority is required to:

- (a) Examine the environmental information;
- (b) Reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;
- (c) Integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- (d) If planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

10.16 In terms of these requirements the Council has examined the ES and note that a wide range of environmental topics have been considered but scoped out of the ES, these are; Agriculture, Air Quality, Archaeology, Ground Conditions, Ecology, Above Ground Heritage, Noise, Socio-economics, Transport, Water Resources and Flood Risk and Off-site Impacts. The ES identifies that the significant effects of the proposed development on the environment are landscape and visual impacts. These effects have been fully assessed in this report from paras. 10.6 – 10.9 above and the conclusion is that the proposals have had regard to the environment, character and appearance of the area by the submission of the detailed Landscape Visual Impact Assessment (LVIA) together with the design of the proposals, the colourway treatment to help blend with the skyline and the location of the taller buildings in proximity to retained trees to the south and east of the proposals. Although it is noted that there is an impact on the character and appearance of the surrounding area particularly in proximity to the proposed milling building and silos before the strategic landscaping planting becomes established, this does not significantly and demonstrably outweigh the economic benefits of approving this application. In addition, the ES includes a description of the reasonable alternatives which have been studied by the developer, which are relevant to the proposals including the reasons for selecting the LDO site. The Council considers that the ES includes all required details.

10.17 The EIA regulations 2017 require that cumulative effects of development are assessed. In this case the cumulative effects of the proposed development together with the development of the wider LDO site and the housing

development of 890 dwellings that South Norfolk Council issued Outline planning approval for in November 2016 on the land to the east of the LDO site should be assessed. It should be noted that at the time that the designation of the LDO was being considered officers sought an EIA screening opinion to establish whether the FEZ was EIA development and it was concluded that an EIA was not required. Furthermore the residential development was supported by an ES and it was concluded that the environmental, social and economic impacts raised in the ES were considered and addressed. On this basis it is considered that the cumulative effects of these developments do not have additional significant effects on the environment.

- 10.18 The ES states that to ensure the potential construction impacts are minimised a Construction Environmental Management Plan (CEMP) is proposed as this will outline the allocated responsibilities, procedures and requirements for environmental management associated with the proposed development. It is considered that a CEMP is required in this case and the requirement for the submission and approval of a CEMP will be imposed as a pre-commencement condition.
- 10.19 A conclusion on the significant effects of the proposed development on the environment will be integrated into the decision notice, should approval be granted. In addition, it is considered in this case that it is not necessary to impose specific monitoring measures in connection with the environmental impact, as monitoring arrangements under other regulatory processes are considered to be appropriate in this case.
- 10.20 The proposed milling tower building and the 6 no. silos have been screened by the District Council against the EIA regulations 2017. The proposal is not classed as a Schedule 1 development under the regulations but should be assessed against Category 7 'Food Industry' or Category 10 (a) 'Industrial Estate development projects' of Schedule 2. The development exceeds the thresholds of 0.5 hectares in terms of Category 10 (a) and the area of floorspace (of the whole development and not that of the application proposals) exceeds 1,000m² in the case of Category 7. As an ES has been submitted in support of the proposals the development automatically becomes EIA development and the requirements of the EIA regulations 2017 apply.

Easton Neighbourhood Plan:

- 10.21 The Easton Neighbourhood Plan (ENP) does not form part of the Development Plan as the parish is outside of Broadland District but it is relevant to consider its contents. It was adopted in September 2017 and the policies which require assessment are 1, 4 and 12 as the proposals are 860m from the edge of the churchyard of the Church of St Peter. Policy 1 is concerned with heritage protection, Policy 4 sets out the considerations concerning the Church of St Peter and Policy 12 is concerned with traffic impact.

- 10.22 Policy 1 (Heritage Protection) states that development proposals should preserve the local heritage of listed buildings and their settings and Policy 4 (Church of St Peter) requires that the integrity and setting of the church will be safeguarded and any proposals in the immediate vicinity of the church should demonstrate that they have been designed so that they do not generate substantial harm to the setting of the building. Paragraphs 10.10 – 10.12 above assess the impacts of the proposals on the heritage assets including the Church of St Peter and concludes that the proposals have a less than substantial harm to the setting of the Grade I Listed Church of St Peter and would safeguard its integrity and setting, therefore the proposals are considered to meet the requirements of Policies 1 and 4 of the ENP.
- 10.23 Policy 12 (Traffic impact) requires that the level of traffic movements are quantified and the impact of this traffic is assessed. As the Highway Authority has considered the traffic generation and raised no objection it is considered that the proposals comply with Policy 12 of the ENP.

Appropriate Assessment:

- 10.24 In turning to the need for an Appropriate Assessment under the Habitat Regulations, it should be noted that Natural England has been consulted on the proposed milling tower building and silos and they confirm that 'the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. They have assessed the proposal and its location in relation to European sites – River Wensum Special Area of Conservation, the River Wensum Site of Special Scientific Interest and Sites of Special Scientific Interest Impact Risk Zones and in each case they state that the proposals will not damage or destroy the specified designations'. They conclude that *'To meet the requirements of the Habitat Regulations, we advise you to record that a likely significant effect can be ruled out.'* It is also noted that the River Tud has been designated as a County Wildlife Site by the Norfolk Wildlife Trust which is a tributary of the river Wensum. Further afield are 3 other European designated sites: The Broadland Special Area of Conservation (SPA), the Broadland Ramsar and the Broads SAC. An appropriate assessment was undertaken at the time of LDO being formulated and the District Council concluded that Appropriate Assessment was not required. The proposals are effectively for an additional 10m of the milling building and the upper section of the 6 no. silos above the LDO parameter. It is considered that on this basis the proposals do not require an Appropriate Assessment and the requirements under the Habitat Regulations have been complied with.

Planning Balance:

- 10.25 The planning balance should consider whether the benefits associated with the proposed development outweighs the harm. In this case the benefits of the proposals are the economic benefits of securing a key development onto the LDO site, the employment that it will generate, the associated revenues in

the area and the District and that it should attract other businesses to the site to kick start the Food Enterprise Zone. From the consultation replies the harm is the impact of the proposals on the landscape and heritage assets and the issues of noise, dust and emissions arising from the development. It is noted that there will be some visual impact of the proposals on the landscape particularly when viewed in proximity to the site; however this is to be mitigated by the strategic landscaping of the LDO site and the colour treatment of the mill building. The impact further from the proposals are classified as moderate which will reduce to minor neutral once the strategic landscaping planting becomes established. It is considered that the visual impact on the landscape does not significantly and demonstrably outweigh the economic benefits of approving this application. The impact of the proposals on the heritage assets has been carefully assessed and it has been concluded that the harm to the listed churches will be less than substantial and it is considered that the economic benefits of the proposals are considered to outweigh any impact on the setting of the churches. Finally the issues of noise, dust and emissions have been considered and can be adequately controlled by suitably worded conditions.

- 10.26 It should be noted that the statutory duties and NPPF policies referred to above relating to heritage assets mean that the impact of the proposals on the heritage assets is not a matter to simply be considered alongside other material considerations. Instead, great weight should be given to the assets' conservation (including its setting). The impact of the proposals has been carefully assessed in this context. It has been concluded by Historic England that the harm to the listed churches will be less than substantial and officers consider that the economic benefits of the proposals are considered to be public benefits which outweigh any impact on the setting of the churches.
- 10.27 Taking account of the assessment of the policies of the development plan and the NPPF and by applying the planning balance above, it is recommended that the Committee agree to grant full planning permission for the application. The proposals have been assessed as EIA development and considered against the requirements of the EIA regulations 2017.

RECOMMENDATION: APPROVE subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Development shall not proceed above slab level until details of all external materials including details of the colour finish of the cladding to the milling

building to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

- (4) Prior to the commencement of development a Construction Environmental Management Plan (CEMP) is to be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with the approved CEMP.
- (5) Noise and sound pressure emanating from the site associated with any building or use permitted by virtue of the LDO shall not exceed the following limits when measured at the southwest corner of the LDO site.

A-weighted noise limits

Time Period	LAeq, 15 mins (dB)	LAFmax, 5 min (dB)
Daytime – 0700 to 1900	50	-
Evening - 1900 to 2300	45	-
Night – 2300 to 0700	40	61

Octave band noise limits

Time Period	Frequency (Hz)								A
	63	125	250	500	1k	2k	4k	8k	
Day (0700 – 1900)	57	40	41	45	47	37	30	31	50
Evening (1900 – 2300)	51	37	37	40	42	32	23	27	45
Night (2300 – 0700)	43	32	32	33	33	24	27	31	40

- (6) Prior to the use of the building hereby approved commencing an air quality screening and assessment report must be submitted to the Local Planning Authority for its agreement and written approval. The screening and assessment must detail all emission points, mitigation techniques and emission standards. The assessment must satisfy Condition 2.19 of the LDO and the development shall be carried out as per this approval.
- (7) Emissions from the activities (including those associated with the commissioning the plant, waste disposal and treatment of waste water) shall be free from odour at levels likely to cause harm to amenity outside of the site, as perceived to constitute a statutory nuisance by an authorised officer of Broadland District Council. The operator shall use appropriate measures to prevent or where that is not practicable, to minimise odour.

- (8) The use hereby approved shall not commence until details of any floodlighting have been submitted to and approved by the Local Planning Authority. The equipment shall then be installed, operated and maintained in accordance with the approved details.
- (9) The buildings hereby approved shall not be brought into use until the processing building shown on drawing no: 5940/059 (sheet 2 of 2) received on 6 August 2018 has been constructed and brought into use.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory appearance of the building in accordance with Policy GC4 of the Development Management DPD 2015 and to assist with the landscape and visual impacts of the proposals as set out in the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- (4) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To provide adequate protection to the natural environment and to safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (7) To provide adequate protection to the natural environment and to safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (9) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management Plan DPD 2015.

Plans and documents:

Dwg. No.5940/060 (sheet 2 of 2) Rev. D – Proposed location plan, received 6 August 2018

Dwg. No. 5940/059 (sheet 1 of 2) Rev. F – Proposed site plan, received 6 August 2018

Dwg. No. 5940/059 (sheet 2 of 2) Rev. F – Proposed elevations, received 6 August 2018

Dwg. No. 5940/061 (sheet 1 of 1) Rev. D – Proposed site plan site services, received 6 August 2018

Informative:

An Environmental Statement has been submitted in support of the planning application and under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the significant effects of the proposed development on the environment are landscape and visual impacts. The Local Planning Authority conclude that the proposals have had regard to the environment, character and appearance of the area by the submission of the detailed Landscape Visual Impact Assessment together with the design of the proposals, the proposed colourway treatment to assist with blending the upper parts of the mill building with the skyline and the location of the taller buildings in proximity to retained trees to the south and east of the proposals. Although it is noted that there is an impact on the character and appearance of the surrounding area particularly in proximity to the proposed milling building and silos before the strategic landscaping planting becomes established, this does not significantly and demonstrably outweigh the economic benefits of approving this application. The impact further from the proposals are classified as moderate which will reduce to minor neutral once the strategic landscaping planting becomes established.

