

Planning Committee

Agenda

Date

Wednesday 3 October 2018

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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*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

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

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

A G E N D A

Page No

- | | | |
|----------|---|------------------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 5 September</u> | 3 - 19 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Applications for planning permission to be considered by the Committee in the following order: | |
| | <u>Schedule of Applications</u> | 20 |
| | Planning Applications | 21 - 171 |
| 6 | <u>Application no: 20181177 – Details to be approved under Local Development Order Condition 2.20 – Church Lane, Honingham</u> | 172 - 186 |
| | To consider the report of the Head of Planning | |

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.

P C Kirby
Chief Executive

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

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 5 September 2018** at **9.30am** when there were present:

Miss S Lawn – Chairman

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

Mr K G Leggett
Mr A M Mallett
Mr G K Nurden

Mrs B H Rix
Mr D C Ward
Mr D B Willmott

Also in attendance were the Development Manager, Planning Projects & Landscape Manager and the Senior Committee Officer.

30 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Grady and Mr J Ward.

31 MINUTES

The Minutes of the meeting held on 1 August 2018 were confirmed as a correct record and signed by the Chairman.

32 APPLICATION NUMBER 20180504 – LAND EAST OF OAKS LANE, POSTWICK

The Committee considered an application for the erection of a new church hall (Use Class D1), access, car parking (174 spaces including 11 disabled), a cycle store to the rear of the building and associated landscaping on land to the east of Oaks Lane, Postwick. The church would operate services weekly on Sunday, Monday, Tuesday and Friday with monthly services on Saturday and Sunday. On weekdays, the services would be in the evening (approx. 6.15pm) and at weekends, there would be both morning and early evening services. The church area, including parking, would be fenced off for security purposes, with the remainder of the site being an ecological amenity area. A footway / cycleway was proposed to lead north from the site and then connect to the recently installed footpath to the north of Yarmouth Road, together with a permissive path within the site to the south to connect Oaks Lane to Church Road which would be accessible to the public.

The application was reported to committee as it was contrary to the provisions of the development plan and the recommendation was to approve.

The Committee noted the receipt of further representations from Highways

England who were not objecting to the application and from Postwick with Witton Parish Council concerning the provision of footpaths in the locality, both as reported at the meeting. In addition, the Committee received the verbal views of Rolf Lyon representing the applicant and Jane Crichton of Lanpro, the agents, at the meeting.

The site was located outside of the settlement limit where development proposals would not normally be permitted unless they accorded with another policy of the Development Plan. The relevant policy in this case was Policy CSU1 which permitted the provision of community facilities outside of settlement limits provided it had been adequately demonstrated that a need existed.

It was noted that the Brethen community had a church in Rackheath but this was now not large enough to meet their growth requirements. For regional events, the congregation totalled 507 people on occasions which exceeded the capacity at Rackheath. Furthermore, the congregation was continuing to grow in number. Therefore, there was an urgent need to provide a larger hall. The applicant had undertaken an extensive process of searching for a suitable site prior to the submission of this application, looking at sites within a wider search area within the Norwich Policy Area and including Wroxham. In total, 23 sites had been considered since March 2015 which included both allocated site and countryside locations. The applicant had submitted a Site Selection Statement to accompany the application which provided justification for why each of the sites was not viable (including availability of land for purchase, selling price or the timescale of delivering the site). It was considered that the site which was the subject of this application provided an accessible location for the congregation which covered the area from Acle to Long Stratton. Accordingly, the Committee considered that the requirements of the policy had been met.

It was accepted that the proposal would alter the immediate character of the area but given the proposed altered site levels, coupled with the proposed extensive landscaping and proposed scale, massing, design and siting of the development, the Committee considered that the proposal would not significantly impact upon the surrounding landscape. It was noted that the design of the building was a relatively simple form with a low pitched roof to minimise impact and a large eaves overhang to help visually ground the building. Therefore, the building was not considered to be visually distracting and would blend readily into the surrounding countryside. In terms of landscaping, it was considered that the proposed extensive new planting would contribute to the character of the area and help soften and integrate the development into its setting as well as partially screening the development.

The Committee noted that there would be a good degree of separation between the site and any neighbouring residential properties, with the closest property being approximately 125m away. Given the proposed separation

distances, additional landscaping proposed and the intended use, it was not considered that the development would appear dominant or result in any significant noise pollution or overlooking issues.

Regarding highways issues, it was noted that both Highways England and the Highways Authority had raised no objections, subject to the imposition of appropriate conditions. The Committee considered that the proposal would not result in a significant impact upon highway safety and would provide benefits in terms of improving footway links between the site and the Park and Ride site and also provide a permissive footway along the southern boundary.

It was noted that a high-pressure gas pipe ran north / south through the western section of the site, underneath the proposed landscaping area and access. The comments of the Health and Safety Executive were noted and the Committee also had regard to the fact that if it did delegate authority to the Head of Planning to grant planning permission against the advice of the HSE, then the local planning authority would need to advise the HSE accordingly and allow 21 days for it to consider whether to request the Secretary of State for Communities and Local Government call-in the application for their own determination.

In terms of all other matters raised, it was noted these had either been addressed in the report or would be dealt with through the imposition of appropriate conditions.

In conclusion it was considered that the proposal would provide a community use to meet an identified need in the area and would not result in significant or demonstrable harm. However, it was considered that the area of land to the front of the site, adjoining the footpath should be available for use by the whole community. The Development Manager advised that an appropriately worded condition could be added to the permission and how this could be implemented would be discussed with the applicant. However, for clarity, this would be restricted to informal, non-intensive use to avoid any conflict when the hall was in use. A new condition 23 (with wording to be agreed) would address this matter.

Accordingly, it was

RESOLVED:

to delegate authority to the Head of Planning to approve application number 20180504 subject to no new material issues arising from the re-consultation on the amended plans and advising the HSE of the Council's resolution to grant planning permission 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.
- (3) Development shall not proceed above slab level until details and samples of all external materials, including the following, to be used in the development have shall been submitted to and approved by the Local Planning Authority:
 - roof materials;
 - wall materials including brick plinth;
 - glazing details;
 - columns; and
 - eaves, verge and soffit details.

The development shall then be constructed in accordance with the approved details.

- (4) The premises shall be used for a church hall and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking, and re-enacting or modifying that Order with or without modification.
- (5) Prior to the commencement of development above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall indicate:

- (a) the species, number, size and position of new trees and shrubs at the time of their planting.
- (b) 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 para 4.4.2.5 of BS5837: 2012), together with measures for their protection during the course of development
- (c) specification of materials for fences including acoustic fences, walls and hard surfaces,
- (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials,

- (e) 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.

- (6) Operations on site shall take place in complete accordance with the approved Arboricultural Implications Assessment, Preliminary Method Statement and Tree Protection Plan, drawing no: OAS 17-108-TS01 Rev.A, supplied by Oakfield Arboricultural Services dated October 2017. 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.
- (7) Prior to the occupation of the development hereby permitted details of the external lighting to the site, including hours of operation, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be installed and operated on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.
- (8) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- (1) The programme and methodology of site investigation and recording,
 - (2) The programme for post investigation assessment,
 - (3) Provision to be made for analysis of the site investigation and recording,

- (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- (5) Provision to be made for archive deposition of the analysis and records of the site investigation and
- (6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- (9) No development shall take place other than in accordance with the written scheme of investigation approved under condition 8.
- (10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 8 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- (11) No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of the fire hydrant / alternative water supply on the development.
- (12) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- (13) The development shall be undertaken in accordance with the Mitigation measures outlined in section 7 of the Ecological Appraisal report (Wild Frontier Ecology; March 2018).
- (14) The development shall be undertaken in accordance with the Enhancement measures outlined in section 8 of the Ecological Appraisal report (Wild Frontier Ecology; March 2018), including the provision of bird boxes, bat boxes and the creation of log piles on the site.
- (15) Details of energy efficient design and the construction of on-site equipment to secure at least 10% of the development's energy from decentralised renewable or low-carbon sources shall be submitted to and approved by the Local Planning Authority prior to commencement of the development above slab level. The details as approved shall be

completed prior to the first use of the building hereby permitted and thereafter shall be maintained.

- (16) Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan, drawing 171222-CL-01-P11. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- (17) Prior to the first use of the development hereby permitted the proposed access road on-site car and cycle parking / turning / waiting area shall be laid out and demarcated in accordance with the approved plan, drawing L3460-PL01-RevJ, and retained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- (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 as indicated on Drawing No 171222-CL-01-P11 have been submitted to and approved in writing by the Local Planning Authority.
- (19) Prior to the first use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 18 shall be completed to the written satisfaction of the Local Planning Authority.
- (20) Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority.
- (21) 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 unless otherwise approved in writing with the Local Planning Authority.
- (22) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Ref: 8/1571, 5 March 2018), additional information received via email (5 July 2018) and drawing 400400, Revision P2, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and

agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- I Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of all infiltration features as stated within additional information received via email dated 05/07/2018.
- II Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.
- III Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (eg pumping station or electricity substation) within the development.
- IV The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
- V Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding and a minimum of 150mm freeboard between proposed external ground levels and property finished flood levels.
- VI Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

- VII A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

(23) To be agreed.

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 in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) In order that the Local Planning Authority may retain control over the future use of the premises and to ensure development appropriate for the area in accordance with the criteria specified within Policy GC4 of the Development Management DPD 2015.
- (5) In the interest of maintaining and enhancing the amenity value of the area in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD 2015.
- (6) To safeguard the protection of trees from the outset, in accordance with Policy EN2 of the Development Management DPD 2015.
- (7) In the interests of ecology, amenity and to minimise unnecessary light spillage above and outside the development site.
- (8) This is required prior to commencement to preserve heritage assets of archaeological importance in accordance with the National Planning Policy Framework.
- (9) To preserve heritage assets of archaeological importance in accordance with the National Planning Policy Framework.
- (10) To preserve heritage assets of archaeological importance in accordance with the National Planning Policy Framework.

- (11) This is required prior to commencement to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with the National Planning Policy Framework.
- (12) This is required prior to commencement to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework.
- (13) 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.
- (14) 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.
- (15) To ensure the satisfactory development of the site in accordance with Policy 3 of the Joint Core Strategy 2011/2014.
- (16) In the interests of highway safety in accordance with the principles of the NPPF and Policy TS3 of the Development Management DPD 2015.
- (17) 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.
- (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 in accordance with Policy TS3 of the Development Management DPD 2015.
- (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) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.
- (21) In the interests of maintaining highway efficiency and safety in accordance with Policy TS3 of the Development Management DPD 2015.

- (22) This information is required prior to commencement to prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- (23) To be agreed.

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) The applicant's attention is drawn to condition 10 and the fact the developer will be expected to meet the costs of supplying and installing the fire hydrant / alternative water supply.
- (3) The applicant's attention is drawn to the following comments from Anglian Water:
- (4) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- (5) The applicant's attention is drawn to the following comments from Anglian Water:

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

- (6) Guidance Notes for the Reduction of Obtrusive Light GN01:2011 from the Institute of Lighting Professionals are available on the Bat Conservation Trust website.
- (7) 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 Management 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.

- (8) The applicant's attention is drawn to the following comments from National Grid as the proposal is in close proximity to a High-Pressure Gas Pipeline:
- No buildings should encroach within the Easement strip of the pipeline indicated above
 - No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid.
 - National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National Grid will take action to legally enforce the terms of the easement.

- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- To view the PADHI Document, please use the link below:
<http://www.hse.gov.uk/landuseplanning/padhi.pdf>
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations – requirements for third parties T/SP/SSW22. You should already have received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website.
- To view the SSW22 Document, please use the link below:
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>
- A National Grid representative will be monitoring the works to comply with SSW22.
- To download a copy of the HSE Guidance HS(G)47, please use the following link: <http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables.

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline ie 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.

- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres.
- All work should be carried out in accordance with British Standards policy:
- BS EN 13509:2003 – Cathodic protection measurement techniques
- BS EN 12954:2001 – Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures.

33 APPLICATION NUMBER 20180987 – SHARPS HALL FARM, MILL LANE, HORSFORD

The Committee considered a retrospective application for the installation of mobile telecommunication apparatus within an existing agricultural building on land at Sharps Hall Farm in Horsford. The proposal consisted of a galvanised steel support pole, which was sited within, and protruded through the roof of, the barn. This in turn supported a dish with a diameter of 600mm which was located 8.2m above ground level and three antennas were then attached to the pole at 10.5m above ground level. The antennas were 2m in height and so the highest part of the equipment was 12.5m above ground level. As the barn was 6.5m in height, the development therefore extended 6m above the apex of the barn. The cabinet, which had been installed inside the barn, was not restricted or governed by any part of planning legislation.

The application was reported to committee as a Councillor had an interest in the site.

It was noted that the development was part of a continued network improvement programme for 2G, 3G and 4G coverage for O2 in the area and to meet this demand and improve the quality of service, an installation of new

telecommunications equipment was necessary. Therefore, the application was considered to comply with Policy 6 of the JCS which acknowledged that fast Broadband connections and telecommunications were an increasingly important requirement to serve all development. In addition, Policy 112 and Paragraph 115 of the NPPF supported the provision of expansion of electronic communications networks but required them to be supported by the necessary evidence to justify the proposed development. The Committee noted that all the information required under Paragraph 115 had been submitted, together with a statement from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) certifying that the site was designed to be in full compliance with the requirements of the radio frequency guidelines of the ICNIRP for public exposure.

Evidence had been provided with the application showing that the applicants had explored a number of alternative sites for the apparatus and the reasons why these were unsuitable. It was noted that the proposals had been amended, both in height and location, following comments by the local planning authority.

Paragraph 113 of the NPPF encouraged the use of existing masts for new electronic communications but also permitted new sites subject to a sympathetic design and appropriate camouflaging. The Committee considered that the design of the apparatus had been carefully considered and the grey colour of the supporting pole and antennas was sympathetic to the surrounding grey coloured buildings. Furthermore, the development was considered to be of an acceptable size with the highest part of the apparatus being 12.5m above ground level.

In terms of its visual impact, Members noted that the apparatus would be seen against a number of street lights and a backdrop of agricultural buildings and there was also an Oak tree of a similar height to provide some screening to the south of the development. Overall, it was considered that the apparatus did not stand out as a discordant feature within the surrounding area and the recent tree planting to the west would help to further minimise the impact upon the wider area.

It was considered that there was a good degree of separation between the telecommunications apparatus and any neighbouring dwelling and the development was not considered to appear dominating or overbearing. It was noted that the apparatus and cabinet had been in place on the site since November 2017 and no objections had been received from any neighbouring residents.

The comments of Horsford Parish Council were noted but the Committee had regard to the information provided by the applicant concerning compliance with the radio frequency guidelines referred to above. Furthermore, Paragraph 116 of the NPPF stated that local planning authorities must determine applications on planning grounds only and could not set health

safeguards different from the ICNIRP.

In conclusion, it was considered that the development resulted in economic and social benefits and would not result in any significant harm to the general character and appearance of the area or neighbour amenity. Accordingly, it was

RESOLVED:

To approve application number 20180987 subject to the following condition:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

Reason:

- (1) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.

Informative

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.

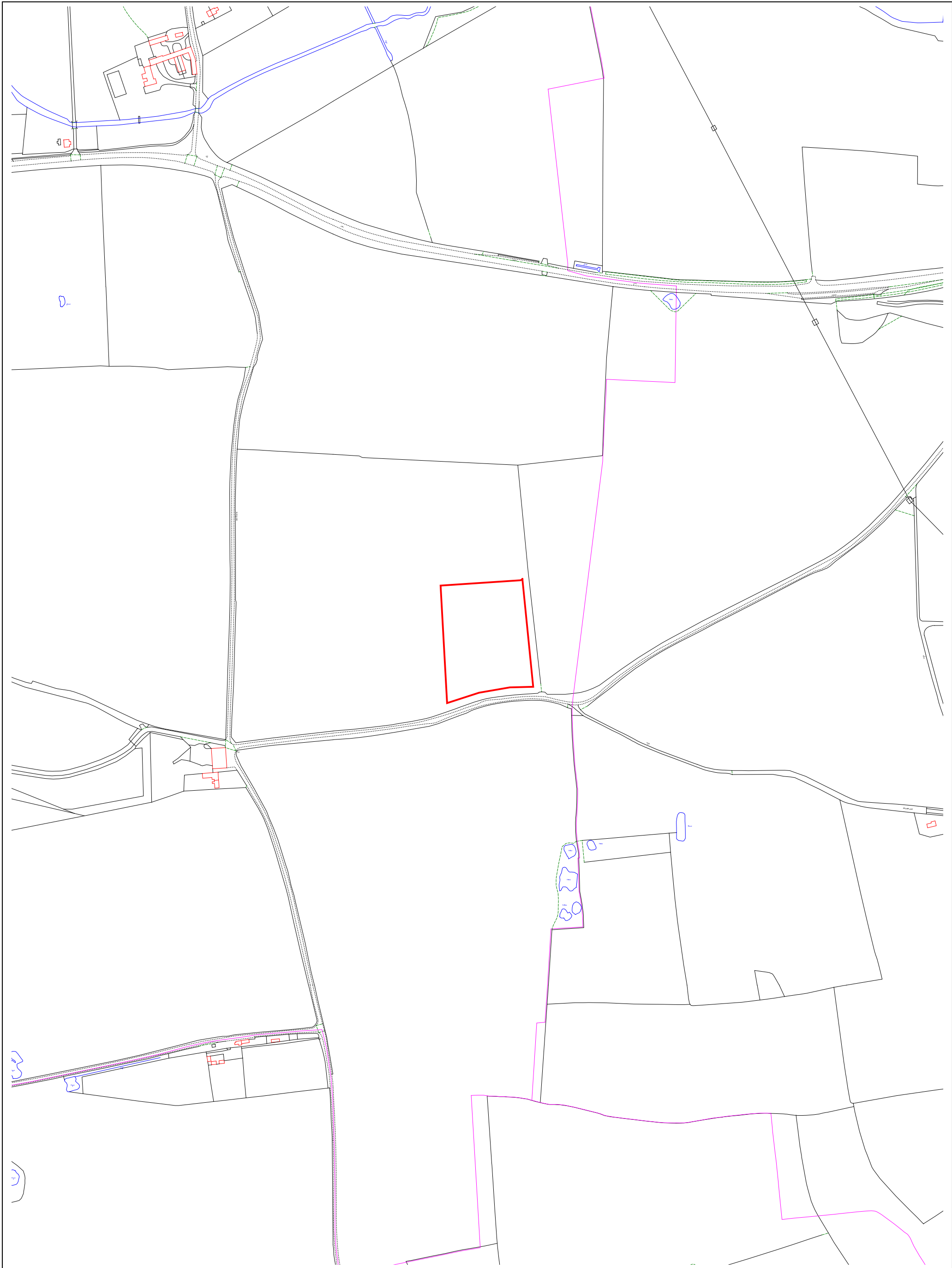
The meeting closed at 10:43am



SCHEDULE OF APPLICATIONS TO BE CONSIDERED

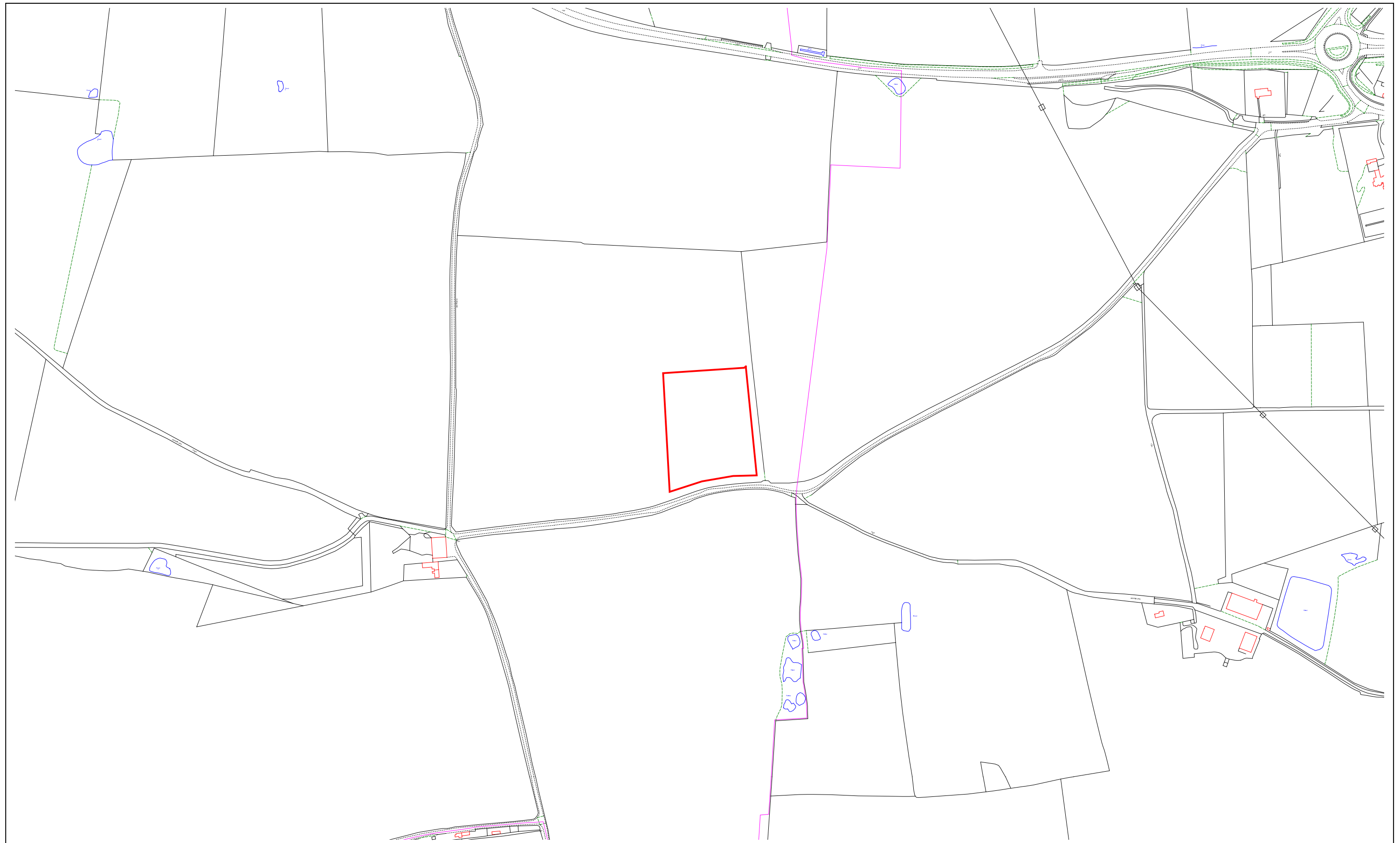
Plan No	App'n No	Location	Contact Officer	Officer Recommendation	Page Nos
1	20181294	Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham	MR	Delegate authority to the HoP to APPROVE subject to no new material issues being raised before expiry of the consultation period and subject to conditions	21 - 61
2	20181336	Land west of Blind Lane, Honingham	MR	Delegate authority to the HoP to APPROVE subject to conditions, once arboricultural impact is satisfactorily resolved and approve details of condition 2.25 of the Local Development Order	62 - 83
3	20180491	Street Farm, The Street, Oulton	AB	APPROVE subject to conditions	84 - 99
4	20172208	Land adj Mahoney Green, Rackheath	CJ	Delegate authority to the HoP to APPROVE subject to the completion of a Section 106 Agreement to secure Heads of Terms and conditions	100 - 157
5	20180950	24 Cromer Road, Hellesdon	AB	APPROVE subject to conditions	158 - 171

HoP = Head of Planning

Key	Contact Officer	Direct Dial No:
MR	Matthew Rooke	01603 430571
AB	Adam Banham	01603 430491
CJ	Charles Judson	01603 430592



 <p>Broadland District Council - leading the way - broadland.gov.uk</p>	<p>Application No: 20181294</p> <p>Greater Norwich Food Enterprise Zone, Red Barn Lane, Honington</p> <p>Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011. Ordnance Survey Licence number 100022319.</p>	<p>Scale: 1:5000</p> <p>Date: 25-Sep-18</p>	<p>N</p> 
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AREA West
PARISH Honingham

1

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

Date Received: 6 August 2018
16 Week Expiry Date: 26 November 2018

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

Summary of decision: To delegate authority to the Head of Planning to approve subject to no new material issues being raised before the expiration of the consultation period and subject to conditions.

1 THE PROPOSAL

- 1.1 The application seeks 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).
- 1.2 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 processing building and storage area have been submitted under the parameters and conditions of the LDO. 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.

- 1.3 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 – Sept. for mint transportation, with some additional tractor/trailer movements during the harvest
 - 25 employees.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 An Environmental Statement has been submitted to support the proposals, together with a Supplementary assessment of the impact of the proposals on the listed churches at St Andrews Church, Honingham and the Church of St Peters, Easton.

2 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.
- 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.

3 CONSULTATIONS

Parish Councils:

3.1 Honingham:

No comment received to date.

3.2 Easton:

No comment received to date.

3.3 Marlingford & Colton:

No comment received to date.

Broadland District Council:

3.4 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 that the wording of 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 the noise condition will be reported.

3.5 Conservation Officer (Arboriculture & Landscape):

- A comprehensive Landscape & Visual Impact Assessment has been provided by Broom Lynne planning consultancy 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, 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).

3.6 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.

3.7 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.

3.8 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:

3.9 South Norfolk Council 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:

3.10 Highway Authority:

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

3.11 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, eg within relevant Strategic Flood Risk Assessments (SFRAs).

Other:

3.12 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.

3.13 Natural England:

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

3.14 Highways England:

Comments awaited.

3.15 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:

3.16 BDC – Cllr S Woodbridge:

No comment received.

3.17 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.

3.18 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 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.

3.19 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.

4 PUBLICITY

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

Last expiry date: 14 October 2018

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

Last expiry date: 18 October 2018

4.3 Neighbour notification:

Red Barn & Red Barn Cottage, Blind Lane, Honingham

Expiry date: 13 October 2018

5 REPRESENTATIONS

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

5.7 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 reg. covering this site.

It would be a complete mockery of the regs. and make Broadland DC Planning Dept. 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 Dept. 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.

5.8 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 31st 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 to 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.

5.9 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.

5.10 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.

5.11 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 8th 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 17th 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.

5.12 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.

5.13 Additional letters of support supplied by the applicant from:

Norfolk Chamber of Commerce, Frontier, Agrovista UK, Food & Drink Forum and British Beet Research Organisation.

6 RELEVANT POLICY GUIDANCE

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

- 6.1 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 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):

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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):

6.7 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.

6.8 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.

6.9 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.10 Policy EN2: Landscape

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

6.11 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.

6.12 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.

6.13 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:

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

Other material considerations:

- 6.15 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):

6.16 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.

6.17 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.

6.18 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.

7 LOCATION AND DESCRIPTION OF SITE

7.1 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.

7.2 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.

8 PLANNING HISTORY

- 8.1 [20170052](#): Greater Norwich Food Enterprise Zone. Approved October 2017
- 8.2 [20181090](#): Application for screening opinion of proposed development for the processing of agricultural produce / manufacture of food products. No decision.
- 8.3 [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. No decision.
- 8.4 [20181336](#): Infiltration lagoon to serve Food Enterprise Park. No decision.
- 8.5 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).

9 APPRAISAL

- 9.1 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 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

- 9.2 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.

- 9.3 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 Food Enterprise Zone under the LDO.
- 9.4 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.
- 9.5 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

- 9.6 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.
- 9.7 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 landscape's 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 blends with the skyline, thereby reducing the full effect of the 20m height.

- 9.8 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.
- 9.9 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

- 9.10 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.
- 9.11 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 3.6 & 3.11 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'*.

- 9.12 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

- 9.13 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 proposals are not considered to have an unacceptable visual impact on any 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. Further detailed discussions are taking place in respect of the noise controls and Committee will be updated on the wording of the condition to be imposed. It is considered that the requirements of Policies GC4 bullet point iv) and EN4 have been complied with.

Highways

- 9.14 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 1.3 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 have been complied with.

Other material considerations

- 9.15 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.
- 9.16 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 9.10 – 9.12 above assess the impacts of the proposals on the heritage assets including the Church of St Peter and conclude 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.

- 9.17 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.
- 9.18 The proposed milling tower building and the 6 no: silos has been screened by the local planning authority against the Town and Country Planning (Environmental Impact Assessment) (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. Consequently consideration must be given to Schedule 3 and the specific impacts of this development to determine whether the development requires an Environmental Impact Assessment. The project has been assessed in terms of the relevant criteria in Schedule 3 which include: the characteristics of the development (including its size and design, cumulative impact, use of natural resources, production of waste, pollution and nuisance, risk of accident and human health); the location of the development (including the existing and proposed land uses, natural resources and absorption capacity of the natural environment); and the types and characteristics of the potential impact (including magnitude and spatial extent, nature, intensity, probability, duration, the cumulation with the impact of other development and the possibility of reducing the impact. With regard to these criteria it is not considered that the development would have significant effects on the environment and it is concluded that the development is not EIA development. The Secretary of State has been consulted on the proposals including the submission of the Environmental Statement and it has been concluded that they have no comments to make.
- 9.19 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 top 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

- 9.20 The planning balance should consider whether the benefits associated with the proposed development outweighs the harm. In this case 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. 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. 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 by Historic England that the harm to the listed churches will be less than substantial and 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; the precise wording of the agreed noise condition will be reported to Committee.
- 9.21 It is noted that the consultation period of the planning application is due to expire after the Planning Committee and consideration will be given to any comments received until the end of the consultation period. 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 delegate authority to the Head of Planning to approve the application subject to no new material issues being raised before the expiration of the consultation period and subject to the conditions specified.

RECOMMENDATION: To delegate authority to the Head of Planning to **APPROVE** subject to no new material issues being raised before the expiration of the consultation 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.
- (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) Noise condition to be confirmed.
- (5) 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.
- (6) 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.
- (7) 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.

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.
- (4) To safeguard residential amenity in accordance with Policy GC4 of the Development Management DPD 2015.

- (5) To provide adequate protection to the natural environment and 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 ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management 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



Application No: 20181336
Land west of Blind Lane, Honingham

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



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AREA West
PARISH Honingham

2

APPLICATION NO: [20181336](#) **TG REF:** 611834 / 310324

LOCATION OF SITE Land west of Blind Lane, Honingham

DESCRIPTION OF DEVELOPMENT Infiltration lagoon to serve Food Enterprise Park

APPLICANT Honingham Thorpe Farm

AGENT Brown & Co

Date Received: 14 August 2018
8 Week Expiry Date: 10 October 2018

Reason at Committee: At the request of the Head of Planning on grounds that Broadland District Council has been involved in the preparation and submission of the details.

Recommendation (summary): Delegate authority to the Head of Planning to approve, subject to conditions once the arboricultural impact is satisfactorily resolved.

1 THE PROPOSAL

- 1.1 The application seeks full approval for a 26,000m³ infiltration lagoon and swale which connects via a culvert under Blind Lane to the east to accommodate the surface water arising from the adjacent Food Enterprise Zone (FEZ) which was granted under a Local Development Order (LDO) in 2017. The LDO was granted subject to conditions being met, and condition 2.25 of the Order sets out the details to be considered for a strategic foul and surface water disposal scheme and this application is seeking to comply with the requirements of condition 2.25 albeit incorporating an infiltration lagoon off-site from the FEZ.
- 1.2 As the proposals for the strategic foul and surface water disposal scheme for the FEZ are proposing an infiltration lagoon outside of the site granted by the Order, the lagoon and associated works outside of the FEZ require separate planning permission.

1.3 Condition 2.25 of the LDO states:

'Prior to the commencement of any development hereby permitted, a strategic foul and surface water disposal scheme shall be submitted and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, Anglian Water and the Environment Agency. The agreed strategic foul and surface water disposal scheme shall include details of ownership and maintenance and shall be implemented prior to the first occupation of development. In the event that the strategic surface water drainage scheme is reliant upon discharge to the River Tud (or other sensitive receptor), a Water Framework Directive (WFD) assessment shall be required. The WFD assessment must adequately demonstrate that there will be no deterioration in status or quality of any sensitive receptor. The reason for the condition is to ensure the satisfactory development of the site and to provide adequate protection to sensitive receptors nearby notably the River Tud'.

1.4 Details have been submitted to show the surface water drainage path which will drain via open swales naturally around the northern and western boundaries of the FEZ and connects to a culvert to be constructed under Blind Lane. The culvert continues to the west into the application site where it connects to an open swale that runs into the proposed lagoon. In respect of foul water disposal it is proposed to install a temporary private treatment plant within the FEZ, which will serve the first 20,000 sq. m of development floorspace. Once this threshold is reached a connection to the Anglian Water mains sewer will be provided and the treatment plant will be decommissioned, with the pipework and treatment plant removed. Treated outfall from the temporary private treatment plant within the FEZ is shown to be directed to the surface water drainage path and the lagoon.

1.5 The applicant has confirmed that the soil arising from the excavation of the lagoon and the swale will be spread evenly across the field adjoining the lagoon and the surplus soil will be dispersed elsewhere across the applicant's agricultural holding.

2 KEY CONSIDERATIONS

- Whether the proposed development accords with the provisions of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance.
- Whether the proposed development results in a significant detrimental impact upon the character and appearance of the surrounding area, drainage, highway issues, residential amenity, trees, archaeology and ecology and biodiversity.

- Whether the details submitted are acceptable to allow condition 2.25 of the LDO to be approved.