Condition 3 is imposed to require that details of all external materials including the colour finish of the cladding to the milling building is approved by the Local Planning Authority as the colourway finish of the upper part of the mill building is directly related to the visual appearance of the mill building, this is considered to relate to the stated significant environmental effects of the development on the environment. None of the other conditions imposed are considered to relate to the stated significant environmental effects of the development on the environment.

There are no additional monitoring measures required which relate to the stated significant environmental effects of the development on the environment in this case.

PLANNING COMMITTEE

23 January 2019

Final Papers

Page No

Agenda Item 3

Attached are the Minutes of the meeting held on
9 January 2019

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Supplementary Schedule

Attached is the Supplementary Schedule showing
those representations received since the Agenda was
published and other relevant information

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DEMOCRATIC SERVICES

Broadland District Council

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: 01603 430428

Email: cst@broadland.gov.uk

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 9 January 2019** at **9.30am** when there were present:

Mr D B Willmott – Chairman

Mr A D Adams
Mr G Everett
Mr R R Foulger

Mr R F Grady
Mrs L H Hemsall
Mr R J Knowles

Mr K G Leggett
Mrs B H Rix
Mr J M Ward

The following Members attended the meeting and spoke with the Chairman's concurrence on the items shown:

Mrs Bannock & Mr Clancy	Minute no: 66 (land at Taverham Hall, Taverham Park)
Mr O'Neill	Minute no: 69 (The Stables, Ranworth Road, South Walsham)
Mr Peck	Minute no: 65 (Old Station Yard, Cawston Road / Stony Lane, Reepham)
Mrs Vincent	Minute nos: 67 & 68 (land at St Faiths Road, Old Catton)

Also in attendance were the Development Manager; Area Planning Manager (West) (for Minute numbers 62-68 & 70-71); Area Planning Manager (East) (for Minute no: 69); Senior Planning Officer (CJ) (for Minute nos: 67 and 68); Historic Environment Officer (for Minute no: 66) and the Senior Committee Officer.

62 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Mr Foulger reminded the Committee that he was the Portfolio Holder for Housing & Wellbeing.

63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Miss Lawn and Mr Mallett.

64 MINUTES

The Minutes of the meeting held on 19 December 2018 were confirmed as a correct record and signed by the Chairman.

65 APPLICATION NUMBER 20180963 – OLD STATION YARD, CAWSTON ROAD / STONY LANE, REEPHAM

The Committee considered an application for the erection of a food retail store (A1 use) with opening hours of 7am-11pm every day; offices (B1a use) with hours of operation as 7am-10pm Monday to Friday and 7am-7pm on Saturdays; a 60 bed care home (C2 use); 20 assisted flats (C2 use); 15 assisted bungalows (C2 use); assembly room / club house (C2 use) and associated car parking, service yards, access roads, drainage works and landscaping at Old Station Yard, Cawston Road / Stony Lane, Reepham. A minimum age limit restriction of 75 years or over had been agreed by the applicant for the occupation of the care bungalows. In terms of vehicular access, the offices and food retail store would be served mainly by an access of Station Yard (with a service exit point onto Stony Lane) and the care village would be served by separate accesses off Stony Lane (secured by a gate). A footway would be provided along the frontage of the site on the northern side of Stony Lane to connect with the existing footway on Station Road. In addition, a gated access was proposed from the care village onto Marriott's Way.

The application was reported to committee as it was a major application and of local interest.

The Committee noted the receipt of five additional neighbour objections / comments in respect of the amended access plans; the officer's response; further comments from the applicant's agent; an amendment to condition 28 relating to the opening hours and additional conditions relating to the eastern gates "B" and the pedestrian access gate, all as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of Paul Mitchell of Reepham Town Council; Stephen Briggs of 17 Stony Lane, Mark Lester of 21 Stony Lane (also representing nos: 1, 3, 5 & 25), Lindsay Buley of 21 Stony Lane (also representing nos: 1, 3, 5 & 25), all objecting to the application and Ian Malton of CAM Architects and James Marshall of CDP Ltd (the applicant) at the meeting. Mr Peck also addressed the meeting, in his capacity as the Member for an adjoining Ward and the County Councillor for the Division, expressing his concerns.

The site was currently unused and had been for a considerable number of years. However, it was located within the settlement limit where the principle of development was considered to be acceptable provided that it did not result in any significant adverse impact. In addition, the site was allocated in the Site Allocation DPD (2016) under Policy REP2 for a mixed development of residential and employment of approximately 20 homes, B1 and B2 employment uses. The Committee acknowledged that the mix of uses proposed did not strictly meet the terms of the allocation under Policy REP2 but Policy H5 of the DM DPD (2015) and Policy H4 of the JCS did apply.

Regarding the proposed "care village", it was noted that a significant number

of jobs would be provided (approximately 100 staff) and other employment opportunities in conjunction with the other proposed uses on the site. Therefore, it was considered appropriate for this proposal to be located on this mixed use site and that the requirements of Policy H5 had been met. The application proposed that the care village provide, for persons of age 75 and over, independent living together with regular care being provided by health professionals, with the ability to receive more specific care according to the needs of each individual at any time during their occupation. Therefore, the proposal would offer residents a choice in their level of care but with a minimum requirement of four hours per week. Accordingly, Members considered that it had been demonstrated that the care village element represented a C2 use and, in this respect, there was no requirement for affordable housing to be provided against Policy H4 of the JCS. However, Members were of the opinion that there should be no minimum age limit for occupants who met the care requirements to occupy the care home or assisted flats. As there was a recognised shortfall in the type of accommodation being proposed, the Committee considered that the provision of the care village was a much needed facility within both the district and county and met the employment objectives of the site's allocation.

It was noted that the club house would provide a social hub, similar to a community centre for the residents but also be available for lettings to wider groups to provide interaction with the community.

In terms of the two office buildings proposed adjacent to the Station Road access, these clearly accorded with the policy allocation and therefore, would be appropriate in that location.

The food store would also create employment opportunities (approximately 12-15 jobs) and add to the services available within Reepham. A sequential test had been undertaken and Members noted that this identified there were no other units or development sites in or adjoining the existing centre which could provide the proposed floor space. Due to the store's proposed size, a retail impact test was not necessary and Members concluded that the size and location of the food store was appropriate within the overall development.

Accordingly, taking into account all of the above, it was considered that the mix of uses proposed within the application were appropriate for the town and would enable the development of an unused and undeveloped site to be brought forward, whilst providing a significant number and broad range of employment opportunities.

In terms of the development's impact upon the character and appearance of the area, it was noted that the application had been amended in response to concerns, such as a reduction in height of the buildings (particularly the care home) and a more simplified design so that the buildings all complemented each other. It was noted that the boundary treatments along Marriott's Way were proposed to be significantly enhanced to provide screening between the

path and the development. Whilst the building would be clearly visible, it was considered the broken mass and articulated elevations would give a degree of visual interest on the site. Overall, the impact of the assisted flats was considered to be acceptable. In regards to the design and scale of the food store, these were considered to be acceptable.

Some Members expressed concern that the hedgerow along Stony Lane would need to be removed to accommodate the highway widening improvements including the proposed footpath. It was noted that the submitted Landscaping Statement stated that the hedge to the north side of Stony Lane tended to be very partial and was simply remnant areas of scrub interspersed with fence posts which were covered in ivy. However, their removal would expose the site to a greater degree than currently and the installation of the footpath and highway improvements would erode the verdant character of Stony Lane. Notwithstanding this, it was considered that an opportunity was being provided to plant a hedgerow that would, in time, establish and have a greater value than the existing and as the new hedging and landscaping became established, this would allow any harm caused by the development to diminish over time. Furthermore, the view of the Conservation Officer (Arboriculture & Landscape) was that the existing hedgerow was not considered to be important and accordingly the Hedgerow Regulations did not apply.

In terms of the impact of the development upon the amenity of nearby residents, Members acknowledged that the scheme as a whole had been amended to reduce the overall impact and it was considered that the proposals, in their revised form, did not impact significantly in terms of loss of light, privacy, overlooking or by being overbearing. Regarding the opening hours of the food store, Members noted the earlier closing time referred to in the Supplementary Schedule which would be imposed by condition.

The Committee noted the access arrangements as detailed in the report, together with the fact that the applicant had submitted amended plans to overcome the concerns of the Highway Authority who were now not objecting to the application subject to the imposition of a number of conditions. Accordingly, the proposals were considered to meet the requirements of Policies TS3 and TS4 of the DM DPD.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of appropriate conditions.

In conclusion it was considered that, whilst there was some conflict with the site allocation, on balance the scheme was acceptable subject to the imposition of conditions and a legal agreement to ensure the care village remained within Use Class C2. Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20180963 subject to the satisfactory completion of a Section 106 Agreement with the following Head of Terms and subject to the following conditions:

Head of Terms:

- The care village operator will ensure that it and its care will be regulated by the Care Quality Commission (CQC).
- The care village operator will ensure that occupiers of the care village apartments and bungalows are contractually obliged to purchase a minimum amount of at least four hours of care each week.
- The care village operator will ensure that the minimum age of all residents of the assisted bungalows are 75 years of age; however in terms of the care home and assisted flats, residents have medical needs which fulfil the care requirements.
- The care village operator will ensure that the residents of the care village apartments and bungalows will each pay a weekly maintenance fee to cover the daily bin collections and property maintenance.
- The care village operator will ensure that the care village apartments and bungalows will contain level access bathing / showering facilities, accessible doorways and circulation, higher level electrical sockets and emergency alarm systems with pull cords and intercoms for immediate response.

Conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Development shall not proceed above slab level until details of all external materials (including samples) to be used in the development have shall been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

- (4) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- (i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- (5) Development on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, Provisional Tree Protection Plan and Method Statement supplied by CJ Yardley Landscape Survey Design and Management dated October 2018. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AMS have been carried out and all tree protection barriers are in place as indicated. The protective barrier shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning has been sought and obtained.
- (6) Development shall not proceed above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

The species, number, size and position of new trees and shrubs at the time of their planting.

All existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas as required at paragraph 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development.

Specification of materials for fences, walls and hard surfaces.

Details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials.

Details of the location of all service trenches.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- (7) Development shall not begin until foul drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- (8) No works shall commence on the site until the Traffic Regulation Order for the extension of the 30 mph speed limit on Stony Lane has been promoted by the Local Highway Authority.
- (9) Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10m from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- (10) The gradient of the vehicular accesses shall not exceed 1:12 for the first 10m into the site as measured from the near channel edge of the adjacent carriageway.
- (11) Prior to the first use of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of the new food store access (on Station Road) where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (12) Prior to the first use of the development hereby permitted visibility splays measuring 2.4m x 43m shall be provided to each side of all new accesses on Stony Lane where they meet the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (13) Prior to the first use of the development hereby permitted a visibility splay measuring 2.4m x 59m shall be provided (to north-east) at the junction of Stony Lane & Station Road. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (14) Prior to the first use of the development hereby permitted the proposed access/on-site car and cycle parking / servicing / loading / unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- (15) Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the

construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

- (16) Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- (17) For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- (18) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the widening of Stony Lane to a minimum of 6m (from its junction with Station Road to the most westerly access to the site); provision of a 1.8m footway on the north side of Stony Lane, provision of a size 3 turning head on Stony Lane (at the most westerly access to the site), DDA bus stop improvement on Station Road, pedestrian crossings on Station Road and the design of the accesses onto Station Road & Stony Lane.
- (19) Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works referred to in condition 18 shall be completed to the written satisfaction of the Local Planning Authority.
- (20) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- (21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site

where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

- (22) No development shall take place (including any demolition or ground works or site clearance) until a method statement for protected species including common reptiles, bats and birds has been submitted to and approved in writing by the local planning authority. The Method Statement should draw together the recommendations in the submitted ecology reports (Protected Species Assessment, Finnemore Associates, May 2018; Addendum to Ecology Report, Wild Frontier Ecology, 30.10.18; and Response to Ecology Comments, Finnemore Associates, 02.10.18), and should include timings of when works should be undertaken and who will be responsible for implementing them. The works shall be carried out strictly in accordance with the approved details.
- (23) Prior to the commencement of development above slab level a biodiversity enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the enhancement measures for biodiversity on site. The biodiversity enhancement plan should include: numbers and locations of bird boxes, bat boxes, habitat enhancements including drawings, details of the body or organization responsible for implementation of the plan, and ongoing monitoring and remedial measures. The measures shall be carried out strictly in accordance of the approved scheme.
- (24) Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised and renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The details as approved shall be completed prior to the first occupation of any of the dwellings hereby permitted and thereafter shall be maintained.
- (25) Prior to the commencement of development above slab level, full details are to be submitted and approved in writing by the local planning authority, detailing the surface water drainage scheme including the connection to the off-site watercourse, including a timetable for the works through to completion. The surface water drainage scheme shall be carried out strictly in accordance with the approved scheme.
- (26) Prior to the commencement of development above slab level, full details are to be submitted and approved in writing by the local planning authority, detailing the resurfacing proposals for that section of the Marriott's Way that is affected by the surface water drainage proposals associated with the approved development, including a

timetable for the works through to completion. The resurfacing shall be carried out strictly in accordance with the approved scheme.

- (27) The office units shall be used as Class B1(a) use and for no other purpose (including any other purpose in Class B1 of the Schedule of the Town and Country Planning Country (Use Classes) Order 1987) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.
- (28) Unless otherwise specified in writing by the Local Planning Authority, the hours of operation of the food store shall be limited to 07:00 – 22:00 each day of the week.
- (29) Unless otherwise specified in writing by the Local Planning Authority, the hours of operation of the offices shall be limited to 07:00 – 22:00 Monday – Friday and 07:00 – 19:00 on Saturdays and at no time on Sundays or Bank Holidays.
- (30) The gates referred to as “Gate B2 on Dwg no: 1407-A-PL27 shall be hung to be open inwards and shall be retained as such in perpetuity.
- (31) The pedestrian gate to the neighbouring commercial uses shall allow access for staff and residents of the care village.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) This is required prior to commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN4 of the Development Management DPD 2015.
- (5) To avoid damage to the health of the existing trees and in the interest of maintaining the amenity value of the area in accordance with

Policies GC4, EN2 and EN3 of the Development Management DPD 2015.

- (6) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (8) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (9) In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy TS3 of the Development Management DPD 2015.
- (10) In the interests of the safety of persons using the access and users of the highway in accordance with Policy TS3 of the Development Management DPD 2015.
- (11) In the interests of highway safety in accordance with the principles of the NPPF.
- (12) In the interests of highway safety in accordance with the principles of the NPPF.
- (13) In the interests of highway safety in accordance with the principles of the NPPF.
- (14) To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (15) To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development in accordance with Policy TS3 of the Development Management DPD 2015.
- (16) In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development in accordance with Policy TS3 of the Development Management DPD 2015.

- (17) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (18) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- (19) To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy TS3 of the Development Management DPD 2015.
- (20) To protect and prevent the pollution of the water environment, particularly groundwater, from potential pollutants associated with current and previous land uses in accordance with Policy EN4 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (21) To protect and prevent the pollution of the water environment, particularly groundwater, from potential pollutants associated with current and previous land uses in accordance with Policy EN4 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (22) To ensure the proposal is not detrimental to biodiversity and protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (23) To ensure the proposal is not detrimental to biodiversity and protected species in accordance with Policy EN1 of the Development Management DPD 2015 and the National Planning Policy Framework.
- (24) To ensure the development is constructed to an appropriate standard in accordance with Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.
- (25) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (26) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

- (27) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (28) To safeguard the amenities of the adjacent residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.
- (29) To safeguard the amenities of the adjacent residential properties in accordance with the criteria specified in Policies GC4 and EN4 of the Development Management DPD 2015.
- (30) In the interests of highway safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (31) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.

The Committee adjourned at 11.35am and reconvened at 11:45am when all of the Members listed above were present.

66 APPLICATION NUMBER 20181142 – LAND AT TAVERHAM HALL, TAVERHAM PARK, TAVERHAM

The Committee considered an application for the erection of six, four-bedroom dwellings with associated landscaping on land at Taverham Hall, Taverham Park, Taverham. Access was proposed via Taverham Park Avenue, a single width driveway which was currently used as the eastern access road to Taverham Hall School. Development of the site was being put forward in order to provide the necessary funds for the repair and renovation of Taverham Hall, a Grade II Listed Building. A viability appraisal had been submitted with the application and the school had put forward a costed schedule of repairs and other works as evidence to justify the development. Independent advice had been commissioned by the district council in order to verify this information.

In presenting the application, the Area Planning Manager referred to the comments from English Heritage which had been summarised from a letter running to five pages. In order to clarify any misunderstanding, he confirmed that English Heritage had stated that, in its view, the proposals would result in a high level of harm but this would be less than substantial.

The application was reported to committee as it was contrary to the Development Plan and the recommendation was for approval.

The Committee received the verbal views of Graham Porter of 23 The Street, Bob Wormald of 25 The Street and Susan Howard of The Lodge, Taverham Park, all objecting to the application and Sharon Turner of Taverham Hall School and Jamie Bird of Fleur Developments Ltd (the applicant) at the meeting. In addition, Mrs Bannock and Mr Clancy, the two Ward Members, expressed their concerns on the application.

The site was located outside of but adjacent to the settlement limit for Taverham and had not been allocated for development in the Site Allocations DPD 2016. Accordingly, it was contrary to Policy GC2 of the DM DPD. Members therefore gave consideration as to whether there were material considerations which otherwise indicated that the development should be approved.

Members acknowledged that the NPPF stated that there was a presumption in favour of sustainable development unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

There was currently a 4.61 years' supply of housing land in the NPA as published in the 2017 Greater Norwich Area Housing Land Supply Assessment as part of the Annual Monitoring Report for the JCS. Consequently, relevant policies for the supply of housing in the NPA could not be considered up to date and applications for housing should continue to be determined within the context of paragraph 11 of the NPPF.

However, the Committee noted that, in June 2017, an updated Strategic Housing Market Assessment (SHMA), published for Central Norfolk. This identified that, for the Norwich Policy Area, there was an 8.08 year housing land supply. The SHMA was a material consideration in the determination of planning applications – now that this latest evidence showed that there was an abundant housing land supply this should be given weight in the decision making processes.

Accordingly, the Committee assessed the proposals against the three dimensions of sustainable development against the development plan policies.

Economic Objective

It was noted that the development would result in some short term economic benefits as part of any construction work and in the longer term by spending from the future occupants of the dwellings which would support local services and facilities. In addition, the development would generate CIL (15% of which would be paid to the Parish Council) and New Homes Bonus.

Social Objective

It was noted that the development would ensure that the listed school buildings would be repaired and made fit for purpose to ensure the long-term role as an educational establishment as well as providing sporting facilities to a number of local community groups and pupils from other schools.

Members noted there was a wide variety of services within reasonable walking or cycling distance from the site and regular bus routes into Norwich. Therefore, the site was considered to be a sustainable location with regard to the scale of development proposed.

Whilst the current affordable housing requirement was 28% of the dwellings to be affordable and Policies EN3 and RL1 of the DM DPD required the provision of green infrastructure and formal recreational space, it was noted that the development would not be expected to provide these contributions due to the requirement to ensure there were sufficient funds to carry out the repairs to Taverham Hall. This had been evidenced in the submitted viability report and independently assessed by the Council's consultant.

Environmental Objective

It was acknowledged that the proposed development would have an urbanising impact on the character and appearance of the site given its current undeveloped and open nature. However, it was considered this impact would be limited to the immediate area with the site not being visually prominent in the wider landscape. It was noted the submitted plans demonstrated that the proposed dwellings could be achieved whilst retaining the tree belt around the east, west and south of the site which would help to soften the transition from rural to urban and the Conservation Officer (Arboriculture & Landscape) had raised no objections on landscape and visual impact grounds. On balance, the urbanising impact was not considered to be significant.

In terms of the design of the dwellings, this was considered to be acceptable in the context of the site and its surroundings and was supported by the Conservation Officer (Historic Environment) and the Council's Design Advisor.

Furthermore, the Historic Environment Officer had confirmed that the impact of the proposals were less than substantial on the immediate setting of Taverham Hall, the Grade II Listed Building, due to the tree belt along the western boundary of the application site. However, there would be some negligible harm to the Hall's wider setting with its rural location being eroded by the encroachment of built development further to the west behind The Street but it was considered this would be mitigated through the scale, density, layout, design and landscaping of the new development on this site.

Regard was had to Section 16 of the NPPF and section 66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990 and careful consideration given to the location, siting, design and landscaping of the proposed development. It was noted that the site had no direct visual connection to the Listed Building affecting its setting or appearance, due to it being located a good distance to the east of Taverham Hall beyond the school playing fields and the site being enclosed by mature tree planting. The Committee also had regard to the relevant paragraphs in the NPPF and weighed up the benefits of conserving the fabric of the Grade II Listed Building and preserving the use of the site as school. It concluded that, given the harm had been identified as less than substantial, the impact on the setting of the Listed Building and historic park were acceptable. Furthermore the benefits of the proposal, both the contribution to the preservation of the Listed Building and the associated social benefits, were considered to outweigh the loss of a relatively small area of land that had become visually separated from the wider parkland and in an area that had already been compromised by earlier housing development.

The Historic Environment Officer advised that, in her opinion, the optimum viable use of the building was its current use and confirmed that the parkland was not a registered parkland but a “non designated heritage asset”. In terms of the comments of Historic England, this body was not a statutory consultee but had been consulted as a matter of courtesy as it was considered beneficial to have its input at an early stage.

Members noted the measures which had been put forward to mitigate the impacts of the proposed development upon the existing access. They also acknowledged the concerns raised by residents and Taverham Parish Council on the safety and suitability of the junction with Costessey Road and also the level of traffic and congestion which would be created. However, Members took account of the fact that the Highways Authority had confirmed it had no objection to the proposal on the basis that there would be an overall reduction in the amount of traffic using the access drive and were supportive of the use of only the Ringland Road exit point for school traffic, subject to the implementation of the measures set out in the access strategy.

In terms of all other matters raised, Members concurred with the officer’s appraisal addressing these in the report including the imposition of appropriate conditions.