3 CONSULTATIONS (in summarised form)

3.1 Honingham Parish Council:

Object to the application on a number of concerns:

- (1) There is a lack of evidence confirming whether effluent will or will not be discharged into the lagoon and what this effluent may consist of. We are concerned about both the possible nature of this effluent and the volume. We consider the potential risk of flooding of the lagoon to be very high and subsequently the possibility of the effluent entering the River Tud a major concern. Having considerable knowledge of the local area and experience of a variety of flooding incidences locally we feel that the real risk of flooding and pollution of the surrounding river basin has not properly been assessed.
- (2) Should flooding of the lagoon occur the water would enter the River Tud and flow towards and through Honingham. The village is already subject to regular flooding from run off from the A47 as the centre of the village sits at one of the lowest points of the river basin. A number of properties in Honingham are situated right next to the River Tud and are at risk of flooding, especially since the river is no longer managed and maintained by authorities. We seek further evidence and reassurance that the construction and specifications of the lagoon are fit for purpose and that there is no risk of flooding occurring.
- (3) We have a number of parishioners living in very close proximity to the proposed lagoon who source their water from boreholes and are not on mains water. Should any effluent be discharged into the lagoon this could cause contamination to the ground water and subsequently affect these boreholes. This does not appear to have been taken into consideration in any part of the planning application.
- (4) We have been presented with data suggesting that up to 70,000 square yards of soil will need to be extracted to create the lagoon. Subsequently the haulage required to remove this soil would be considerable. Where would this extracted soil go and what evidence is there regarding the potential pollution which could be incurred in the transport of this soil and its potential impact of the local environment?

Honingham Parish Council do not believe that the planning application for the lagoon has taken into account the wider impacts of the lagoon on the parish of Honingham.

3.2 Marlingford & Colton Parish Council:

Should permission be granted request that the exit from the food hub should be left turn only.

Officer comment: These comments relate to refs: 20181177 & 20181294 and do not affect the lagoon application.

3.3 Joint comments of Easton, Honingham, Marlingford & Colton Parish Councils:

Attached as Appendix A.

3.4 Norfolk County Council – Highway Authority:

No objection subject to the imposition of a condition in respect of the details of the culvert required across Blind Lane as part of the off-site surface water drainage system.

3.5 Norfolk County Council – Lead Local Flood Authority (LLFA):

Original submission:

The applicant has submitted the same documentation as for application 20170052 (our ref: FWP/18/5/6588). As such the LLFA is providing the same response. As stated in the Enterprise Zone application, we are happy with the proposals, but would wish to reiterate that an option B could still be to discharge under the A47 via the HE culvert into the River Tud following Environment Agency (EA) guidance as set out below.

A Pre-app. enquiry for this site was received in March 2016 and information was provided by the LLFA regarding the consideration of SuDS hierarchy to demonstrate that at least one feasible proposal for the disposal of surface water is demonstrated. Following this we recommended that a drainage strategy be agreed and subsequently conditions be placed to confirm the detailed design of the drainage. It was also discussed that it should be determined that individual plots can drain their own area independent of other plots (eg not relying on strategic drainage of the site). This may be difficult if ground conditions are unfavourable for infiltration and / or if the aspect of the site favours one plot over another (eg if large areas of land drain towards one or two individual plots making investment in drainage more costly for them than other plots). Also it would probably determine where on the site infiltration tests are carried out (to ensure that each plot can use infiltration as a means of discharge).

Subsequent meetings were held with the LPA and the EA and documents were submitted based on these discussions with some issues being

incorporated as conditions. Some concern was raised after this consultation regarding the impact on the River Tud if discharge into this watercourse was proposed. After further consultation regarding a revised layout and the possibility of infiltrating off site, a further meeting between the LPA and the LLFA was arranged regarding moving the scheme forward. Dialogue with the Highways England (HE) and EA was undertaken to determine the existence of any culverts under the A47 which could be used to connect the site with the river Tud. A draft addendum letter report has now been received addressing our previous concerns raised in the last consultation, including a revised layout plan, revised calculations and a water quality assessment. Having spoken to the consultant regarding the calculations we are happy with the sizing of the infiltration basin to be able to store the post development run-off plus the undeveloped greenfield run-off volume from the open space (field) up gradient of the basin. We are now in general agreement with the proposals.

However we would draw the applicant's attention to the fact the discharge via culverts under the A47 into the River Tud should not be discounted as an option. It is noted that the natural drainage for the majority of the site is to the River Tud tributary and not to the catchment with the infiltration lagoon. The EA have provided advice that discharge to the River Tud via a tributary may be possible if a WFD (water framework directive) impact assessment were carried out and mitigation measures identified. This would require a demonstration that the discharge would not cause a deterioration in waterbody's WFD classification status and that it does not hamper the aims and objectives contained in the RBMP, where possible supporting them. When considering surface water run-off managed through SuDS, the worst case land use of the business park can be considered and the likely mitigation required for this through the provision of SuDS components (as per the SuDS Manual 2015). An additional level of mitigation is likely to be required to account for the sensitivity of the receiving waterbody as 'protected water'. Descriptions of each, the receiving water body, its WFD status, the hazard of pollutants likely to arise from the land use and the mitigation that can be provided by the SuDS could be undertaken with a submission. Chapter 26 of The SuDS manual has relevant information on how to consider the above.

We have also contacted HE to try to ascertain if they are aware of a culvert at the location you mentioned. We have not had any confirmation as yet. We welcome that Sustainable Drainage Systems (SuDS) have been proposed for the project where permanent above ground infrastructure is proposed to mitigate against additional impermeable surfaces creating an additional risk of flooding. Norfolk County Council appreciates that these are initial drainage proposals, however ideally the matters above should be clarified prior to detailed design, to ensure that the site has a deliverable surface water drainage strategy.

We have no objection subject to the conditions set out in the LDO being attached to any consent if this application is approved. We recognise that the

Local Planning Authority is the determining authority, however to assist, we suggest the following wording:

Further clarification:

LLFA confirmed that there was no further suggested wording but reference to the conditions laid out in the LDO was required.

Revised submission:

The revised details do not affect the drainage strategy for this site; our previous comments therefore still stand.

3.6 Norfolk County Council – Minerals & Waste Team:

No comment received.

3.7 County Council – Historic Environment Service:

The proposed infiltration lagoon and conveyance swale lie in an area already archaeologically evaluated through geophysical survey and targeted trenching. The evaluation identified, within the proposed development, a ring ditch relating to a prehistoric round barrow, another possible Roman funerary monument (perhaps another barrow) and field boundaries. Consequently there is potential that further heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2018) paragraphs 188 and 199. We suggest that a detailed pre-commencement condition is imposed.

In this case the programme of archaeological mitigatory work will consist of an archaeological excavation. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.

District Council Consultees:

3.8 Conservation Officer (Arboriculture & Landscape):

- I can find no tree survey details to check the constraints to the development site, although looking at the aerial photographs the proposed lagoon, swale and culverts are located adjacent to the field boundary trees and hedgerows, with a newly established wooded belt on

the west boundary. An AIA should be provided to ensure the existing trees and hedges are considered and that the required protection and construction methods are implemented.

- To ensure the existing trees and hedges remain undamaged the construction requiring excavation to implement the surface water drainage strategy; should be located outside of the root protection areas (RPAs).
- The scheme may require minor amendments to the layout once the tree constraints are applied and the Tree Constraints Plan (TCP) should be used to inform the design.
- I have no objections to the proposals if the scheme is designed so that it has a natural appearance and complements the existing landscape and the existing trees remain undamaged.
- The scheme presents the opportunity to improve both the landscaping and wildlife habitat within the site and it should be ensured this aim is achieved.
- Drawing No. C-100 P1, Section A-A details the cross section of the lagoon and has annotations representing areas of potential shrub and plant establishment; at this time no specific details of the accompanying landscaping scheme have been provided to comment on.

3.9 Environmental Health Officer:

Concerned that it is proposed to use the surface water scheme to dispose of 'foul water'. The applicant should provide evidence to show that septicity and subsequent odour will not arise before planning permission is granted for this type of discharge. I would hope that the applicant is able to secure a connection to the Anglian Water sewer.

3.10 Pollution Control Officer:

No comment.

Others:

3.11 Norfolk Wildlife Trust:

The infiltration lagoon has been designed to ensure no run-off of surface water to the River Tud via drainage ditches and that this would only occur during exceptional flood events. In this context we wish to draw the attention of the planning authority to the fact that a large part of the River Tud was

designated as a County Wildlife Site, as was Church Meadow, Alder Carr, Three Corner Thicket and Nursery Plantation in 2018. This information was sent to Broadland District Council in June 2018. The River Tud, in particular is sensitive to any flooding that may contain pollutants from run-off. As a result when considering whether the risk to the run-off reaching the River Tud is likely to occur, the ecological sensitivity of the CWS should be taken into account.

3.12 Highways England:

No objection.

3.13 Anglian Water:

To be reported.

3.14 Environment Agency:

To be reported.

4 PUBLICITY

4.1 Site Notice:

Expired: 14 September 2018

4.2 Neighbour Notification:

Red Barn and Red Barn Cottage, Blind Lane, Honingham

Expiry date: 12 September 2018

5 REPRESENTATIONS

5.1 Red Barn Cottage, Blind Lane, Honingham:

Object, very concerned about what is being proposed here; the lagoon will hold and allow to drain away the surface water from the food hub. No one knows what will be included in this water because no one knows what processes will be carried out on site. The water will obviously be contaminated by whatever is spilt or lying around the site with the amount of vehicle use, contamination by petrol, oil and diesel is to be expected. My home is near to the proposed lagoon and our water supply is from a bore hole. In addition I'm horrified to see that FOUL WATER SEWERAGE is to be

discharged into this lagoon, so will be an open cesspit for the proposed hundreds of workers / visitors to the site. The location, close to my home will not only cause a problem with smell it will more importantly contaminate our water supply. Our house is not shown on many of the submitted plans! We were led to believe that the food hub would have a mains water supply and be connected to the main sewer and there would be nothing to affect our water supply.

5.2 Red Barn Cottage, Blind Lane, Honingham:

Object, I have very serious concerns on this proposal; my domestic water supply is from a bore. There is no mains water supply nearby for us to connect to. Our property has conveniently been left off the maps and drawings. I fear that our water supply will be contaminated by this infiltration lagoon, especially as foul discharge is possibly going to be allowed into the lagoon, albeit allegedly on a temporary basis. How long is temporary and our water supply will be contaminated. Please do not allow this planning permission. As Broadland residents we have a right to a clean and safe water supply.

5.3 Norfolk Chamber of Commerce:

We strongly believe that the Food Enterprise Park is essential to the region's food sector to facilitate growth and add value. Our region is already world-leading with innovations in crop sciences and agri-tech. The Food Enterprise Park will help build upon these important innovations; create further jobs; and aid in securing Norfolk's place at the forefront of the food sector. We would like approval of the LDO conditions to pave the way for not only Condimentum but others that will further stimulate growth in both the region and the sector. Norfolk Chamber's key driver is to support our members and the business community as a whole to deliver high value jobs and economic growth. We feel that the current prolonged delivery journey of this project has hindered growth within a key sector that is significant to Norfolk. Therefore we would recommend that the project receive the support it needs to become a reality of both jobs and economic growth for Norfolk.

5.4 Additional letters of support supplied by the applicant from:

Frontier, Agrovista UK, Food & Drink Forum, the AF group and British Beet Research Organisation.

6 RELEVANT POLICY GUIDANCE

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

- 6.1 Sets out the overarching planning policies on the delivery of sustainable development for rural communities through the planning system. 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):

- 6.2 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.

- 6.3 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.

- 6.4 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):

- 6.5 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.

- 6.6 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.

6.7 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.8 Policy EN1: Biodiversity and habitats

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

6.9 Policy EN2: Landscape

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

6.10 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.

Site Allocations DPD – (SA DPD):

6.11 The site is not allocated.

Landscape Character Assessment SPD:

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

7 LOCATION AND DESCRIPTION OF SITE

7.1 The site itself is part of an agricultural field, currently used for arable purposes. The southern field boundary is marked by a combination of hedgerows and native trees. The eastern boundary to Blind Lane and the western field boundary are formed by hedgerows. The site levels fall from north east to south west.

7.2 The application site is to the west of the LDO site and the nearest residential property, Red Barn Cottage is approximately 430m to the south east of the proposed lagoon and 210m from the swale.

8 PLANNING HISTORY

- 8.1 [20151436](#): Screening Opinion – Farm based Anaerobic Digestion Plant. EIA not required 22 September 2015.
- 8.2 [20151560](#): Anaerobic Digestion Plant consisting of 1 no: Digester and 2 no: CHP units (Agricultural notification). Does not comply 20 October 2015.
- 8.3 [20170052](#): Local Development Order. Approved October 2017.

9 APPRAISAL

- 9.1 The main issues to be taken into consideration in the determination of this application and the submission of condition 2.25 of the LDO are the reasons for the submission of the application, an assessment of the proposal against the policies of the development plan, the NPPF and Planning Practice Guidance. Whether the proposed development will result in a significant detrimental impact upon the character and appearance of the surrounding area, drainage issues, highways issues, residential amenity, trees, archaeology and biodiversity.
- 9.2 Firstly it is appropriate to identify that condition 2.25 of the LDO requires that a strategic foul and surface water disposal scheme is submitted and approved prior to commencement of the LDO site. The applicant has submitted these proposals as a result of that requirement. The reason that the applicant has proposed the infiltration lagoon on a site outside of the FEZ, on land within their ownership, is to allow commercial development to take place across the whole of the FEZ, as an on-site infiltration lagoon would significantly reduce the developable area. As a consequence full planning permission is required as the off-site location for the lagoon does not benefit from the LDO consent. The LDO legislation does not require that local consultation on the details of conditions is undertaken. In this case as the surface water drainage proposals and the temporary outfall from the foul water proposals from the LDO site are proposed to drain into the infiltration lagoon details have been submitted to allow condition 2.25 of the LDO to be approved alongside the planning application and the determination of this application includes both these elements.

Policy Framework

- 9.3 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.

- 9.4 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 has not been allocated for any purpose and is outside any defined settlement limit.
- 9.5 Policy CSU5 of the DM DPD is concerned with surface water drainage proposals and states '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' and includes criteria to be met. The proposed infiltration lagoon and the connection to the FEZ is considered to comply with the requirements of Policy CSU5, the details are considered at paragraph 9.8 below. 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.
- 9.6 The requirements of Policies GC4 (Design), EN1 (Biodiversity and habitats) and EN2 (Landscape) of the DM DPD require assessment and each is assessed in the relevant site specific matters below.

Site Specific Matters

- 9.7 In considering the character and appearance of the surrounding area, the site itself is part of an agricultural field, currently used for arable purposes. The southern field boundary is marked by a combination of well-established hedgerows and native mature trees. The eastern boundary to Blind Lane is formed by hedgerows and trees and the western field boundary is a newly established tree belt. The site levels fall from the north and north east towards the position of the lagoon. The proposed lagoon and swale will not be clearly visible from outside of the site and therefore it is considered that the proposals pay adequate regard to the environment, character and appearance of the area and meet bullet point i) of Policy GC4 and the requirements of Policy EN2 of the DM DPD.
- 9.8 In turning to the drainage issues concerning both the proposed infiltration lagoon and the works to comply with condition 2.25 of the LDO. The comments of the Lead Local Flood Authority (LLFA) are set out in paragraph 3.5 above. In summary the LLFA have no objection to these proposals subject to compliance with the LDO drainage conditions but they also refer to a second option which would be to discharge under the A47 via the Highways England culvert into the River Tud following Environment Agency guidance. This option is not being pursued. Based on these comments it is considered that the proposals represent an acceptable drainage solution.

- 9.9 In terms of the highways considerations the proposals do not necessitate the formation of a vehicular access onto the highway either during the period that the swale and lagoon are excavated or once it is in use, as access can be achieved across the applicant's substantial agricultural holding. The proposals identify that it will be necessary to form a culvert under Blind Lane to allow the drainage runs from the adjacent LDO site to the east to connect to the swale and lagoon to the west. The Highway Authority has no objection to the principle of a culvert being formed under Blind Lane and has requested the imposition of a condition to require the details of the construction of the culvert be submitted and approved. It is suggested that this condition be imposed.
- 9.10 Turning to issues of residential amenity bullet point iv) of Policy GC4 of the DM DPD requires that development proposals pay adequate regard to the impact upon the amenity of existing properties. It is noted that an objection has been received from the neighbouring property at Red Barn Cottage which is located 430m to the south east of the lagoon and 210m from the swale. The objection is on grounds of the potential effect of foul water or surface water contaminated by petrol, oil or diesel entering the lagoon and the serious impact this would have on ground water in the area as the water supply to Red Barn Cottage is from a borehole. The applicant's consultants have confirmed that the original reference in the planning submission to 'temporary foul discharge to the infiltration lagoon' is actually the clean, treated outfall from the private treatment plant on the LDO site, which is safe to enter into the surface water drains and groundwater. These details have been sent to the Parish Council and the neighbour and no further comments in this respect have been received. In addition, separate consent for the formation of the lagoon and the private treatment plant are required from the Environment Agency who will need to be satisfied that the ground water will not be contaminated by these proposals before they issue a licence and Anglian Water in terms of the connections to the main sewer.
- 9.11 It is noted that the District's Conservation officer (Arboriculture and Landscape) has requested that further details are submitted in respect of tree protection measures and landscape works as the excavation to form the swale and the lagoon are in proximity to the roots of trees and hedgerows along the southern field boundary. These details have been requested and are awaited, and a suitably worded condition/s will be imposed.
- 9.12 Archaeological interests on-site have been assessed in the past as part of the previous proposals for an anaerobic digester on this site (ref: 20151560, which was a prior notification application which was not approved). The Historic Environment Service confirmed that an archaeological evaluation through geophysical survey and targeted trenching has previously been undertaken. The evaluation identified, within the area of the proposed lagoon and swale, a ring ditch relating to a prehistoric round barrow, another possible Roman funerary monument (perhaps another barrow) and field boundaries. Consequently there is potential that further heritage assets with

archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. They request that a detailed condition is imposed to require a programme of archaeological mitigatory work. It is suggested that the condition is imposed as requested.

- 9.13 In turning to issues of ecology and biodiversity the application site itself does not have any special conservation designations, however Norfolk Wildlife Trust has identified that a large part of the River Tud is designated as a County Wildlife Site (CWS), as is Church Meadow, Alder Carr, Three Corner Thicket and Nursery Plantation. The full comments are set out at paragraph 3.11 above and their concern is that although the lagoon has been designed to ensure no run-off of surface water to the River Tud, this could occur during exceptional flood events and any flooding may contain pollutants from run-off and the ecological sensitivity of the CWS should be taken into account. The River Tud is located some 600m to the north of the application site beyond the A47, the site survey submitted with the application shows that the site levels rise across the field from the lagoon to the north and north west therefore it is considered to be very unlikely that flood water from the lagoon would enter the River Tud. It is therefore considered that the proposal meets the requirements of Policy EN1 of the DM DPD.
- 9.14 It is noted that concern has been expressed about the proposals for the disposal of soil/material that is excavated to form the lagoon and the swale and whether this will be transported along the local highway network. The applicant has stated that it is their intention to spread the excavated soil across the field that adjoins the lagoon and that any surplus soil will be dispersed within the applicant's agricultural holding. Details in this respect have been requested and any update will be reported to Committee.
- 9.15 The proposed infiltration lagoon and swale has been screened by the local planning authority against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal is not classed as a Schedule 1 development under the Regulations but is considered to fall within Category 10 (b) of Schedule 2 as it is an infrastructure (urban development) project the threshold of which is 1 hectare of development or the overall area of the development exceeds 5 hectares. Consequently consideration must be given to Schedule 3 and the specific impacts of this development to determine whether the development requires an Environmental Impact Assessment. The project has been assessed in terms of the relevant criteria in Schedule 3 which include: the characteristics of the development (including its size and design, cumulative impact, use of natural resources, production of waste, pollution and nuisance, risk of accident and human health); the location of the development (including the existing and proposed land uses, natural resources and absorption capacity of the natural environment); and the types and characteristics of the potential impact (including magnitude and spatial extent, nature, intensity, probability, duration, the cumulation with the impact of other development and the possibility of reducing the impact. With regard to

these criteria it is not considered that the development would have significant effects on the environment and it is concluded that an Environmental Impact Assessment is not required.

Planning Balance

- 9.16 The planning balance should consider whether the benefits associated with the proposed development outweighs the harm. In this case the benefits of the proposal are that it will provide a sustainable drainage solution for the surface water arising from the FEZ and will allow it to be developed, which is a significant economic benefit which will allow the generation of employment, business growth and associated revenue. Furthermore the lagoon and swale are in a location which does not have any landscape or visual impact. From the consultation replies the harm is the potential drainage issues, the impact on trees, archaeology and biodiversity. It is considered that as the drainage elements have been considered by the LLFA who has raised no objection then the drainage will not harm the environment, at this stage the tree issue remains to be concluded and Committee will be updated on this issue. A condition is to be imposed in respect of archaeology and the effect of the proposals on the biodiversity of the CWS has been assessed but it is not considered that it will be adversely affected.
- 9.17 It is noted that with the exception of the tree protection implications, the proposed formation of the lagoon and swales to serve the Food Enterprise Zone and the details for the drainage condition 2.25 of the LDO are considered to be acceptable. As further consideration of the tree protection measures are required it is recommended that delegated authority is granted to the Head of Planning to approve the application as per the specified conditions once the tree protection measures have been satisfactorily resolved.

RECOMMENDATION: Delegate authority to the Head of Planning to **APPROVE** the application subject to conditions, once the arboricultural impact is satisfactorily resolved and approve the details of condition 2.25 of the Local Development Order:

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) No work shall commence on site until details of the culvert required across Blind Lane for the off-site surface water drainage system have been submitted and approved in writing by the Local Planning Authority and has been constructed to the approved specification.
- (4) (A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (1) The programme and methodology of site investigation and recording, (2) The programme for post investigation assessment, (3) Provision to be made for analysis of the site investigation and recording, (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, (5) Provision to be made for archive deposition of the analysis and records of the site investigation and (6) Nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation, and;
- (B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A), and;
- (C) The development shall not be operated until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

In this case the programme of archaeological mitigatory work will consist of an archaeological excavation. A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.

- (5) Tree protection conditions to be confirmed.

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

- (4) To enable the archaeological value of the site to be properly recorded before development commences in accordance with Policy EN2 of the Development Management DPD 2015.
- (5) To ensure the appropriate protection of landscape features adjacent to the site in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.

Plans and documents:

Dwg. No.18/094/01 rev. A – Proposed Location Plan, received 4 September 2018

Dwg. No. CL-1030 rev. P3 – Red line Boundary, received 19 September 2018

Dwg. No. CL-5001 rev. P2 – Detailed Design Drainage Strategy, received 19 September 2018

Dwg. No. CL-4003 rev. P2 - Drainage Construction (sheet 3 of 3), received 19 September 2018

Dwg. No. CL-1025 rev. P1 received 17 September 2018

Foul Water Drainage Strategy received 17 September 2018

Informatives:

- (1) The 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.
- (2) The applicant is advised that separate licence approval for these works will be required in addition to the planning permission.

Joint Letter from: Easton, Honingham, Marlingford & Colton Parish Councils

Mr Rooke
Broadland District Council
Planning Department
Thorpe Lodge,
1 Yarmouth Road,
Norwich, NR7 0DU

19 September 2018

Dear Mr. Rooke,

Planning Application ref 20181336 – Attenuation Lagoon, Land West of Blind Lane,
Honingham

Thank you for the copies of the two replies to our queries on the above proposals
from the Agent for this planning application.

Your e-mail crossed with one from ourselves posing a series of questions on this and
the two other active planning applications re the Greater Norwich Food Enterprise
Zone. We consider that the basis of the questions posed for 20181336 in our e-mail
still apply as the answers from the Agent are not sufficiently clear in establishing
definitive proposals nor was the supporting detail, which is stated as enclosed,
actually provided.

From the responses and the complete redesign submitted on 4th September 2018, it
is evident that the application dated 14th August 2018 must be considered invalid.
Not only has the Agent now admitted that the incorrect land owner certificate was
submitted, which is in itself should have invalidated the application, but the covering
letter is inexplicably dated 19th January 2018, the site area denoted by the red line
does not allow any working area or access and now the scheme has been radically
redesigned as a result of our review and questions.

A majority of the information on the web portal is either no longer relevant or
superseded by the latest design.

Contact details:

David Bishop, Tel: 01603 882066 Email: davidandodettebishop@gmail.com
Julian Blackmore, Tel: 01603 881426 Email: julian.blackmore@btinternet.com
Peter Milliken, Tel: 01603 881035 Email: chair@eastonparishcouncil

Although these issues should have been more thoroughly reviewed at the time of the original submission, we respectfully suggest that belatedly application 20181336 is invalidated and a new application process commenced based on the correct paperwork.

It is assumed that the new application forms with the correct land owner certificate will be dated 17th September 2018 and we trust that the Agent will not back date to 14th August 2018 as happened with the revised application submitted on 11th September 2018. We would be grateful if you would confirm whether you agree this is the case?

In its response, Brown & Co correctly states that it is Broadland's responsibility to formally screen the proposals to establish whether the scheme is an EIA development and whether a habitats assessment is required.

It is evident that, notwithstanding statements made at the time of the Local Development Order (LDO), that there are cumulative environmental implications which must be taken into account against this application. The response to our question 5 is that a separate independent surface water drainage strategy will be undertaken at the appropriate time on the land to the east of the LDO site which adds to this cumulative implication. Noting this declared intent of the landowner, Broadland is requested to revisit its initial Screening Opinion for the cumulative effect of two and possibly three combined sites under the latest 2017 EIA Regulations.

It is interesting that the Agent considers that the proposals fall within Category 13 (b) of Schedule 2 of the 2017 EIA Regulations as "an extension to an authorised industrial estate development". This raises an important further consideration whether it is also implied that the site is an extension to the LDO site and the application needs to be resubmitted for public consultation and referred back to full Council for determination. You will appreciate that any intention that this application is a revision to or a further Development Order proposal has implications of pre-consultation under the Localism Act, reinforcing the need to invalid this application.

There are still aspects of the proposals which need to be determined for discharge of conditions 2.25 and 2.26 of the LDO. In particular the requirement for the proposals to be agreed by Broadland in consultation with the Lead Local Flood Authority (LLFA), Anglian Water and the Environment Agency (EA) has not been satisfied. The original application provided a "draft" letter to LLFA dated 2nd May 2018 purporting to answer questions raised by LLFA and EA. It is clear that any correspondence related to an earlier design and there is no consultation on the latest design nor the "interim" proposal of discharges from a foul water sewerage plant on site for the first 20,000m² (out of the permitted 50,000m²) of development.

We assume that Broadland is consulting with the three organisations on the original proposals and that it will now direct these consultations towards the revised proposals and the additional information concerning the foul drainage strategy.

There is no indication as to how the installation will situate within the overall design of the site or evidence that the sizing for the 150 population will be adequate. The RLC drawing which purports to show these details has not been issued.

As a side issue we are becoming increasingly concerned at the economic claims resulting from the levels of employment to be created by the LDO. Broadland reported to Defra in the LDO process that there would be 850 jobs created.

This is significantly less than that forecast in the figures used by Honingham Thorpe Farms of 1,900 for Phase 1 in the business case submission for funding to NALEP. The foul drainage strategy is proposing a design for a population of 150, which would include visitors, catering for a 20,000m² initial development phase.

Pro rata the full 50,000m² of development would equate to a population of 375 only, again assuming the inclusion of visitors. If the original number of jobs is still applicable, maybe the size of the sewerage plant needs to be reconsidered?

We consider the response to question 13 on Health and Safety of the design is inadequate. Where are the CDM Risk Assessments resulting in the two residual construction risks only, when there are clearly other risks which should be advised by the designer?

The answer to question 14 states that access will be from "roads within the control of the landowner". We understand that the metalled section of Grange Lane is a public highway and the full length of Grange Lane forms part of the National/Regional Cycle Network as identified in. We would be grateful if you could clarify these points and any impact they may have on the proposal.

It would appear from the reply to question 2 of our second letter that the excavated material is not to be reused but treated as waste in either spreading on the adjacent agricultural land or disposed off-site. Bearing in mind that the majority of this material will not be top soil, please confirm that the necessary permits have been obtained for the material is to be spread over existing agricultural land. Also, if this is the chosen option, the site area on the location plan will have to include these locations of where the material is to be spread.

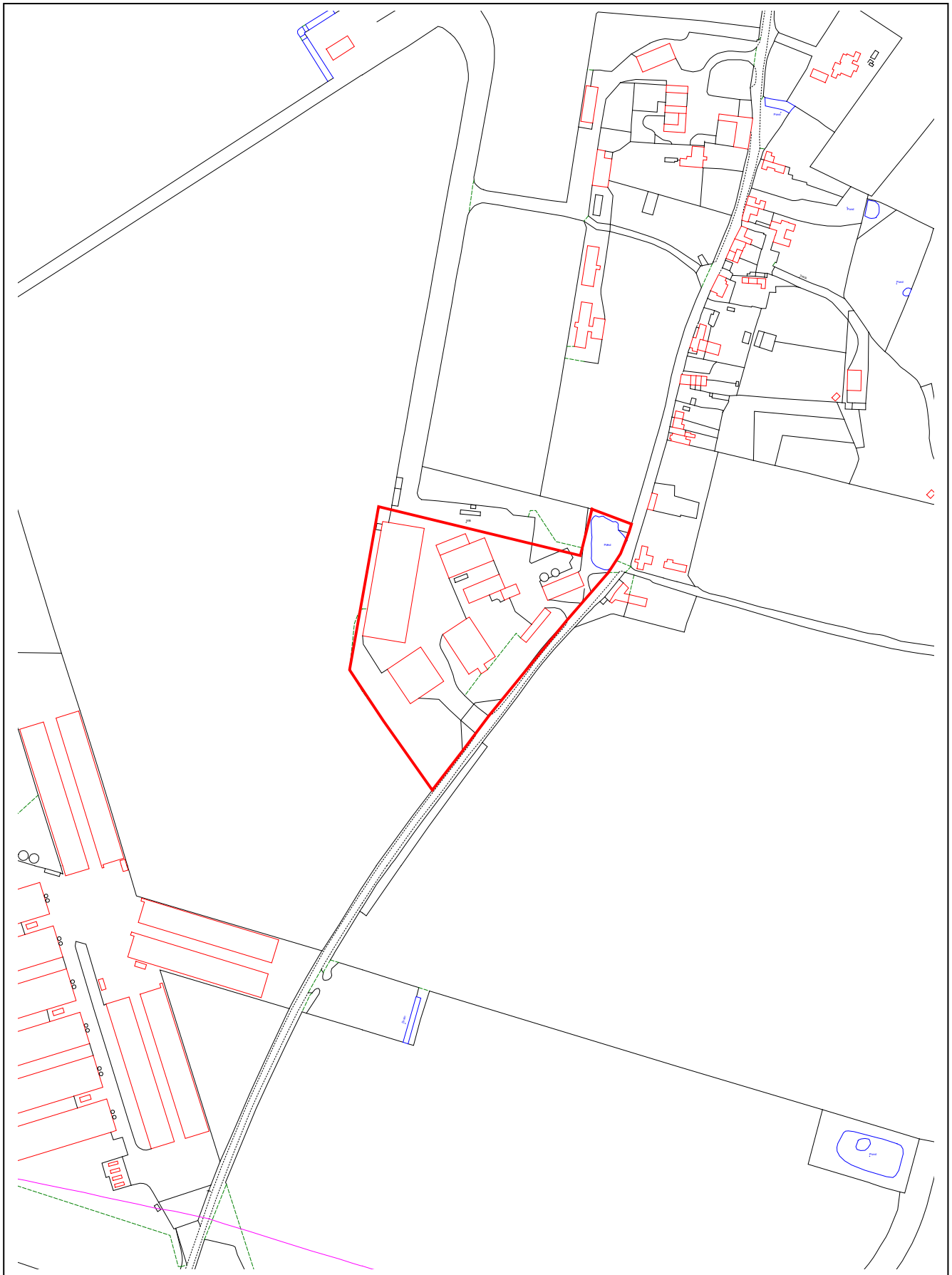
We look forward to receiving the answers to our questions in the very near future.

Yours sincerely

Cllr David Bishop
Chair Honingham

Cllr Julian Blackmore
Chair Marlingford and Colton

Cllr Peter Milliken
Chair Easton



Application No: 20180491
Street Farm, The Street, Oulton, NR11 6AF

Scale:
1:4048
Date:
24-Sep-18



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AREA West
PARISH Oulton

3

APPLICATION NO: [20180491](#) **TG REF:** 615059 / 327193

LOCATION OF SITE: Street Farm, The Street, Oulton, NR11 6AF

DESCRIPTION OF DEVELOPMENT: 2,200 Tonne Agricultural Box Potato Store with open loading canopy and lean to housing Farm Office, QC, Welfare Facility and General Secure Machinery Store

APPLICANT: E F Harold

AGENT: Thurlow Nunn Standen Ltd

Date Received: 26 March 2018
12 Week Expiry Date: 4 July 2018

Reason at Committee: At the request of Cllr Riley, as set out in paragraph 4.1.

Recommendation (summary): Approve subject to conditions.

1 THE PROPOSAL

- 1.1 The site is on land owned by E F Harrold Ltd and is within the existing farmyard curtilage of Street Farm. Space within the farmyard is being increased by the demolition of old agricultural storage buildings. However, to the west of the proposed building's location is an existing grain store that will be retained, likewise an existing workshop is retained, and to the north-east are two silos that continue in use.
- 1.2 The proposed potato store would be constructed from a clear span steel portal frame and measure 36m by 24m, a height of 8m to the eaves and 10.9m to the ridge. Olive green box profile steel sheeting, with 100mm of insulation, is proposed for walls. The roof will be clad with box profile sheeting, as well as insulation, and coloured grey.
- 1.3 Vehicle access onto Oulton Street is to the south of the proposed potato store. This is the existing main entrance to Street Farm and will be used for all tractors, trailers, and goods vehicles that move crops to and from the site. Areas of existing hardstanding will be increased, providing car parking, and a swale for the management of surface water flood risk will be placed at the south of the proposed building.

2 KEY CONSIDERATIONS

- Noise disturbance to nearby residential properties
- Impact on the Blickling Conservation Area
- Access and implications on the road network from HGVs

3 CONSULTATIONS

3.1 Oulton Parish Council:

Objects in the strongest possible terms, expressing fear for the impact on the quality of people's lives. The primary concern is over fan and chiller noise and the close proximity of the proposed potato store to some 24 dwellings along The Street. At the expense of the Parish Council, and with donations from residents, an independent acoustics consultant was employed who has raised concerns. The background noise level in such a rural area is exceptionally low and the noise of the potato store could represent a 14 dB increase. The appropriateness of applying World Health Organisation absolute noise limits instead of BS4142 is challenged; and it is queried whether reductions in fan speeds to reduce noise at night-time could be adhered to without damaging the crop. The Parish Council is also deeply concerned about highways considerations. The proposed scheme could result in additional vehicle movements as it is not clear to what extent the storage facility will be available to other potato growers. The landscaping proposals are also queried and assurance sought that none of the existing trees along Oulton Street will be lost through the development of this proposal. A request is made that a TPO is placed on a Sycamore near the north entrance to Street Farm. In conclusion: nearby residents will suffer continuous noise disturbance especially at night, disruption from a likely increase in HGV traffic, it is doubted that the landscaping programme would be adequately maintained, and the proposal is entirely out of scale to the architecture of the immediate neighbours and Blickling Conservation Area.