In terms of the financial justification, Members noted that funds from the sale of the land would be ring-fenced with priority given to the essential repairs of the Listed Building and the demolition of “Big School” and this would be secured by legal agreement. The building was of poor quality and in poor condition and therefore affected the setting and appearance of the Listed Building. Accordingly, demolition would have positive benefits for the Listed Building and it was considered appropriate for the funds raised from the sale of the land to facilitate the demolition. It was also noted that should any surplus funds be available following completion of the scheduled works, a contribution for off-site affordable housing would be secured through legal agreement.

In conclusion it was considered that whilst the development would result in a low density urbanisation of the locality with impact on the immediate character and appearance of the area, contrary to Development Plan policies, the impact was not considered to be significant. Furthermore, no other significant adverse impacts would result from the development.

Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20181142, subject to the satisfactory completion of a Section 106 Agreement with the following Heads of Terms and subject to the following conditions:

- Development shall not commence before completion of the sale of the land.
- Submission of a timetable for the carrying out and completion of an approved programme of works to the Listed Taverham Hall.
- A schedule of priority works if insufficient funds are raised from the sale of the land to complete the approved works to the Listed Taverham Hall.
- Any surplus funds following completion of the approved programme of works to the Listed Taverham Hall to contribute to the provision of offsite affordable housing.

Conditions:

- (1) The development to which this permission relates must be begun not later than TWO years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (3) Prior to the first occupation of the development hereby permitted, the modified access strategy as detailed in the Access Review Technical Note received 12th October 2018, at paragraph 4.0 and in accordance with drawing number 1601/03/002, where it relates to the eastern access to and from the site, shall be implemented and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- (4) Prior to the first occupation of the development hereby permitted the proposed access/on-site car/turning shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (5) Prior to the commencement of development the trees shown to be retained on the submitted plans shall be protected in accordance with the details contained in the submitted Arboricultural Impact Assessment and Arboricultural Method Statement dated March 2018. Protection shall include:
 - (a) Root Protection Areas (RPAs) of every retained tree on site and on neighbouring ground to the site in relation to the approved plans.
 - (b) Tree Protection Barriers that should be fit for the purpose of excluding construction activity and storage of materials within RPAs appropriate to the degree and proximity of work taking place around the retained tree(s).
 - (c) Ground Protection Zones over RPAs that should consist of scaffold boards placed on top of 100-150mm layer of woodchip which is underlain by ground sheets.

No works should take place until the Tree Protection Barriers and Ground Protection are installed.

In the event that any tree(s) become damaged during construction, the LPA shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior approval of the LPA, it shall be replaced within the first available planting season, in accordance with details to be agreed with the LPA.

- (6) The landscaping scheme as indicated on the approved plan (drawing number JBA 13/164-01) received by the Local Planning Authority on 12 July 2018 shall be carried out prior to the occupation of any part of the development.

The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning

authority gives its written consent to any variation.

- (7) None of the dwellings shall be occupied until the surface water drainage works have been completed in accordance with the details contained in Section 6 of the Surface Water Strategy (Rev B) dated March 2018.
- (8) Prior to the occupation of the first dwelling a fire hydrant on not less than a 900mm main shall be provided on site in a position to be agreed with Norfolk County Council Water Resources and Planning Manager.
- (9) Mitigation and best practice measures shall be carried out in accordance with the details set out section 7 of the Ecological Report dated August 2017 including the following measures which must be implemented during construction and for the developed site:
 - (a) Lighting should be avoided where possible. Any lighting that is required should use low level hooded lighting directed away from surrounding woodlands and the river.
 - (b) Any works to trees or hedgerows must be undertaken outside of the bird breeding season (1 March to 31 August). Any nests found prior or during construction must not be disturbed and a suitable buffer erected around the area.
 - (c) Any excavations should be covered during the night or fitted with slopping escapes.
 - (d) Building materials should be stored off the ground.
 - (e) Boundary fences or walls should incorporate gaps of 12cm wide by 10cm high at ground level.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting or modifying that Order), no development permitted by Classes A, B, C, D, E or G of Part 1 of Schedule 2 of that Order shall be carried out without the prior consent of the Local Planning Authority.
- (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking, and re-enacting or modifying that Order), no development permitted by Classes A or C of Part 2 of Schedule 2 of that Order shall be carried out without the prior consent of the Local Planning Authority.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory development of the site without prejudice to the amenity of the site or to road safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (4) To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies TS3 and TS4 of the Development Management DPD 2015.
- (5) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (6) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4, EN1, EN2 and EN3 of the Development Management DPD 2015.
- (7) To prevent flooding in accordance with paragraphs 163, 165 and 170 of the NPPF by ensuring satisfactory management and disposal of local sources of surface water and ensuring the SuDS proposed operates as designed for the lifetime of the development.
- (8) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (9) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- (10) In accordance with Article 4(1) of the Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings in the interests of

amenity in accordance with Policy GC4 of the Development Management DPD 2015.

- (11) In accordance with Article 4(1) of the Town & Country Planning (General Permitted Development) Order 2015, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings in the interests of amenity, in accordance with Policy GC4 of the Development Management DPD 2015.

Plans and Documents:

Amended Transport Overview Rev A received 04 September 2018
Amended Utilities Assessment Rev A received 04 September 2018
Dwg No TAV PL-130 Garage Type A1 Plot 1 received 11 July 2018
Dwg No TAV PL-125 Rev A House Type B Elevations 2 of 2 received 11 July 2018
Dwg No TAV PL-124 Rev A House Type B Elevations 1 of 2 received 11 July 2018
Dwg No TAV PL-123 Rev A House Type B Sections received 11 July 2018
Dwg No TAV PL-122 House Type B Roof Plan received 11 July 2018
Dwg No TAV PL-121 House Type B First Floor Plan received 11 July 2018
Dwg No TAV PL-120 House Type B Ground Floor Plan received 11 July 2018
Dwg No TAV PL-113 House Type A2 Plot 2 Sections received 11 July 2018
Dwg No TAV PL-112 House Type A2 Plot 2 Roof Plan received 11 July 2018
Dwg No TAV PL-111 House Type A2 Plot 2 First Floor Plan received 11 July 2018
Dwg No TAV PL-110 House Type A2 Plot 2 Ground Floor Plan received 11 July 2018
Dwg No TAV PL-103 House Type A1 Plot 1 Sections received 11 July 2018
Dwg No TAV PL-102 House Type A1 Plot 1 Roof Plan received 11 July 2018
Dwg No TAV PL-101 House Type A1 Plot 1 First Floor Plan received 11 July 2018
Dwg No TAV PL-100 House Type A1 Plot 1 Ground Floor Plan received 11 July 2018
Dwg No TAV PL-002 Proposed Site Plan received 11 July 2018
Dwg No TAV PL-001 Proposed Location Plan received 11 July 2018
Dwg No TAV PL-131 Garage Type A2 Plot 2 received 11 July 2018
Landscape and Visual Impact Assessment received 12 July 2018
Heritage Statement received 12 July 2018
Flood Risk Assessment & Surface Water Drainage Strategy Rev B received 12 July 2018
Ecology Report received 12 July 2018
Dwg No JBA 13/164-01 Rev D Landscape Masterplan received 11 July 2018
Dwg No JBA 13/164-02 Rev B Detailed Soft Landscaping received 11 July 2018
Dwg No JBA 13/164-01 Rev B Detailed Soft Landscaping received 11 July 2018
Dwg No 20733/004 Rev B Topographical Survey Sheet 4 of 4 received 11

July 2018

Dwg No 20733/003 Rev A Topographical Survey Sheet 3 of 4 received 11

July 2018

Dwg No 20733/002 Topographical Survey Sheet 2 of 4 received 11 July 2018

Dwg No 20733/001 Topographical Survey Sheet 1 of 4 received 11 July 2018

Design, Access and Design Access and Planning Statement received 12 July 2018

Conditions Report received 12 July 2018

Contamination Report and Desktop Study Phase 1 Rev A received 12 July 2018

Arboricultural Impact Assessment received 12 July 2018

Archaeological Desk Based Assessment received 12 July 2018

Amended Dwg No TAV PL-104 Rev B House Type A1 Plot 1 Elevations received 17th August 2018

Amended Dwg No TAV PL-114 Rev B House Type A2 Plot 2 Elevations received 17th August 2018

Additional Technical Note Access Review received 12 October 2018

Archaeological Informative Trial Trenching Report received 19 December 2018

Informatives:

The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.

The site is subject to a related agreement under Section 106 of the Town And Country Planning Act 1990.

The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. A separate Liability Notice has been issued with the decision notice. Further information about CIL can be found at www.broadland.gov.uk/housing_and_planning/4734.asp

It is an offence to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a legal agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Control Group based at County Hall in Norwich. Public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicant's own expense.

Under the Wildlife and Countryside Act 1981, The Habitat Regulations 1994, The Countryside and Rights of Way Act (Natural Habitats) (Amendment) Regulations 2007 it is an offence to:

- Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- Intentionally or recklessly disturb any wild bird while it is nest building, or at a nest containing eggs or young, disturb the dependent young of such a bird;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).

In the light of this legal protection, it is recommended that any works to trees where birds and/or bats are known to, or are likely to, nest / roost, be avoided during the bird nesting season (usually March to August) and / or the advice of a bat specialist is obtained.

The Committee adjourned at 1pm and reconvened at 1.40pm when all of the Members listed above were present with the exception of Mr Knowles and Mrs Hemsall.

67 APPLICATION NUMBER 20181766 – LAND AT ST FAITHS ROAD, OLD CATTON

The Committee considered an application under section 73 of the Town and Country Planning Act 1990 for the removal of condition 27 of outline planning permission 20141955 which sought to restrict the presence of open water features on the site in the interests of aviation safety in association with the development of land for a mixed use of 340 dwellings and 5,640m² of small business units at St Faiths Road, Old Catton. The application had been made as a separate reserved matters application had been submitted under reference 20180920 (see Minute no: 68 below) which provided for an attenuation basin to store surface water which, in extreme rainfall events, would create an open water feature in the site.

The application was reported to committee at the request of one of the Ward Members for the reasons given in paragraph 5.2 of the report.

The Committee received the verbal views of Jordan Last of Taylor Wimpey (the applicant) at the meeting. In addition, Mrs Vincent, one of the Ward Members, expressed her concerns on the application.

It was noted that a Bird Hazard Risk Assessment and Management Plan had been submitted in support of the application to demonstrate the potential impact of the open water feature (as well as other aspects of the reserved matters application such as landscaping and construction activity) on aviation safety. The report concluded that, provided the modelled water retention figures were correct and delivered, the proposed attenuation basis represented a very low bird strike risk due to the lack of feeding opportunities, a lack of security (and high casual disturbances by residents and their pets) and the lack of any suitable nesting opportunities. In addition, the submitted Flood Risk Assessment and Drainage Strategy for the reserved matters application, together with an analysis of historic rainfall for the area confirmed that out of a dataset of 2,953 days there were 130 instances when the attenuation basin would have had held water for greater than half a day, 20 of which would have held water for greater than one day with the longest duration of water held at 2.39 days. The Local Lead Flood Authority had confirmed it had no objections to the removal of the condition and therefore, Members considered the drainage information to be robust and credible. Norwich Airport had no objections provided the development would be carried out in accordance with the submitted Bird Hazard Risk Assessment and Management Plan. Given the above information, the Committee considered that the proposed open water feature was not likely to pose a risk to increased bird strike and that the removal of the condition would not be contrary to Policies TS5 and TS6 of the DM DPD.

In terms of the responses received, Members noted that the attenuation basis would be part of the open space serving the development and managed by a management company on behalf of the residents. Accordingly, the requirement to comply with the Bird Hazard Risk Assessment and Management Plan would fall to the management company in the long term and the Local Planning Authority could use its enforcement powers, if necessary, to ensure the implementation of the plan. It was noted that the comments regarding health and safety risk and the attenuation basin reducing the area of useable recreational space of the development, would be addressed as part of the reserved matters application (see Minute no: 68 below).

In conclusion, it was considered that the applicant had adequately demonstrated that the removal of condition 27 would not result in conditions detrimental to aviation safety or increase the risk of bird strike or conflict with other policies of the development plan.

Members noted that the effect of granting a Section 73 application was the issue of a new permission and therefore, the decision notice should repeat the relevant conditions from the original planning permission, unless they had already been discharged. Accordingly, it was

RESOLVED:

to approve application number 20181766 subject to the re imposition of conditions previously imposed (with the exception of condition 27).

68 APPLICATION NUMBER 20180920 – LAND AT ST FAITHS ROAD, OLD CATTON

The Committee considered a reserved matters application for the erection of 328 dwellings and associated infrastructure and areas of landscaped public open space on land at St Faiths Road, Old Catton. Outline planning permission had been granted in May 2016 (pp20141955 referred). Also included within the application were details in relation to a number of “pre-commencement” conditions imposed on the outline planning permission regarding foul water; contaminated land; surface water drainage; energy efficiency; landscaping and tree protection. A small proportion of the site was within the administrative area of Norwich City Council which had received a duplicate application and it had confirmed that it was satisfied with Broadland Council’s assessment of the proposal insofar as it related to that part of the development within its boundary and the development as a whole.

The application was reported to committee at the request of one of the Ward Members for the reasons given in paragraph 5.2 of the report.

The Committee noted the applicant had submitted drawings of construction specifications for dwellings with rooms in the roof to meet the acoustic design criteria, together with the response of the Environmental Health Officer both as reported in the Supplementary Schedule. In addition, the Senior Planning Officer reported at the meeting the updated comments of the Environmental Health Officer relating to the sound insulation works to be installed prior to occupation and this would be dealt with by an additional drawing (number to be added to condition 1). Accordingly, the officer recommendation needed to be amended as it was no longer necessary to delegate authority.

The Committee received the verbal views of Judy Leggett and Malcolm Vincent of Old Catton Parish Council; Ian Fitt of 347 St Faiths Road, objecting to the application and Jordan Last of Taylor Wimpey (the applicant) at the meeting. In addition, Mrs Vincent, one of the Ward Members, expressed her concerns on the application.

The site formed part of a mixed use allocation under Policy GT15 of the Growth Triangle Area Action Plan 2016 and Members noted that outline planning permission had been granted for a residential development of 340 dwellings and 5,640m² of employment uses on a 15.3 hectare site (ref 20141955). The outline permission had been progressed on a phased basis with 12 plots to the west of St Faiths Road promoted as self build dwellings

and the remainder of the site promoted to accommodate the other 328 dwellings and employment uses. Members noted that some of the self-build dwellings had already been constructed and occupied.

It was noted that Policy GT15 specified a number of criteria against which the application needed to be assessed and Members considered each of these in turn.

In terms of affordable housing provision, the policy required 33% which had been secured through the S106 Agreement as part of the outline permission. As this application proposed 108 dwellings, this equated to 33% and accordingly met the policy requirement. Members noted the proposed tenure split as detailed in the report. In response to a concern raised regarding the location of the affordable housing, the Committee noted that the Housing Enabler had raised no objection and furthermore, given the comments of the Environmental Health Officer, it was not considered that the occupants of these dwellings located adjacent to the airport would be adversely affected in terms of their amenity.

Regarding road connectivity, Members noted the requirements of Policy GT15 particularly the opportunity to complete a new orbital road link across the Growth Triangle by enabling the delivery of a final all traffic link between St Faiths Road and Hurricane Way or, if this was undeliverable, the creation of a new link between St Faiths Road and Repton Avenue. Members noted that the prospect of a connection to Hurricane Way was unlikely in the short term given that Norwich City Council had advised that this was dependent on the redevelopment of its industrial units which were currently occupied and subject to a lease. However, the proposal did provide a layout which safeguarded sufficient land within the site to enable the construction of a Type 1 Road to the boundary with the Airport Industrial Estate to enable a connection to Hurricane Way should this be deliverable in the future. Furthermore, the proposed layout included a Type 1 Road connecting the two points of access (in accordance with the outline permission) between St Faiths Road and Repton Avenue and it was considered that this provided a road layout which enabled both a direct vehicular connection between St Faiths Road and Hurricane Way and provided a link between St Faiths Road and Repton Avenue, compliant with Policy GT15.

Members acknowledged the concerns regarding the lack of a direct connection to the Airport Industrial Estate and the resultant increase in traffic being directed into residential areas of Old Catton. However, the Committee noted that a direct connection was not a requirement of Policy GT15 but rather the policy required a link to Hurricane Way and Repton Avenue “to be enabled” and the layout provided for this. The Committee also noted that, since the determination of the outline application, the promoters of Beeston Park had submitted a Section 73 application to vary the phasing strategy for its development and officers at Norfolk County Council considered this to be beneficial as it would bring forward the link to the east through Beeston Park

sooner than the originally approved phasing. Therefore, it was not considered necessary to re-evaluate the highway impact of the development as part of this reserved matters application given the principle of development and the access strategy had already been approved.

In terms of the open space requirements, it was noted that the policy requirements and planning obligations would be met through a combination on both on and off-site provision in accordance with the S106 Agreement and details of how these would be provided were detailed in the report. Members considered that the recreation and open space strategy complied with Policies EN3 and RL1 of the DM DPD and accordingly, Policy GT15.

The Committee noted that the majority of dwellings within the site were two or two and a half storey and of a traditional form. However, in distinct contrast were four blocks of three storey flats to the north of the site of a more contemporary approach. Whilst these buildings, given their scale, were a significant addition to the site, it was considered that their form and appearance was acceptable and the comments of the Design Officer were noted. Overall, it was considered that, as amended, the development would have an acceptable appearance with regard to local character and the appearance of the dwellings had been designed to create a sense of place in compliance with Policies GC4 of the DM DPD and Policy 7 of the Old Catton Neighbourhood Plan.

In terms of landscaping, Members noted that an acceptable landscape masterplan had been submitted to meet the requirements of Policy GT15, which was complemented by a tree planting plan, tree protection plan, Arboricultural Method Statement, Landscape Management Plan, surface treatment plan and footpath detail plan which had all been either amended or additional to reflect comments received during the course of the application. The concerns of the Council's Conservation Officer (Arboriculture & Landscape) were noted but the loss of some trees and hedgerow was considered to be acceptable, given the constraints of the site and the amount of development approved at the outline stage. Members noted that significant mature Oak trees within the site and other boundary trees which were considered important to the local landscape would be retained. Overall, it was considered that the landscaping proposed would respect the character and appearance of the area, enhance the proposed development and comply with Policies GC4, EN1 and EN2 of the DM DPD and Policies 2, 3 and 7 of the Old Catton Neighbourhood Plan.

Regarding the proposed location for the attenuation basin adjacent to the children's play area and any potential impact on health and safety, the Committee noted that the children's play area would be contained by a fence 1.05m in height with a swing shut gate and it was about finding the right balance between safety and creating an attractive environment. Members also took into consideration the detailed rainfall analysis which demonstrated that in a dataset of 2,953 days, there were only 130 instances where the

basin would have had water for a period of more than half a day, 20 of which would have held water for greater than one day. Given the limited frequency that the basin would hold water, Members were satisfied with the officer's assessment that the proposed attenuation basin would not pose a risk to health and safety and that resisting an open water feature on this basis would not constitute a robust reason for refusing the application.

In response to concerns raised regarding the route which construction vehicles would take during the construction phase and its potential adverse impact on the roads of Old Catton, Committee noted that the outline permission included a condition requiring the submission of a Construction Traffic Management Plan and Access Route prior to the commencement of development to manage construction traffic for the duration of the development. However, these details had not been submitted as part of this reserved matters application.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of appropriate conditions. It was noted that a number of other pre-commencement conditions still needed approval and these would be the subject of other planning application(s).

In conclusion it was considered that the application complied with the development plan policies relevant to the proposal and there were no material considerations to justify a decision otherwise than in accordance with the Development Plan. Accordingly, it was

RESOLVED:

to approve application number 20180920 subject to the following conditions:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.
- (2) Development shall not proceed above slab level until details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (3) Development shall not proceed above slab level until a scheme for construction of the 2m high acoustic fence to be erected along the western boundary of the site and referred to in paragraph 5.7 of the Amended Acoustic Design Statement (ref RP01-18269) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the precise siting, elevations and materials and shall identify existing trees and shrubs and protection measures for those to be retained and mitigation for those to be

removed. The fence shall be constructed in accordance with the approved details prior to the first occupation of the development.

- (4) Prior to the first occupation of the development a scheme to provide details of the number, siting and type of bat and bird boxes to be installed on dwellings and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reasons:

- (1) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (2) To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (3) To ensure the proper development of the site without prejudice to the amenities of the area and future residents, and in accordance with Policy GC4 and EN4 of the Development Management DPD 2015.
- (4) To enhance biodiversity in accordance with policy EN1 of the Development Management DPD 2015 and policy 2 of the Old Catton Neighbourhood Plan 2016.

Informatives:

- (1) The applicant's attention is drawn to the remainder of conditions on permission 20141955. Development should be carried out strictly in accordance with the specified conditions. Where conditions are imposed which are required to be complied with, all relevant details should be submitted for approval and approval given in writing by the local planning authority before any work commences on site or before the use commences.
- (2) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (3) If the construction phases of the development require the use of mobile or tower cranes, they should be operated in accordance with British Standard 7121 and CAP 1096, and the Airport should be notified of plans to erect these cranes at least 21 days in advance.

The notification should include:

- OSGB grid coordinates of the crane's proposed position to 6 figures each of Eastings and Northings,
- the proposed height of the crane Above Ordnance Datum (AOD),
- the anticipated duration of the cranes existence, and
- contact telephone numbers of the crane operator and the site owner for use in an emergency.