3.2 Highways Authority:

It would appear that the proposal would allow the storage of more crops and allow vehicle movements to be spread throughout the year, and on this basis there are no grounds for objection. Should the application be approved a condition for the on-site vehicular parking, and servicing area to be laid out in accordance with the approved plans and retained thereafter, should be included.

3.3 Environmental Health Officer:

No objection is made to the application. The full response from the Environmental Health Officer is quoted in full, see section 8 of this report.

3.4 Conservation Officer (Arboriculture & Landscape):

The swale and proposed parking spaces are close to the existing trees and this should be factored into a Tree Constraints Plan, and possibly an Arboricultural Method Statement if required. The safe retention of trees along Oulton Street is necessary to lessening the visual impact of the scheme. Drawing No.18.3064.01 shows a Strategic Landscape Proposal, and as per section 7.2 of the Ecology Report, to maximise the wildlife value native species should be selected for the landscaping scheme. If a Tree Constraints Plan is not to be provided prior to the application's determination condition TO4 should be added.

3.5 Historic Environment Officer:

With a height of eight metres and a footprint of 1,368m², the building would be visible from the adjoining Blickling Conversation Area to the north-east. Such a large building would have a negative effect and on that basis an objection was originally made. Following re-consultation, additional information provided by applicant to increase the landscaping along Oulton Street has allayed such concerns. The existing trees will be retained and additional planting will screen the new building from the Conservation Area. The applicant has also agreed that the doors will be painted Olive Green, like the rest of the building, as a way to lessen the visual impact. On this basis the objection is rescinded.

3.6 The National Trust:

The Trust owns property on the opposite side of Oulton Street, these being 113, 114, 115 and 116 The Street. The Trust is extremely concerned about noise from the axial fans and external refrigeration equipment proposed and consequently the impact on the amenity of the aforementioned dwellings. The private gardens of the properties face south and are even closer to the proposed potato store. It is acknowledged that refrigeration units are on the western side, using the building itself as an acoustic barrier; but the fans produce a broadband hum that would result in a significant adverse impact. A discrepancy in the submitted acoustic report is that monitoring equipment was located in 115 The Street and not the nearest dwelling to the site, which is 116 The Street. The information submitted with the application explains that even with the recommended technical mitigations, the noise is expected to be between 35 and 47 at dB(A) at the receptor, depending on the fan speeds. Whilst below the specified British Standard and World Health Organisation guidelines, the noise level has the potential to be significantly above existing

background level. If approved, planning conditions to control noise disturbance maybe difficult to draft and to enforce, especially as the reduction in fan speeds maybe reliant on the person operating the facility. It is noted that the planning permission for a grain store, that stands slightly further away has a condition to restrict its operation to daytime hours in order to minimise amenity impacts. Lighting is also a concern that could affect the amenity of nearby properties, and so any external lights should be low energy, flat to the ground and on a sensor.

4 PUBLICITY

4.1 Neighbour notification:

Nearby addresses on Oulton Street

Expiry date: 20 April 2018

Further consultation undertaken between 6 August and 20 August 2018

5 REPRESENTATIONS

5.1 Cllr Steve Riley:

Concerns are to do with the site's proximity to residential property, visual impact to the landscape, the effect on people's health from night-time noise, increased traffic from the site, and a lack of information with the application about what chemical treatment of potatoes is to be undertaken on the site.

5.2 1 Hodges Row:

The respondent explains their fearfulness about more HGV traffic causing noise, vibration and disruption for a longer period of the year due to the current planning application. The height and bulk of the building is also said to be overbearing so close to small cottages and will have the effect of further industrialising the entrance to the Village.

5.3 111-112 The Street:

The proposal is too big and will lead to too many large vehicles movements. The increased noise level would be unacceptable and contradict existing prohibition on night-time deliveries and use of a grain dryer. Would approval of this application "open a floodgate" to ever-increasing industrial noise in a historic village that is a valued part of the National Trust's estate?

5.4 116 The Street:

As the closest residential property, it is thought that the humming noise will be a great nuisance at all times. It is queried whether it is known with enough certainty how noise will uniquely affect this site, and how the noise will filter through the line of trees on Oulton Street.

5.5 Forge Cottage:

Aside from impact on the skyline, the constant 24/7 noise from eight fans and two external refrigeration units could make our lives hell. The increased number of HGVs on narrow lanes is a further concern. This is despite being well-used to modern farming practices.

5.6 Holly Tree Cottage:

Were the application to be approved the kitchen, living room and all bedroom windows would face directly towards the axial fans, less than 80m away. As to increased traffic levels, it is hard to decipher the applicant's estimates for vehicle movements. The noise and vibration from agricultural vehicles is bordering on insufferable, weekends are no exception, and the ribbon development along Oulton Street has become an increasingly dangerous industrial slip-road for serving one family's agri-business. Former planning approvals affecting Oulton had safeguarded quiet enjoyment of nearby properties to normal working hours but this application would bring highly disturbing low frequency noise 24 hours a day. The application appears to fly in the face of any social sustainability within a rural community.

5.7 Meadow Cottage:

As well as being out of keeping with the area, the building's cooling fans will generate constant noise 24 hours a day for 10 months of the year. The prospect of continual noise all night is absolutely intolerable. In the past, the planning process has given protection to night-time noise by prohibiting deliveries to the nearby poultry farm and banning the operation of the grain dryer after 20:00. This proposal is also in addition to the proposals to locate the construction, storage area and office facilities for offshore wind project's in Oulton.

5.8 Morgans House:

The site is not "well away from major residential areas" as described by the applicant but "at the end of a well-established development of residential properties". The applicant's information admits there is likely to be an increase in background noise but gives little comfort that the mitigation measures will be effective. Given the applicant's recent planning history, they

cannot be relied upon to ensure any or all of the mitigations are put in place. It is hoped too that the applicant's intention to hold back potato crop to benefit from seasonal variation in prices is not taken as a valid planning consideration. The storage of potatoes relies on chemical treatments, but no reference is made to the risk or dangers to the environment, water courses, or nearby human habitation. It is understood that the nearby turkey farm and grain store within Street Farm already have restrictions at night-time, so it makes no sense to allow a further semi-industrial store nearer to residential property.

5.9 The Old Post Office:

More farm traffic and noise is a cause of dread. Fans and refrigeration units running 24-hours a day is particularly worrying. Fans on the existing grain store occasionally operate outside agreed hours, keeping the household awake. Even with windows closed the hum of the grain store is audible within the property and this has an adverse effect on people's wellbeing. The large-scale proposal goes beyond what is reasonable for a rural setting and no regard is given to the lives of people living nearby. The size and number of farm vehicles increases year to year and causes the property to rattle; and, it is felt that passing farm vehicles are a contributing factor to needing the property underpinned. The Village is described as under siege, by a string of unreasonable proposals made by the Harrold's Farm; for example, the Orstead and Vattenfall works depots could be sited in the Village for up to eight years. The revised noise assessment is not reassuring of concerns. Given the Farm's 2,700 acre site, to locate the potato store so close to residential properties seems "cruel". Noise disturbance is already caused by the existing grain dryer that on occasions has been kept running during the night. Appeals to the Harold family about not running the grain dryer at night is met with a "bullish" attitude. Consequently there is little confidence in the potato store fans being operated considerately and with regard to the noise disturbance.

5.10 Sweetbriar Cottage:

The application presumes that Oulton residents are prepared to accept disruption through increased vehicle movements and unacceptable levels of noise 24 hours a day from eight large fans units running continuously. The application fails to recognise the night-time noise restrictions on the poultry farm and a grain store, both of which are further away from residential properties – how therefore can the current application be acceptable? The proposed building will visually dominate the properties opposite and residents will no longer be able to peacefully enjoy their gardens. It is queried whether the applicants will use the facility for their own crop or charge it out to other producers and what the effect will be on vehicle movements. The environmental survey is challenged, as the outbuilding of the property opposite has nesting Little Owls and bats in the rafters. The proposed building maybe similar in height to existing buildings but it is nearer to

residential properties on Oulton Street, making its impact greater. The approach taken by the applicants is described as “calculated”, despite an understanding to leave a cherished wartime building standing, and that the replacement office turns out to be only a small part of the current planning application.

5.11 Sun View:

Huge agricultural machinery passes the property during the early hours of morning. The latest proposal is 300 yards away and the respondent is very concerned.

5.12 Whitegates Cottage:

The proposal would result in unacceptable noise disturbance in a rural setting that does not currently have any noise during night-time hours. At least 24 other dwellings are in close proximity, and down-wind, of the proposed potato store. There are planning limitations on delivering to the neighbouring poultry farm between 20:00 and 08:00 to avoid noise disturbance. The use of a grain dryer, on the same site, is also prohibited between 20:00 and 08:00 to avoid noise disturbance. This application is for a 24/7 operation that will generate noise disturbance. An increase in large agricultural vehicles using the narrow country roads could also result. The application is unacceptable and totally out of keeping for a rural area.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

- 6.1 Planning Practice Guidance, which is an online repository of Government guidance that supplements what is said in the NPPF.
<https://www.gov.uk/government/collections/planning-practice-guidance>

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):

- 6.2 Policy 1: Addressing Climate Change and Protecting Environmental Assets

Amongst other items, this policy sets out that development will be located to minimise flood risk (mitigating any such risk through design and implementing sustainable drainage), that environmental assets of the area will be protected maintained, restored and enhanced.

6.3 Policy 3: Energy and Water

Development in the area will, where possible, aim to minimise reliance on non-renewable, high-carbon energy sources and maximise the use of decentralised and renewable or low-carbon energy sources and sustainable construction technologies.

Development Management Development Plan Document (DM DPD) (2015):

6.4 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.

6.5 Policy GC4: Design

Development will expect to achieve a high standard of design and avoid any significant detrimental impact.

6.6 Policy EN1: Biodiversity and Habitats

Development proposals will be expected to protect and enhance biodiversity, either by causing less or no harm, providing mitigation, and that the benefits outweigh the impacts.

6.7 Policy EN2: Landscape

Regard should be given to the Landscape Character Assessment, as well as issues like visually sensitive skylines,

6.8 Policy TS3: Highway Safety

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

6.9 Policy CSU5: Surface Water

Development must reduce surface water runoff, manage surface water flood risk, and maximise permeable materials to increase infiltration capacity.

Other material considerations:

6.10 Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is on the north side of Oulton Street and to the east is the edge of the Blickling Conservation Area. The proposed building is within the existing farmyard, with existing stores workshops and silos within a radius of approximately 50m. To the south-west is a poultry farm and the remaining runways associated to the former WWII airfield. To the immediate north-east of the site are residential properties, associated to the Village of Oulton itself. There being 24 dwellings within a distance of 500m from the site. Several of the residential properties are within the Blickling Conservation Area and contribute to what is an attractive rural street scene. Within the red line of the site is a pond that is an attractive feature along Oulton Street, as well as trees that line the road. The site is in Flood Zone 1 with some small areas vulnerable to surface water flooding.

8 PLANNING HISTORY

- 8.1 The legacy of the WWI airfield is still evident in the vicinity of the site, with some of the wartime buildings connected to the airbase remaining along the runways. In 2008 planning permission was given for a general purpose grain store and in 2016 consent was given for the demolition of an existing building and erection of a farm office. This current application replaces the need for the 2016 scheme to build a farm office (ref: [20161115](#)).

9 APPRAISAL

- 9.1 Foremost in the responses received has been concern about the noise nuisance that the centrifugal fans and two external air-cooled chiller units will cause to residents in the neighbouring properties. Especially at night-time, a low level hum from the potato store’s cooling system, and the intermittent noise from HGVs, is the up most concern. To these matters, a noise impact assessment has been provided by the applicant; and, furthermore the Parish Council with contributions from local residents commissioned another acoustician’s advice. Technical judgments are applied: over whether World Health Organisations guidelines apply or BS4142; the noise expected from

the potato store against the very low background noise found in Oulton; and, the likely effectiveness of the mitigations proposed, such as for how the potato store is constructed and operated. With such matters there is a degree of uncertainty. For example, a margin of +/- 3 dB is given to the noise from the centrifugal fans.

- 9.2 At night-time it is suggested that the fans could run at a quieter speed, but this of course might be dependent on weather conditions and if internal conditions within the store could be kept cool enough. Further factors are the distance to the nearest property, which in this case is approximately 75m, and how the noise would travel through an open window into a person's home. Respondents, including the National Trust, mention how the quiet enjoyment of nearby residential gardens could be compromised, particularly the nearest properties which are 115 and 116 The Street. In assessing these matters the Council's Environmental Health Officer offered the following comment that is quoted in full.

Noise levels from the proposed extraction plant are estimated to be around 37dB(A) at the nearest noise sensitive premises. The daytime background has been measured as 38dB and since the WHO recommended maximum daytime noise level is 50dB, daytime noise is likely to have no observable adverse effect.

There is however, a window of several hours between around 18.00 and 23.00 which though falling into 'daytime' hours, could be described as premium amenity hours. This is a difficult area to be certain of the future impact of noise. Although the fans may be audible under certain weather conditions, they will not be experienced every day. It is noted:

1. The fans will largely be running during months when residents are typically not out in their gardens so much and
2. Weather conditions will often reduce the audibility of the fans owing to wind speed or direction or precipitation noise and
3. In the event of a demonstrable significant effect of fan noise, the speed of the fans can be reduced, with an estimated reduction in noise of 10dB.

Environmental Health does not consider that such noise is likely to amount to a statutory noise nuisance and if necessary, the fan speed and noise can be reduced by the operator.

It is the opinion of Environmental Health that BS 4142 is of marginal relevance when applied to the low background noise levels observed in this case. However, on the assumption that it is relevant, the difference between the rating noise of 40dB (including a 3dB correction for the

monotone) and a night time background of 26dB is 14dB, which is likely to lead to complaints. However, given that the expected attenuation of noise through a partially open window is -15dB, the difference is reduced to -1dB. Even allowing for a more pessimistic 10dB reduction through a partially open window, the difference is 4dB, which is unlikely to lead to complaints of noise in accordance with BS4142.

The calculated noise of 37dB at the nearest noise sensitive premises is 7dB above the WHO recommended level of 30dB for bedrooms and 2dB above the recommended level of 35dB for inside dwellings. Assuming a conservative 10dB reduction through an open window, actual noise levels would be comfortably within the WHO limits. On the basis of the information supplied, Environmental Health has no compelling reason to object to the application.

- 9.3 The technical data on the likely noise includes contingencies for worse case scenarios, and whilst the potato store's cooling systems may prove to be audible on occasions, it is considered to be within the bounds of acceptable guidelines, and will likely depend on prevailing wind direction. The applicant has also amended some of the technical specifications since the application's submission, such as replacing axial fans with centrifugal fans and moving the refrigeration units to the west elevation, to lower the risk of noise disturbance to nearby properties. However, the Environmental Health Officer has also asked that an informative is added to say that should complaints be received action can be taken under the Environmental Protection Act 1990.
- 9.4 A significant further reason for objection is to the scheme's scale and appropriateness so close to the edge of the Blickling Conservation Area. An initial objection was received from the Council's Historic Environment Officer. This objection has since been rescinded, on the basis that further information has been provided about the landscaping scheme. Indicative drawings show additional planting and the retention of all existing trees. This gives confidence that the appearance of the Conservation Area will be preserved, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 16 of the National Planning Policy Framework.
- 9.5 A further modification is to add darker olive green doors, as opposed to the original proposal to colour them Goosewing Grey, in order to lessen the visual impact. Within the context of an established farmyard, surrounded by other large buildings and silos, the new potato store is not likely to make a substantial difference. A further factor is the long history of larger buildings on the site, dating back to the land's use as a WWII airfield.
- 9.6 As well as noise and landscaping concerns, highways considerations have featured in objections. Respondents discuss the seemingly ever increasing numbers of tractors, trailers and HGVs moving to and from the site. Consequences being noise and vibration affecting properties that immediately

front Oulton Street. The applicant argues that the increase in vehicle movements will be modest. Tractor and trailer movements will remain unaltered and there will be a more even distribution of vehicle movements across more months of the year. A difference will be the moving of the farm office from Docking to this site.

- 9.7 The Highways Authority, commenting on the information provided with the application, has not raised an objection, only requesting a condition to secure the parking and servicing areas within the site. To the south of where the potato store is proposed is the main entrance to Street Farm. The access has good visibility, and as well as travelling north along Oulton Street, HGV traffic can go southwards towards the B1149 (Holt Road). In respect to Policy TS3, which deals with highways safety, the scheme is acceptable.
- 9.8 Other conditions are proposed. The retention of the existing trees along Oulton Street is a priority, and as a swale to manage surface water run-off is proposed near the trees, a Tree Constraints Plan (TCP) and if necessary Arboricultural Method Statement (AMS) is required. A condition for the submission of an external lighting plan is also necessary given the rurality of the site. The findings and recommendations of the Adrian James Acoustics Noise Impact Assessment are secured by condition as well. Standard conditions are added that the scheme commences construction within three years, it is built in accordance with approved plans, and the building is used for agricultural storage only.
- 9.9 Other objectors have commented on how approving this application would undermine previous decisions that sought to limit night-time noise. Examples given are a grain store, also owned by EF Harrold Ltd; and, how deliveries to a nearby poultry farm are controlled outside the normal daytime working hours. These matters are relevant to consider, but given the amount of technical information submitted, there is adequate information to determine the current application on its own merits. This includes an ecological report that has identified little potential for protected species on the site.
- 9.10 In conclusion, on the principle matters of noise, landscaping and highways, a satisfactory level of evidence has been provided to determine that a significant adverse impact is unlikely. Consultees have not objected, including the Council's environmental health officer on noise, the historic environment officer, the conservation officer in respect to trees, and the County Council's highways engineer. It is regrettable that there remains severe concern from residents, but on the evidence available it is nevertheless considered reasonable to approve the application.
-

RECOMMENDATIONS: 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) Prior to the first occupation of the development hereby permitted the proposed on-site vehicle parking / servicing / loading, unloading / turning / waiting area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- (4) The building hereby approved shall be used for agricultural storage only unless otherwise agreed in writing with the Local Planning Authority.
- (5) The development hereby permitted shall be carried out in accordance with the recommendations in the Adrian James Acoustics Noise Impact Assessment, received by the Council on 15 August 2018.
- (6) Prior to development commencing, a Tree Constraints Plan (TCP) shall be submitted and approved in writing the Council. If constraints are identified by trees, an Arboricultural Method Statement (AMS) should be submitted too and approved in writing by the Council. These assessments should be in accordance with the Strategic Landscape Proposal (drawing No.18.3064.01) and native tree species should be selected from Section 7.2 of the Wild Frontier Ecology Report received by the Council on 26 March 2018.
- (7) Prior to development commencing, a lighting plan shall be submitted and approved in writing by the Council that shows all external lighting, including lux levels and means for preventing light spillage and sky glow.

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) In the interests of highway safety in accordance with policies TS3 and TS4 of the Development Management DPD 2015.

- (4) To ensure the proper development of the site without prejudice to the amenities of the area, and in accordance with Policy GC4 of the Development Management DPD 2015.
- (5) To safeguard the amenities of the adjacent residential properties in accordance with Policy GC4 of the Development Management DPD 2015.
- (6) To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies GC4 and EN2 of the Development Management DPD 2015.
- (7) Safeguard the amenities of the adjacent residential properties in accordance with Policy GC4 of the Development Management DPD 2015.

Informatives:

The applicant is advised that the previous use of the building and associated land may have involved potentially contaminated activities which have given rise to the presence of contamination. In view of this you are advised to consider commissioning a suitably qualified independent and experienced professional or company to undertake a site investigation and risk assessment to determine whether any remedial work is required to ensure that the site is suitable for the intended use. The responsibility for the safe development of the site, the disposal of any contaminated materials from the development of the site and ensuring that the site is suitable, or can be made suitable for the intended development, through the implementation of an appropriate remediation strategy, is the responsibility of the developer.

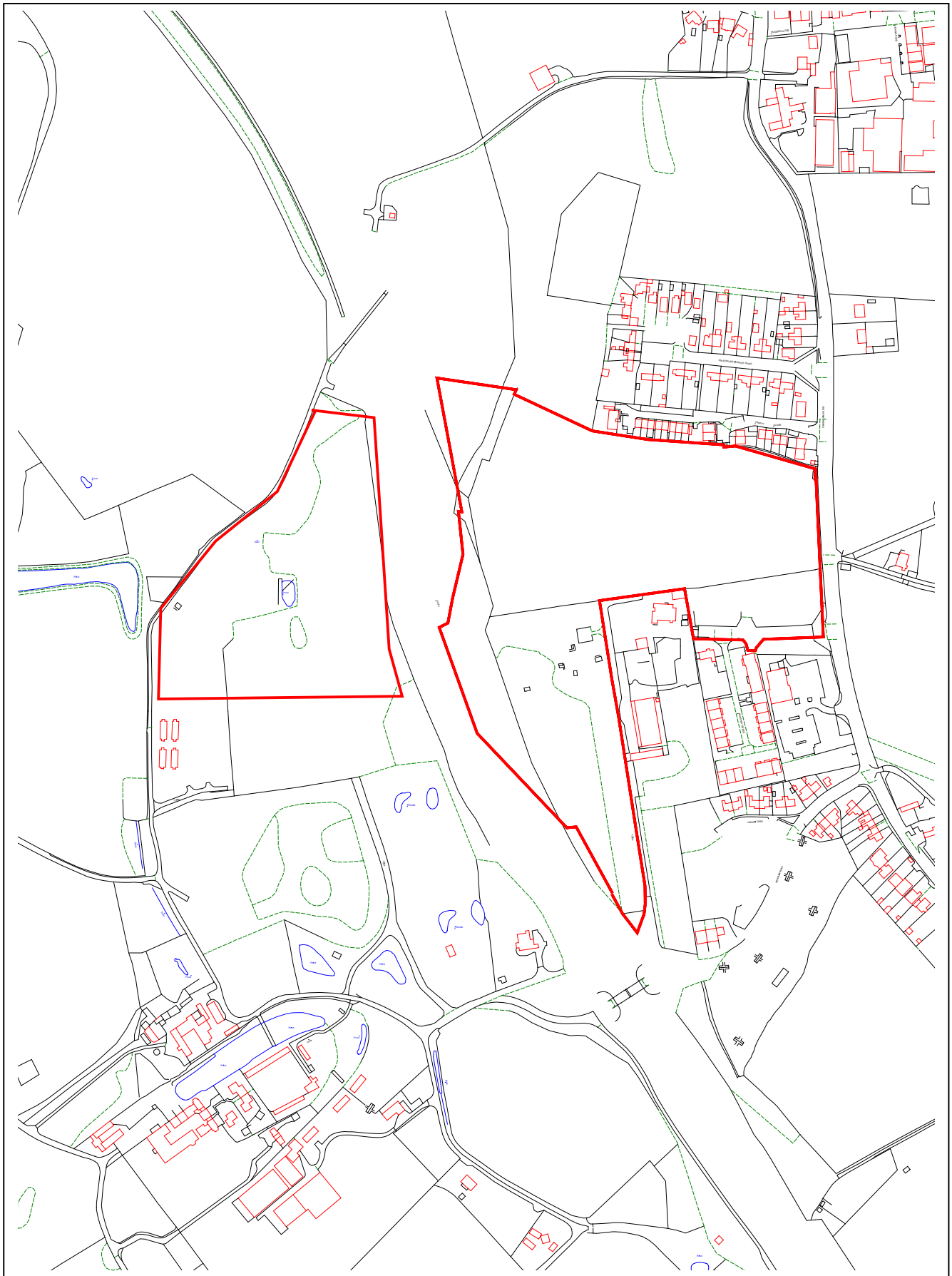
A leaflet explaining in more details what the council would expect to comply with this advice is available either from the Broadland District Council office or via the Broadland District Council website (www.broadland.gov.uk).

Notwithstanding the granting of planning permission, the applicant is advised that the nuisance provisions of the Environmental Protection Act 1990 continue to apply. In the event of future complaints of noise, the matter will be investigated and if a noise nuisance is substantiated, abatement measures will be required.

The 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.

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



Application No: 20172208
Land adj Mahoney Green,Rackheath

Scale:
1:5062
Date:
24-Sep-18



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AREA East

PARISH Rackheath

4

APPLICATION NO: [20172208](#)

TG REF: 627818 / 313176

LOCATION OF SITE Land adjacent to Mahoney Green, Rackheath

DESCRIPTION OF DEVELOPMENT Residential development for up to 205 dwellings and associated works (outline)

APPLICANT Taylor Wimpey UK Ltd, Blanmar 1 LLP, Blanmar 2 LLP & SCR Ltd

AGENT Carter Jonas LLP, Mr Richard Seamark, One Station Square, Cambridge, CB1 2GA

Date Received: 19 December 2017

13 Week Expiry Date: 5 April 2018

Reason at Committee: The application is reported to Committee as the development is contrary to the Development Plan but officer recommendation is for approval.

Recommendation (summary): Delegate authority to the Head of Planning to approve subject to completion of a Section 106 Agreement and conditions.

1 THE PROPOSAL

- 1.1 The application seeks outline planning permission with all matters reserved except access for the construction of 205 dwellings and associated works on land to the east of the Broadland Northway. The application also includes provision for the delivery of 4.12 hectares (ha) of informal public open space on land to the west of the Broadland Northway which would be subject to landscape and ecological enhancements.
- 1.2 The residential development would be served by a primary point of vehicular access in the form of a priority junction and an additional emergency access, both of which would be onto Green Lane West. The proposed primary access would serve an estate road 6m in width with 2m wide footpaths to either side which would extend across the sites frontage with Green Lane West. The emergency access would take the form of a 3.7m wide shared footway / cycleway with method of control, such as a removable bollard, to be agreed with the highway authority.

- 1.3 An amended indicative masterplan has been submitted to demonstrate how the number of dwellings could be accommodated within the application site. This identifies that the residential development would occupy 5.34 ha of the site with a remaining 2.76 ha used for informal open space, sustainable drainage features and two children's play areas with circular walking routes created to the site boundaries.
- 1.4 The application proposes 33% affordable housing which on a scheme of 205 dwellings would equate to 68 dwellings. A viability assessment has been submitted to demonstrate that the scheme is viable and this has been tested by the Council's independent advisor. The applicant's viability assessment is attached as Appendix 1 to this report and the Council's viability report will be provided as part of the supplementary schedule.

2 KEY CONSIDERATIONS

- Housing supply in the Norwich Policy Area (NPA).
- Whether the proposed development accords with the provision of the development plan, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- Whether there are material considerations sufficient to justify an approval contrary to the provisions of the Development Plan.
- The impact of the development on the character and appearance of the area, amenity, highway safety and the functioning of the local highway network, noise, air quality and other sources of pollution, ecology and green infrastructure, drainage, heritage and archaeology, airport safeguarding and other relevant planning considerations.

3 CONSULTATIONS

3.1 Anglian Water:

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative should be added.

The foul drainage from this development is in the catchment of Rackheath The Springs Wroxham Road Recycling Centre that will have available capacity.

The sewerage system at present has available capacity for these flows which will require notice under Section 106 of the water Industry Act 1991.

Our Engineer has been liaising with the developer and we are now happy that sufficient evidence has been provided to show the surface hierarchy has been followed as stipulated in the Building Regulations, Part H. We also recognise the constraints with infiltration techniques for this site and we have taken this into account on our assessment.

In terms of outstanding conditions, we can confirm that we are in a position to permit the discharge of the surface condition and a foul condition has not been applied for this site.

3.2 Conservation Officer (Arboriculture and Landscape):

Most individual trees are shown as retained with some removals required for the main access road and visibility splays on Green Lane West with five individual trees shown for removal. A veteran category 'A' Oak has been highlighted as an important landscape tree. More significant removals would be required along the wooded belt (within the southern part of the site) with the majority of trees being shown to be removed. The removal of trees from the group along the boundary with the industrial estate would erode the density of the woodland belt and it would be preferable to retain its existing width if a viable screen is to be maintained. Approximately 0.40 ha of broadleaved woodland have already been felled and mitigation should be provided in the form of replacement planting. The value of the proposed area for ecological and landscape enhancement should be carefully considered as the footpath access would create a route of approximately 1.3 km adjacent to the Broadland Northway.

The details of species choice of trees will need to be carefully considered. A tree protection plan and Arboricultural Method Statement will be required together with a detailed landscape scheme.

3.3 Environmental Health Officer (Noise):

Following the submission of an initial Noise Assessment, additional Acoustic Design Statement, additional Noise Report the noise constraints are lower than originally predicted. The report recommends 1.8m close-boarded fences to achieve outdoor amenity levels which should be sufficient. The applicant should submit the glazing specification with the final layout to show that internal amenity is in line with the criteria set out in BS8233:1999, Sound Insulation and noise reduction for Buildings – Code of Practice.

3.4 Highway Authority:

Whilst a single point of access is not our preference the applicant has demonstrated that it can be provided to technical requirements along with the emergency access. The proposed off-site works involves pedestrian improvements between the site and Salhouse Road (including footway

widening and crossing improvements), maintaining a 6m wide carriageway width along Green Lane West and improving access to bus stops.

On the basis of drawings NR5011.088-RevD and NR5011.006-RevC we withdraw our holding objection subject to conditions.

3.5 Historic Environment Service:

The site lies adjacent to the possible site of the deserted medieval village of Little Rackheath where there is the potential for heritage assets which archaeological interest (buried archaeological remains) to be present at the site and their significance will be adversely affected by the proposed development. A condition should be imposed to require a programme of archaeological migratory work.

3.6 Housing Enabler:

No objections subject to 33% affordable housing with a 60:40 (Affordable Rent: Intermediate) tenure split and an acceptable housing mix being secured in the Section 106 Agreement.

3.7 Lead Local Flood Authority:

We previously objected in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy / supporting information relating to the need to provide confirmation from Anglian Water that they are in agreement with the discharge rates.

Initially soakaway testing conducted at the site by the applicant showed favourable results, so an infiltration drainage strategy was proposed. As such Anglian Water accepted that infiltration was possible and thus were unwilling to accept any surface water flows from the site. However, due to the LLFA concern over infiltration rates due to groundwater issues in the vicinity of the site Anglian Water have now confirmed that they would be able to approve a connection to the surface water sewer at a rate of 25.2 l/s.

No objection subject to condition.

3.8 Minerals and Waste:

The site is partly underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy of which Policy CS16 'Safeguarding' is applicable. A condition should be imposed to secure a Materials Management Plan – Minerals for the part of the site to the east of Broadland Northway to estimate the quantities of material which could be extracted from groundworks and reused.

3.9 Natural England:

No comments.

3.10 Natural Environment Team:

A phase 1 and subsequent phase 2 surveys have been completed. Generally these are of an acceptable standard but contain some discrepancies and omissions in relation to the scope of ecological work, the need for further discussion of Great Crested Newts, the potential impact on Barbastelle Bats and breeding birds. There is insufficient information regarding the proposed heathland creation and there are inherent problems in establishing this habitat. Should these issues be addressed it is recommended that a Construction Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) are conditioned.

Comments on additional information:

The report on the additional surveys are noted and the results are as expected. It is not surprising that the ponds to the west showed the presence of newts as they were used as mitigation for newts as a result of impacts from the NDR. I would have hoped that a discussion on the relevance of these finding would be used to inform the proposed management of the area to the west of the NDR and this should be picked up in any pre- and post-construction ecology plans.

The applicants are obviously also reluctant to provide anything further on Barbastelle Bats. The NDR project included a huge amount of information on the use of the area by bats, including radio-tracking of at least two individuals whose home ranges included the application site (both east and west of the NDR). This information is publically available (PINS website) and it would surely have been sensible to consider this in any assessment, but again we have to accept that this is not going to be provided.

In terms of Skylarks, the applicants now state that no skylark territories were present (contradicting their previous position). It can be confirmed that the NDR Ecological Monitoring Surveys this spring undertaken by Norfolk County Council, did not record any Skylarks holding territory on or immediately adjacent to the application site, so we accept this position.

In line with all our previous comments we would recommend conditions for a Construction Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

3.11 NHS incorporating North Norfolk Clinical Commissioning Group (CCG):

The development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area. The NHS would expect these impacts to be assessed and mitigated. There are no GP practices within a 2 km radius, the closest being Sprowston Primary Care Centre which is 3 km which does not have sufficient capacity for the additional growth resulting from this and proposed cumulative development in the area.

The impacts, if unmitigated, would be unsustainable and developer contributions will be required to provide a new build facility in Rackheath.

3.12 Norwich International Airport:

Certain elements cause us some concern and we would request that conditions are imposed regarding: external lighting to minimise the risk of lights dazzling pilots and air traffic controllers; landscaping proposals to ensure that birds, particularly wildfowl, are not attracted to the site and that sustainable urban drainage systems fully drain within 14 days for a 1/100 year storm, 4 days for an annual storm and 24 hours for general rainfall to minimise the risk of bird strike; a requirement for the use of cranes to be operated in accordance with British Standard 7121 and CAP 1096 and for the airport to be notified of the use of cranes with at least 21 days' notice.

3.13 Pollution Control Officer (Contaminated Ground):

The amended Site Investigation report does not include any soil investigation where the site was previously occupied by a World War II air base. A condition should be imposed to require further testing in this area.

3.14 Pollution Control Officer (Air Quality):

Following the submission of an Air Quality Assessment, further assessment will be required and can be secured by condition.