Plans and Documents:

Amended Accommodation Schedule received 17 December 2018
Amended Dwg No 17_2639_001 Location Plan received 19092018
Amended Additional Dwg No 20843_500_D Repton Avenue Site Layout received 13 December 2018
Amended Dwg No 17_2639_003_E Massing Plan received 13 December 2018
Amended Dwg No 17_2639_004_E Refuse Strategy Plan received 13 December 2018
Amended Additional Dwg No 17_2639_195A Boundary Treatment Details received 13 December 2018
Amended Dwg No 17_2639_006_E Affordable Tenure Plan received 13 December 2018
Amended Dwg No 17_2639_008_F Materials Plan received 13 December 2018
Amended Additional Dwg No 17_2639_009_C Character Area Plan received 13 December 2018
Amended Additional Dwg No 17_2639_010_C Surface Treatment Plan received 13 December 2018
Amended Dwg No 17_2639_005_F Boundary Treatment Plan received 13 December 2018
Amended Additional Dwg No 17_2639_100_B House Type PA22 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_101_B House Type PA22 Elevations_Garden Village Brick received 13 December 2018
Amended Additional Dwg No 17_2639_104_B House Type PA34 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_105_A House Type PA34 Elevations_Garden Village Brick received 13 December 2018
Amended Additional Dwg No 17_2639_106_A House Type PA34 Elevations_Neighbourhood Edge Brick received 13 December 2018
Amended Additional Dwg No 17_2639_107_B House Type PA34 Elevations_Parkland Edge Brick received 13 December 2018
Amended Additional Dwg No 17_2639_108_A House Type PA34 Elevations_Parkland Edge Weatherboarding received 13 December 2018
Amended Dwg No 17_2639_112_B House Type PT36 Elevations received 13

December 2018

Amended Additional Dwg No 17_2639_114_C House Type PT36

Elevations_Parkland Edge Brick received 13 December 2018

Amended Additional Dwg No 17_2639_115_B House Type PT36

Elevations_Parkland Edge Render received 13 December 2018

Amended Additional Dwg No 17_2639_116_B House Type PR36 Elevations received 13 December 2018

Amended Additional Dwg No 17_2639_118_B House Type PT27 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17_2639_121_A House Type PB33 Floor Plans received 13 December 2018

Amended Additional Dwg No 17_2639_122_A House Type PB33 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17_2639_123_B House Type PB33 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17_2639_124_B House Type PB33 House Type Elevations Parkland Edge received 13 December 2018

Additional Dwg No 17_2639_126_A House Type PA44 Floor Plans received 13 December 2018

Amended Additional Dwg No 17_2639_127_B House Type PA44 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17_2639_128_B House Type PA44 Elevations Neighbourhood Edge received 113 December 2018

Amended Additional Dwg No 17_2639_129_B House Type PA44 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17_2639_133_A House Type PT42 Elevations Neighbourhood Edge received 13 December 2018

Amended Additional Dwg No 17_2639_134_B House Type PT42 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17_2639_135_B House Type PT42 Elevations Parkland Edge received 13 December 2018

Additional Dwg No 17_2639_136_A House Type PT42 Elevations received 13 December 2018.

Amended Additional Dwg No 17_2639_138_A House Type PT43 Elevations Neighbourhood Edge received 13 December 2018

Additional Dwg No 17_2639_139_B House Type PT43 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17_2639_141_A House Type PA48 Floor Plans received 13 December 2018

Amended Additional Dwg No 17_2639_142_B House Type PA48 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17_2639_143_A House Type PA48 Elevations Neighbourhood Edge received 13 December 2018

Amended Additional Dwg No 17_2639_144_B House Type PA48 Elevations Parkland Edge received 13 December 2018

Amended Additional Dwg No 17_2639_147_B House Type PA49 Elevations Garden Village received 13 December 2018

Amended Additional Dwg No 17_2639_148_A House Type PA49 Elevations Neighbourhood Edge received 13 December 2018

Additional Dwg No 17_2639_149_A House Type PA49 Elevations Parkland Edge received 13 December 2018
Amended Additional Dwg No 17_2639_150_A House Type PA49 Elevations Parkland Edge received 13 December 2018
Amended Additional Dwg No 17_2639_151_A House Type PA49 Elevations Garden Village received 13 December 2018
Amended Additional Dwg No 17_2639_153_A House Type NB51 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_154_A House Type NB51 Elevations Garden Village received 13 December 2018
Amended Additional Dwg No 17_2639_155_A House Type NB51 Elevations Neighbourhood Edge received 13 December 2018
Amended Additional Dwg No 17_2639_156_A House Type NB51 Elevations Parkland Edge received 13 December 2018
Amended Additional Dwg No 17_2639_160_A House Type AA23 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_161_B House Type AA23 Elevations Garden Village received 13 December 2018
Amended Additional Dwg No 17_2639_163_A House Type AB31 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_164_B House Type AB31 Elevations Garden Village received 13 December 2018
Dwg No 17_2639_166_A House Type AA41 Floor Plans received 13 December 2018
Amended Additional Dwg No 17_2639_167_B House Type AA41 Elevations Garden Village received 13 December 2018
Amended Additional Dwg No 17_2639_190_A Single Garage Elevations and Floor Plan received 13 December 2018
Amended Additional Dwg No 17_2639_192_A Twin Garage Elevations and Floor Plan received 13 December 2018
Norwich City House Type Brochure received 131218.pdf
Amended Additional Dwg No 17_2639_195A Boundary Treatment Details received 13 December 2018
Amended Additional Dwg No P18_0892_06_C Landscape Proposals_NCC Land received 13 December 2018
Amended Dwg No P18_0892_01_G Landscape Concept Plan received 13 December 2018
Amended Dwg No P18_0892_02D Tree Planting and Influence Plan received 13 December 2018
Amended Dwg No P18_0892_03_E Biodiversity Enhancement Plan received 13 December 2018
Amended Additional Dwg No P18_0892_06_C Landscape Proposals_NCC Land received 13 December 2018.
P18_0892_07_B Landscape Management Plan received 13 December 2018
P18_0892_08_A Landscape Management Plan received 13 December 2018
Additional Dwg No 17_2639_170 Flat Block S01 Floor Plans received 13 December 2018
Additional Dwg No 17_2639_171 Flat Block S01 Elevations Northern Quarter received 13 December 2018

Additional Dwg No 17_2639_173 Flat Block S02 Floor Plans received 13 December 2018
Additional Dwg No 17_2639_174 Flat Block S02 Elevations Northern Quarter received 13 December 2018
Additional Dwg No 17_2639_176 Flat Block S03 Floor Plans received 13 December 2018
Additional Dwg No 17_2639_177 Flat Block S03 Elevations Northern Quarter received 13 December 2018
Additional Dwg No 17_2639_179 Flat Block S04 Floor Plans received 13 December 2018
Additional Dwg No 17_2639_180 Flat Block S04 Elevations Northern Quarter received 13 December 2018
Additional Dwg No 17_2639_193 Bin and Cycle Store received 13 December 2018
Additional Dwg No 17_2639_194 Substation Plans and Elevations received 13 December 2018
Additional Dwg No 17_2639_07 Indicative Footpath Detail_Self Binding Gravel received 19/09/2018
Amended Arboricultural Method Statement_Rev C received 19 November 2018
Amended Drainage Strategy received 28 October 2018
Amended Bird Hazard Risk Assessment and Management Plan received 19 November 2018
Amended Acoustic Design Assessment received 19 September 2018 (and any other details required by the Environmental Health Officer)
Amended Energy Statement Revision D received 29 October 2018
Additional Acoustic Design Specifications received 7 January 2019

The Committee adjourned at 3.10pm and reconvened at 3.17pm when all of the Members listed above were present with the exception of Mr Adams and also Mr Leggett who left during consideration of Minute no: 69.

69 APPLICATION NUMBER 20181628 – THE STABLES, RANWORTH ROAD, SOUTH WALSHAM

The Committee considered an application for the demolition of the existing buildings and the erection of a new purpose-built office, storage and pre-delivery inspection area including offices, a meeting room, reception, ancillary kitchen, WCs and a store for ancillary equipment on land at The Stables, Ranworth Road, South Walsham. The existing floorspace of the building was approximately 375m² and the new proposed floorspace was 412m². The proposed facilities were to be used in association with the existing storage use of the adjacent hardstanding granted permission in 2016 (pp 20161259) for the buying and selling of mining vehicles.

In presenting the report, the Area Planning Manager (East) advised the Committee that Natural England did not object to the application and

consequently, the officer recommendation was amended to reflect that delegated authority was no longer necessary.

The application was reported to committee at the request of one of the Ward Members for the reasons given in 5.2 of the report.

The Committee noted the receipt of a revised site location plan as well as revised plan / elevations incorporating an office window in the east elevation not previously shown, both received on 21 December 2018 and that conditions 6 and 7 would need to be updated to refer to the correct drawing number, all as reported in the Supplementary Schedule.

In addition, the Committee received the verbal views of Peter Crook of South Walsham Parish Council; David Pooley of 21 The Street, objecting to the application and Calum Phelan (the applicant) at the meeting. Mr O'Neill, one of the Ward Members, expressed his concerns on the application.

The Committee noted the relevant paragraphs in the NPPF and policies of the JCS and concluded that the proposal would meet the needs of the business in an appropriate form and therefore, complied with the economic policies of the Development Plan.

As the application site was approximately 100m from two Listed Buildings (St Mary's Church and St Lawrence's Church), consideration had to be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act which required regard to be had to the desirability of preserving the buildings, their settings or any features of special architectural or historic interest which they possessed. Members noted that the location of the site in relation to the nearby listed churches (including the distances involved and landscape features) meant that it would be very difficult to evidence an adverse impact upon the setting of the Listed Buildings, as confirmed by the Council's Historic Environment Officer. Therefore, the Committee considered that the proposal would lead to less than substantial harm to designated heritage assets and furthermore, there were public benefits in the redevelopment proposal with a well-designed replacement building.

It was noted that the site was well screened by vegetation along the northern, southern and western boundaries and the new building would be situated in a similar position to the existing buildings, which were currently of various heights and forms, somewhat dilapidated in appearance. The Committee considered that the building's proposed design was sympathetic to the rural location and character and a visual improvement to the existing buildings and the proposed materials could be secured through condition.

Due to the predominantly single storey nature of the building and its orientation with the nearest neighbouring properties to the south-east, it was considered there would be no overlooking and unlikely to be any adverse

impact on neighbour privacy.

In response to concerns raised about additional noise and disturbance from the pre-delivery inspection area, Members acknowledged that the noise would likely be reduced (or be at least no more than existing) as the activity would in future be undertaken inside the new building. Furthermore, hours of operation could be controlled by condition as well as controlling the use in association with the approved storage of plant and equipment.

In terms of any potential impact on highways, it was noted that the Highways Authority had not raised any concerns and therefore, the proposal was considered to be in accordance with Policies GC4 and TS3 of the DM DPD.

In conclusion it was considered that the redevelopment of the existing buildings was appropriate which related to the business on the site in a manner which was acceptable and in accordance with the development plan subject to the imposition of conditions and informatives. Accordingly, it was

RESOLVED:

to approve application number 20181628 subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and documents.
- (3) Notwithstanding details provided on the submitted plans and documents, development shall not proceed above slab level (with the exception of demolition) until full details of all external materials to be used in the development have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- (4) Prior to the first use of the development hereby permitted the proposed on-site car parking and loading / unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for that specific use.
- (5) The hours of operation for the development hereby approved shall be Monday to Friday 08:00 hrs – 18:00 hrs; Saturday 08:00 hrs to 12 noon and at no time on Sundays or Bank Holidays.

- (6) The building as shown on drawing no. PL01 Rev C shall operate solely in connection with the use of the adjoining land permitted by planning permission no: 20161259.
- (7) The use of the parts of the building labelled as 'Ancillary Parts' and 'Pre-Delivery Inspection Area' as shown on drawing no. PL01 Rev C shall only be used for parts storage and pre-delivery preparation of plant and equipment stored on the land the subject of planning permission no: 20161259.
- (8) The development hereby permitted, including demolition, shall be carried out in accordance with the following as set out in the submitted Arboricultural Impact Assessment [AIA] dated 24 August 2018:
 - (a) Section 5 relating to Services and Soakaways
 - (b) Appendix 4 Tree Protection Plan [TPP]
 - (c) Appendix 5 Arboricultural Method Statement [AMS]
- (9) Prior to development commencing, a 'lighting design strategy for bat commuting routes and bat roosts' for:
 - (1) The construction of the building and
 - (2) The exterior of the building once completedshall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - (a) For the exterior of the building once completed – minimise any light spillage to woodland edge and other linear habitat features; and during construction of the building - lighting should not illuminate any trees and hedgerows on site or confirmed bat roosting sites; and
 - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

- (10) No development [excluding demolition] shall take place until a site investigation into the nature and extent of possible contamination of the application site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation with associated risk assessment and interpretation shall be supplied to the local planning authority for consideration before any development begins. If any contamination is found that warrants remediation during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before commencement of the remediation of the site. The site shall be remediated in accordance with the approved measures and a post remediation validation report produced and submitted to the local planning authority to demonstrate the successful remediation of the site.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The additional remediation of the site shall be carried out in accordance with approved additional measures.

Reasons:

- (1) This time limit condition is imposed in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure the satisfactory appearance of the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (4) To ensure the permanent availability of the parking/manoeuvring area in the interests of highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (5) In the interests of neighbour amenity in accordance with Policy GC4 of the Development Management DPD 2015.

- (6) To retain control and to enable consideration as to whether other uses would be appropriate on the site in accordance with Policies GC2, GC3, GC4 and TS3 of the Development Management DPD 2015.
- (7) To retain control and to enable consideration as to whether other uses would be appropriate on the site in accordance with Policies GC2, GC3, GC4 and TS3 of the Development Management DPD 2015.
- (8) To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of amenity in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (9) To ensure that the development has no adverse effects on the presence of protected species in accordance with Policy EN1 of the Development Management DPD 2015.
- (10) To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN4 of the Development Management DPD 2015.

Plans and Documents

- Planning Statement and Heritage Statement received 05 October 2018
- Arboricultural Impact Assessment received 03 October 2018
- Design and Access Statement received 03 October 2018
- Bat Survey received 03 October 2018
- Amended Dwg No 18_509_PL01_C Plan and Elevations received 21 December 2018
- Amended Location Plan received 21 December 2018

Informatives:

- (1) The local planning authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
- (2) European Protected Species licence informative:

“NOTE: The applicant is advised that Bats are protected species under the Wildlife & Countryside Act 1981 and the Conservation of Habitat and Species Regulations 2017. The granting of planning permission

does not absolve the applicant / developer / successors in title from obtaining a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations 2017 and complying with the terms and conditions of any licences. The applicant is therefore advised to contact Natural England and acquire the necessary Licence(s) prior to any development / works commencing on site. No works affecting the building B2 [as identified in the submitted Bat Survey] should start until the licence has been granted."

- (3) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk
- (4) The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site.

70 APPLICATION NUMBER 20181670 – 25 CHENERY DRIVE, SPROWSTON

The Committee considered an application for the erection of a building to enclose an existing swimming pool within the rear garden of 25 Chenery Drive, Sprowston. The pool would be for private use only in association with the residential use of the property. In presenting the report, the Area Planning Manager (West) referred to a revised plan which had been received on 8 January 2019 relating to the glazed doors – two to be fixed shut and two capable of being slid open and the list of drawings would be updated accordingly if Members were minded to approve.

The application was reported to committee at the request of Mr Foulger for the reasons given in 5.11 of the report.

The Committee received the verbal views of Mr Sayer of 44 Chenery Drive and Mr McGrotty of 23 Chenery Drive, both objecting to the application and Mr Herbison (the agent) at the meeting.

Members noted that the garden was completely enclosed and the building would not be visible from the road. Therefore, it was considered that the proposed building would not have any adverse impact on the appearance or character of the area.

The concerns of neighbouring residents were noted but Members acknowledged that the swimming pool already existed and the application had been revised to restrict to private use only. Furthermore, although covering the pool would extend the potential amount of time the swimming pool would be used, by enclosing it within a building was likely to contain any associated noise and therefore, any impact for neighbour amenity would be negligible as a result. In terms of cited highways issues, Members took into consideration the fact that normal domestic use would not generate additional traffic or pressure on parking in the area and the Highways Authority had raised no objections to the proposal.

In conclusion it was considered that the proposal would not have any significant detrimental impact upon neighbour amenity or parking in the area and the proposal was therefore in accordance with Policies GC4 and TS4 of the DM DPD. Furthermore, Members acknowledged that if the height of the building were to be reduced to no more than 2.5m, it could be erected under Permitted Development Rights and, in addition, a change of use to include community use would require a further planning application. For these reasons, it was considered that refusal of the application as submitted could not be justified and accordingly, it was

RESOLVED:

to approve application number 20181670 subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

Plans & Documents:

Dwg No 01 Rev.A Existing and Proposed Plans and Elevations received 08 January 2019

Informatives:

- (1) The Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework.
- (2) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk

71 APPLICATION NUMBER 20181652 – MEETING HOUSE FARM, MARLPIT LANE, OULTON

The Committee considered an application for the change of use of agricultural land to residential curtilage to be used in association with Meeting House Farm, Marlpit Lane, Oulton. The application also sought the erection of a garden home office building within that part of the residential curtilage proposed to change from agricultural to residential.

The application was reported to committee as the recommendation to approve was contrary to the provisions of the Development Plan.

In terms of the proposed garden home office, it was considered that there would be minimal impact on any neighbouring amenity given the degree of separation between the office and the nearest residential property and the scale of development being proposed.

It was considered that the extension of the curtilage would not be unduly excessive nor represent a significant incursion into the countryside or be to a degree that would cause harm to the general character and appearance of the surrounding area.

In conclusion it was considered that whilst the extension of the residential curtilage was contrary to Policy GC2 of the DM DPD, the development would not cause significant harm in terms of its impact on the character and appearance of the area. Furthermore, there was no other harm associated with approving the development. Therefore, the lack of harm was considered to be a material consideration which justified the approval of the application. Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20181652 subject to no new material issues being raised before the expiration of the Press notice period and subject to the following conditions.

- (1) The development to which this permission relates must be begun not later than THREE years beginning with the date on which this permission is granted.
- (2) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

Additional Dwg No S010_P1 Site Plan received 29102018
Dwg No A_32_388 Site Location Plan
Dwg No S001_P1 Block Plan
Dwg No S002_P1 Existing South and North Elevations
Dwg No S003_P1 Existing East and West Elevations
Dwg No S004_P1 Proposed South and North Elevations
Dwg No S005_P1 Proposed East and West Elevations
Dwg No S006_P1 Existing and Proposed Floor Plans
Dwg No S007_P1 Proposed Construction Section View
Dwg No S008_P1 Proposed Construction Typical Details Sheet 1
Dwg No S009_P1 Proposed Construction Typical Details Sheet 2

- (3) The use of the garden home office hereby approved shall be incidental to the use of the main dwelling (known as Meeting House Farm, Marlpit Lane, Oulton) and shall not be occupied (let or sold) at any time as a separate and un-associated unit.

Reasons:

- (1) The time limit is imposed in compliance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (3) To ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.

Informatives:

- (1) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice in respect of Buildings Regulations can be obtained from CNC Building Control Consultancy who provide the Building Control service to Broadland District Council. Their contact details are; telephone 0808 168 5041 or enquiries@cncbuildingcontrol.gov.uk and the website www.cncbuildingcontrol.gov.uk (INF27)
- (2) Local Planning Authority has taken a positive and proactive approach to reach this decision in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. (INF40)

The meeting closed at 4:37pm

SUPPLEMENTARY SCHEDULE OF APPLICATION TO BE CONSIDERED

Agenda item	App'n No	Location	Update	Page Nos
5	20181294	Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham	<p>Additional representations received:</p> <p>Easton Parish Council (letter to applicant dated 8/1/19):</p> <p>“I am pleased to write to you today after receiving unanimous support from all the members of the Parish Council to provide full backing to your planning application 20181294 as it is represented to Broadland District Council Planning Committee hopefully later this month.</p> <p>The members were very pleased that you and David Bond attended our meeting last night and provided a valuable update into the progress that you are making. It was very clear from the meeting that members are taking an active interest and are looking forward to developing a strong long-term relationship with Condimentum over the coming years.</p> <p>Your development will help create much needed employment in the area and we hope that as time progresses links with Easton & Otley College and possibly the local primary schools will be developed to further enhance what is available within our local community as both an employer and hopefully a custodian of the iconic Coleman’s Mustard brand.</p> <p>We look forward to working with you now and in the future as your business develops and thrives within our local community.”</p>	3 - 50

			<p>19 Aldryche Road, Norwich:</p> <p>“I refer to my letter dated 15th January 2019 outlining my concerns over EIA issues. My introduction also noted a pre-action protocol letter dated 22nd November 2018 outlining concerns over authority to consider the application. No attempt has been made to answer these concerns nor is there anything in the Committee papers published today which explains to Members why these do not apply.</p> <p>For the sake of good order, I confirm these issues still exist and I attach a redacted copy of that letter, removing unrelated issues to other planning applications, the details within which I request are considered by Members.”</p> <p><i>Letter dated 22 November 2018 attached as Appendix A.</i></p> <p>Officer response:</p> <p>The EIA issues have been incorporated into the committee report and legal advice has been sought on the contents of the report. The legal advice is that the report adequately identifies and assesses the EIA issues. The matters raised in the letter dated 22 November 2018 have also been referred to the Council’s legal advisors and Members will be updated during the committee on their advice in these respects.</p>	
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22nd November 2018

P. Courtier Esq.,
Head of Planning,
Broadland District Council,
Thorpe Lodge,
1 Yarmouth Road,
Norwich, NR70DU
By e-mail: phil.courtier@broadland.gov.uk

Dear Mr. Courtier,

Mustard Milling Pant, Honingham: Planning Application - 20181294

I refer to my letter to Mr. Rooke via e-mail, dated 1 November 2018, in which I put Broadland District Council ("**Broadland**") on notice that I am considering a formal judicial review of the planning decision for the above application and requested details in connection therewith. Unfortunately this letter remains unanswered. Therefore I would be grateful if you could forward a copy of the statement of my position set out in this letter, provided in accordance with the relevant pre-action protocol, to your legal advisors and any interested parties. An acknowledgement of receipt would also be appreciated.

I note from press reports that since my letter of 1 November 2018 Easton Parish Council ("**Easton**") has submitted judicial review papers for a separate challenge relating to actions of the planning committee in connection with various decisions of the meeting dated 3 October 2018. I am therefore copying Easton's chairman, Mr. Peter Milliken, in to this letter as a further interested party.