3.15 Principal Planning Officer (Spatial Planning):

The application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The principal issues are: the current housing land supply and whether in light of this the proposal constitutes a sustainable form of development; access and connectivity; public open space and mitigation of noise impacts from the Broadland Northway. It is difficult to conclude that this site lies in an unsustainable location despite the potential for a shortage of primary school places locally. There are also some benefits of the scheme if appropriately designed including pedestrian and cycle links to Newman Road Woods and Newman

Road bridge from the proposed primary access of North Rackheath and Trinity Close; enhancement of the Mousehold to Broads Green Infrastructure Corridor and the provision of a large, if somewhat detached, area of informal open space. On the basis that an appropriately designed scheme can be secured addressing these issues there is no policy objection to the proposed development.

4 PUBLICITY

4.1 Site Notice:

Expired: 1 February 2018

4.2 Press Notice:

Expired: 6 February 2018

4.3 Neighbour Notification:

115 letters sent to addresses on Sir Edward Stracey Road; Green Lane West, Mahoney Green and Trinity Close

5 REPRESENTATIONS

5.1 Four neighbour representations (including one letter on behalf of all business owners on Mahoney Green) received raising the following issues:

- Security will be compromised to industrial units if the proposed potential pedestrian / cycle link is provided to Mahoney Green. This would also be dangerous given the use of this access for larger vehicles such as articulated lorries. In addition, the Mahoney Green property owners pay for the maintenance of the road and manage the verged and vegetation.
- Introducing a third entrance in quick succession onto Green Lane West will result in increased accidents and a danger to the public.
- There is significant traffic on Green Lane West.
- The scale of planned development is not matched by proportionate increases in local facilities such as schools, healthcare and transport.
- Rackheath is served by insufficient public transport.

5.2 Rackheath Parish Council:

Requests clarification over the following matters:

- Design of the emergency access.
- At least two points of access should be provided.
- A pedestrian cycle link to Mahoney Green is not suitable.
- The footpath to the front of the site needs to be increased to a more appropriate width. Hedging needs to be maintained to ensure visibility.
- The traffic assessment does not align with local experience.
- The distances to public transport connections is not accurate.
- The site and the adjacent industrial estate are liable to flooding.
- The provision of heathland to the west of the site is appreciated however the access is inadequate.
- We would expect better on-site play provision to be provided to the south of the site and an off-site contribution for improvements elsewhere in the village.
- The inclusion of SuDS features as open space would limit their use.
- A detailed noise assessment will be required.
- The proposed low density of housing was appreciated.
- The development impacts on schools and health care provision.

5.3 Norfolk Rivers Drainage Board:

The site is outside of the Internal Drainage District and no connection is currently proposed to a watercourse. Should in due course a surface water discharge be proposed to a watercourse within the Internal Drainage District, land drainage consent would be required in accordance with the Board's byelaws. Whilst the consenting process as set out under the Land Drainage Act 1991 and the Board's byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents.

5.4 Campaign to Protect Rural England:

The site lies outside of the development boundary. Land in Rackheath is already allocated for 3,000 new houses. Even though there is a lack of a 5-

year supply for land for housing, to add to the allocated housing would cause harm to the Parish. The site lies outside of the centrally located area within the Rackheath Neighbourhood Plan and is not allocated. The density of 40 dwellings per hectare results in a cramped form of development which disrespects the local character and vernacular architecture with a suburban rather than rural village feel contrary to HOU2 of the Neighbourhood Plan and Policy 2 of the Joint Core Strategy. The design and access statement fails to demonstrate that the scheme meets the three dimensions of sustainable development (economic, social and environmental). If granted planning permission 33% affordable housing should be secured.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF):

- 6.1 This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As national policy, the NPPF is an important material consideration and should be read as a whole but paragraphs 7, 8, 10, 11, 73, 74, 96, 108, 109, 123, 170, 175, 177, 178, 180 and 182 are particularly relevant to the determination of this application.

National Planning Practice Guidance:

- 6.2 This provides guidance and adds further context to the NPPF and should be read in conjunction with it as a material consideration.

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):

- 6.3 Policy 1 – Addressing Climate Change and Protecting Environmental Assets:

This Policy sets down a number of standards that new development should achieve in its attempts to address climate change and promote sustainability, including giving careful consideration of the location of development and the impact it would have on the ecosystems of an area.

- 6.4 Policy 2 – Design:

Seeks to ensure that all development is designed to the highest possible standard, whilst creating a strong sense of place. It also states that developments will respect local distinctiveness.

6.5 Policy 3 – Energy and Water:

Amongst other things seeks to ensure that the highest levels of energy and water efficiencies are met through the planning submission and conditions if necessary.

6.6 Policy 4 – Housing Delivery:

States that proposals for housing will be required to contribute to the mix of housing required to provide balanced communities and meet the needs of the area, as set out in the most up to date study of housing need and / or Housing Market Assessment. Furthermore it sets out appropriate percentages for the delivery and tenure of affordable housing.

6.7 Policy 6 – Access and Transportation:

States that the transportation system will be enhanced to develop the role of Norwich as a Regional transport Node and will improve access to rural areas.

6.8 Policy 7 – Supporting Communities:

Requires development to maintain or enhance the quality of life and the well-being of communities and will promote equality and diversity, and protect and strengthen community cohesion.

6.9 Policy 9 – Growth in the Norwich Policy Area:

The Norwich Policy Area (NPA) is the focus for major growth and development. Housing need will be addressed by the identification of new allocations to deliver a minimum of 21,000 dwellings distributed across a number of locations.

6.10 Policy 10 – Locations for major new or expanded communities in the Norwich Policy Area:

Identifies the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle as a location to deliver a major urban extension.

6.11 Policy 21 – Implementation of proposals in the Broadland part of the Norwich Policy Area:

When considering development proposals in their part of the Norwich Policy Area Broadland District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Development Management Development Plan Document (DM DPD) (2015):

6.12 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.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole of specific policies in the Framework indicate that development should be restricted.

6.13 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

6.14 Policy GC4 – Design:

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

6.15 Policy EN1 – Biodiversity and Habitats:

Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats and support the delivery of a co-ordinated green infrastructure network.

6.16 Policy EN2 – Landscape:

In order to protect the character of the area, this Policy requires development proposal to have regard to the Landscape Character Assessment SPD.

6.17 Policy EN3 – Green Infrastructure:

Residential development consisting of five dwellings or more will be expected to provide at least 4 ha of informal open space per 1,000 population and at least 0.16 ha of allotments per 1,000 population.

Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.

6.18 Policy EN4 – Pollution:

Development will be expected to include an assessment of the extent of potential pollution, and mitigation measures will be required where necessary.

6.19 Policy RL1 – Provision of Formal Recreational Space:

Residential development consistent of five dwellings or more will be expected to make adequate provision and subsequent management arrangements for recreation.

6.20 Policy TS2 – Travel Plans and Transport Assessments:

In the case of major development a Transport Assessment and / or Travel Plan will be required.

6.21 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.

6.22 Policy CSU5 – Surface Water Drainage:

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.

Growth Triangle Area Action Plan (GT AAP) (2016):

6.23 Policy GT1 – Form of development:

States that all development proposals should create, or contribute to the creation of, distinct quarters; the character of which should be based upon the principles of mixed use walkable neighbourhoods and master planned in a manner which has regard to other development proposals in the locality.

6.24 Policy GT2 – Green Infrastructure

Identifies two primary and seven secondary green infrastructure corridors to deliver biodiversity and habitat connectivity. Informal and formal open space, sports pitches, play areas, walking and cycling routes, landscaping and

sustainable urban drainage systems will be located and orientated to support the delivery of these corridors.

6.25 Policy GT3 – Transport:

Identifies the need for transport improvements in the growth triangle to support planned growth including a new orbital link road, bus rapid transport routes. Internal layouts will need to support public transport and provide permeable and legible street layouts which support walking and cycling and encourage low traffic speed.

Rackheath Neighbourhood Plan 2017-2037 (2017):

6.26 Policy HOU1 – Mixed type and tenure of housing:

In any new development there will be provision of mixed type and tenure of housing, appropriately located to ensure exclusive enclaves do not occur. Proposals for new residential development should not include large scale amounts of flatted accommodation to contribute to a rural village feel.

6.27 Policy HOU2 – Character, density and massing:

New development should maintain a green and rural village feel of high quality and inclusive design that conserves local distinctiveness. Density and massing should vary and should be of a character to reflect existing development in Rackheath. Where possible main routes through developments should be laid out to create efficient vehicle, cycle and pedestrian connections with permeable cul-de-sacs.

6.28 Policy ENV1 – Drainage:

Development should take advantage of modern drainage to prevent and alleviate localised flooding.

6.29 Policy ENV2 – Climate change:

The Neighbourhood Plan supports cost effective and efficient passive solar gain and solar PV panels.

6.30 Policy ENV3 – Tree belts and wildlife habitats:

Where possible existing strategic tree belts should be protected, extended and linked to other existing tree belts creating circular routes within the parish. Development should facilitate access to and through them with paths,

cycleways and bridleways. Development should support the creation of wildlife habitats for enhancing ecological networks.

6.31 Policy ENV4 – Trees and soft site boundaries:

Development proposals should seek to retain mature or significant trees. New development should incorporate significant tree planting and landscaping.

6.32 Policy ENV5 – Local landscape character and historical development:

All developments will be required to demonstrate how landscape character, historical development and features of local significance have been considered.

6.33 Policy ENV7 – Green space:

Proposals for new housing developments should include quality outdoor green amenity space

6.34 Policy ENV8 – Approaches to Rackheath and village landscape:

New development located at the village entrances will be encouraged to enhance the approaches to Rackheath, for example through the provision of signage, tree, shrub and flower planting. High quality landscaping should be incorporated to create a village feel and new houses should overlook green spaces.

6.35 Policy COM1 – Linked community:

Developments should contribute to an enhanced and joined-up movement network of roads, footpaths, pavements, tree belt routes, cycle ways and bridleways to connect Rackheath as one Parish.

6.36 Policy COM3 – Social spaces, play spaces and parks:

All developments are expected to include new landscaped play areas and parks with appropriate parking for larger play and park provision. All play areas and parks should have good road access, be near family housing and benefit from natural surveillance. Major developments will be expected to provide enhanced facilities, including children's play areas, water features, covered areas for sitting and stopping, nature conservation and sports.

6.37 Policy COM4 – Community safety:

New development should be designed with good natural surveillance, active frontage, permeable routes and buildings that face onto the public realm and open spaces/play areas. Development proposals will be expected to meet secured by design.

6.38 Policy COM7 – Allotments:

Major developments should make appropriate provision for allotments.

6.39 Policy TRA2 – Pedestrian, cycle and bridleways:

Developments will be expected to contribute to sustainable transport by providing safe, attractive, convenient and where possible off-road pedestrian routes, cycle ways and bridleways and providing crossing points from development with boundaries on Green Lane East to the other side of the road.

6.40 Policy TRA3 – layout and traffic calming:

To retain a rural feel, development design and layouts should promote a street hierarchy which is sensitive to users' needs and which prioritises the safety of pedestrians. Developments must be permeable and maximise pedestrian access with more than one route in and out of any large development.

Recreation Provision in Residential Development Supplementary Planning Document (2016):

- 6.41 Sets the guidance on how the requirements set out within Policies EN1, EN3 and RL1 will be applied

Broadland Landscape Character Assessment Supplementary Planning Document (SPD) 2013:

- 6.42 E4 – Rackheath and Salhouse

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The application site measures approximately 12.2 ha but is comprised of two distinct areas, separated by the Broadland Northway. A 4.1 ha area of land to the west of the Broadland Northway is proposed as public open space to include landscape and habitat enhancement (hereafter referred to as the 'open space site') and an 8.1 ha area of land to the east of the Broadland

Northway is proposed for residential development and associated infrastructure including open space and surface water drainage features (hereafter referred to as the 'residential site').

- 7.2 The open space site is irregular in shape and undulating with a high point to the south east and low point to the north west. It contains semi-improved grassland, scrub and ruderal vegetation with a mature woodland to the west. A bridleway created as part of the Broadland Northway is located to the eastern boundary of the open space site. Access to the open space site from Rackheath is via the Newman Road Bridge to the south east and along the bridleway. To the south of this part of the site is land owned by Norfolk County Council where ecological mitigation measures, including ponds and a bat house have been installed as part of the Broadland Northway.
- 7.3 The residential site is also irregular in shape with a frontage to the east on to Green Lane West which is subject to a 40 mph speed limit. To the north is Trinity Close at a higher level to the application site with two storey residential dwellings backing on to the site. To the west is the Broadland Northway which is located below the level of the application site within a cutting. To the south and east of the site is the Mahoney Green Industrial Estate which contains a variety of light industrial and employment uses including a builder's merchant, vehicle servicing units, office accommodation and children's soft play amongst other uses.
- 7.4 The northern section of the residential site contains a valley which runs approximately south east to north west to a low point adjacent with the Broadland Northway. The highpoint of the site is along the boundary with Green Lane West and Mahoney Green Industrial Estate. The southern section of the site is largely flat and level and contains the remnants of buildings associated with the former use of the site as part of Rackheath airfield and a belt of trees along the eastern boundary.

8 PLANNING HISTORY

- 8.1 No relevant history.

9 APPRAISAL

- 9.1 The application seeks outline planning permission with all matters reserved except access for the erection of 205 dwellings. The main issues to be taken into consideration in the determination of this application are:
- an assessment of the proposal against the policies of the Development Plan;

- whether there are any material considerations to justify a departure from the Development Plan with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG);
- the housing supply situation in the Norwich Policy Area (NPA);
- the impact of the development on the character and appearance of the area, amenity, highway safety and the functioning of the local highway network, noise, air quality and other sources of pollution, ecology and green infrastructure, drainage, heritage and archaeology and airport safeguarding and other relevant planning considerations.

The principle of development

- 9.2 The site is located in the parish of Rackheath within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle as defined in the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014) (JCS). The Growth Triangle has been identified in Policies 9 and 10 of the JCS as a location to deliver a minimum of 7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually.
- 9.3 To enable and co-ordinate sustainable strategic development in the Growth Triangle, in accordance with the requirements of the JCS, the Growth Triangle Area Action Plan (GT AAP) was produced and adopted in 2016. Whilst located within the Growth Triangle, the site is not allocated for development in the GT AAP, nor is it identified as being within the settlement limits for Rackheath on the policy maps that accompany the JCS.
- 9.4 Policy GC2 of the Development Management DPD 2015 (DM DPD) states that new development will be accommodated within the settlement limit. 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. On the basis that the proposed residential development is outside of a settlement limit and does not accord with a specific allocation or Policy of the Development Plan the application is considered to be contrary to Policy GC2.
- 9.5 Whilst contrary to GC2, Policy GC1 of the DM DPD states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits or whether specific policies in the NPPF indicate that development should be restricted. This Policy reflects the presumption in favour of sustainable development at paragraph 11(d) of the National Planning Policy Framework (NPPF).

- 9.6 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the NPPF.
- 9.7 Of particular relevance to applications for housing development in this regard is paragraph 73 of the NPPF. This states that Local Planning Authorities should identify and update annually a supply of specifically deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The JCS housing requirement was adopted in January 2014 and it is therefore less than 5 years old so, in accordance with paragraph 73 of the NPPF, it is appropriate for housing supply to be measured against the JCS housing requirement.
- 9.8 The 2017 Greater Norwich Area Housing Land Supply Assessment, published as Appendix A of the Joint Core Strategy Annual Monitoring Report 2016-2017, shows that against the JCS requirements there is a 4.61 years supply in the combined NPA, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date when measured against the housing requirement in the JCS and applications for housing should continue to be determined within the context of the titled balance referred to in paragraph 11 of the NPPF.
- 9.9 However, in June 2017 an updated Strategic Housing Market Assessment (SHMA) was published for Central Norfolk (the Greater Norwich authorities plus, North Norfolk and Breckland). The SHMA assesses the Objectively Assessed Need (OAN) for housing between 2015 and 2036 using the most recent evidence available. Unlike the evidence underpinning the JCS, the SHMA also includes an assessment of the contribution made by student accommodation in line with the Planning Practice Guidance.
- 9.10 A housing land supply of 8.08 years can be demonstrated against the SHMA assessment of OAN, a surplus of 5,368 units. Whilst the guidance to which the Central Norfolk SHMA accords has now been superseded it is nevertheless considered that it remains an intellectually credible assessment of housing need. Assessments such as the SHMA will continue to form the basis of local plans submitted ahead of January 2019, including some within the Central Norfolk Housing Market Area and it remains entirely appropriate to give weight to the SHMA as a material consideration in the determination of planning applications.
- 9.11 The abundant housing land supply that is apparent in relation to the most up-to-date evidence of housing needs (8.08 years) should be given weight in the decision making process as a material planning consideration. This factor effectively diminishes the weight that would otherwise be attached to the

benefits of increased housing delivery in the planning balance in the context of DM DPD Policy GC1 and NPPF Paragraph 11.

- 9.12 An important consideration in the determination of this application however is paragraph 177 of the NPPF. This states that *“the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitat’s site is being planned or determined”*.
- 9.13 The site is located within 5 km of the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA) which are European sites and part of the Natura 2000 (N2K) network where there is the potential for recreational pressure resulting from the development to impact upon designated features. In such circumstances it is the responsibility of the Local Planning Authority to undertake a screening exercise to determine whether an Appropriate Assessment (AA) needs to be undertaken. In the recent past the need for an AA could be ‘screened out’ provided that the development was delivering open space in accordance with Policies EN3 and RL1 of the DM DPD to ensure that the recreational needs of future residents are met, thereby mitigating any potential recreational impact on N2K sites.
- 9.14 However, a decision made by the European Court of Justice on a case known as People Over Wind (Case C-323/17) EU:C:2018:244) has determined that mitigating measures (such as the provision of open space) cannot be taken into account at the screening stage. Instead, the mitigating measures are to be considered in the AA.
- 9.15 Whilst the application provides for significantly more open space than is required under the Development Plan Policies, on the basis that mitigation measures can no longer be taken in to consideration at the screening stage, an AA has been required. The AA has been undertaken by the Natural Environment Team at Norfolk County Council on behalf of Broadland District Council and has concluded that there is not likely to be any significant impact on the integrity of N2K sites from recreational pressure resulting from the development.
- 9.16 However, because AA was required, despite no significant impact being identified, the wording of paragraph 177 of the NPPF establishes that the presumption in favour of sustainable development in paragraph 11(d) and GC1 of the DM DPD does not apply to the proposed development.
- 9.17 The determination of this application therefore should focus solely on the statutory basis for assessment at section 38(6) Planning and Compulsory Purchase Act 2004 – ie that the decision must be made in accordance with the Development Plan unless material considerations indicate otherwise. The fact that the presumption in favour of sustainable development does not apply does not mean that the factors which would have led to the presumption

applying if there had been no need for an AA can be ignored as these are still material considerations relevant to the application.

- 9.18 One such material consideration is the requirement in the NPPF to support the Government's objective of significantly boosting the supply of homes – and the absence of a 5 year supply of housing against the requirements of the JCS is a factor which weighs in favour of the development.
- 9.19 On the basis of the above, the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of the relevant Development Plan Policies and the NPPF, with reference to the three dimensions of sustainable development (economic objectives, social objectives and environmental objectives). These three headings form a convenient basis for structuring the assessment of the proposal against Development Plan Policies.
- 9.20 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

Economic objective

- 9.21 The NPPF confirms that the economic objective is: *“to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”*.
- 9.22 The development would result in some short term economic benefits as part of any construction work which may take in the region of 4 years and in the longer term by spending from the future occupants of the dwellings which could support local services and facilities. The development would also generate CIL (25% of which would go to the Parish Council as a Neighbourhood Plan has been adopted) and New Homes Bonus. Given the scale of development it is considered that the scheme would bring forward a modest level of benefit to the local economy which weighs in favour of the development.

Social objective

- 9.23 The NPPF confirms that the social objective is: *“to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being”*.

Housing

- 9.24 The site lies outside of but adjacent to the defined settlement limit for Rackheath – a village which contains a variety of services including a village hall, formal and informal recreational facilities, strategic employment areas, a primary school, a local shop, fast food takeaway and a public house which gives it the equivalent status of a Service Village with regard to the JCS. Over the longer term, the substantial North Rackheath development allocated as GT 16 in the GTAAP for approximately 4,000 dwellings, 25 ha of employment and supporting services is planned so as to expand the range of services and facilities that are locally available. The location of the site is directly adjacent to the area of Rackheath defined as being ‘centrally located’ in the Neighbourhood Plan and is considered to be well related to the existing and planned services and facilities in Rackheath.
- 9.25 It should be noted that Rackheath will not be able to deal with the demand for primary school places that will result from current housing commitments ahead of the delivery of a new school as part of the North Rackheath development. Therefore in the medium term it could be the case that the children from new development (including from other sites with planning permission and / or allocations in Rackheath) need to travel other schools in the local area.
- 9.26 Furthermore, the NHS have identified that the development would have an impact on the NHS funding programme for the delivery of primary healthcare provision and that the closest GP practice in Sprowston does not have sufficient capacity for additional demand which would result from the development. Accordingly they are seeking mitigation in the form of financial contributions towards a new build health facility in Rackheath. Healthcare is not on the Broadland CIL 123 list and contributions from CIL therefore cannot be sought, however officers consider that the responsibility for health provision remains with the health providers, primarily with NHS England who provide funding for doctors based on the population / number of patients in an area. The residents in new developments will contribute to this national funding through taxes in the same way as existing residents. Consequently, in general terms the impact of a new residential development on existing medical facilities is managed by health providers and it is not considered that obligations could reasonably be sought through Section 106.
- 9.27 The Principal Policy Officer (Spatial Planning) has stated that, notwithstanding this issue regarding schools, in the context of the level of services available and the sites location on the edge of the built up area of Rackheath and adjacent to significant planned growth it is considered that the site is a sustainable location for new development of the scale proposed and that it would not be possible to substantiate an objection based on the sustainability of the location. Officers are therefore satisfied those in locational terms the development is sustainable with reference to the scale of development proposed.

Affordable housing

- 9.28 Policy 4 of the JCS requires on a development of this scale for 33% of the dwellings to be affordable. Of a development of 205 dwellings that would equate to 68 affordable dwellings. The proposed mix suggested by the Housing Enabler is based on a 60:40 Affordable Rent Tenure: Intermediate Tenure split. Notwithstanding the implications of the 2017 SHMA on the weight to give to housing as a material consideration, the provision of 68 affordable houses is considered to represent a social benefit of significant weight in the overall planning balance providing homes for those whose needs are not met by the market. The affordable housing would be secured by a Section 106 Agreement and an independent viability assessment has been undertaken to demonstrate that the scheme would be viable at this level of affordable housing.

Open space

- 9.29 Policies EN3 and RL1 of the DM DPD are also relevant to the determination of this application and these require the provision of green infrastructure and formal recreational space (children's play, sports facilities and allotments). Also relevant are Policies ENV7, COM3, COM6 and COM 7 of the Neighbourhood Plan. The precise amount of green infrastructure and formal recreational space would be dependent on the final housing mix and given the outline nature of the application this cannot be determined at this stage. However, the application proposes to meet its requirement for green infrastructure and children's play space on the residential site and to commute its obligations which are not met on site (including for allotments and sports provision) off site. The indicative masterplan shows a network of walking routes and play areas through the site to demonstrate how open space can be integrated with the residential development and a second play area has been incorporated to the south of the site at the request of the Parish Council. The site would also provide pedestrian and cycle access to Newman Road where access is available to Newman Road Woods which is owned by the District Council and where work is being undertaken with the Parish Council to provide improved access for the public.
- 9.30 In addition, the application proposes to provide a 4.1 ha area of public open space to the west of the Broadland Northway which would also be subject to landscape and ecological enhancement. This would be above and beyond the Policy requirements for open space required under EN3. However, the benefits of this open space are given only modest weight by officers due to its distance from the application site. The site is disconnected from the proposed residential development and existing housing in the village due to the Broadland Northway and whilst it would be accessible over the newly constructed Newman Road bridge and along the bridleway to the west of the Broadland Northway, the distances involved to access it are considered to limit the weight which can be given to this as a material consideration. Nevertheless, it is regarded as a social benefit by officers in accordance with

Policy 7 of the JCS and paragraph 96 of the NPPF and in addition to the social benefits, this area of open space would have ecological benefits which are discussed at paragraphs 9.49-9.54 of this report. The provision and management of this open space would be secured by a combination of condition and Section 106 Agreement.

Environmental role

- 9.31 The NPPF confirms that the social objective is: *“to contribute to protecting and enhancing our natural, built and historic environment; including making efficient use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”*.

Character and appearance

- 9.32 Policy GC4 of the DM DPD requires development to pay adequate regard to the environment, character and appearance of an area; Policy EN2 requires development proposals to have regard to the Landscape Character Assessment SPD and consider any impact; Policy 1 of the JCS seeks to, *inter alia*, protect the landscape setting of settlements including the urban / rural transition and the treatment of gateways. Policy HOU2 of the Neighbourhood Plan relates to character, density and massing. Policy ENV4 seeks to retain trees and soft boundaries and the incorporation of new planting in development. Policy ENV5 seeks to protect local landscape character. In support of the application are a Landscape and Visual Impact Assessment (LVIA) and amended Arboricultural Impact Assessment (AIA) in addition to an amended indicative Masterplan and Framework Plan.
- 9.33 The site is located within the “E4 Rackheath and Salhouse” landscape character area as defined by the Landscape Character Area Assessment SPD 2013. The landscape guidelines seek to, *inter alia*, conserve landscape structure including blocks and belts of woodland, conserve historic landscape features including historic parkland and their setting and conserve the landscape setting of villages. The AIA identifies that there are a number of individual and groups of trees within the site and to its boundaries including a Category A Veteran Oak tree which has been highlighted as an important landscape tree. Approximately 0.40 ha of woodland has been felled on the site in the area between the northern and southern section of the residential site but this was before the application was submitted.
- 9.34 The proposed development, through the introduction of buildings and infrastructure, would have an urbanising impact on the character and appearance of the site given its current undeveloped and open nature. In terms of public vantage points, the residential development would be particularly visible from Green Lane West and the Broadland Northway, users of which would recognise a noticeable change in the sites character and

appearance to the detriment of the visual amenity of the immediate locality. Whilst the site would also be visible from those dwellings to the south of Trinity Close, whose dwellings share a boundary with the application site and have views towards it, the loss of a private view is not a material consideration to which weight can be given. These dwellings are located at a higher level than the application and consideration to the impact of overlooking would need to be given at reserved matters stage.

- 9.35 Whilst visible in the immediate locality, the site would be well screened from longer distance views by existing groups of trees, topography and existing buildings and therefore it is considered that the proposed development would not have an adverse impact on the wider landscape. Existing bunding associated with the Broadland Northway provides some screening of the site and further bunding and fencing is proposed along part of the western boundary as mitigation for noise impacts. This will further screen the site from the Broadland Northway. Landscaping associated with the Broadland Northway has yet to be implemented in this location and additional landscaping along this boundary proposed as part of the development will help reduce the visual impact although this will take many years to establish and would not entirely screen the development from public vantage points.
- 9.36 The scheme is able to retain some of the existing landscaping to the site's frontage with Green Lane West (although there would be the need to remove two Category B trees (an Oak and Ash) and a group of Category C mixed species trees to facilitate the access, visibility splays and frontage footpath). Also proposed for removal is the removal of a section of a group of Category C trees to the south of the site along the boundary with Mahoney Green industrial estate and the removal of other Ash dominated groups which divide the main site from the southern part. The loss of these trees is considered to result in some landscape harm to be weighed in the planning balance; however some mitigation could be provided in the form of replacement planting across the site. The submitted masterplan demonstrates how the Category A Veteran Oak can be retained and incorporated in to the development.
- 9.37 The Campaign to Protect Rural England objects to the location of the development outside of settlement limits and consider that the density would result in a cramped form of development which would be suburban in character rather than retaining a village feel contrary to HOU2 of the Neighbourhood Plan. In contrast the Parish Council has stated that it is pleased with the density proposed. At 39 dwellings per ha (net) and 25 dwellings per ha (gross), the density is of a suburban nature but officers consider that this makes efficient use of land and is a density which would be expected from new development in a location such as Rackheath and would accord with paragraph 123 of the NPPF which seeks to avoid low density housing where there is a shortage of land for meeting identified housing needs. Further consideration of impact on the character and appearance

would be given at Reserved Matters to ensure that the appearance and layout of dwellings is acceptable.

- 9.38 It is therefore considered that the development would alter the character and appearance of the area and would result in a more urban environment than currently exists. This represents a conflict with planning policies which seek to preserve and enhance the character the District such as GC4 and EN2 of the DM DPD, Policy 1 of the JCS and Policies HOU2 and ENV4 of the Neighbourhood Plan. This harm needs to be weighed against the benefits of the development in the planning balance.

Access / highways

- 9.39 Policy TS3 of the DMD DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. In support of the application, and in accordance with TS2 of the DM DPD is a Transport Assessment to provide an understanding of the highway consequences of the development and to identify any mitigation measures which may be necessary. Policy TRA2 of the Neighbourhood Plan requires, where appropriate, the provision of crossing points for development with boundaries on Green Lane West to enable safe passage by pedestrians within the village and to schools.
- 9.40 The scheme proposes a primary point of access on to Green Lane West with an additional secondary access provided for emergency vehicles and pedestrians and cycles. The current speed limit on this part of Green Lane West is 40 mph but the highway authority would require this to be reduced to 30 mph through a Traffic Regulation Order. Pedestrian and cycle access would also be provided to Newman Road to the south providing access for residents to Newman Road Woods and Newman Road Bridge and the bridleway to the west of the Broadland Northway. As originally submitted the masterplan included a potential pedestrian cycle access in to Mahoney Green Industrial Estate but this was subsequently omitted following concerns raised by the occupants of the industrial estate about residents gaining unauthorised access to the estate. Overall it is considered that the development achieves a satisfactory level of permeability for pedestrians and cyclists with further regard given at reserved matters when details of layout are considered.
- 9.41 Given the scale of development it would be typical to provide two main points of vehicular access. However, the only point of access to the site is via Green Lane West and the provision of two points of access on to this relatively short stretch of site frontage would require the removal of significantly more of the existing trees and would result in four points of access (two to the proposed development, one to Trinity Close directly to the north and one to Mahoney Green directly to the south) within very close proximity. This arrangement would result in a much more prominent and more urban form of development detrimental to the visual amenity of Green Lane West. The highway authority have therefore been willing, in this instance, to accept a single point of access

and secondary emergency access on to Green Lane West subject to conditions.

- 9.42 A number of off-site highway works have been required by the highway authority including the provision of a footpath to the sites frontage, bus stops to either side of Green Lane West, the provision of dropped kerb crossings, localised footway and carriageway widening on Green Lane West to ensure it is 6m and vehicle activated signs at an existing pinch point on Green Lane West to provide a crossing point for those walking to Rackheath Primary School. A plan has been provided by the applicant to demonstrate their provision and these will be secured by condition.
- 9.43 The Highway Authority has raised no objection to the methodology or conclusions of the Transport Assessment which was submitted to support the application and it is considered that the development would not lead to conditions detrimental to highway safety or the satisfactory functioning of the local highway network. The application would therefore comply with Policy TS3 of the DM DPD and would result in a safe passage for pedestrians in accordance with TRA2.

Noise, pollution and air quality

- 9.44 Policy EN4 of the DM DPD requires development proposal to include an assessment of the extent of potential pollution and details of adequate mitigation measures. Policy GC4 of the DM DPD requires development to meet the reasonable amenity needs of future occupiers.
- 9.45 The site is adjacent to the Broadland Northway and Mahoney Green Industrial Estate, both of which have the potential to adversely impact on the amenity of future residents by virtue of the noise that they generate. A Site Noise Assessment and subsequent additional Acoustic Design Statement and Noise Report have been submitted, the later document being submitted after the opening of the Broadland Northway to take account of noise levels following its opening at the request of the Environmental Health Officer.
- 9.46 The Acoustic Design Statement includes provision for an acoustic bund and fence along part of the western boundary of the site which is reflect on the submitted masterplan. The submitted information demonstrates that internal and external amenity spaces will be subject to acceptable levels of noise and the Environmental Health Officer raises no objections subject to a condition requiring the applicant to show how the layout at reserved matters meets the noise criteria in BS8233:1999, Sound Insulation and Noise Reduction for Buildings – Code of Practice. In noise terms the application is therefore considered to comply with Policy EN4 and GC4 of the DM DPD.
- 9.47 The former use of the site, which includes military use associated with the airfield that was in operation during World War II, also requires the need for

consideration of ground contamination and a Phase 1 and 2 Site Investigation have been submitted. The Council's Pollution Control Officer requires further site investigations to be undertaken and a report to identify whether any remediation will be necessary, but he is satisfied that this can be secured by condition.

- 9.48 The proximity of the site to the Broadland Northway also requires consideration of air quality and the impact that this may have on future residents of the site. An Air Quality Assessment has been submitted and following consultation with the Pollution Control Officer it has been agreed that further consideration of this issue can be secured by condition.

Ecology and green infrastructure

- 9.49 Policy 1 of the JCS seeks to, *inter alia*, minimise the fragmentation of habitats, contribute to providing a multifunctional green infrastructure network and requires that all new developments will ensure that there will be no adverse impacts on European and RAMSAR designated sites and no adverse impacts on European protected species. Policy EN1 of the DM DPD expects developments to protect and enhance the biodiversity of the district. Policy ENV3 of the Neighbourhood Plan requires development to support the creation and preservation of wildlife habitats.
- 9.50 In support of the application is a Phase 1 Habitat Survey and further surveys for bats, reptiles, birds, badgers and great crested newts have been submitted. The site contains a variety of habitat types including semi-improved grassland, hedgerows, and trees.
- 9.51 The results of the ecology survey work have been discussed with the Natural Environment Team (NET) at Norfolk County Council who requested the submission of additional information regarding bats, great crested newts and sky larks which was submitted by the applicant. Following further consideration the NET have advised that they have no objections in terms of ecological impact subject to conditions regarding the need for a Construction Ecological Management Plan to provide details of mitigation and compensation measures and a Landscape and Ecology Management Plan to ensure the long term suitability of management of ecological features. Subject to these conditions it is considered that the development would not adversely impact upon ecology and would result in a net increase in biodiversity across both the open space site and recreational site.
- 9.52 Policy GT2 of the GT AAP seeks to deliver 2 primary and 7 secondary green infrastructure corridors within the Growth Triangle to deliver biodiversity and habitat connectivity through the provision of green infrastructure. The application site is located along the route of the Mousehold to the Broads primary green infrastructure corridor. The Policy states that such corridors will be delivered through the provision of informal and formal open space, sports

pitches, play areas, walking and cycling routes, landscaping and sustainable urban drainage systems. In its current state the application site, whilst undeveloped, is unmanaged and is of limited ecological value and does not provide multifunctional green infrastructure. The proposed development would introduce landscape and ecological enhancements with long term management to the west of the Broadland Northway on the open space site and provide walking and cycle routes, play areas, informal open space, sustainable drainage and new landscaping to the east of the Broadland Northway on the residential site. These features would contribute towards the delivery of the green infrastructure corridor in accordance with Policy GT2. The contribution that the development would make towards the delivery of a multifunctional green infrastructure corridor is considered to be a matter which weighs in favour of the development in the planning balance.

- 9.53 Given the location of the proposal being within 5 km of the Broadland internationally designated sites, there is the potential for increased recreational impacts on the Broads which could have an adverse impact on the designated features and therefore the integrity of the N2K network. Therefore it is necessary to undertake an Appropriate Assessment with regard to assessing impacts from recreational pressure. This has been undertaken by the NET on behalf of Broadland District Council and it concludes that cumulative effects with other developments in the Growth Triangle are unlikely as the application delivers on-site recreational space and there are further opportunities for recreation already consented within the Growth Triangle sufficient to ensure that there will be suitable opportunities for residents to undertake their daily recreational needs close to their homes and avoid the need to travel to N2K sites. Natural England has no comments on the application.
- 9.54 Overall it is considered that the development would result in a net gain in biodiversity given the limited ecological value of the site and lack of management on the open space site and will contribute towards the delivery of multi-functional green infrastructure corridor that enhances habitat connectivity and provides opportunity for informal recreation. In addition the development would not impact upon internationally designated sites through recreational pressure. The application therefore complies with the development plan in respect of ecology and biodiversity.

Drainage

- 9.55 Policy CSU5 of the DM DPD states that 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 risk elsewhere. Policy 1 of the JCS states that development will be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy ENV1 of the Neighbourhood Plan reflects the requirements of the local plan encouraging the use of Sustainable Drainage

Systems (SuDS) to prevent the increased risk of flooding either on site or elsewhere.

- 9.56 The application is supported by an amended Flood Risk Assessment and Surface Water Drainage Strategy and advice has been sought from Anglian Water and the Lead Local Flood Authority. The site is located entirely within Flood Zone 1, the zone with the lowest probability of flooding.
- 9.57 As originally submitted the drainage strategy sought to collect surface water in two infiltration basins which would discharge in to the Anglian Water surface water sewer network. Anglian Water objected to this as a strategy as infiltration testing undertaken by the applicant and submitted as part of their application showed that infiltration on site was feasible and accordingly, would not accept a connection in their system. Accordingly an amended Flood Risk Assessment and Surface Water Drainage Strategy was submitted proposing infiltration on site without connection to the Anglian Water network necessitating larger infiltration basins that would likely hold water for a longer period of time.
- 9.58 However, the Lead Local Flood Authority, whilst accepting that the technical information submitted by the applicant demonstrated that infiltration on site was feasible, were concerned at the infiltration basins would not drain as anticipated given that drainage features very near to the site associated with the Broadland Northway were not performing at the infiltration rates expected. Given these concerns Anglian Water have accepted a connection in to their surface water network and the applicant has therefore reverted back to their originally submitted Flood Risk Assessment and Surface Water Drainage Strategy. This necessitates smaller infiltration basins and they would be not be permanently wet features enabling them to be used as public open space.
- 9.59 A condition would be required to secure the submission of a detailed surface water drainage scheme with the reserved matters. On this basis it is considered that the development would not result in an increased risk of flooding either on site or downstream in accordance with Development Plan Policies.

Archaeology and Heritage

- 9.60 The proposed development site lies adjacent to the possible site of the deserted medieval village of Little Rackheath. Burials, possibly associated with Little Rackheath's Church, were found on Sir Edward Stracey Road in 1995. Recent excavations along the route of the Northern Distributor Route uncovered evidence of medieval enclosures, charcoal clamps, extraction pits, industrial features and at least one structure. In addition, cropmarks recorded adjacent to the west are suggestive of medieval settlement. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance

will be adversely affected by the proposed development. The Historic Environment Team at Norfolk County Council has recommended that a condition is imposed to secure a programme of archaeological mitigatory work.

- 9.61 The open space site is located within Rackheath Park, the grounds associated with the Grade II Listed Rackheath Hall which is now converted into a number of residential dwellings. However, no buildings are proposed on the open space site and the site is well screened from the Hall and grounds by mature woodland. Consequently it is not considered that the development would impact upon the setting of the Listed Building.

Airport safeguarding

- 9.62 The application site is located outside of the Public Safety Zones as defined under Policy TS6 of the DM DPD and shown on the associated proposals maps. However, Norwich Airport have commented that a number of elements of the application cause them concern however they do not object provided conditions are imposed to control external lighting to minimise the risk of dazzling pilots; for landscaping to be arranged to ensure that birds, particularly wildfowl, are not attracted to the site and that mitigation measures are taken to ensure that the SuDS are maintained with a high proportion of tall fescue grass which is unpalatable to wildfowl and maintained as a meadow. They also require SuDS to be designed to drain within 24 hours for general rainfall and for the airport to be notified by the developer of the intended use of cranes during the construction phase.
- 9.63 As the application is in outline and drain down times of the SuDS feature cannot be confirmed and details of landscaping are reserved it is proposed to impose a condition requiring the submission of a Bird Risk Assessment and Bird Hazard Management Plan in respect of aviation safety to be submitted for approval prior to the commencement of development. This will demonstrate that the development is not detrimental to aviation safety.

Planning balance and conclusion

- 9.64 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.65 The application is contrary to the Development Plan in that it proposes residential development outside of the defined settlement limit on a site which is not allocated, in conflict with GC2 of the DM DPD. Planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.66 The NPPF is a material consideration and paragraph 73 aims to boost significantly the supply of housing. It also states at paragraph 11 that where

the Development Plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (“the tilted balance”). Against the housing requirement of the JCS, the local planning authority is unable to demonstrate a 5 year supply of land for housing in the NPA and the Council’s policies concerning the supply of housing are considered to be out-of-date.

- 9.67 Whilst this would normally trigger the application of the presumption in favour of sustainable development, on the basis that an AA has been undertaken for the reasons set out in paragraph 9.13-9.15 of this report, the presumption cannot be applied in this instance and the application should be determined on the statutory basis for assessment at section 38(6) Planning and Compulsory Purchase Act 2004 – ie that the decision must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.68 Whilst contrary to the Development Plan, the proposal would contribute towards the provision of housing in a sustainable location. Whilst there is a lack of 5 year supply against the JCS requirements, given the 2017 SHMA the benefit of this housing is considered to represent a social benefit of modest weight. However, 33% of the dwellings would be for affordable housing which would be considered to represent a significant social benefit of the scheme (albeit in accordance with Development Plan Policies). A viability assessment has been submitted to demonstrate that this level of affordable housing would be viable providing comfort to officers that weight can be given to this as a consideration.
- 9.69 The scheme would also provide for 4.1 ha of informal open space with landscape and ecological enhancements which would provide modest social benefits by giving residents of the village greater access to open space and would contribute towards the delivery of a multi-functional green infrastructure network in accordance with the GT AAP. The scheme would also have modest economic benefits through the creation of jobs during the construction phase and spending by residents during the occupation of the development.
- 9.70 These benefits are considered to outweigh the limited harm, including the harm to the character and appearance of the area, sufficient for officers to conclude that there are material considerations which justify approval contrary to the Development Plan.
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RECOMMENDATION: Delegate authority to the Head of Planning to **APPROVE** subject to the satisfactory completion of a Section 106 Agreement to secure the following Heads of Terms and subject to the following conditions:

Heads of Terms:

- (1) 33% Affordable housing (60:40 Affordable Rent: Intermediate) tenure split.
- (2) Delivery of open space on the residential site (or commuted sum) in accordance with RL1 and EN3 of DM DPD.
- (3) Delivery of 4.11 ha of public open space, landscape and ecological enhancements and management on open space site to west of Broadland Northway.

Conditions:

- (1) Application for approval of ALL “reserved matters” must be made to the Local Planning Authority not later than the expiration of TWO years beginning with the date of this decision.

The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

- (2) Application for the approval of the “reserved matters” shall include plans and descriptions of the:
 - details of the layout;
 - scale of each building proposed;
 - the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
 - the landscaping of the site.

Approval of these “reserved matters” must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

- (3) The details required by conditions 1 and 2 shall not include provision for more than 205 dwellings.

- (4) There shall be no residential development on the part of the application site to the west of the Broadland Northway.
- (5) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below:

Dwg No CSA_3075_102 Site Location Plan

Dwg No NR5011-006-C Proposed Site Access

- (6) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Matrix: reference BE1385 - 31M – second issue, dated February 2018) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 - I Surface water runoff rates will be attenuated to 25.2 l/s as agreed with Anglian Water.
 - II Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. Demonstration that if extra storage cannot be achieved other mitigation should be proposed, such as providing at least the storage for a subsequent storm 1 in 10 year (10% annual probability) rainfall event. Other freeboard allowances should also be considered.
 - III Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - IV Calculations provided for a 1 in 100 year critical rainfall event, plus climate change, to show, if any, the depth, volume and location of any above ground flooding from the drainage network, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (eg pumping station or electricity substation) within the development.
 - V Plans showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period need to be provided. Finished floor levels should be not less that 300mm above

any sources of flooding and not less than 150mm above surrounding ground levels.

- VI A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

- (7) Concurrently with the submission of reserved matters, an Arboricultural Impact Assessment to comply with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.4 detailing the extent of the direct and indirect impacts of the development proposals on existing trees on or adjoining the site, this will include details of Root Protection Areas (RPAs), Construction Exclusion Zones (CEZs), and Tree Protection shall be submitted to and approved by the Local Planning Authority.

Additionally, an Arboricultural Method Statement shall be similarly submitted and approved prior to the commencement of any work on the site. This will specify the methodology for the implementation of any aspect of the development that has the potential to result in loss of or damage to any retained tree on or adjacent to the site.

All works shall be carried out as approved to the satisfaction of the Local Planning Authority and in accordance with the requirements of BS 5837:2012 “Trees in relation to design, demolition and construction – Recommendations”.

- (8) Concurrently with the submission of reserved matters full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours;
- means of enclosure;
- other vehicles and pedestrian access and circulation areas;
- hard surfacing materials;
- structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines etc indicating manholes, supports etc);

- retained historical landscape features and proposals for restoration, where relevant.

Soft landscaping works shall include:

- plans identifying all proposed planting;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

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.

- (9) Concurrently with the submission of reserved matters a noise report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how internal amenity in residential dwellings meets the criteria of BS8233:1999, Sound Insulation and noise reduction for Buildings – Code of Practice. The development shall be constructed in accordance with the approved details.
- (10) (A) Prior to the commencement of development an archaeological written scheme of investigation shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (1) The programme and methodology of site investigation and recording; (2) The programme for post investigation assessment; (3) Provision to be made for analysis of the site investigation and recording; (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (5) Provision to be made for archive deposition of the analysis and records of the site investigation and (6) Nomination of a competent person or persons / organisation to undertake the works set out within the written scheme of investigation.

and

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

and

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

- (11) Prior to the commencement of the development hereby approved the following will be submitted to and approved in writing by the Local Planning Authority:

A Materials Management Plan – Minerals (MMP–M) which will consider the extent to which on-site materials which could be extracted during the proposed development would meet specifications for use on-site. The MMP–M will refer to the findings of the Site Investigation Report with particular reference to the Particle Size Distribution testing and the assessment of the results.

The MMP–M should outline the amount of material which could be reused on site; and for material extracted which cannot be used on-site its movement, as far as possible by return run, to an aggregate processing plant.

The MMP–M will outline that the developer shall keep a record of the amounts of material obtained from on-site resources which are used on site and the amount of material returned to an aggregate processing plant.

The development shall then be carried out in accordance with the approved MMP–M.

The developer shall provide an annual return of these amounts to the Local Planning Authority, or upon request of either the Local Planning Authority.

- (12) Prior to the commencement of development (including demolition ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction;

- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

- (13) No works above slab level shall commence until a landscape ecological management plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following.
- (a) Description and evaluation of features to be managed
 - (b) Ecological constraints on site that might influence management
 - (c) Aims and objectives of management
 - (d) Appropriate management options for achieving aims and objectives
 - (e) Prescriptions for management actions
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - (g) Details of the body or organisation responsible for implementation of the plan
 - (h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and / or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- (14) Prior to the commencement of development, a Bird Risk Assessment and Bird Hazard Management Plan in respect of aviation safety shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- (15) Prior to the commencement of development, a site investigation into the nature and extent of possible contamination in the area of land shown green on drawing 001a/Rev 0 (contained in Appendix 12 of the amended Phase 1 and 2 desk study and site investigation report dated 16 February 2018) shall be 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 approval before any development begins. If any contamination is found that requires 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 of the site as a whole, 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.

- (16) Concurrently with the submission of the reserved matters for any residential development, an assessment of the air quality impacts of the adjacent highways and the impacts of construction operations on the adjacent and proposed residential areas will be submitted the Local Planning Authority for approval.

The assessment should:

Identify if the air quality within the development will be impacted by the adjacent highways, alterations to traffic on Green Lane West as a result of this development and the impact on air quality to adjacent properties from the construction activities permitted by this permission by means of a preliminary study and risk assessment.

If required, based on the results of the above preliminary study and risk assessment, appropriate air quality modelling of the potential risk and area impacted must be undertaken and submitted to the Local Planning Authority. The results of the modelling and assessment must be fully interpreted and be able to determine whether the areas stated above are at risk of poor air quality that could result in the Local Authority being required to declare an Air Quality Management Area.

If the above modelling and risk assessment identifies a potential risk of poor air quality the developer must submit details of mitigation measures proposed for the area impacted in order for the properties to be able to be occupied by residents without causing unacceptable impacts on residential amenity.

All stages must be referred to the Local Planning Authority for consideration and written approval in advance of the commencement of development within that phase.

All works must be undertaken in accordance with accepted good practice.

- (17) Prior to the commencement of development detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- (18) Prior to the occupation of an dwelling the road(s) / footway(s) / cycleway(s) shall be constructed to binder course surfacing level from the dwelling unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- (19) Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225m above the level of the adjacent highway carriageway.
- (20) 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 highway improvement works as indicated on Drawing № NR5011-008-D have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.

- (21) No works shall commence on the site until the Traffic Regulation Order for the extension of the 30 mph speed limit on Green Lane West has been promoted by the Local Highway Authority.
- (22) Prior to development on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority. 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 unless otherwise approved in writing with the Local Planning Authority.

Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in Outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) To reflect the scope of the application and to ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.
- (4) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with Policies GC4, EN1 and EN2 of the Development Management DPD 2015.
- (5) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with Policy GC4 and TS3 of the Development Management DPD 2015.
- (6) To ensure the satisfactory development of the site in accordance with Policy CSU5 of the Development Management DPD 2015. The details are required pre-commencement as the drainage scheme relates to the construction of the development.
- (7) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to the construction of the development.

- (8) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to the landscaping of the site which is a reserved matter.
- (9) To ensure residents of the site have an acceptable level of amenity in accordance with Policies GC4 and EN4 of the Development Management DPD 2015. The details are required pre-commencement as the details may relate to the location and construction of dwellings.
- (10) To ensure the satisfactory development of the site in accordance with Policy 1 of the Joint Core Strategy 2011/2014. The details are required pre-commencement as construction activity may harm any buried archaeological remains.
- (11) To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026. The details are required pre-commencement as the details relate to below ground resources which may be impacted by construction activity.
- (12) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015 and GT2 of the Growth Triangle AAP 2016. The details are required pre-commencement as the details relate to the construction of the development.
- (13) To ensure the satisfactory development of the site in accordance with Policy GC4, EN1 and EN2 of the Development Management DPD 2015 and GT2 of the Growth Triangle AAP 2016.
- (14) To ensure that the development does not result in any significant impact on aviation safety in accordance with TS6 of the Development Management DPD 2015. The details are required prior to commencement as the details may impact upon the layout and landscaping of the site.
- (15) 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. The details are required pre-commencement as the details may relate to construction activities and the need to avoid unacceptable risk to construction workers.
- (16) To ensure an acceptable level of amenity in accordance with Policies GC4 and EN4 of the Development Management DPD 2015. The details are

required pre-commencement as the details may relate to the construction of dwellings and infrastructure.

- (17) To ensure satisfactory development of the site and a satisfactory standard of highway design and construction as required by Policies GC4 and TS3 of the Development Management DPD 2015 and Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- (18) To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy GC4 of the Development Management DPD 2015.
- (19) To ensure satisfactory development of the site in accordance with Policy GC4 and TS3 of the Development Management DPD 2015.
- (20) To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies GC4 and TS3 of the Development Management DPD 2015.
- (21) In the interests of highway safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015. This needs to be a pre-commencement condition to ensure it is resolved in a timely manner in advance of the development being occupied.
- (22) In the interests of maintaining highway efficiency and safety in accordance with Policies GC4 and TS3 of the Development Management DPD 2015. The details are required pre-commencement as the details relate to construction activity.

Informatives:

- (1) Anglian Water has assets close to or crossing this site or there are assets subject to an Adoption Agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an Adoption Agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- (2) 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 applicants and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich.

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.

- (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.
- (4) The site is subject to a related agreement under Section 106 of the Town and Country Planning Act 1990.
- (5) If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicants' 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
- (6) The applicants need to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted. Further

information about CIL can be found at
www.broadland.gov.uk/housing_and_planning/4734.asp

- (7) The 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.

SUMMARY SHEET		BCIS Rates		
Land Value	205	17850		3,659,250
VAT on land				0
Stamp Duty (based on non-residential land)				172,463
Legal and Surveying Fees		1.75%		64,037
Planning - Residential				44,249
Building Regs	205	200		41,000
NHBC - Residential	205	500		102,500
Using BCIS rates at 2Q 2018 prices, (based on Tender index £/m2 study), and rebased UK mean location to Broadland Region				
Description	Total Area	m2	Rate	
Generally	18509.01	m2	1,167.00	21,600,016
	18509	m2		21,600,016
E.O to Specification				0
External Works			10.0%	2,160,002
Abnormal costs				3,337,097
Preliminaries				0
Overhead Recovery on construction				0
CIL Costs				1,462,712
S106 Costs (Travel Plan Contributions)				187,201
Inflation costs				0
Geographical Working				0
Contingency		0.0%		0
Fees @		6.0%		1,625,827
VAT @ 0% of Build Cost				0
VAT @ 0% of Fees				0
Total Cost Before Financing Costs				34,456,352
Borrowing Cost All Units				
Using cashflow method				1,644,084
Bank Set-Up Cost				0
Initial Marketing Costs/Campaign		1.0% of Sales		381,221
Agent sales fees		1.5% of Sales		571,832
Legal fees on sales	137	£650		89,278
RP Fees		1.0% of Aff		72,880
Developers Target Profit				
Market Value units	On GDV	20%	38,122,131.25	7,624,426
Affordable Value units	On GDV	6%	7,288,000	437,280
TOTAL COSTS (INC LAND VALUE AND DEVELOPERS PROFIT)				45,277,353
GDV				45,410,131
Surplus/Deficit				132,778

CASHFLOW ASSUMPTIONS

Land Costs (& Bank Set Up):	4,083,498.38	Revenue:	45,410,131.25
Construction Costs:	31,488,064.88	Units:	205
Construction Period:	42 months	Avg Unit Value:	221,512.84
Avg Cost per month	749,715.83	Sale numbers per month:	5.69
Finance Rate	6.0% pa	Avg Value per month:	1,261,392.53
Credit Rate	1.5% pa	Months of Sales	36 (Commence after 12 months. Final sale after 6 months) (From month 49)

Month	Land Cost	Construction Cost	Previous Balance	Revenue	Outstanding	Finance cost/month	Outstanding to carry forward
0	4,083,498.38		0	0	4,083,498.38	20,417.49	4,103,915.87
1	0.00		4,103,915.87	0	4,103,915.87	20,519.58	4,124,435.45
2	0.00		4,124,435.45	0	4,124,435.45	20,622.18	4,145,057.62
3	0.00		4,145,057.62	0	4,145,057.62	20,725.29	4,165,782.91
4	0.00		4,165,782.91	0	4,165,782.91	20,828.91	4,186,611.83
5	0.00		4,186,611.83	0	4,186,611.83	20,933.06	4,207,544.89
6	0.00		4,207,544.89	0	4,207,544.89	21,037.72	4,228,582.61
7	0.00	749,715.83	4,228,582.61	0	4,978,298.44	24,891.49	5,003,189.93
8	0.00	749,715.83	5,003,189.93	0	5,752,905.76	28,764.53	5,781,670.29
9	0.00	749,715.83	5,781,670.29	0	6,531,386.12	32,656.93	6,564,043.05
10	0.00	749,715.83	6,564,043.05	0	7,313,758.88	36,568.79	7,350,327.68
11	0.00	749,715.83	7,350,327.68	0	8,100,043.51	40,500.22	8,140,543.73
12	0.00	749,715.83	8,140,543.73	0	8,890,259.56	44,451.30	8,934,710.85
13	0.00	749,715.83	8,934,710.85	0	9,684,426.68	48,422.13	9,732,848.82
14	0.00	749,715.83	9,732,848.82	0	10,482,564.65	52,412.82	10,534,977.47
15	0.00	749,715.83	10,534,977.47	0	11,284,693.30	56,423.47	11,341,116.77
16	0.00	749,715.83	11,341,116.77	0	12,090,832.60	60,454.16	12,151,286.76
17	0.00	749,715.83	12,151,286.76	0	12,901,002.59	64,505.01	12,965,507.60
18	0.00	749,715.83	12,965,507.60	0	13,715,223.43	68,576.12	13,783,799.55
19	0.00	749,715.83	13,783,799.55	- 1,261,392.53	13,272,122.85	66,360.61	13,338,483.46
20	0.00	749,715.83	13,338,483.46	- 1,261,392.53	12,826,806.76	64,134.03	12,890,940.79
21	0.00	749,715.83	12,890,940.79	- 1,261,392.53	12,379,264.09	61,896.32	12,441,160.41
22	0.00	749,715.83	12,441,160.41	- 1,261,392.53	11,929,483.70	59,647.42	11,989,131.12
23	0.00	749,715.83	11,989,131.12	- 1,261,392.53	11,477,454.42	57,387.27	11,534,841.69
24	0.00	749,715.83	11,534,841.69	- 1,261,392.53	11,023,164.98	55,115.82	11,078,280.81
25	0.00	749,715.83	11,078,280.81	- 1,261,392.53	10,566,604.11	52,833.02	10,619,437.13
26	0.00	749,715.83	10,619,437.13	- 1,261,392.53	10,107,760.42	50,538.80	10,158,299.22
27	0.00	749,715.83	10,158,299.22	- 1,261,392.53	9,646,622.52	48,233.11	9,694,855.63
28	0.00	749,715.83	9,694,855.63	- 1,261,392.53	9,183,178.93	45,915.89	9,229,094.82
29	0.00	749,715.83	9,229,094.82	- 1,261,392.53	8,717,418.12	43,587.09	8,761,005.21
30	0.00	749,715.83	8,761,005.21	- 1,261,392.53	8,249,328.50	41,246.64	8,290,575.15
31	0.00	749,715.83	8,290,575.15	- 1,261,392.53	7,778,898.44	38,894.49	7,817,792.93
32	0.00	749,715.83	7,817,792.93	- 1,261,392.53	7,306,116.23	36,530.58	7,342,646.81
33	0.00	749,715.83	7,342,646.81	- 1,261,392.53	6,830,970.11	34,154.85	6,865,124.96
34	0.00	749,715.83	6,865,124.96	- 1,261,392.53	6,353,448.25	31,767.24	6,385,215.49
35	0.00	749,715.83	6,385,215.49	- 1,261,392.53	5,873,538.79	29,367.69	5,902,906.48
36	0.00	749,715.83	5,902,906.48	- 1,261,392.53	5,391,229.78	26,956.15	5,418,185.93
37	0.00	749,715.83	5,418,185.93	- 1,261,392.53	4,906,509.22	24,532.55	4,931,041.77
38	0.00	749,715.83	4,931,041.77	- 1,261,392.53	4,419,365.07	22,096.83	4,441,461.89
39	0.00	749,715.83	4,441,461.89	- 1,261,392.53	3,929,785.19	19,648.93	3,949,434.11
40	0.00	749,715.83	3,949,434.11	- 1,261,392.53	3,437,757.41	17,188.79	3,454,946.20
41	0.00	749,715.83	3,454,946.20	- 1,261,392.53	2,943,269.49	14,716.35	2,957,985.84
42	0.00	749,715.83	2,957,985.84	- 1,261,392.53	2,446,309.13	12,231.55	2,458,540.68
43	0.00	749,715.83	2,458,540.68	- 1,261,392.53	1,946,863.98	9,734.32	1,956,598.30
44	0.00	749,715.83	1,956,598.30	- 1,261,392.53	1,444,921.59	7,224.61	1,452,146.20
45	0.00	749,715.83	1,452,146.20	- 1,261,392.53	940,469.50	4,702.35	945,171.84
46	0.00	749,715.83	945,171.84	- 1,261,392.53	433,495.14	2,167.48	435,662.61
47	0.00	749,715.83	435,662.61	- 1,261,392.53	-76,014.09	95.02	76,109.11
48	0.00	749,715.83	- 76,109.11	- 1,261,392.53	-587,785.81	734.73	588,520.54
49	0.00	-	588,520.54	- 1,261,392.53	-1,849,913.08	2,312.39	1,852,225.47
50	0.00	-	1,852,225.47	- 1,261,392.53	-3,113,618.01	3,892.02	3,117,510.03
51	0.00	-	3,117,510.03	- 1,261,392.53	-4,378,902.56	5,473.63	4,384,376.19
52	0.00	-	4,384,376.19	- 1,261,392.53	-5,645,768.73	7,057.21	5,652,825.94
53	0.00	-	5,652,825.94	- 1,261,392.53	-6,914,218.47	8,642.77	6,922,861.24
54	0.00	-	6,922,861.24	- 1,261,392.53	-8,184,253.78	10,230.32	8,194,484.10
TOTAL	4,083,498.38	31,488,064.88		-45,410,131.25		1,644,083.90	

SCHEDULE OF UNITS									
No. of Units	Tenure	House Type	Description	Area (m2)	Total Area (m2)	Area (sq ft)	Total Area (sq ft)	Value/sqft	Sale Value
15	Private Sale	PA22 MT	2 Bed 4 Person House	64	960	689	10,335	254	£ 2,622,506.25
8	Private Sale	PA22 ET	2 Bed 4 Person House	64	512	689	5,512	254	£ 1,398,670.00
17	Private Sale	PA34 MT	3 Bed 5 Person House	80	1368	866	14,722	254	£ 3,735,707.50
9	Private Sale	PA34 ET	3 Bed 5 Person House	80	724	866	7,794	254	£ 1,977,727.50
6	Private Sale	PT36 SD	3 Bed 5 Person House	86	519	931	5,586	254	£ 1,417,447.50
6	Private Sale	PT37 SD	3 Bed 5 Person House	86	519	931	5,586	254	£ 1,417,447.50
21	Private Sale	PB33G MT	3 Bed 5 Person House	107	2242	1,149	24,129	254	£ 6,122,733.75
11	Private Sale	PB33G ET	3 Bed 5 Person House	107	1174	1,149	12,639	254	£ 3,207,146.25
12	Private Sale	PA44 DET	4 Bed 7 Person House	109	1304	1,170	14,040	254	£ 3,562,650.00
5	Private Sale	PT41 DET	4 Bed 7 Person House	114	568	1,222	6,110	254	£ 1,550,412.50
3	Private Sale	PA48 DET	4 Bed 7 Person House	128	384	1,378	4,134	254	£ 1,049,002.50
4	Private Sale	PA49 DET	4 Bed 7 Person House	145	580	1,562	6,248	254	£ 1,585,430.00
10	Private Sale	PT43 DET	4 Bed 7 Person House	142	1421	1,530	15,300	254	£ 3,882,375.00
10	Private Sale	NB51 DET	5 Bed 8 Person House	168	1682	1,810	18,100	254	£ 4,592,875.00
					13957				
16	Affordable Housing	AA11	1 Bed 2 Person House	56	895	602	9,632	254	£ 2,444,120.00
22	Affordable Housing	AA21 MT	2 Bed 4 Person House	64	1408	689	15,158	254	£ 3,846,342.50
14	Affordable Housing	AA21 ET	2 Bed 4 Person House	64	896	689	9,646	254	£ 2,447,672.50
10	Affordable Housing	AA31 MT	3 Bed 5 Person House	85	845	910	9,100	254	£ 2,309,125.00
6	Affordable Housing	AA31 ET	3 Bed 5 Person House	85	507	910	5,460	254	£ 1,385,475.00
					4552				
TOTALS					18,509.01	(exc Circ)	199,231.00		£ 50,554,866.25
					m2		sqft		
Reduction for Affordable Housing									
Total Sales (assuming zero affordable)									50,554,866.25
Aff Hg Req' 33% reduction for Affordable Housing dwellings									-5,144,735
Affordable Units Value (inc in above if private sales)				12,432,735					
Affordable offer received				7,288,000					
Reduction v's private sales value				5,144,735					
Sales Units Value				38,122,131.25					
TOTAL GDV									£ 45,410,131.25

ABNORMAL COSTS						
1.1	Removal of inert material offsite	1	Item	540,000.00	540,000.00	
1.2	Foundations and radon protection	1	Item	331,075.00	331,075.00	
1.3	Attenuation basins	1	Item	276,250.00	276,250.00	
1.4	Oversized pipes	1	Item	306,440.00	306,440.00	
1.5	Landscaping	1	Item	97,000.00	97,000.00	
1.6	Retaining walls	1	Item	194,700.00	194,700.00	
1.7	Ecology	1	Item	30,000.00	30,000.00	
1.8	10% renewables	1	Item	388,800.00	388,800.00	
1.9	Bins (no longer supplied by LA)	1	Item	18,450.00	18,450.00	
1.10	Acoustic bund 2m high	1	Item	37,500.00	37,500.00	
1.11	Acoustic fence 2m high + design + gate	1	Item	19,360.00	19,360.00	
1.12	Crane hire	1	Item	174,250.00	174,250.00	
1.13	Archaeology	1	Item	21,500.00	21,500.00	
1.14	Utilities - BT Diversion	1	Item	300,000.00	300,000.00	
						2,735,325.00
	PRELIMINARIES	12%				328,239.00
	OVERHEADS & PROFIT	10%				273,532.50
	TOTAL COSTS OF ABNORMALS				£	3,337,096.50

£/m2 study

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 26-May-2018 12:20

► Rebased to Broadland (99; sample 8)

Maximum age of results: Default period

Building function (Maximum age of projects)	£/m² gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
810.1 Estate housing							
Generally (15)	1,203	584	1,030	1,167	1,324	4,059	1806
Single storey (15)	1,347	686	1,155	1,293	1,526	4,059	294
2-storey (15)	1,169	584	1,019	1,143	1,280	2,307	1372
3-storey (15)	1,190	757	961	1,142	1,341	2,430	136
4-storey or above (15)	2,352	1,275	-	2,151	-	3,832	4
810.11 Estate housing detached (15)	1,537	913	1,181	1,362	1,594	4,059	20
810.12 Estate housing semi detached							
Generally (15)	1,198	600	1,036	1,168	1,318	2,251	424
Single storey (15)	1,371	838	1,179	1,345	1,524	2,251	76
2-storey (15)	1,164	600	1,030	1,137	1,286	2,054	328
3-storey (15)	1,092	813	911	1,040	1,182	1,756	20
810.13 Estate housing terraced							
Generally (15)	1,224	584	1,030	1,172	1,363	3,832	386
Single storey (15)	1,350	926	1,135	1,283	1,563	1,993	45
2-storey (15)	1,198	584	1,026	1,166	1,328	2,307	281
3-storey (15)	1,204	772	960	1,116	1,294	2,430	59
4-storey or above (5)	3,832	-	-	-	-	-	1

Additional Information

BROADLAND
DISTRICT COUNCIL
23 Aug 2018
20172208
PLANNING CONTROL

Price comparison report for NR13 6SX 22 June 2018

Postcode: Type: Beds: Radius: [Update Results](#)

On the market

Properties currently marketed on Rightmove, providing the most up-to-date indication of what your property is worth, most recent first.