The claim foreshadowed in this letter would be brought in the general public interest. For that reason, I intend to apply for protective order on costs if I make a separate claim to that already submitted.

Notification of the decision to grant planning approval was published on the Broadland planning portal dated 30 October 2018, acting under the delegated authority of the planning committee. That is the subject of the claim submission by Easton.

Notwithstanding the submission by Easton, the overriding objective requires that the issues raised in my correspondence are now considered by the parties and hopefully resolved without the need for legal proceedings. Your failure to engage will be brought to the Court's attention should proceedings be necessary. I encourage you now to provide a prompt and substantive response to my correspondence.

As a preamble, I have concerns with the lack of information, particularly the failure to publish replies from statutory consultees, which is made available to the public by Broadland on its planning web portal for all planning applications. This hinders a full understanding and public engagement contrary to the democratic process.

The primary issue:

The issue does not relate to the proposed use of the site as submitted by Condimentum Limited. In fact, I am fully supportive of preserving a mustard and mint milling processing facility in Norfolk. However, consideration must be given to whether this is either the only site option or the most suited, noting the height requirement of some of the structures.

The applicant notes at paragraph 1.6.4 of its Environmental Statement Vol.2 that four other “**theoretical**” sites have been investigated but rejected on unsupported assessed or adjudged reasons for rejection. The methodology appears superficial. It has been no more than a tick boxing exercise and on such a basis, this site should have been the first to have been discounted as it specifically would exclude the 20m milling tower and 15m silos rather than being potential constraints as may be applicable for other sites. (emphasis added)

For clarity, my primary challenge relates to the actions of Broadland in its determination of authority for the planning committee to consider this application which breaches a restrictive condition of a Development Plan Document, namely the Local Development Order (LDO) on which it relies.

Planning application 21081294 is a submission by Condimentum which purports to be notification of a permitted development (the milling processing plant) under the status of a LDO **and** a separate application for a milling tower with 6 silos, which exceed the height restriction condition of the LDO, covering 896m² as part of and within the permitted development.

The minutes of the Planning Committee of 3 October 2018 conclude that “*it was considered that, having taken account of the **development plan**, NPPF and other relevant material considerations, on balance the benefits associated with the proposal outweigh the harm*”. (emphasis added)

Paragraphs 9.3 and 9.4 of the committee papers relate to the development plan:

Paragraph 9.3 clarifies that development outside settlement limits “*will be permitted where it accords with a specific allocation and/or policy of the development plan*” and “*the site is outside any defined settlement limit but has been granted as Food Enterprise Zone under the LDO*”.

Paragraph 9.4 emphasises that “*Policy 17 of the JCS allows development in the countryside where it can be clearly demonstrated to further the objectives of the JCS. It is considered that the development of the LDO site furthers the economic objectives of the JCS. **As such these are the ‘in principle’ policies of the development plan that support the proposal outside of the settlement limit.***” (emphasis added)

This separate application for the milling tower and 6 No. silos must, by the above statements, rely on the LDO status of the Food Enterprise Zone for permission of development outside settlement limits.

Reliance on the LDO also implies that the conditions of the LDO apply.

Broadland does not explain the basis of the purported authority of the planning committee to override a constraint for height restrictions within an acknowledged ‘in principle’ policy under the development plan.

The submission by Condimentum clearly states that the separate application for the milling tower and 6 No. silos is because the structures breach the height restriction condition but neither of the committee reports, the committee minutes or the decision explains why this condition can simply be ignored.

The more appropriate question which must be considered is whether the application is a request for a change to a condition of the LDO and whether it is a decision reserved for Council not the planning committee.

A LDO, as outlined in section 61A of the Town & Country Planning Act 1990, is a process for implementation of a policy in a Development Plan Document. In this case the LDO realises the ambitions set out in the joint Food Hub Supplementary Planning Documents (SPDs) for Broadland & South Norfolk districts local planning areas.

It is difficult to understand the assertion that the LDO is an ‘in principle’ policy rather than an actual development plan document. In either scenario, Broadland acknowledges that the application is reliant on the LDO as part of its development plan.

Part Three of Broadland's Constitution dated 1 October 2018 under "Powers Reserved for the Council", section 13.1 lists functions that only the council will exercise. Sub-section (50) is defined as "*powers and duties relating to local development documents (including supplementary planning documents) under sections 20-23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004*".

Reference to Section 26 (1) of that Act establishes that "*The LPA may at any time prepare a revision to a local development document*".

Under its constitution, a change to a development plan document is a reserved power of the Council not the planning committee.

Unless and until a change to the height restriction of the LDO is changed by Council, the condition must still be enforced by the planning committee for all applications seeking to rely on the LDO.

Paragraph 9.3 of the committee report papers also notes that the LDO is itself granted under a Food Enterprise Zone. Enterprise Zone Schemes are governed by sections 88 and 89 of the Town and Country Planning Act 1990, the designation of which is in turn is governed by Schedule 32 of the Local Government, Planning and Land Act 1980.

In addition to changes to the condition of the LDO, consideration needs to be given as to whether the change is a modification to this Food Enterprise Zone scheme approved by the Secretary of State, in which case paragraph 11 of this schedule may also apply.

A proposed change to the LDO must at the same time consider other changes of circumstances for environmental issues since the date of execution of the LDO, including but not limited to:

Introduction of the later 2017 EIA Regulations since the Amended Screening Opinion dated 15 May 2017.

The cumulative effects of phase 2 of the Food Enterprise Park (within the administrative area of South Norfolk District Council) now being actively marketed by the landowner but for which planning permission has not been sought.

The extended land requirements for a surface water drainage lagoon, to enable the LDO, as planning application 20181336.

Secondary Issues:

I am in agreement to the concerns raised by Easton Parish Council on this and the associated applications 20181177 and 21081336.

As noted above, it is understood that a decision to implement the committee resolution to approve to 20181336 is still under consideration and that the LDO pre-commencement conditions 2.20, 2.21, 2.25 and 2.26 have not been formally discharged. Please advise if I am incorrect in this interpretation.

Noting that these matters are part the judicial review papers submitted by Easton and these are likely to be reviewed in court proceedings, I would appreciate your comments, in accordance with pre-action protocol, on the following issues which I have previously raised but for which there is no evidence that they have been considered.

Application 20181294

a) The validity of the application documents?

The CERTIFICATE OF OWNERSHIP - CERTIFICATE B as issued on behalf of the applicant gives the incorrect land owner. The landowner as evidence by the Routing Agreement under the LDO is William Young (Dereham) Limited not Honingham Thorpe Farm. (I assume this

remained the case at the date of application although I note that the ownership may have subsequently passed to Food Enterprise Park Limited.)

It is also noted that William Young (Dereham) Limited is a named partner in Honingham Thorpe Farms LLP but it is also understood that legally each partner has an individual corporate identity and status.

b) Whether the main Condimentum proposals meet condition 2.22 of the LDO?

Cole Easdon Consultants engineering drawings submitted as part of the Drainage Statement, include 7174/02C dated July 2018 propose a slab level and projecting plinth at a datum of 47.80. The finished **ground levels** adjacent to the edges of the plinth are at a constant datum of 47.675.

T H White Projects drawing 5940/040/E sheet 2 of 2 submitted for information notes the proposed datum of the ridge height of the factory building to be 57.80 and confirms the 47.80 level as the top of slab.

This equates to the height of the proposed main building on the site as 10.125m above ground level, also exceeding the 10m height restriction as a condition of the LDO.

c) How have the economic benefits for the milling tower and silos have been assessed?

The benefits as stated within paragraph 9.20 of the committee papers namely, *"the benefits of the proposal are the economic benefits of securing a key development onto the LDO site, the employment that it will generate, the associated revenues in the area and the District and that it should attract other businesses to the site to kick start the Food Enterprise Zone"*. This statement applies to the whole of the Condimentum development and not that limited part within separate application of the milling tower and silos.

Notwithstanding, the unexplained and unsupported statement of an economic benefit through employment and revenues accruing from the whole milling processing plant development; these will be constant wherever in the county it is built.

There is no calculation presented of how an economic benefit has been assessed and whether the variable infrastructure costs across the other four site options have been considered.

Although the Condimentum development may secure a key development onto the LDO site which in turn then may attract other businesses to kick start the Food Enterprise Zone, the statement ignores the fact that the low ratio of jobs to site area of the milling processing plant development may also significantly reduce the projected overall economic benefit of the LDO.

The developable area of the LDO site is stated as 16.5 hectares which hopes to create between 800 (Broadland figures to Defra) and 1,900 jobs (Landowners figures in business plan to NALEP). This gives a range of 48 to 115 jobs per hectare.

The 25 jobs on the Condimentum site equates to 17 jobs per hectare will reduce the overall LDO economic benefit which must be set against any benefit of kick starting impetus with these proposals and the approved grant of £1,000,000 from public funds which is conditional on planning approval for the milling processing plant.

The planning balance of an environmental consideration against a common economic benefit must be made for all five options not for just the one site which forms this planning application.

There is no calculation presented of how an economic benefit has been assessed and whether the variable infrastructure costs across the five sites have been considered.

d) What criteria have been used for assessments of environmental issues without details being submitted in support of the EIA development status elected by the applicant?

Condimentum sought a Screening Opinion from Broadland under planning application 20181090. Broadland chose not to do so and its decision was not appealed by Condimentum.

Schedule 4 of the 2017 EIA Regulations requires Environmental Statements to include “A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, **including a comparison of the environmental effects**”. (emphasis added)

The submission lists four other “theoretical” sites which have been considered by Condimentum but fails to provide a comparison of environmental effects.

It is trite law that if a submission is designated as an EIA development, whether under the legislation, through a Screening Opinion, by the direction of the Secretary of State, or voluntary by the applicant, the processes of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 apply in full, contrary to the statement at paragraph 9.18 in the committee papers and the advice given in the supplementary paper that “*the (sic: Environmental) Statement provided was submitted informally on a voluntary basis in the absence of a Council screening decision. It is therefore considered that the submission of the statement in this case does not render the proposal EIA development*”.

The majority of the criteria are scoped out in the Environmental Statement relying on the non EIA status of the LDO Screening carried out under earlier 2011 EIA Regulations.

The summary position by Broadland that “it is not considered the development would have significant effects on the environment” cannot be substantiated without both submission and review of relevant and pertinent facts.

e) Are there notes or minutes of the consultations between the Head of Planning and the three Councillors named in the Committee Meeting minutes?

There is a legitimate expectation that all material submitted during a consultation period will be placed before the Planning Committee and considered by its members in its decision.

The resolution of the Planning Committee at its meeting of 3 October 2018 was to delegate to the Head of Planning in consultation with the Chair and Vice Chair of Planning and the Portfolio Holder for Planning to approve subject to no new material issues being raised before the expiration of the consultation period.

Details of these discussions were requested in my letter dated 1 November 2018 to Mr. Rooke and no evidence has been provided that any new material has been passed to the designated consultees and/or discussed.

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Yours sincerely,

Bryan Robinson

cc Councillor Miss S Lawn - Planning Committee Chairman
cc Matthew Rook – West Area Planning Manager
cc Mr. P. Milliken – Easton Parish Council Chairman