£275,000 Price reduced in the last 1 day

Rackheath Park, NR13

3 bedroom mews



£250,000

Added in the last 3 days

Station Road, Salhouse

3 bedroom semi-detached house



£475,000

Added in the last 14 days

Back Lane, Rackheath, Norwich, Norfolk, NR13

5 bedroom link detached house



£230,000

Added in the last 14 days

Webb Drive, Rackheath, Norfolk, NR13 6SN

3 bedroom semi-detached house

Last available sold price: **£83,000** 23 Mar 2001



£250,000

Salhouse Road, Rackheath, Norwich

3 bedroom detached bungalow

Last available sold price: **£136,000** 15 Nov 2002



£675,000

Norwich Road, Rackheath, Norfolk

5 bedroom barn

BROADLAND
DISTRICT COUNCIL
23 Aug 2018
20172208
PLANNING CONTROL

**Additional
Information**

£275,000



£290,000

Green Lane West, Rackheath

3 bedroom detached bungalow



£180,000

Fuller Close, Rackheath, Norfolk, NR13

2 bedroom terraced house

Last available sold price: **£160,000** 27 Nov 2015



£215,000

Canfor Road, Rackheath, Norwich, NR13

3 bedroom semi-detached house

Last available sold price: **£129,275** 04 Oct 2002



£340,000

Green Lane West, Rackheath

3 bedroom detached bungalow

Last available sold price: **£157,500** 13 Jan 2006



£340,000

Salhouse Road, Rackheath, Norwich

4 bedroom detached house

Last available sold price: **£176,000** 13 Feb 2004



£220,000

Burton Drive, Rackheath, Norwich

3 bedroom semi-detached house

Last available sold price: **£160,000** 15 Aug 2013



£250,000

Burton Drive, Rackheath, Norwich, Norfolk

4 bedroom semi-detached house

Last available sold price: **£140,000** 05 Feb 2007

£280,000



£475,000

Station Road, Salhouse, Norwich, Norfolk, NR13

4 bedroom bungalow

Last available sold price: **£277,000** 07 Mar 2005



£315,000

Green Lane West, Rackheath, Norwich

3 bedroom chalet

Last available sold price: **£114,000** 11 Apr 2001



£230,000

Webb Drive, Rackheath, Norwich

3 bedroom end of terrace house

Last available sold price: **£185,000** 24 Apr 2015



£250,000

Salhouse Road, Rackheath, Norwich, Norfolk, NR13

3 bedroom semi-detached house

Last available sold price: **£163,000** 17 Jun 2005



£250,000

Wilde Road, Rackheath, Norwich, NR13

3 bedroom semi-detached house

Last available sold price: **£200,000** 01 Oct 2015



£295,000

Salhouse Road, Rackheath, NR13

3 bedroom semi-detached house



£335,000

Salhouse Road, Rackheath, NR13

4 bedroom semi-detached house

£350,000



£250,000

Webb Drive, Rackheath, Norwich, NR13

3 bedroom semi-detached house

Last available sold price: **£71,800** 26 Feb 1999



£465,000

Norwich Road, Salhouse, Norwich

5 bedroom detached house

Last available sold price: **£59,578** 06 Dec 2002



£290,000

Willoughby Way, Rackheath

3 bedroom detached house

Last available sold price: **£175,000** 29 Jun 2009



£550,000

Station Road, Norwich

4 bedroom detached house

Last available sold price: **£81,875** 04 Aug 1995



£349,995

Salhouse Road, Rackheath, NR13

4 bedroom detached house



£430,000

Salhouse Road, Rackheath, NR13

5 bedroom detached house



£360,000

Salhouse Road, Rackheath, NR13

5 bedroom semi-detached house

No longer on the market

Properties that are no longer being listed on Rightmove by an estate agent because they have been sold or removed for another reason. These historical comparisons are not available anywhere else.



Burton Drive, Rackheath

3 bedroom semi-detached house

Marketed until 06 Jun 2018

Last available sold price: **£140,000** 05 Feb 2007



Offers in Excess of £430,000

Green Lane West, Rackheath, Norwich, Norfolk, NR13

4 bedroom bungalow

Marketed until 25 May 2018



Offers in Region of £325,000

Station Road, Salhouse, Norwich, Norfolk, NR13

3 bedroom bungalow

Marketed until 31 Mar 2018

Last available sold price: **£325,000** 12 Apr 2018



£370,000

Wendover Park, Rackheath

5 bedroom detached house

Marketed until 31 Mar 2018



£300,000

Wendover Park, Rackheath

3 bedroom semi-detached house

Marketed until 31 Mar 2018



£370,000

Wendover Park, Rackheath

5 bedroom detached house

Marketed until 31 Mar 2018



£370,000

Wendover Park, Rackheath

4 bedroom semi-detached house

Marketed until 31 Mar 2018



Guide Price £259,950

Rackheath, Norwich

3 bedroom detached bungalow

Marketed until 29 Mar 2018



5 bedroom detached house
Marketed until 29 Mar 2018



£429,995

Wendover Park, Rackheath, Norwich
5 bedroom detached house
Marketed until 29 Mar 2018



£349,995

Wendover Park, Rackheath, Norwich
5 bedroom detached house
Marketed until 29 Mar 2018



£349,995

Wendover Park, Rackheath, Norwich
5 bedroom detached house
Marketed until 29 Mar 2018



Guide Price £370,000

Wendover Park, Rackheath, Norwich
5 bedroom detached house
Marketed until 29 Mar 2018



Offers in Excess of £290,000

Salhouse Road, Norwich, NR13
3 bedroom detached house
Marketed until 23 Jan 2018
Last available sold price: **£300,000** 19 Jan 2018



Guide Price £185,000

Rackheath, Norwich
2 bedroom semi-detached house
Marketed until 22 Jan 2018
Last available sold price: **£138,000** 03 Nov 2008



Offers in Excess of £170,000

Webb Drive, Norwich, NR13
2 bedroom terraced house
Marketed until 19 Dec 2017
Last available sold price: **£142,000** 27 May 2008

Guide Price £180,000



Last available sold price: **£88,500** 28 Jun 2002



£240,000

Webb Drive, Rackheath, Norwich, Norfolk

3 bedroom end of terrace house

Marketed until 07 Dec 2017

Last available sold price: **£185,000** 24 Apr 2015



Offers in Excess of £390,000

Rackheath Hall, Rackheath Park, Norwich, Norfolk

3 bedroom flat

Marketed until 22 Nov 2017



Guide Price £350,000

Green Lane West, Rackheath, Norwich

3 bedroom detached bungalow

Marketed until 22 Nov 2017

Last available sold price: **£157,500** 13 Jan 2006

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£825 pcm

Rackheath Park, NR13

3 bedroom mews

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Howards Estate Agents, Norwich

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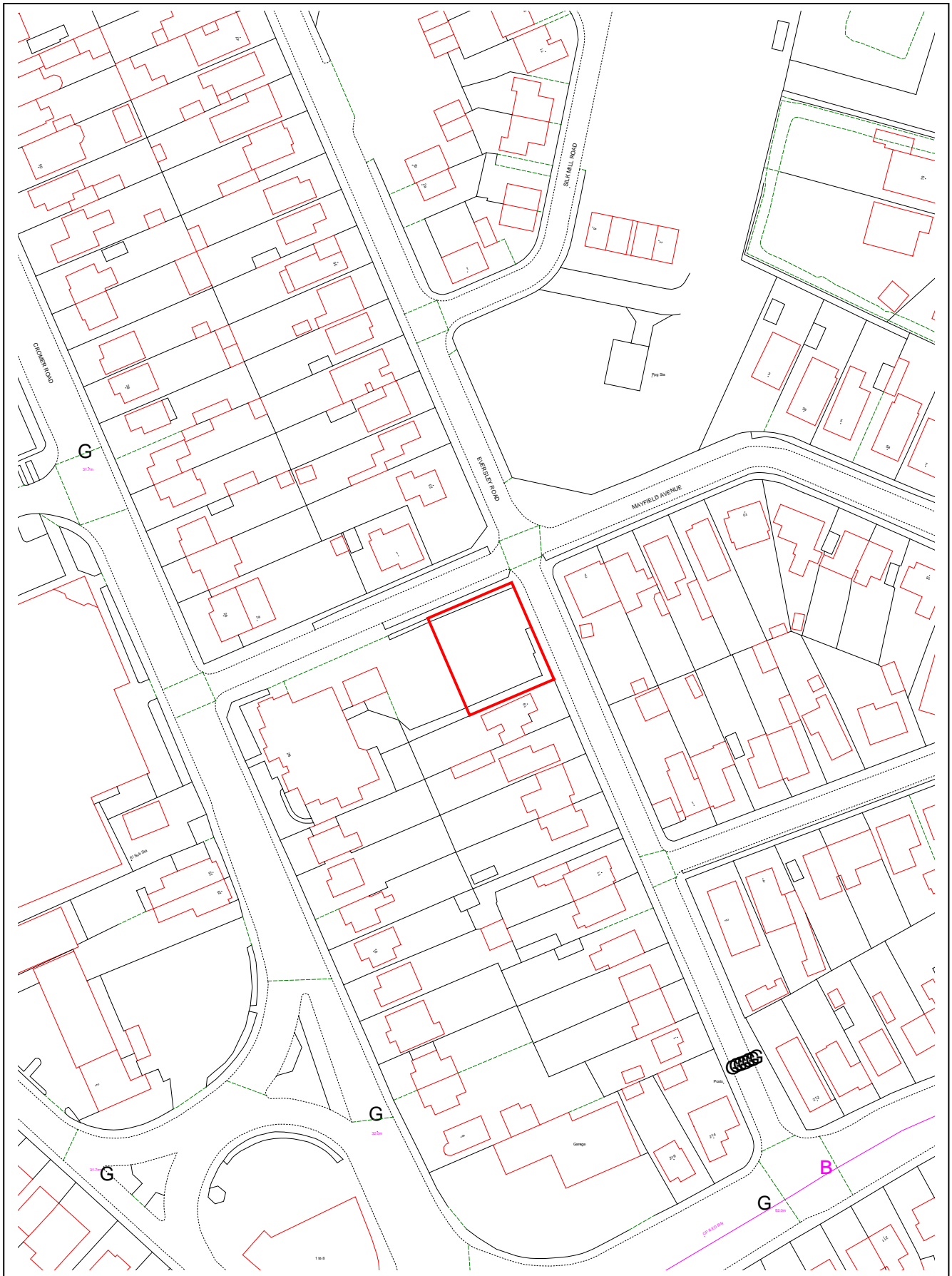
Sold prices on nearby streets

- Street
- Tilia Court
 - Basey Road
 - Bunkell Road
 - Bidwell Road
 - Wendover Road

Top searches

Norfolk	1,128,375
Norfolk Broads	130,883
East Anglia	56,544

These are the top search terms for May that properties in this postcode appeared in.



Application No: 20180950
24 Cromer Road, Hellesdon, NR6 6ND

Scale:
1:1250
Date:
24-Sep-18



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AREA West
PARISH Hellesdon

5

APPLICATION NO: [20180950](#) **TG REF:** 621726 / 311722

LOCATION OF SITE 24 Cromer Road, Hellesdon, NR6 6ND

DESCRIPTION OF DEVELOPMENT Construction of 2 no: two-storey houses on land to the rear fronting Mayfield Avenue (outline)

APPLICANT East of England Co-operative Society

AGENT David Clarke & Associates

Date Received: 6 June 2018
8 Week Expiry Date: 3 August 2018

Reason at Committee: At the request of Cllrs Grady and Adams for reasons as set out in paragraphs 5.1 and 5.2.

Recommendation (summary): Approve subject to conditions.

1 THE PROPOSAL

- 1.1 This application seeks outline planning permission to build two properties on land in the car park of the former Co-op on Cromer Road. The means of access is for determination with all other matters reserved for later determination. An indicative layout suggests two properties distributed in a terrace onto Mayfield Avenue, with off-road parking for two vehicles per dwelling. The application was originally submitted for three dwellings in outline but on the advice of officers the scheme has been revised to two dwellings.

2 KEY CONSIDERATIONS

- Loss of car parking for the convenience store.
- The impact of the development on the character and appearance of the area, residential amenity and highway safety.

3 CONSULTATIONS

3.1 Hellesdon Parish Council:

Strongly objected to the original proposal being a gross overdevelopment of the site and out-of-keeping with the scale of the street scene. There are discrepancies between the application and the plans and there are no landscaping details. Significant problems exist with parking and the flow of traffic. There are considerations to do with drainage. The Parish Council Committee voices its concern and wishes for a more comprehensive plan of the area as whole.

Following re-consultation, and reducing the scheme to two dwellings, it was resolved to give support, subject to earlier considerations about drainage.

3.2 Highways Authority:

Given that the proposal is on the existing food store car park and there appears to remain satisfactory parking and servicing areas for the existing use no principal objection to these three dwellings is made. Reservations exist about the position of the parking spaces and access very close to the junction of Eversley Road / Mayfield Avenue

However, following re-consultation on there being two dwelling, concerns have been addressed, as the proposed vehicular access moves slightly further into Mayfield Avenue. Should the Council be minded to grant approval, conditions and an informative note is required.

3.3 Environmental Health Officer – Pollution Control:

At the request of the Council further information was provided about the site's risk of contamination. This information has been considered by the Pollution Control Officer. A condition is not required but an informative about potential risk should be added to the decision notice.

3.4 Assistant Conservation Officer:

No further information is required as a tree shown on the block plan has been removed. Due to the position of the site with its prominent road frontage and at a crossroads a landscaping scheme is necessary. Policy 1 of the Hellesdon Neighbourhood Plan seeks more street tree planting, including along Cromer Road, which this site is near to. The area shown green on the block plan is an opportunity to plant new trees as well as hedging.

4 PUBLICITY

4.1 Neighbour notification:

Nearby addresses on Coldershaw Road, Eversley Road, Mayfield Avenue and Silk Mill Road

Expired: 13 July 2018

Further consultation undertaken between 15 August and 29 August 2018

5 REPRESENTATIONS

5.1 Cllr Richard Grady:

Call-in of the application for the reasons as follows: over development of the site; terraced dwellings are not in-keeping with the properties in the near vicinity; this is not an allocated site for development; and issues of highways safety related to manoeuvring heavy vehicles, as well as the congestion caused by the Silk Mill development.

5.2 Cllr Tony Adams:

Concurs with the comments raised by Cllr Grady.

5.3 3 Coldershaw Road:

Objects most strongly, the roads are too congested. Mayfield Avenue is too narrow and too busy to cope with cars reversing from the off-roading parking that is proposed by this application. There is also very little detail about how the new build houses could blend with the surrounding 1930s properties.

5.4 1 Eversley Road:

There is too much traffic congestion already on what is one of the busiest areas in Norwich. It is overbuilding of the site and it would be nice to have more green areas. The old saltglaze drains will have difficulty coping and water pressure can be poor at times.

5.5 6 Eversley Road:

Objection is made to the proposed development and the pressure it will put on traffic congestion. Should the Co-op remain in commercial use problems will be caused by more vehicles (including Heavy Goods Vehicles) having to park

on Eversley Road. Residents could have their driveway blocked by parked vehicles and already busy junctions will get worse. There has been no consideration to the existing residents to the enormous amounts of new build homes just off Eversley Road.

5.6 8 Eversley Road:

It is felt that with the existing development nearing completion there are enough new homes for the area. There are only two access points to the Cromer Road for this area, these being Mayfield Avenue and Waldemar Avenue. It is suggested that speed bumps are placed on Eversley Road, Mayfield Avenue and Waldemar Avenue. The final reason is the design of the homes that will look wrong and too cramped for Eversley Road.

5.7 13 Eversley Road:

Concern is raised over the serious impact on car parking. Car parking on Eversley Road is already a problem from houses in Cromer Road. The section of road between Mayfield Avenue and The Boundary is a magnet for car parking by people working around the area (including bus drivers) and people using the businesses at the Boundary.

5.8 17 Eversley Road (Respondent 1):

Six reasons for objection are given. (1) The existing foul water drain that runs behind Eversley Road and the Co-op car park struggles to cope during heavy rainfall. Anglian Water had to attend during the latest storms to prevent inspection chambers over-flowing. More homes to the drain network will make the problem worse. (2) Entering and existing Mayfield Avenue is perilous due to the poor visibility caused by badly parked cars. (3) Enough is enough, following the disturbance caused by the former tile factory development. Problems have arisen with traffic congestion, dusty filthy roads, and tradesmen blocking roads with vans and trucks, as well as vehicle tyre punctures caused by discarded nails and screws. (4) HGVs have eroded the surface of Eversley Road and no works should be considered until road surfaces are restored. (5) Mayfield Avenue is narrow, so adding more houses, will lead to more roadside parking and consequently more traffic problems. The proposed dwellings will block out daylight, casting shadows across the gardens of properties on the Coldershaw Road side of Eversley Road.

5.9 17 Eversley Road (Respondent 2):

Four reasons for objection are given. (1) The modern design is out-of-keeping with the 1920s architecture of Eversley Road. (2) The existing vehicle congestion problems will be compounded. (3) Visibility at the Mayfield Road and Eversley Road junction is terrible due to the narrowness of the road

combined with the number of parked cars that block visibility. The proposed homes will permanently obscure visibility and will cause an accident.

(4) Drainage from Eversley Road properties is already a problem due to the narrowness of the pipes, and more properties will increase the risk of foul water over-flowing into Eversley Road during heavy rain storms.

5.10 27 Eversley Road:

Just how many dwellings can be “squashed” around the Eversley Road / Mayfield Avenue junction? No 23 Eversley Road is already going to build a bungalow on the corner. The junction is dangerous and this will worsen because another entrance / exit was not constructed with the Silk Mill Road development.

5.11 1 Mayfield Avenue:

Strongly against the development as it would be dangerous for traffic. Privacy in and around the respondent's bungalow would be badly affected by the development. The junction of Mayfield Avenue and Eversley Road is already very busy and puts motorists at risk. There are 88 homes being built off Eversley Road that are adding to the traffic problems. That the plans could allow for a lorry to turnaround on the remaining car park also appears unrealistic. The proposed houses are also not in-keeping with the surrounding properties. Following re-consultation on the revised scheme from three to two dwellings, similar concerns remain. A less harmful solution would have been a bungalow or two facing onto Eversley Road.

5.12 3a Mayfield Avenue:

Concerns are overdevelopment of the site, that the local doctors' surgery is overloaded with patients, the design of the properties is out of keeping, and that a local grocery store is important especially to elderly residents.

5.13 6 Mayfield Avenue:

Reasons given for objection: (1) Over-development and more congestion, in part due to the 57+ new homes already. (2) The commercial business that goes into the Co-Op will not have enough parking. (3a) Parking safety, as lorries will have to reverse into the delivery area of the commercial premises. (3b) Highway safety, as it is hard pulling across two lanes of traffic onto Cromer Road; and this could be worsened further with lorries using the highway to deliver to commercial premises.

5.14 9 Mayfield Avenue:

Objection is made to the amount of traffic congestion, caused by the

conversion of the former Falcon pub to a Co-op and the traffic arising from the Silk Mill Road development. Another period of disturbance from construction would be unreasonable. Terraced housing is out-of-keeping with the design of the properties opposite on Mayfield Avenue. If the former Falcon pub re-opens as a new business car parking is likely to overspill onto Eversley Road and Mayfield Avenue.

5.15 11 Mayfield Avenue:

Objects to the increased traffic congestion, the over-development of the site, the designs not being in-keeping with surrounding properties, and the ongoing disruption to be caused.

5.16 14 Mayfield Avenue:

Major disruption has been caused by the development on the former tile factory. Mayfield Avenue is already a dangerous and congested junction which will only get worse with this development and if another business occupies the Co-op.

5.17 2 Silk Mill Road:

Having recently moved into one of the new properties, the respondent has had first-hand experience of the noise, dust and general disruption caused by development. The roads have fallen into poor disrepair and have many potholes. The corner of Eversley Road with Mayfield Avenue is very narrow and the respondent has had first-hand experience of nearly being involved in an accident with a delivery lorry. It is also considered that not enough space is being retained for delivery vehicles and consequently retained car parking spaces will be blocked. Overall it is felt that this area of Hellesdon has had enough disruption already.

5.18 44 Silk Mill Road:

The scheme will cause an over development of the site as well as traffic congestion at what is the main exit point for the area.

5.19 Objection (address unknown):

Concerns are the over-development of the area and parking congestion. When visiting a relative who lives on Eversley Road there are often difficulties in finding somewhere to park. Building more homes will exacerbate the issues on the very busy Mayfield Avenue.

6 RELEVANT POLICY GUIDANCE

National Planning Policy Framework (NPPF) 2018:

- 6.1 Planning Practice Guidance, which is an online repository of Government guidance that supplements what is said in the NPPF.
<https://www.gov.uk/government/collections/planning-practice-guidance>

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011 (amendments adopted 2014):

- 6.2 Policy 1: Addressing Climate Change and Protecting Environmental Assets

Amongst other items, this Policy sets out that development will be located to minimise flood risk (mitigating any such risk through design and implementing sustainable drainage), that environmental assets of the area will be protected maintained, restored and enhanced.

- 6.3 Policy 2: Promoting Good Design:

All development will be designed to the highest possible standards creating a strong sense of place.

- 6.4 Policy 3: Energy and Water

Development in the area will, where possible, aim to minimise reliance on non-renewable, high-carbon energy sources and maximise the use decentralised and renewable or low-carbon energy sources and sustainable construction technologies.

- 6.5 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.

- 6.6 Policy 9: Strategy for Growth in the Norwich Policy Area (NPA)

The Norwich Policy Area (NPA) is the focus for major growth and development. The smaller sites allowance is intended to provide a balance between site sizes and locations to encourage flexibility and the short term delivery of new housing.

6.7 Policy 12: The Remainder of the Norwich Urban Area, Including the fringe Parishes

For parishes including Hellesdon this Policy seeks to identify opportunities for improving townscape, retain and improve local services, as well as improve green infrastructure links.

Development Management Development Plan Document (DM DPD) (2015):

6.8 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.

6.9 Policy GC2: Location of New Development

New development will be accommodated within settlement limits defined on the proposals maps. 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.

6.10 Policy GC4: Design

Development will expect to achieve a high standard of design and avoid any significant detrimental impact.

6.11 Policy TS3: Highway Safety

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

6.12 Policy TS4: Parking

Within new developments, appropriate parking manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.

Hellesdon Neighbourhood Plan 2016 to 2026:

6.13 Policy 1: The Hellesdon Green Grid

It is expected that new development will contribute towards creating a green

grid and amongst what is encouraged is avenue tree-planting along routes like Cromer Road.

6.14 Policy 3: High Quality Residential Neighbourhoods

New development should achieve a high standard of design, as well as to prioritise pedestrian movement and safety.

7 LOCATION AND DESCRIPTION OF SITE

- 7.1 The site is inside the settlement limit as defined by the Local Plan and is located to the east of Cromer Road (A140), and approximately 130m north of Mile Cross Lane (A1042). The land is currently the corner of the former Co-op car park at the junction of Mayfield Avenue and Eversley Road. The site measures approximately 510m² while the remainder would be retained as car parking for the currently vacant commercial premises. At present the site is open with the boundary marked by a low-level steel rail.

8 PLANNING HISTORY

- 8.1 The site has been long-established as car parking relating to the former Falcon Public House. The former pub was converted to a Co-op convenience store in 2014, but has recently closed. Whilst this application is not relevant to finding a new tenant for the commercial premises there is the consideration of retaining sufficient car parking for that business.

9 APPRAISAL

- 9.1 Foremost in appraising the site is its location within the settlement limit in Hellesdon. In such locations the principle of development is acceptable under Policy GC2, subject to material considerations about the site and detailed policy matters such as design. Policies of greatest relevance in this application also relate to highways and parking, Policies TS3 and TS4. There being factors of retaining enough parking for the commercial premises, providing parking for the proposed dwellings and ensuring there is no unacceptable impacts on the surrounding road network.
- 9.2 Amongst respondents car parking and highway safety is the foremost concern. Other objections referred to the impact on the retained commercial premises and how this building would be left with too little customer car parking. Design and character concerns featured amongst the reasons for objection as well. Some respondents referred to how the proposed scheme would be at odds with the 1920s / 1930s architecture that prevails along Eversley Road, as well as the concept of over-development, and 'cramming' dwellings into relatively small plots. Short-comings in the infrastructure were

mentioned, most notably queries about the drainage already underneath the site. Fear about noise, dust and general disturbance caused by the construction process was apparent too, with reference to the disturbance already experienced by the 72 homes on Silk Mill Road (ref: [20141134](#)).

- 9.3 Turning first to highways safety matters, points about the congestion and the narrowness of Mayfield Avenue are acknowledged but do not amount to justified reasons for refusal. The Highways Authority has said it has no objection to the revised scheme of two dwellings subject to the inclusion of conditions with the planning permission. An advantage of revising the scheme to two dwellings being to allow more space to the junction with Eversley Road. From the side wall of Plot 1 to the junction with Eversley Road is a distance of 8m. The visibility splay for vehicle drivers approaching and leaving the junction at Mayfield Avenue will not be adversely affected by the position of the dwellings. The application is consequently considered to be in accordance with national policy on highways and to be in accordance with the Council's Development Management Policy TS3.
- 9.4 The adequacy of the retained car parking for the commercial premises and a total of four parking spaces for the proposed development is acceptable. Plans show a tracking path for vehicles delivering to the commercial premises as well as 16 car parking spaces (including two disabled spaces). The parking for the proposed dwellings will be directly onto Mayfield Avenue but the Highways Authority considers there to be sufficient separation to the junction. Furthermore, the building line established by the front of 19 Eversley Road is continued by the side wall of Plot 1 and so the scheme is not expected to be an incongruous addition to the street-scene. So whilst the prevailing character for Eversley Road is for larger detached properties, a pair of semi-detached dwellings is not incongruous to the character of Hellesdon.
- 9.5 Other than the access, all matters are reserved, but the indicative layout gives some suggestion to how the eventual development could appear. A pair of three bedroom semi-detached houses is proposed, each with an internal floor area of 85m². The indicative drawing suggests a typical suburban form of development. The two proposed properties would mirror each other in layout, have a pitched roof porch on the front, and only bathroom windows on the side elevations. As well as parking, each dwelling will have a space at the front for wheelie bin collections.
- 9.6 As to amenity considerations, particular attention has been given to potential overlooking between properties. Each property has a rear garden that has a depth of 9m that backs onto the side elevation of no: 19 Eversley Road. Whilst plot depths are less than seen elsewhere on Eversley Road, the amount of space is considered acceptable; and of not such close proximity as to undermine the privacy of either the existing dwelling or the proposed properties. Part of this consideration is also that the windows on the side elevation of no: 19 Eversley Road are smaller secondary ones, serving perhaps a landing or bathroom.

- 9.7 To the front, the proposed properties look across to a bungalow, 1 Mayfield Avenue. Both in terms of potential overlooking and the effect on the street-scene the impact is thought acceptable. There is 20m of separation from 1 Mayfield Avenue to the proposed houses; and the mixed architecture of the area that combines one storey properties with houses has already been established. As to the east elevation, properties on the opposite side of Eversley Road have a separation of approximately 20m. Plot 1 is also shown as having a larger front garden, serving the purpose of keeping an adequate separation to the junction and a degree of openness to the street scene.
- 9.8 In summary by revising the scheme from three to two dwellings an acceptable development is now achievable, subject to the inclusion of planning conditions.
-

RECOMMENDATION: APPROVE subject to the following conditions:

- (1) Application for approval of ALL “reserved matters” must be made to the Local Planning Authority not later than the expiration of TWO years beginning with the date of this decision.
- (2) The development hereby permitted must be begun in accordance with the “reserved matters” as approved not later than the expiration of TWO years from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Application for the approval of the “reserved matters” shall include plans and descriptions of the:

- i) details of the layout;
- ii) scale of each building proposed;
- iii) the appearance of all buildings including the precise details of the type and colour of the materials to be used in their construction;
- iv) the landscaping of the site.

Approval of these “reserved matters” must be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in accordance with the details as approved.

- (3) The development hereby permitted shall not be carried out otherwise than in accordance with the plans and documents listed below.

- (4) Prior to the first occupation of the development hereby permitted the vehicular access crossing over the footway / verge shall be provided and thereafter retained at the position as shown on the approved plan in accordance with the highways specification (TRAD 3) attached. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the Highway.
- (5) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking areas shall be laid out and demarcated in accordance with the approved plan and retained thereafter available for that specific use.
- (6) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate:
 - i) the species, number, size and position of new trees and shrubs at the time of their planting
 - ii) specification of materials for fences, walls and hard surfaces,

Reasons:

- (1) The time limit condition is imposed in compliance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The application is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (3) For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans and documents.
- (4) 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.
- (5) To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- (6) To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with Policies GC4, EN2 and EN3 of the Development Management DPD (2015).

Informatives:

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

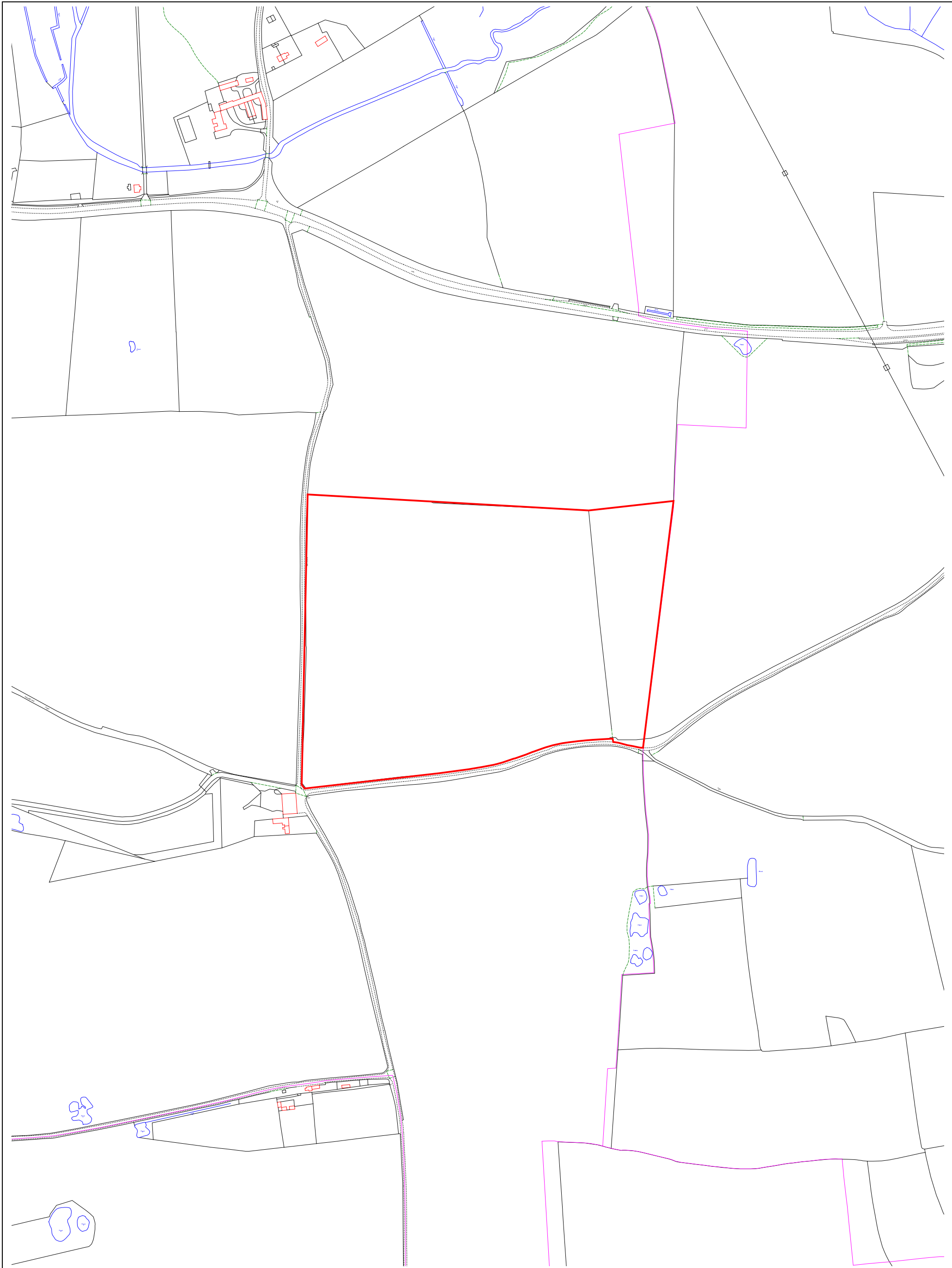
It is an OFFENCE to carry out any work within the Public Highway, which involves a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that in addition to planning permission any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Stephen Coleman on 01603 430596.

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

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 accrued out at the expense of the developer.

The applicant is advised that the previous use of the building and associated land may have involved potentially contaminated activities which have given rise to the presence of contamination. In view of this you are advised to consider commissioning a suitably qualified independent and experienced professional or company to undertake a site investigation and risk assessment to determine whether any remedial work is required to ensure that the site is suitable for the intended use. The responsibility for the safe development of the site, the disposal of any contaminated materials from the development of the site and ensuring that the site is suitable, or can be made suitable for the intended development, through the implementation of an appropriate remediation strategy, is the responsibility of the developer.

A leaflet explaining in more details what the council would expect to comply with this advice is available either from the Broadland District Council office or via the Broadland District Council website (www.broadland.gov.uk)



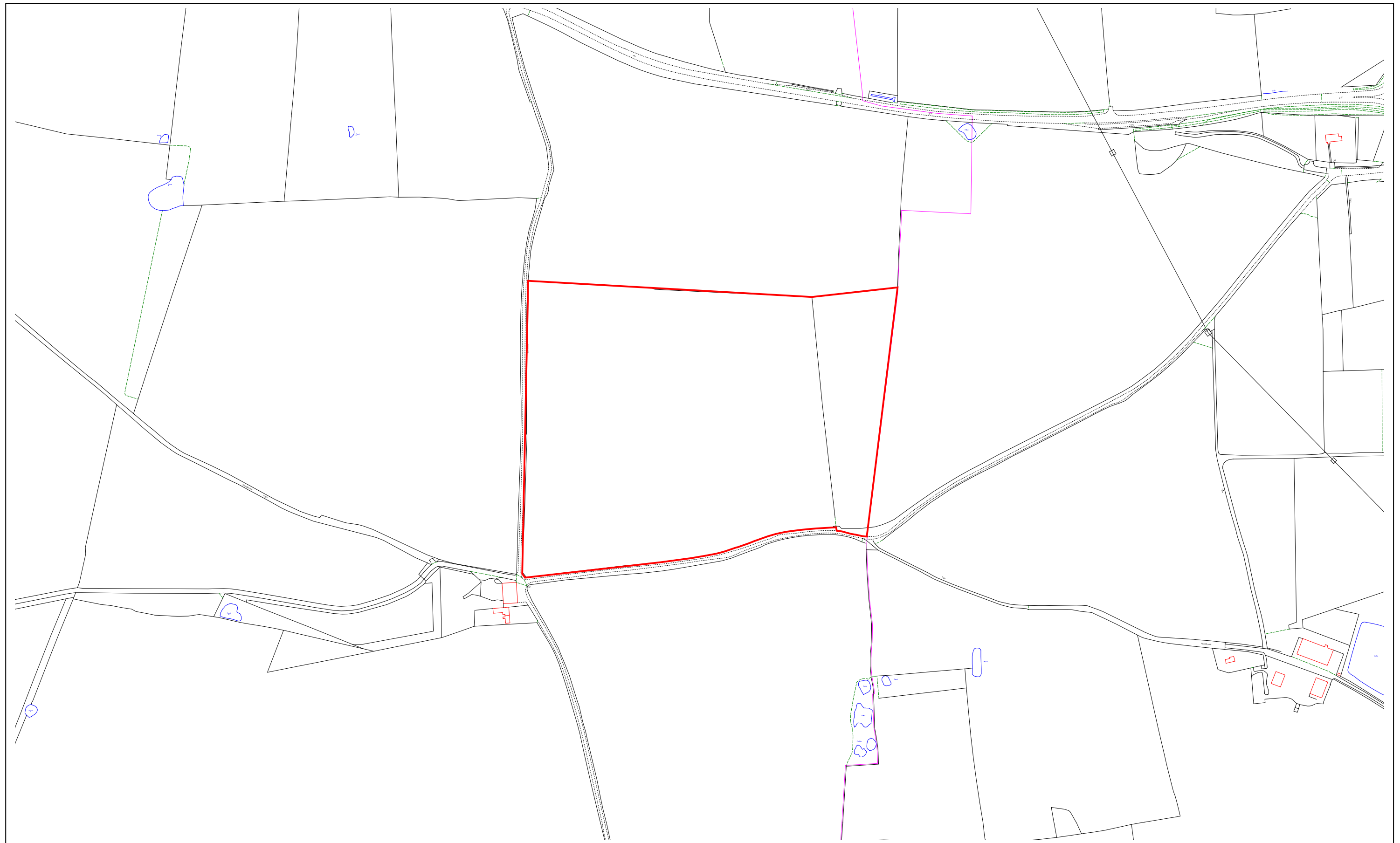
Application No: 20181177
Church Lane, Honingham

Scale:
1:5000

Date:
25-Sep-18

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



**APPLICATION NO: [20181177](#) – DETAILS TO BE APPROVED UNDER
LOCAL DEVELOPMENT ORDER CONDITION 2.20 – CHURCH LANE,
HONINGHAM**

1 INTRODUCTION

- 1.1 A Local Development Order (LDO) was granted by the District Council in October 2017 for a Food Enterprise Zone (FEZ) on land at Honingham. The LDO effectively grants planning permission for specified agri-tech developments on a site of 19 hectares, subject to conditions being complied with and that vehicular access to and from the site accords with the vehicular routing agreement set out in a Section 106 Legal Agreement which accompanies the LDO.
- 1.2 The routing agreement specifies that all vehicles in excess of 7.5 tonnes visiting the site for the purposes of and in connection with the LDO development, shall gain access along the permitted route – being Church Lane to the Easton roundabout at the A47. The routing agreement applies until vehicular access is provided between the LDO site and the A47 trunk road.
- 1.3 Condition 2.20 of the LDO requires details of the scheme of highways works to be submitted and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and, where appropriate Highways England, prior to the commencement of development, including triggers for the implementation of each component of the works.
- 1.4 The components of the scheme of works are:
- *Realignment/change of priority at the junction of Dereham Road / Church Lane*
 - *A right turn lane from Dereham Road into Church Lane*
 - *A scheme of widening improvements to Church Lane*
 - *Vehicular access to the LDO site either off Church Lane/Red Barn Lane or directly from the A47*
 - *Enhanced footway and cycle facilities to connect with Dereham Road*
 - *The closure of Blind Lane*

- 1.5 Details have been submitted under ref: 20181177 in respect of the vehicular access to the LDO and interim proposals for highway improvements to Church Lane comprising 4 no: passing bays (each 30m long x 2-3m wide) to the north west side of Church Lane with drainage soakaways and interim footway and cycle facilities to connect to Dereham Road in the form of a 1.5m wide TROD (a path constructed of unbound material) from the LDO vehicular access to the informal parking area to the side of the Church of St Peter, Easton. The TROD runs up to the edge of each passing bay and is separated from the carriageway by a 0.5m grassed verge. A 40m long section of Church Lane is shown to be widened by 1m at the bend in Church Lane, near the church. In addition a 1.5m wide footway is proposed within the highway verge on the opposite side of Church Lane to the church which will enable a connection to the existing footway to the south of Dereham Road. The trigger for these works is prior to the first occupation of a development on the LDO site.
- 1.6 The trigger for the remaining parts of the highway improvements works specified in condition 2.20, together with the full widening of Church Lane and the full provision of footway and cycle facilities to Dereham Road is upon the provision of 10,000m² of development floorspace on the LDO site, unless otherwise agreed in writing by the local planning authority including but not limited to a high traffic generator being proposed within the LDO or if direct access to the A47 can be achieved.
- 1.7 The length of the proposed works from the LDO access to the edge of the 1.5m wide footway roughly opposite the church are approximately 916m.
- 1.8 The applicant has confirmed that they believe that the proposed works have no detrimental effect on the church and are therefore in accordance with Policy 4 of the Easton Neighbourhood Plan.
- 1.9 Although the LDO legislation does not require that local consultation on the details of conditions is undertaken. In this case local consultation has been undertaken due to the nature of the proposals.

2 CONSULTATIONS & REPRESENTATIONS (summarised)

2.1 Honingham Parish Council:

No comment received.

2.2 Easton Parish Council:

Comments to be reported.

2.3 Marlingford & Colton Parish Council:

A 1.5m wide trod could, in principle, be suitable for pedestrian access. For shared use by cyclists it would seem to be unsuitable. The recommended minimum width for a path with shared use is 3.0m, as indicated in the guidelines provided by the Department of Transport and by Sustrans. Further, a compressed, unbound, surface is unlikely to be appropriate for use by cyclists. Thus this part of Section 2.20 is not met with respect to cyclists.

It is a concern that the proposed resurfacing of the existing carriageway is very limited and the Council asks that this should be improved.

With regard to the proposed entrance: a major objective of condition 2.20 and the Section 106 Agreement is to limit HGV traffic so as to avoid such traffic using the narrow roads to the south and west in the parish of Marlingford and Colton and other parishes beyond. It seems to the Council that a significant contribution to achieving that objective would be to make the exit from the site left turn only. Following the establishment of a direct connection between the Food Enterprise Zone and the A47, the Section 106 agreement would lose its effect; we request that at this time the road be closed to heavy goods traffic or, failing that, an exit with left turn only would continue to provide valuable protection.

2.4 Norfolk County Council – Highway Authority:

The access is within the boundary of the LDO site and as required under condition 2.20 has been submitted to the Local Planning Authority and Highway Authority. In accordance with condition 2.20 (bullet point IV) the access will be in place prior to first occupation. Condition 2.20 also requires triggers to be set for the delivery of the off-site works identified within the LDO. Application 20181294 identifies the scale of the first unit and the highway authority considers that the off-site works of passing bays and pedestrian facilities (as required under bullet points III and IV of the LDO) are appropriate as an interim measure for this scale of development and should be in place prior to first occupation.

Given that additional works will be required as the site is developed, the highway authority considers that a trigger of 10,000m² is appropriate for the rest of the off-site works which comprises bullet points I and II, (the full works under III and V) and VI. These works should be upon completion of 10,000 sq. m of development floorspace on the LDO, unless otherwise agreed in writing by the local planning authority including but not limited to, if a high traffic generator is proposed within the LDO or if direct access to the A47 (T) can be achieved.

The submitted proposals will need to be subject to a detailed design check and a Stage Safety Audit before delivery of the scheme can be undertaken. The scheme will be delivered under a Section 278.

Please be aware it is the applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land.

The highway boundary may not match the applicant's title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

Given the above, the Highway Authority has no objection to the submitted access and off site works proposals.

2.5 South Norfolk Council:

No comments or objections.

2.6 Campaign to Protect Rural England (CPRE):

We have a number of concerns relating to the new application as follows:

- Currently Church Lane is an unclassified road; the S106 agreement on which the LDO relies establishes that Church Lane is the only permitted route for HGV's to the site, both for construction and operation. As a designated HGV route it is inappropriate for it to remain unclassified and should be fully upgraded. A series of passing bays is therefore unsuitable for the proposed HGV usage.
- Plan 2 of the routing agreement permits HGVs to use the full length of Church Lane and Red Barn Lane but the road improvements under this application are restricted to Church Lane only. Is a new S106 required to restrict HGVs to Church Lane only or whether suitable road improvements will be proposed for Red Barn Lane?

We are pleased to note that the details include provision for other road users, but we don't consider that a 1.5m wide TROD will be suitable. A recommended width for passing cyclists is 2.5m, further we don't consider that these users should share the same space as cars and HGV's at the passing bays.

The closure of Blind Lane is stated as not necessary at this time due to the uncertainty of the proposed A47 dualling works. We consider that this uncertainty means that the requirement of the Highway Authority that Blind Lane should be closed are still relevant and should only be reconsidered when actual changes to the A47 and surrounding roads have been completed which is unlikely before 2023.

2.7 Wensum Valley Alliance, c/o 8 The Boulevard, Thorpe End:

Concerned about the visual intrusion and environmental issues for the river valleys in the vicinity, namely the Yare to the south and the Tud and Wensum to the north. The Flood Risk & Drainage Strategy Report for the LDO stated that the ground conditions are not suitable for infiltration drainage and the next tier down of sustainable approaches is for surface water drainage to be directed to local water courses. The same engineers are now proposing infiltration drainage to the extended road areas and we request that the implications of surface water run-off and overflow are reviewed. In addition, we consider that there is a lack of consideration for the location and use of St Peters Church, a grade I listed building with needs of access and parking improvements. The intention is to upgrade this for HGV use as the LDO S106 agreement. We question whether a series of passing bays is suitable for the proposed upgrade to a designated HGV route, is the S106 to be revised? Is the TROD suitable and safe for both pedestrians and cyclists? Broadland District Council are in the strange position of being proposer, approver and apparently enforcer for this unfortunate site area, without any apparent need to consult with any persons who may have legitimate concerns about the impact of any proposals. We challenge whether this is a legitimate use of a Council's authority and the implications for that authority in the event of an incident impacting upon Norwich City's water supply and the surrounding river environments.

2.8 Interim Priest in charge of the Easton Benefice, Heath Farm House, Coltishall Road, Buxton:

The Parochial Church Council expresses concern that the anticipated increase in traffic flow along Church Lane will further orphan St Peter's Church from the settlement of Easton. This increase in traffic will make St Peter's increasingly unwelcome to pedestrians wishing to visit the church, noting there is no parking facility at St Peter's Church. The proposed road widening would have a detrimental effect on safe parking at all times and cause serious, potentially dangerous situations when the church is hosting larger events eg weddings, funerals and baptisms. Concerned about the increased risk of accidents due to flooding close to the church and noise and air pollution arising from the increased traffic. Closer links to Easton School will mean more children will need to cross the road and this will be more dangerous given the increased use of Church Lane by cars and HGVs. Concerned that the diversity of wildflowers and butterflies that have been recorded within the churchyard would be adversely affected by the food hub proposals. Traffic on the A47 already has an impact on the medieval foundations of the listed church and heavy goods vehicles on both sides could have a serious impact on its foundations and make the building unsafe.

2.9 Norfolk Chamber of Commerce:

We strongly believe that the Food Enterprise Park is essential to the region's food sector to facilitate growth and add value. Our region is already world-

leading with innovations in crop sciences and agri-tech. The Food Enterprise Park will help build upon these important innovations; create further jobs; and aid in securing Norfolk's place at the forefront of the food sector. We would like approval of the LDO conditions to pave the way for not only Condimentum but others that will further stimulate growth in both the region and the sector. Norfolk Chamber's key driver is to support our members and the business community as a whole to deliver high value jobs and economic growth. We feel that the current prolonged delivery journey of this project has hindered growth within a key sector that is significant to Norfolk. Therefore we would recommend that the project receive the support it needs to become a reality of both jobs and economic growth for Norfolk.

2.10 Cllr S Woodbridge:

I believe the overall scheme to be of great benefit to Norfolk generally, especially protecting the interests of agriculture and employment. Regarding the temporary entrance arrangements, I feel these are sensible given a desire to make early progress and note the access point at the Easton roundabout is to minimise traffic through Easton itself. As soon as the A47 improvement works receive their commissioning date, I note the condition applied to create a new entrance to the site which is to be welcomed and integrated to further protect residents.

2.11 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 LDO at Honingham, which represents the largest single economic development opportunity for the land based industries in the GNDP area and probably in Norfolk. The opportunity to attract a significant investment and new business to the site is most pleasing. The scheme seems eminently sensible, as it will provide practical and safe means of accessing the LDO site for HGVs, cars, and pedestrians during the early stages of the site development, and occupancy. The proposed access and egress arrangement accords with the routing agreements, already in place and avoids the villages of Marlingford, Colton and Easton. This will offer a comparatively short term vehicular solution, as the medium to longer term solution will be the preferable access directly of the A47 once the dualling scheme has been completed.

However the current proposal offers an excellent interim solution, and will allow the site to progress toward a full occupancy thereby offering both opportunities in jobs, local added value food, research and crop science, and overall benefit to the Norfolk economy. Therefore I am fully supportive of the proposals.

2.12 Additional letters of support supplied by the applicant from Frontier, Agrovista UK, Food & Drink Forum, the AF group and British Beet Research Organisation.

2.13 South Norfolk Cllr M Dewsbury:

No comment received.

3 RELEVANT POLICY GUIDANCE

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

- 3.1 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 both of 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):

- 3.2 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.

- 3.3 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.

- 3.4 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.

Broadland Development Management DPD 2015 – (DM DPD):

- 3.5 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.

3.6 Policy GC4: Design

Development will be expected to achieve a high standard of design and avoid any significant detrimental impact.

3.7 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.

3.8 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.

Other material considerations:

Planning (Listed Buildings and Conservation Areas) Act 1990:

- 3.9 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 in Broadland District):

3.10 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.

3.11 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.

4 PLANNING HISTORY

- 4.1 [20180471](#): LDO Access. Withdrawn June 2018.
- 4.2 [20170052](#): Greater Norwich Food Enterprise Park (LDO application). Approved October 2017.
- 4.3 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).

5 ASSESSMENT

- 5.1 The main issues to be taken into consideration in the determination of this submission are whether the details submitted are acceptable to allow condition 2.20 of the LDO to be approved taking account of the NPPF (2018), the Planning Practice Guidance and development plan policies. Further material considerations are the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Easton Neighbourhood Plan, with particular regard to whether the submitted details result in a significant detrimental impact upon the Grade I listed Church of St Peter, Easton.
- 5.2 The site is outside of a defined settlement limit but as the LDO has been granted the principle of development is established and the S106 routing agreement identifies Church Lane to the Easton roundabout as the route to and from the LDO site for vehicles in excess of 7.5 tonnes. It is necessary however to consider the specific highway issues against Policies TS3 and CSU5 of the DM DPD and Policy 6 of the JCS. Policy TS3 states 'development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network'. The comments of the Highway Authority are set out at paragraph 5.6 below, they have no objections to the proposal and therefore the requirements of Policy TS3 are complied with. Policy CSU5 requires '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'. In this case the passing bays are shown to be designed so that surface water is channelled to a soakaway. The proposals are below the threshold for the Lead Local Flood Authority to comment upon and are minor in nature, however surface water arising from the passing bays has been incorporated into the proposals and therefore meet the requirements of Policy CSU5. Policy 6 of the JCS identifies strategic access and transportation objectives for the Greater Norwich area.

- 5.3 The NPPF (2018) is supportive of sustainable economic growth and productivity and advises that a prosperous rural economy should be supported (section 6). In terms of highways considerations the NPPF at paragraph 108 sets out the considerations for assessing development proposals and advises that appropriate opportunities to promote sustainable transport modes can be taken up and safe and suitable access should be achieved for all users. Paragraph 109 states *'Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The proposals are considered to accord with the NPPF (2018).
- 5.4 It is noted that as part of the proposals are located with the parish of Easton it is appropriate to consider the proposals against the Easton Neighbourhood Plan (ENP), although the plan does not form part of Broadland District Council's development plan. It was adopted in September 2017 and the policies which require assessment are 1 & 4 as part of the proposed off-site highway improvement works are in proximity to a listed building (Policy 1) and the listed building is the Grade I listed Church of St Peter (Policy 4).
- 5.5 Policy 1 (Heritage Protection) states that development proposals should preserve the local heritage of listed buildings and their settings. 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. In this case the width of the roadway on Church Lane in front of the church is proposed to be widened by up to 1m by re-painting the white lines on the carriageway (the existing kerb line will not be changed). A 1.5m wide footway is to be formed within the highway verge on the opposite side of Church Lane roughly opposite the church with a small section of path formed from the existing kerb to the existing path on the church side of Church Lane, but away from the front of the church, to form a crossing point. In addition, the northern end of the TROD connects to the informal parking area to the side of the church approximately 11m from the front of the church. These works are all minor and will be carried out under S278 of the Highways Act. It is therefore considered that the individual elements of the proposals and in combination have been designed so that they do not generate substantial harm to the setting of the Grade I listed Church of St Peter and do safeguard its integrity and setting. It is considered therefore that the proposals meet the requirements of Policies 1 and 4 of the ENP.
- 5.6 The Highway Authority has confirmed that the details submitted to meet the requirements of condition 2.20 of the LDO are acceptable. Their view is that the arrangement of the LDO access is acceptable and that due to the relatively low traffic generation of the first development on the LDO site (ref: [20181294](#)) the scheme of widening improvements to Church Lane and the provision of footway and cycleway facilities to connect with Dereham Road can be provided as an interim measure, the trigger for these works and the formation of the LDO access is prior to the first occupation of LDO

development, which they also agree. These works are to be delivered under Section 278 of the Highways Act 1980 as the works are within the highway boundary and will be managed by the County Council.

- 5.7 The Highway Authority has also agreed to the trigger for the remaining off-site highways works specified in condition 2.20, together with the full scheme of widening improvements to Church Lane and the full provision of footway and cycleway facilities to connect with Dereham Road which will be upon the completion of 10,000m² of development floorspace on the LDO site, unless otherwise agreed in writing by the Local Planning Authority including, but not limited to, if a high traffic generator is proposed within the LDO or if direct access to the A47 can be achieved.
- 5.8 As the proposals are considered to meet the policy requirements of the development plan, the NPPF (2018), the ENP and the requirements of the Highway Authority, then the submitted details are considered to be acceptable to allow condition 2.20 of the LDO to be approved.
- 5.9 It is noted that South Norfolk Council has granted Outline planning permission ref: 2014/2611 for a major residential development on the land to the south east of Church Lane, with allotments shown on the Illustrative Masterplan immediately adjacent to the site boundary to Church Lane. The vehicular access serving the residential development is onto Dereham Road to the north and there is no vehicular access onto Church Lane. It is considered that the submitted details under condition 2.20 of the LDO will have no adverse impact on the housing development.
- 5.10 Given that part of the proposed highway improvement works and a section of the footpath/cycleway are within the setting of the Grade I listed Church of St Peter, Easton it is necessary to assess the proposals against Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the local planning authority to 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. In this case the width of the road on Church Lane in front of the church is proposed to be widened by up to 1m by re-painting the white lines on the carriageway (the existing kerb line will not be changed). A 1.5m wide footway is to be formed within the highway verge on the opposite side of Church Lane roughly opposite the church with a small section of path formed from the existing kerb to the existing path on the church side of Church Lane, but away from the front of the church, to form a crossing point. In addition, the northern end of the TROD connects to the informal parking area to the side of the church approximately 11m from the front of the church. These works are all minor and will be carried out under a S278 of the Highways Act. It is therefore considered that each element has been designed to be sensitive to the Grade I listed church and special regard has been had to the desirability of preserving the setting of the Grade I listed Church of St Peter.

- 5.11 In considering the other issues raised by consultees it is noted that Marlingford & Colton Parish Council has requested that the proposed LDO access be redesigned to ensure that it has a left turn lane only onto Church Lane to prevent vehicles turning right and travelling towards Marlingford & Colton. The Highway Authority has not requested this revision as the routing agreement that exists requires that vehicles in excess of 7.5 tonnes must access and exit the LDO site via Church Lane and then access the A47 roundabout at Easton. The routing agreement applies until vehicular access is provided between the LDO site and the A47 trunk road. In addition the applicant, who is based at Honingham Thorpe Farm, has stated that a left turn lane only would prevent the interconnection of vehicles between the LDO site and Honingham Thorpe Farm that they anticipate. Therefore a left turn lane is not considered to be necessary in this case.
- 5.12 The comments of CPRE questioned whether the position of the LDO access in the south east corner of the LDO site with off-site highway improvement works proposed along Church Lane necessitates a revision to the S106 routing agreement to remove Red Barn Lane from the approved route. It is considered that this is not necessary to revise the S106 as the submitted plans are sufficient to identify the access and route to and from the LDO.
- 5.13 In summary it is considered that the details submitted including the triggers specified for the initial phase of works and the later phase are acceptable to both the Highway Authority and the District Council. The detailed off-site highway works are considered to meet the requirements of the development plan and the NPPF 2018 and the off-site highway improvements works have been assessed against the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Easton Neighbourhood Plan and it is considered that special regard has been had to the desirability of preserving the setting of the Grade I Listed Church of St Peter. The proposals therefore are considered to be acceptable and approval should be granted noting that further details will be submitted and agreed for the later phase of off-site highway improvement works set out in condition 2.20 of the LDO.

6 RECOMMENDATION

- 6.1 The Committee is **RECOMMENDED:**

to APPROVE the following details submitted under Condition 2.20 of the Local Development Order:

- (1) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans and shall be brought into use prior to the first occupation of development on the LDO site:

Dwg. No. CL-1011 Rev. P3 – Details of junction for proposed estate road with Church Lane, received 13 July 2018

Dwg. No. CL-1010 Rev. P3 – General arrangement of proposed s.278 works on Church Lane, received 13 July 2018

Dwg. No. CL-1012 Rev. P3 – Typical construction details for proposed highway works (sheet 1), received 13 July 2018

Dwg. No. CL-1013 Rev. P1 – Typical construction details for proposed highway works (sheet 2), received 13 July 2018

Dwg. No. CL-1014 Rev. P1 – Typical construction details for proposed highway works (sheet 3), received 13 July 2018

- (2) Further details in respect of scaled plans are required to be submitted under Condition 2.20 of the LDO, to the Local Planning Authority and agreed, in consultation with the Highway Authority and, where appropriate Highways England, to identify:

- Realignment/change of priority at the junction of Dereham Road / Church Lane
- A right turn lane from Dereham Road into Church Lane
- A scheme of widening improvements to Church Lane
- Enhanced footway and cycle facilities to connect with Dereham Road
- The closure of Blind Lane.

These works shall be carried out as approved and brought into use upon completion of 10,000m² of development floorspace on the LDO, unless otherwise agreed by the Local Planning Authority including but not limited to, if a high traffic generator is proposed within the LDO or if direct access to the A47 can be achieved.

Phil Courtier
Head of Planning

Background Papers

Planning applications [20180471](#) and [20170052](#).

For further information on this report call Matthew Rooke 01603 430571 or email matthew.rooke@broadland.gov.uk



PLANNING COMMITTEE

3 OCTOBER 2018

FINAL PAPERS

Page Nos

[Supplementary Schedule](#)

188 – 228

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

DEMOCRATIC SERVICES

Broadland District Council

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SUPPLEMENTARY SCHEDULE TO APPLICATIONS TO BE CONSIDERED

Plan No	Application No	Location	Update	Page Nos
1	20181294	Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham	<p>A revised site location plan which accurately identifies the application site is attached at SS Appendix 1. This replaces the location plan on page. 22 in the agenda.</p> <p>Additional representations received:</p> <p>Comments received from District's Environmental Health Officer:</p> <p>Request that condition is imposed to set a 10dB factor be subtracted from the permitted LDO noise condition (no. 2.16) as set out in a draft noise report for the applicant. In addition noise contours 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.</p> <p>Honingham Parish Council:</p> <p>The Parish Council wish to object to the application on a number of grounds. This decision also takes into account additional information provided at our Parish Council meeting on 10th September in a presentation given by a representative from Condimentum Ltd:</p> <p>1. 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</p>	21 - 61

			<p>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.</p> <p>2. 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.</p> <p>3. 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 10th 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.</p> <p>4. The A47, the Easton roundabout and both Blind Lane and Taverham Road are already congested on a daily basis with</p>	
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			<p>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.</p> <p>5. 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 10th September and that the future impact of this growth has not been taken into consideration.</p> <p>We wish for these concerns to be taken into account and given fair consideration during the application process.</p> <p>Easton Parish Council:</p> <p>Further to our telephone conversation of today and to avoid any doubt Easton Parish Council objects to the above planning application 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.</p> <p>We content 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</p>	
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			<p>[2001] QB 213. At [108]</p> <p>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)</p> <p>The consultation on this matter remains open and the following questions still remain outstanding,</p> <ol style="list-style-type: none"> 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 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 NALP for financial assistance and that NALP 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 - 	
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			<p>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?</p> <p>Note: At a public meeting in Honingham on 10th September a representative of Condimentum Ltd admitted that no formal enquiries had been made about height for these other sites.</p> <p>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.</p> <p>Note: At the public meeting in Honingham on 10th 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?</p> <p>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:</p> <p>Whissonsett to Snetterton 30.4 miles average speed 20.26mph Kirby Bedon to Snetterton 29.3 miles average speed 19.53mph Blofield to Snetterton 36 miles 24mph Stokesby to Snetterton 38 mile 25.33mph (Using mid distance route)</p> <p>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</p>	
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			<p>whether a complete new Screening Opinion under the 2017 Regulations needs to be determined?</p> <p>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?</p> <p>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?</p> <p>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?</p> <p>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?</p> <p>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</p>	
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			<p>this proposal?</p> <p>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?</p>	
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			<p>Marlingford & Colton Parish Council:</p> <p>Wish to clarify that a joint response with Easton Parish Council which raised a list of questions was submitted and in addition Marlingford & Colton Parish Council request that the exit from the Food Hub be left turn only. – Officer comment - Comments in respect of a left turn only exit from the LDO are reported on page. 176 of the agenda and assessed on page 185 as part of the consideration of the proposals for the LDO access under Agenda item 6. They were not reported under this application as the application site does not adjoin the County highway. We also fully endorse the reasons for objection from Easton Parish Council.</p> <p>19 Aldryche Road, Norwich - additional comments:</p> <p>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</p>	
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			<p>report would be a neglect of the Committee's responsibilities.</p> <p>1 Horse & Groom Yard, Colton - additional comments:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Letters of support received from – Ben Burgess Norwich and the New Anglia Local Enterprise Partnership for Norfolk and Suffolk (LEP).</p> <p>South Norfolk Council: No further comments on re-consultation.</p> <p>In further assessing the economic/public benefits of the combined proposal, the applicant has stated that the level of investment that they and Unilever will be jointly investing into the FEZ will amount to £9.6m. In addition, the food enterprise park will be investing £5.75m in delivering the necessary land and infrastructure for the FEZ including provision of the internal roads, the foul and surface</p>	
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			<p>water drainage proposals including the infiltration lagoon proposed under application no. 20181336, landscaping, connections to utilities, the provision of the vehicular access to the FEZ and the off-site highway improvement works set out in ref: 20181177 with a commitment for the provision of the later phase of off-site highway works. Potential annual business rates income generated by the proposed milling building and processing building should be borne in mind. Based upon the current situation and when applying the small business non-domestic multiplier of 0.48, it is estimated that the business rates payable on this development would be £43,391. In terms of the Community Infrastructure Levy (CIL) the proposed mill building and the adjacent processing building are CIL liable, the charge for this use is currently £6.99 per sq. m and the estimated CIL charge is £15,203 for the total development.</p> <p>Officer comment:</p> <p>Many of the reasons for objection set out in the representations above have already been assessed in the main report; further responses are set out below. The comments of the District's Environmental Health Officer in respect of the noise aspects are noted, however it is not considered to be reasonable to subtract 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 arising from the as yet unspecified FEZ developments cannot be predicted and therefore it is recommended that the noise condition from the LDO (no. 2.16) is re-imposed to serve as the permitted noise level for the entire FEZ site. It will be for the promoter and developer of the FEZ site to</p>	
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			<p>ensure that uses that are developed in combination across the site do not breach the specified noise levels within the LDO and ultimately the Authority will monitor the noise levels at the specified monitoring point at the south western corner of the site to safeguard residential amenity.</p> <p>It is noted that comment has been made that the proposed mill building and silos in themselves won't generate 25 employees. However without the mill building and silos the applicant would not develop the processing building and therefore it is considered reasonable to consider the employment generation and economic benefits of the combined development in assessing this planning application.</p> <p>The Council's solicitor has advised that in addition to the text at 9.18 the following should be added <i>'It should be noted that the EIA regulations state that a development becomes EIA Development where the applicant submits a statement they refer to as an environmental statement for the purposes of the EIA regulations. However in this case the 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 content of the statement and responses to it have however been taken into account in assessing the proposal'</i>.</p> <p>He has also advised that clarification be added to the Planning Balance at para. 9.20 in respect of the assessment of heritage assets, by adding the following text: <i>'It should be noted that the statutory duties and NPPF policies</i></p>	
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			<p><i>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 the economic benefits of the proposals are considered to be public benefits which outweigh any impact on the setting of the churches'.</i></p> <p>Finally, he has advised that although it is extremely improbable in practice for the mill building and silos to be developed in isolation without the associated processing building, it is the works to develop the processing building under the LDO which require compliance with the LDO conditions, ie strategic landscaping, surface water and foul water drainage, scheme of highway works etc. Therefore either all the LDO conditions should be re-imposed in the granting of this consent or a condition is imposed to ensure the mill building and silos can't be built without the processing building. This approach would still enable the stated benefits of the proposals to be delivered together with the associated processing building but the required necessary mitigation and works to bring forward the LDO development will take place before the proposal is brought into use. A condition is therefore necessary to ensure that the proposed development is not completed in isolation.</p> <p>Therefore an additional condition is to be imposed to state:</p> <p>Condition 8. 'The buildings hereby approved shall not be brought into use until the processing building shown on drawing no.</p>	
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			<p>5940/059 (sheet 2 of 2) received on 6 August 2018 has been constructed and brought into use.</p> <p>Reason 8. To ensure the satisfactory development of the site in accordance with Policy GC4 of the Development Management DPD 2015.</p> <p>Condition 4 and reason 4. The noise condition and the reason for the condition from the Local Development Order (no. 2.16) are to be re-imposed.</p>	
2	20181336	Land west of Blind Lane, Honingham	<p>Revised plans were submitted on 24/9/18 which alter the position of part of the planning application site; in so far as the position of the swale and culvert are moved 10m further north to give greater separation to the trees and hedgerows along the southern field boundary.</p> <p>Therefore the plan in the agenda on page. 62 has been revised to the plan attached as SS Appendix 2.</p> <p>Honingham Parish Council, Easton Parish Council, Marlingford & Colton Parish Council, the District's Conservation Officer (Arboriculture & Landscape) and the neighbouring property at Red Barn Cottage were re-consulted on 26 September 2018 and given 14 days to comment, expiring on 10 October 2018.</p> <p>Additional representations received:</p> <p>District's Conservation Officer (Arboriculture & Landscape):</p>	62 - 83

			<p>As the swale is now re-positioned it appears to be at least 16m from any of the existing trees, so there shouldn't be any excavations within the tree root protection areas (RPA's). RPA's should still be protected from intrusion during the construction works and some form of temporary construction exclusion zone being in place at the edge of the trees RPA's.</p> <p>Easton Parish Council: Object – full text of objection attached as SS Appendix 3.</p> <p>Red Barn Cottage, Blind Lane, Honingham:</p> <p>Remain concerned about the effect on their water supply, nothing is mentioned about bacterial or chemical content of the discharge which will probably continue for years until a sewer connection is made. Contamination of our drinking water supply is unavoidable. Is there an independent body that can comment on this situation?</p> <p>1 Horse & Groom Yard, Colton - additional comments:</p> <p>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.</p> <p>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.</p> <p>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</p>	
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			<p>entirely possible that any Council officer recommending their adoption in their current form would be acting ultra vires.</p> <p>Environment Agency: We have inspected the application, as submitted, and have no objection to the proposals.</p> <p><u>Infiltration Lagoon</u> We have reviewed the documents submitted online, including the Foul Water Drainage Strategy and Drawing CL-5001, and site investigation documents and are satisfied that the proposed infiltration lagoon is appropriate for this location. We do not require any further consultation on this aspect.</p> <p><u>Foul Drainage</u> We have no objection regarding the infiltration lagoon itself, but advise that a foul discharge to a contained lagoon is not recommended and that a permit would be required. As part of the permit application, the applicant would need to provide strong justification as to why a temporary facility is needed when a foul sewer connection is possible.</p> <p>Anglian Water:</p> <p>We have liaised with the applicants of the Food Enterprise Park and understand that the proposal for foul drainage does not relate to Anglian Water assets. As such we have no concerns or comments to make in relation to the Local Development Order. Should the proposed method for foul drainage change to include interaction with Anglian Water operated assets, we would wish to be re-consulted.</p>	
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			<p>Further details received from applicant's consultant:</p> <p><u>Water Quantity</u></p> <p>The site has been designed for the maximum design storm required which is 1 in 100 year plus 40% climate change. All water from the site and other areas running into the lagoon, in this design storm, have been accounted for in the size of the swales, basin, pipes and manholes for the development.</p> <p>Extensive on-site testing and the use of the required design factors means that all of this water is contained within the site.</p> <p><u>Water Quality</u></p> <p>A SuDs treatment train has been provided to treat the water run-off from all developments on the industrial estate:</p> <ul style="list-style-type: none"> • oil interceptor on each development • swales • sediment forebay / wetland • infiltration basin which has topsoil and a deep sand layer before it hits the water table. The sand layer provides the final water treatment stage. <p>This complies with the requirements of Ciria C753 - the SUDS manual. All of these features, as with any drainage system, will require regular maintenance in accordance with the</p>	
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			<p>recommendations of the SUDS manual also. The EA have also confirmed that they are happy with the proposals relating to water quality and potential effects on the ground water table.</p> <p>The applicant has confirmed that all soil arising from the excavation of the lagoon would be spread across their agricultural holding without the need for vehicles to enter onto the County roads.</p> <p><u>Officer comment:</u></p> <p>The Environment Agency has raised no objection to the proposals and confirmed that before any outfall from the temporary private foul water treatment plant can enter the drainage system the applicant will need to receive a permit from the Environment Agency which is an independent assessment of the detailed drainage proposals, only if it is deemed safe will a permit be issued. It is noted that Anglian Water also has no objection. The proposal to dispose of the soil arising from the proposed excavation within the applicant's substantial agricultural holding without vehicles transporting it using the County roads will confine the effect of the proposals to the surrounding area, which is considered to be appropriate and will not add to the vehicular movements along Church Lane.</p> <p>Revised recommendation:</p> <p>As the consultation period of the planning application expires on 10 October 2018 which is after the Planning Committee, and for clarity as it is also recommended to approve the requirements of</p>	
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			<p>condition 2.25 of LDO, the recommendation therefore is changed to:</p> <p>A) Approve the details submitted under condition 2.25 of the Local Development Order; and</p> <p>B) To delegate authority to the Head of Planning to APPROVE the planning application, subject to no new material issues being raised before the expiration of the consultation period and subject to the following conditions:</p> <p>- Condition 5. Add a condition requiring a temporary construction exclusion zone being in place at the edge of the trees RPA's during the construction phase.</p> <p>Revise the schedule of plans and documents specified by substituting Dwg. Nos. 18-094-01A; CL-1030 rev. P3; CL-5001 rev. P2; CL-1025 rev. P2 with 18-094-01B; CL-1030 rev. P4; CL-5001 rev. P3; CL-1025 rev. P3.</p>	
4	20172208	Land adj. Mahoney Green, Rackheath	<p>Following further discussion with the Highway Authority, condition (21) should be amended to read: "Development shall not commence on the site until the Traffic Regulation Order for the extension of the 30 mph speed limit on Green Lane West <i>across the whole of the site frontage</i> has been promoted by the Local Highway Authority". This amendment is to make the condition more precise.</p> <p>The Council's independent viability appraisal is attached as SS Appendix 4 and confirms that the scheme is viable with 33%</p>	100 - 157

			affordable housing.	
5	20180950	24 Cromer Road, Hellesdon	<p>The following is included for information:</p> <p>If this development is approved, the layout for the car park and servicing area serving the retail store and residential unit approved as part planning permission reference 20140700 will need to be varied as illustrated on the revised block plan [drawing no. 4697-PL1A. This will require the submission of a S73 Application seeking to vary the car parking and service area layout for the retail store and residential unit as originally approved.</p>	158 - 171
Agenda item 6	20181177	Church Lane, Honingham	<p>Additional representations received:</p> <p>1 Horse & Groom Yard, Colton - additional comments:</p> <p>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.</p>	172 - 186

			<p>Easton Parish Council: Object, full text of objection attached as SS Appendix 5.</p> <p>Joint comments received from Easton and Marlingford & Colton Parish Councils: Attached as SS Appendix 6.</p> <p>Officer comment:</p> <p>It should be noted that the scheme of highway works under the LDO are to be delivered through a Section 278 agreement with the Highway Authority who will administer, manage and inspect the works. A safety audit will be carried out by the Highway Authority as part of their agreement. The Highway Authority raises no objection to the interim proposals or the triggers for the later phase of the scheme of highway works. Policies 12 and 13 of the ENP, which are in respect of traffic and sustainable transport modes, do not form part of the development plan but are material considerations. It is considered that as the Highway Authority has no objection to the approval of condition details and further consideration will be given to the remaining highway scheme of works then the proposals are acceptable against policies 12 and 13 of the ENP.</p> <p>The Council's solicitor has advised that the recommendation should be re-worded to include an implementation requirement but this is not considered to be necessary as condition 2.21 of the LDO adequately addresses the implementation of the scheme of highway works. He has also suggested that the trigger for the later phase of highway works under part ii) is re-worded and this is to be revised to:</p>	
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			<p>‘....These works shall be carried out as approved and brought in use prior to completion of 10,000sq. m of development floorspace on the LDO, unless otherwise determined by the Local Planning Authority where appropriate circumstances apply, including but not limited to, if a high traffic generator is proposed within the LDO or if direct access to the A47 can be achieved’.</p>	
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Application No: 20181294
Greater Norwich Food Enterprise Zone, Red Barn Lane, Honingham

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



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Application No: 20181336
Land west of Blind Lane, Honingham

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



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Easton Parish Council

www.eastonparishcouncil.co.uk

Mr Rooke
Broadland District Council
Planning Department
Thorpe Lodge,
1 Yarmouth Road,
Norwich, NR7 0DU

30 September 2018

Dear Mr Rooke,

Re Planning Application 20181336

Further to our telephone conversation of Friday and to avoid any doubt Easton Parish Council **objects** to the above planning application until such time as all outstanding matters have been addressed and the deliverability of the scheme is proven.

Brown & Co stated in a letter dated 17th September 2018 that the proposal would fall within the scope of paragraph 13(b) of Schedule 2 of the 2017 EIA Regulations as an extension to an authorised industrial estate project (paragraph 10(a)). The proposal would exceed the relevant threshold criteria in column 2 as the site exceeds the 0.5 hectare threshold for industrial estate project.

The applicable authorised project to which the extension applies is the site of the Local Development Order (LDO). The sole use of the lagoon is to effect the LDO and therefore we would argue is also an extension to the LDO which we believe should be a decision for the full Council and a further public consultation. You must appreciate that any intention that this application is a revision to or a further Development Order proposal has implications of pre-consultation under the Localism Act, reinforcing the need to invalidate this application.

You state in the committee papers that it is your contention this scheme falls under Category 10(b) of Schedule 2 – “Urban development projects, which including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”. This is at odds with the developer’s interpretation of the proposal and makes a false representation of incorrect information to the Planning Committee. A lagoon is clearly none of the above structures.

There are other inaccuracies in the application process which should invalidate the application namely;

Contact details: Cllr P Milliken Chairman, Easton Parish Council C/O 29 Woodview Road, Easton, Norwich, NR9 5EU
Tel: 01603 881035 Email: chair@eastonparishcouncil.co.uk

1. The full name of the applicant is not stated and whether he is acting as an individual or representing a company.
2. The covering letter to the application is dated 19th January 2018.
3. The application dated 14th August incorrectly stated the area as 20071m² and that Certificate A was submitted by the Applicant but the agent's details were given. This was corrected in the amended application received 11th September but the original dated remained. It is evident that the amendments were not carried out on 14th August and the legality of the second submission is suspect.
4. If the date of the amended application is assumed as 11th September (date of receipt), the date of Certificate A becomes invalid as it is greater than 21 days before the assumed date of the amended application.
5. The CIL Form is dated 10th August and is therefore invalid as it predates both the original and amended applications.
6. There are other anomalies on the application form which appear to be inconsistent with other details submitted. Item 8 states there is no access from the public highways but there is no other way lorries can access the site to remove spoil. Item 14 states that the plans do not incorporate areas to store and aid the collection of waste – excavated subsoil for disposal off-site is a waste material and areas for temporary spoil heaps should be incorporated into the planning areas. Item 18 states that the development will not require the employment of staff but maintenance requirements will involve labour.
7. The applicant has stated that some of the excavated material will be spread adjacent to the lagoon. These areas should be shown as part of the site but they are not.

Until such time as the legal standing of this application has been proven we would suggest to the planning committee that a discretionary approach should be adopted in relation to deciding the validity of this application and that counsels' option is sought to bring clarity to this matter.

Should the planning committee decide to ignore the concerns that we have raised we would wish to draw your attention to the following points Anglian Water and the Environment Agency have as yet provided no response to the revised plans and the consultation is still open and the public have the right to scrutinise these responses before a final decision is made.

The Environmental Health Officer for Broadland has stated that the applicant should provide evidence to show that septicity and subsequent odour will not arise before planning permission is granted for this type of discharge. It is our understanding to date no evidence has been provided.

We still have major concerns in relation to the disposal of foul water and the installation of a temporary private treatment plant. We would look to be assured that any plant is designed to cater for employee and visitor numbers which are in line with your job creation report to Defra as part of the LDO process.

We would also like to suggest that the following conditions are added to any final decision that is made.

1. All permissions must be obtained for the disposal of arisings from site before work commences.
2. A written agreement that no public highway is to be used for the movement of arisings
3. A bond payable to ensure compliance with the removal of the private treatment plant and its associated infrastructure once the first 20,000sq. m of development floorspace has been achieved or 5 years after commissioning which every is the sooner. This is in an effort to give full comfort that this is a temporary measure and not a long-term solution should suitable enterprise not be attracted to the development site.

We note that you have extended the remit of this application to include approval of the details of condition 2.25 of the Local Development Order. Please advise your authority for this as we have not seen a written application from the developer for this to be considered.

The recommendation for approval of the 20181336 is conditional and therefore cannot discharge the condition of another planning application. Also condition 2.25 of the LDO requires formal acceptance from Anglian Water for the temporary sewerage treatment plant which we understand has not been issued. The foul water drainage strategy drawing was not submitted until 17th September (revised 24th September) and is still within the consultation period. Currently we are still considering this design and may wish to comment later.

The foul water pumping station is again outside the area of the LDO site and will require separate planning approval. Even if the temporary solution of a sewerage plant is acceptable as an interim solution, the permanent solution will require approval, including a separate planning approval by South Norfolk, before this can be discharged.

Both the surface and foul schemes will require maintenance agreements by the site owner (not necessarily the developer) which may be under separate third party contracts. Full details will be required in the discharge of condition 2.25.

Yours sincerely

Cllr Peter Milliken
Chair Easton Parish Council



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STRICTLY PRIVATE & CONFIDENTIAL

REPORT ON BEHALF OF
BROADLAND DISTRICT COUNCIL
REVIEW OF VIABILITY CASE
SUBMITTED ON BEHALF OF
TAYLOR WIMPEY UK LTD & OTHERS
IN RESPECT OF
LAND ADJACENT MAHONEY GREEN RACKHEATH
APPLICATION: 2017/2208

24th September 2018

1.1 Purpose of the Report

This report is prepared by Stuart Bizley BSc MRICS on behalf of Broadland District Council for the purpose of advising on the Viability Appraisal dated 22nd June 2018 prepared by RG&P on behalf the applicant Taylor Wimpey UK Ltd and others and submitted in support of the planning application for land adjacent to Mahoney Green Rackheath (2017/2208).

1.2 The Development

The site comprises two parts and is situated on the northern western outskirts of the village of Rackheath with one part having frontage to Green Lane West and the other being situated to the east of the newly constructed Broadland Northway. The site extends to 12.22ha (30.1 acres) and currently comprises vacant land, paddock and woodland.

The application is in outline and is for the residential development of up to 205 dwellings with associated works. The viability appraisal assumes the provision of 68 affordable homes (33%).

The indicative layout submitted with the application shows housing development on the land with frontage to Green Lane East extending to 8.1ha (20 acres) and the remaining land to the east of Broadland Northway as informal open space (4.12 ha/10.17 acres)

1.3 The Viability

The applicants have submitted a viability appraisal together with some supporting evidence seeking to demonstrate that the viability of development is sufficient to provide the developer with a competitive return and that the land value is at or above the minimum that a reasonable landowner would be willing to sell on the basis of the provision of 68 Affordable Homes. The submitted viability appraisal can be summarised as follows:

Open Market Sales	£38,122,131
Affordable Sales	£7,288,000
Gross Development Value	£45,410,131
Site Acquisition Costs	£236,500
Construction and site infrastructure	£28,910,691
CIL & s106	£1,649,913
Sales and Marketing costs	£1,115,211
Finance Costs	£1,644,084
Developer Profit	£8,061,706
Total Costs	£41,618,105
Land Value	£3,659,250
Surplus	£132,776

The information submitted in support of the viability is reasonably comprehensive although there limited explanation and justification for the inputs used and assumptions made. A full review and examination of the submitted appraisal has been undertaken and the methodology is found to be sound.

1.4 Review of the Viability Appraisals

1.4.1 Gross Development Value – This is the total proceeds anticipated from the sale of the completed development of both the open market and affordable units. A mix of house types is assumed for the 137 open market units and the sales prices assumed are based upon an overall rate of £2733/m2 (£254/ft2) for the market housing. Comparable evidence has been provided and whilst in reality different house types will sell at different rates in overall terms in our opinion the gross development value of the market homes at £38,122,131 to be reasonable. The value applied to the Affordable Housing of £7,288,000 is based upon an offer received from a provider and whilst no evidence in support of this has been provided we consider it to be fair.

1.4.2 Site Acquisition Costs – These costs cover legal and agents fees as well as SDLT (Stamp Duty) on the purchase of the land based upon the Land Value of £3,659,250. The total sum of £236,500 is appropriate.

1.4.3 Construction and Site Infrastructure – the appraisals base the construction cost by using the BCIS index. A base build rate of £1167/m2 has been applied together with an addition for external works (including site infrastructure) and abnormal costs. A schedule of abnormal cost totalling £3,337,097 has been provided although no justification or explanation has been given, however, if any the costs were to be disregarded the viability of the development would be improved. Professional fees have been assumed at 6% in addition to which an allowance has been made for planning, building regulation and NHBC fees. We consider that the cost applied in the appraisal is reasonable having regard to the information currently available.

1.4.4 CIL and s106 Costs – a sum for CIL of £1,462,712 has been applied which we consider to be appropriate. Also allowance has been made for other s106 costs of £187,201.

1.4.5 Sales and Marketing Costs – this item relates to the cost of sale of both the market and affordable homes and includes agent and legal fees as well as other marketing costs. We consider the total sum of sum assumed of £1,115,211 to be fair.

1.4.6 Finance Costs – the funding cost of the development is based upon a construction and sales period totalling 54 months which is a reasonable assumption for the development proposed. The interest rate applied is 6 %

with no additional allowance for fees. Based upon these assumptions the calculation of the finance cost of £1,644,084 is demonstrated by a cashflow provided. We consider this cost and assumptions to be reasonable.

1.4.7 Developer Profit – a developer profit return of 20% has been assumed on the market homes and 6% on the affordable homes. These profit levels are in accordance with normal practice with lower return being applied to the affordable units to reflect the reduced risk.

1.4.8 Land Value and Viability – The Land Value for the site has been assumed to be £3,359,250 which when taking account of the income and costs associated with the development generates a surplus of £132,776 which is in effect additional a land value. The land value has been calculated based upon an overall plot value of £17,850 for the 205 dwellings. No evidence or justification has been provided in support of the land value assumed but on the assumption that it is appropriate the viability appraisal supports the applicant's contention that the development is viable based upon the provision of affordable housing at 33%.

Based upon the overall site area the site value equates to £274,898/ha (£111,603/acre) and based upon the developable part of 8.1ha it equates to £382,716/ha (£154,940/acre) after making an allowance for the value of separate open space area (4.12ha)

1.5 Discussion and Conclusion

Guidance from the Royal Institution of Chartered Surveyors sets out in the publication 'Financial viability in planning' (RICS 2012). The test for viability is that the evidence indicates that based upon current values and costs a competitive return to a willing developer and willing landowner can be achieved. However, since the publication of the NPPF on the 24th July the test for viability has been changed in that for a landowner the site value for the purposes of considering viability cases should now be regarded as the minimum price a reasonable landowner would be prepared to sell their land.

In our opinion, although it is marginal, the assumed land value of £3,359,250 would have passed the test as providing the landowner with a 'competitive return' under the 'old rules' and therefore also considering it in the context of the latest guidance on viability introduced by the NPPF we are able to confirm that the proposed development is viable on the basis of providing affordable housing at 33%

Stuart Bizley BSc MRICS

24th September 2018



Easton Parish Council

www.eastonparishcouncil.co.uk

Mr Rooke
Broadland District Council
Planning Department
Thorpe Lodge,
1 Yarmouth Road,
Norwich, NR7 0DU

30 September 2018

Dear Mr Rooke,

Re Planning Application 20181177 and Triggers for Scheme of works Under Condition 2.20 of the Local Development Order

Further to our telephone conversation of Friday and to avoid any doubt Easton Parish Council **objects** to the above planning application and the triggers for the scheme until such time as all the outstanding matters raised have been satisfactory answered.

The Government Planning Portal confirms that there are no national requirements for applications for approval of conditions **except that they should be in writing**. The application in this case appears to be an e-mail from James requesting partial discharge of condition 2.20. The e-mail advises that the drawings have been sent to NCC as the Highway Authority for section 278 agreement.

The wording of the 2.20 is clear and unequivocal in that it relates to the whole LDO scheme and this is what must be considered to fully discharge the condition. Partial discharge for an interim proposal up to the first trigger but does not discharge the full pre-commencement condition which therefore remains in place.

There is no authority within the LDO to support the recommendation of officers in the committee papers. The LDO is for 50,000m² of buildings and the proposal now limits this to 10,000m² with a pre-commencement condition on the remaining 40,000m².

We are extremely concerned that you do not consider that any road improvements are necessary prior to construction. It should be evident that the volumes of construction traffic required for the site infrastructure alone poses a safety risk as great as that after occupation.

We note that the agreement by HA to the interim solution is conditioned by the requirement for a detail design check and a Stage Safety Audit. This negates discharge of the condition 2.20 as a Safety Audit should be essential in compliance with the reasoning behind the condition in the LDO. This is not mentioned in the committee papers and It is assumed that though its recommendation for approval Broadland accepts full responsibility for all safety issues associated with the design for the interim solution by ignoring the recommendation of the HA for design checks and the submission of a safety audit.

The committee papers do not indicate whether the s278 Agreement has been signed and we suggest that this must be conditional to approval. We consider that this legal document should cover the full requirements of the completed LDO with any acceptable interim solution and necessary triggers with an appropriate full bond with release percentages based on the triggers.

Notwithstanding these procedural observations, we do not believe that we have been given an appropriate amount of time to consider the triggers in the context of this application. On analysing the document that was sent to us it was created on the 24/09/2018 at 08:49 amended at 14:54 with you named as the author and received on our email system at 15:04. You advised us we had until midday on the 1 October to respond. We provided you a provisional response to these matters on the 26th September but as yet have had no response to our concerns. Your deadline has given us only 4 full working days to consider this matter in more depth and to seek the necessary professional advice to take before the parish council. It should be noted as a parish council it is impossible to convene a public meeting to discuss these matters in such a short amount of time, to convene a meeting we must give 3 clear days to advertise the meeting not including the day the meeting notice is posted. We request a time extension to enable this matter to be considered by the full parish council.

It is our considered view that should an extension not be granted and the planning committee approve this application at its meeting on the 3rd October 2017 our legitimate expectation to have been given as a consultee a meaningful and full opportunity to respond in an informed manner has been breached. I refer you to *R v N E Devon HA ex p Coughlan* [2001] QB 213. At [108] and *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)

Whilst you appear to accept that the partial discharge (phase 1) proposals are an interim solution suitable for limited occupation, we remain adamant that a full scheme should be implemented irrespective of levels of occupation as our previously reported concerns and unanswered questions, which are repeated below. (See also the joint letter dated 26th September 2018 from Marlingford and Colton and Easton)

1. The s106 agreement with the land owner restricts access to the LDO to a route from the Easton roundabout via Church Lane and Red Barn Lane. This submission restricts upgrading to Church Lane only. If it is the intention to restrict all access to the site to a single entry/egress position specifically not using Red Barn Lane, we suggest a revised S106 is required. Alternatively, should the developer wish to use another entrance either for construction purposes or an additional entrance, suitable upgrades must be considered for Red Barn Lane. The application 20181336 for the surface water lagoon and heavy engineering to the western boundary of the LDO site will add to the burden of HGVs using both Church Lane and Red Barn Lane, reinforcing the need for road improvements to the full length of the s106 route.
2. Consultation for the LDO was concerned that the s106 and road improvement should consider both construction and occupation with the timing of the various works under condition 2.20 covered by condition 2.21. We do not consider these two conditions can be dealt with separately.
3. Information provided within various submissions concerning these works suggests that the applicant considers the proposals are temporary in nature on the assumption that a permanent direct access from the A47 will replace this route. This is by no means certain and the section 278 works must be considered as the permanent permitted access solution to the LDO site. If and when definitive proposals and timescales for the A47 become certain, revisions and downgrades to these proposals may be considered appropriate as dictated by the agreed timing of the works under condition 2.21.
4. Of the six elements under condition 2.20, the first two, "Realignment/change of priority at the junction of Dereham Road/Church Lane" and "A right turn lane from Dereham Road into Church Lane" are alleged as not necessary at this time due to the modest traffic movements. The applicant does not evidence the reasoning or changes which underline this statement. The intention of condition 2.20 is for the design to reflect the full capacity and total traffic usage for the LDO site. Any phasing of the highway works to suit the occupation phasing is a matter for condition 2.21. It is understood that the reference to modest traffic movements relates to the proposal for a Milling Plant as the first occupant. This is irrelevant to condition 2.20 which should address full occupancy and site construction traffic, which is likely to be extensive from day one.
5. Element six, the closure of Blind Lane is alleged as not necessary at this time due to the uncertainty of the proposed A47 dualling works. Again this can only be considered if and when definitive proposals for the A47 and timescales become certain. In the interim the situation as assessed by NCC at the time of the LDO consultation remains.
6. What is the precedent for passing bays on a permitted HGV route? We consider that the precedent is for a 6.5m wide carriageway established under planning application 20050708 for the adopted length of Grange Lane in the access to Honingham Thorpe Farm. This historic application noted the

intention of this new road was a more direct access to the Easton roundabout (and A47) for farm traffic including caterpillar tractors, combined harvesters, sugar beet lorries and potato lorries, from Honingham Thorpe Farm. The LDO site will add to this volume of HGV traffic which is not given any consideration in this S278 design nor appears to have been considered in the original EIA Screening Opinion for the LDO.

7. A 1.5m wide trod is inadequate as the solution to pedestrian and cycling access to the site. The precedent of a 3m wide trod is established by South Norfolk in the details for the 890 homes at Easton. The proposed 1.5m width does not even allow for cyclists passing. The minimum width recommended by Sustrans Handbook for Cycle Friendly Design is 2.5m to allow cyclists to safely pass. With the shared pedestrian usage, we support South Norfolk in its requirement for 3m wide pathways.
8. The trod simply stops at the junction of the new site entrance and there are no details how pedestrian and cycle access within the development to individual plots is to be effected. The proposals are simply paying lip service to the provisions of the NCC Walking and Cycling Strategy which promotes encouraging people to walk and cycle under planning as its statement “New developments, both housing and employment, provide the opportunity to create attractive environments and to build in coherent, convenient and safe links for walking and cycling.”
9. Notwithstanding our concerns regarding the inadequacy of a series of passing bays, we do not consider shared use of these with cyclists and pedestrians using the trod to be acceptable. Cyclists and pedestrians must be kept separate from motor vehicles and HGVs.
10. Drainage to the passing bays is proposed by a SUDs system of soakaways. The drainage assessment for the LDO concluded that “the ground conditions are not suitable for infiltration drainage”. We query whether further checks have been carried out to establish different conditions on the road verges to those encountered on the LDO site which allows this solution.
11. The visibility splay east of the new entrance notes that for the majority of its 125m length the existing hedge will have to be removed and replanted. Please confirm that all necessary permits for changes of the highway boundary and consultations with South Norfolk have been agreed under the Hedgerow Regulations.
12. The visibility splays at the proposed entrance appears to be designed for vehicles exiting the site only but does not consider other traffic at the bend on the existing highway. The wide area of verge at the bend of a narrow rural road provides visibility for traffic, legally travelling at up to 60mph, to see vehicles approaching from the opposite direction. This principle is negated by 16.5m long articulated lorries exiting the site and obscuring these lines of sight. There are other issues which are particular to Easton village.
13. The proposals to cater for HGVs in the vicinity the Grade 1 Listed Church of St Peter are in conflict with ENP policies 1 and 4. The proposal (marked insert

A, drawing no CL-1010 Rev P3) indicates that a critical part of the existing screening will be removed and would potentially lead to degradation in the setting of the Church.

14. The issue of car parking at the church is set out in the letter of 23rd July 2018 is not considered in the submission. Should the current proposal be agreed it will make the area around the church dangerous for anyone trying to visit.
15. With regard to insert B drawing no CL-1010 Rev P3 which shows a pram crossing, given the proximity to the bend a more formal approach to crossing the road at this point needs to be constructed. We believe in the interests of safety for pedestrians who have difficulty crossing a road within a few seconds a better solution is required at this position where vehicles are still decelerating out of the 60mph zone.
16. Application 20181336 shows the site access with a footpath to one side which is not shown on application 20181177. Will this application be amended to allow pedestrian access to the site?
17. Does this application need to be reconsidered against the extra site traffic associated with the lagoon, which has been submitted as partial discharge of condition 2.27, along Red Barn Lane as the permitted route under the s106 Agreement?
18. Has the request from Marlingford and Colton Parish Council that the proposed exit from the site be restricted to left-turn only for HGV's been agreed?

Yours sincerely

Cllr Peter Milliken
Chair Easton Parish Council

From: Peter Milliken
To: [Matthew Rooke](#)
Cc:

Subject: Food Hub, Honingham: Planning Application ref 20181177 - Discharge of Condition and 2.21
Date: 27 September 2018 11:05:32
Attachments: [180926 Food Hub Honingham Planning Application ref 20181177 Discharge of Condition and 2.21v2pmi JB.pdf](#)

Dear Matthew,

Please find attached a joint response in relation the above, given the concerns raised we must reiterate our opposition to these proposals and request that you reconsider your recommendation in light of our comments.

We note that on the planning committee papers for the meeting on the 3 October 2018 there is a major error on page 25. This page relating to application 20181294, states 'no comments received to date' from Easton Parish Council regarding this application. This is a gross misrepresentation of the facts to the committee members and the wider audience.

We are still awaiting a formal response to the numerous questions that we have raised within this and the other two outstanding applications. see email sent 9/18/2018 at 12:45 AM plus the numerous other emails and letters that have been sent since.

Within any consultation the information provided must be meaningful and give the consultee the full opportunity to respond in an informed manner otherwise that consultation process can be seen in the eyes of the law as potentially flawed. I refer you to R v N E Devon HA ex p Coughlan [2001] QB 213. At [108].

It has also been brought to our attention that planning application 20181336 is to have a 14 Day Reconsultation period, please confirm that this application is to be withdrawn from consideration on the 3rd of October.

We look forward to receiving your urgent response in relation to these matters.

Regards

Peter Milliken
Chair of Easton Parish Council

Joint Letter from: Easton, Marlingford & Colton Parish Councils

Mr Rooke
Broadland District Council
Planning Department
Thorpe Lodge,
1 Yarmouth Road,
Norwich, NR7 0DU

26 September 2018

Dear Mr. Rooke,

Food Hub, Honingham: Planning Application ref 20181177 - Discharge of Condition and 2.21

We thank you for your e-mail dated 24th September 2018, informing us of the triggers under condition 2.21 for the works required under condition 2.20 and copies other correspondence related thereto. Your decision to allow consultation of this matter is appreciated.

It is noted that this application is included on the agenda for consideration by the Planning Committee on 3rd October 2018.

We are surprised that you consider that sufficient detail has been submitted for this scheme to be considered, let alone the recommendation for approval.

The letter from NCC as the Highway Authority dated 17th September 2018 confirms that the HA considers that the passing bays and pedestrian facilities (Parts III and IV) are appropriate as an interim measure. This interim solution (phase 1) is recommended for approval qualified with the introduction of a further subsequent condition for submission and agreement of the full scheme (phase 2). We fail to understand how an interim solution satisfies the requirement for agreement of the pre-commencement condition for the completed LDO.

If you and HA agree that an interim solution is acceptable, this should be covered under condition 2.21. Condition 2.20 must reflect what is required for the completed development.

Full discharge of pre-commencement conditions is an important consideration to ensure that the design is achievable within the confines of the location, constraints and legislation.

Contact details:

Julian Blackmore, Tel: 01603 881426 Email: julian.blackmore@btinternet.com
Peter Milliken, Tel: 01603 881035 Email: chair@eastonparishcouncil

The work is subject to an s278 Agreement and it is essential that the developer is committed though a bond for the full extent, accepting phasing triggers, at the outset allowing completion by HA against default. However unlikely, in the event of default the bond must be appropriate to ensure the cost of carrying out phase 2 is not at the expense of the taxpayer.

We are extremely concerned that you do not consider that any road improvements are necessary prior to construction. It should be evident that the volumes of construction traffic required for the site infrastructure alone poses a safety risk as great as that after occupation.

Your support of the inadequate proposals within 20181177 for condition 2.20 and the disregard under condition 2.21 for any measures during construction ignore the reason why these conditions were considered necessary in the LDO. In case you have forgotten, we reprint this as:

Reason – In the interests of highway safety, to safeguard residential amenity, to provide adequate protection to the natural environment and to ensure the satisfactory development of the site, having regard to the rural setting.

Without any improvement prior to start of the works, the HGV traffic required for the construction is contrary to this stated reason.

We note that the agreement to the interim solution of HA is conditioned by the requirement for a detail design check and a Stage Safety Audit. This negates discharge of the condition 2.20 as a Safety Audit should be essential in compliance with the reasoning behind the condition in the LDO. [Para. 5.6 of the Committee papers does not mention this condition]

We must assume that though its recommendation for approval Broadland accepts full responsibility for all safety issues associated with the design for the interim solution by ignoring the recommendation of the HA for design checks and the submission of a safety audit.

The request by Marlingford & Colton Parish Council for HGVs to be restricted to a left turn only when exiting the site is stated in the papers as not considered to be necessary, but without adequate consideration of residents' concerns nor any convincing explanation. It is noted that the Applicant anticipates and requires vehicles to be able to turn right to provide interconnection of the vehicles between the LDO and Honingham Thorpe Farm [Para 5.11]. This would then constitute access to the site which is prohibited by the s106 Agreement requiring access from the A47 Easton roundabout. The s106 permits the use of Red Barn Lane only to the extent that the site entrance can be situated off this road. The Applicant does not indicate the extent of traffic anticipated and whether this will be HGVs. We would accept to the use of HGVs on Red Barn Lane only if usage is fully defined and any

necessary upgrades to the road and introduction of pedestrian/cycle facilities considered as those for Church Lane.

Generally, we are pleased to note that the proposals under 20181177 are an interim solution and the 1.5m wide trod is for pedestrian use only. We look forward to seeing the solution for the completed LDO development.

However, there are technical questions raised in our letter dated 24th August 2018 which we feel should still be addressed for the interim proposals. These are: [Para numbering as letter 24.08.178]

9. The trod is proposed to one side only and stops at the junction of the new site entrance. There are no details how pedestrian access connects to the pavements on both sides of the estate road within the development.

10. Notwithstanding our concerns regarding the inadequacy of a series of passing bays, we do not consider shared use of these with pedestrians using the trod to be acceptable.

11. Drainage to the passing bays is proposed by a SUDs system of soakaways. The drainage assessment for the LDO concluded that “the ground conditions are not suitable for infiltration drainage”. We query whether further checks have been carried out to establish different conditions on the road verges to those encountered on the LDO site which allows this solution. [Para. 5.2 does not consider whether the ground conditions are suitable for soakaways]

13. The visibility splays at the proposed entrance appears to be designed for vehicles exiting the site only but does not consider other traffic at the bend on the existing highway. The wide area of verge at the bend of a narrow rural road provides visibility for traffic, legally travelling at up to 60mph, to see vehicles approaching from the opposite direction. This principle is negated by 16.5m long articulated lorries exiting the site and obscuring these lines of sight. (It is assumed this will be considered by the Safety Audit)

We beg to differ with your conclusion that the designs “are sensitive to the Grade 1 listed church and special regard has been had to the desirability of preserving the setting of the Grade 1 listed Church of St Peter”. [Para 5.10] A new specific to HGVs restricting access from the village use can hardly be described as “protect and enhance” as ENP1 & 4. The interim Priest in charge notes that traffic on the A47 has already had an impact on the medieval foundations which will be accentuated by more HGVs on the other side of the church. [Para. 2.8]

We are concerned that the measures detailed within ENP 12 & 13 have been ignored, these policies were written by the Leader of Broadland Council Cllr Shaun Vincent, with the over willing support of the residents of Easton, they were adopted in September 2017 through a referendum and subsequently adopted by South Norfolk Council.

Failure to take full notice of these policies brings into question the democratic will of the people and brings into question compliance with the Neighbourhood Planning Act 2017.

The following plans, documents and strategies support Policies 12 & 13:

National Planning Policy Framework,
Joint Core Strategy for Broadland, Norwich & South Norfolk (January 2014),
Development Management Policies Document (October 2015)
Site Specific Allocations and policies Document (October 2015)
South Norfolk Place Making Guide SPD (2012)
Easton Parish Plan (2005)
ENP Sustainability Appraisal Report (2016)

We contend that the requirements under policy 12.1 have not been met, the developer has not provided any indication of the amount of traffic to be generated during construction phase and its accumulative effect. Under ENP12.2 no formal assessment of the potential impact of this traffic has been undertaken. No measures have been forthcoming to mitigate any negative impacts to road safety, pedestrians, safe road crossings, cyclists and parking during the construction phase.

Policy 13 looks to ensure that development enhances and encourages the use of sustainable transport modes through the provision of footpaths, cycleways and public transport. As a parish council we appreciate that public transport may not be possible however both the provision of a footpath and a cycleway is achievable and in fact is a condition of the LDO.

Before any work commences on the LDO site or associated projects and in compliance with policy 12 & 13 a safe fully audited and compliant plan needs to be devised that caters for pedestrians, cyclists and motor vehicle users of Church Lane a derestricted country lane and can be shown to be fully deliverable at both trigger points.

There are practical considerations relating to highways which should be considered as part of the s278 Agreement as they are not covered in the poorly conceived LDO. Mud from the site being transported onto the public highway is a major safety hazard, particularly on such a narrow, speed derestricted country road.

The triggers do not even require the site entrance to be constructed before the work commences. All site traffic will be leaving a potentially muddy site straight onto the highway.

Although the contractor(s) will be responsible for cleaning the highway, control seems to have been left to enforcement rather than prevention by conditions such as wheel cleaning prior to exiting site.

Given the concerns raised we must reiterate our opposition to these proposals and request that you reconsider your recommendation in light of our comments. We look forward to receiving your urgent response in relation to these matters.

Yours sincerely

Cllr Julian Blackmore

Cllr Peter Milliken

Chair Marlingford and Colton Parish Council

Chair Easton Parish Council