

Development Management Committee

Agenda

Members of the Development Management Committee:

Cllr V Thomson (Chairman)
Cllr L Neal (Vice Chairman)
Cllr D Bills
Cllr J Halls
Cllr G Minshull

Date & Time:

Monday 20 September 2021
10.00am

Place:

Council Chamber South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Leah Arthurton tel (01508) 533610
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

PUBLIC ATTENDANCE / PUBLIC SPEAKING

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

If a member of the public would like to observe the meeting in person, or speak on an agenda item, please email your request to democracy@s-norfolk.gov.uk, no later than **5.00pm on Wednesday 15 September 2021**. Please see further guidance on attending meetings at page 2 of this agenda. **Places in the Council Chamber are limited and will be allocated on a 'first come first served' basis.**

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

Public Speaking and Attendance at Meetings

All public wishing to attend to observe, or speak at a meeting, are required to register a request by the date / time stipulated on the relevant agenda. Requests should be sent to: democracy@s-norfolk.gov.uk

Public speaking can take place:

- In person at the Council offices

Please note that there are limited spaces in the Council Chamber and we cannot guarantee that you will be permitted to attend this meeting in person

Democratic Services will endeavour to ensure that each relevant group (ie. supporters, objectors, representatives from parish councils and local members) can be represented at meetings for public speaking purposes.

All those attending the meeting in person must, sign in and arrive/ leave the venue promptly. The hand sanitiser provided should be used and social distancing must be observed at all times. Further guidance on what to do on arrival will follow once your initial registration has been accepted

Meeting cancelled
Application withdrawn by Applicant

GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT

The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare a Local Plan to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted by South Norfolk Council in March 2011, with amendments adopted in 2014. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector, the policies within the plan can be given full weight when determining planning applications. A further material planning consideration is the National Planning Policy Framework (NPPF) which was issued in 2018 and its accompanying Planning Practice guidance (NPPG).

South Norfolk Council adopted its Local Plan in October 2015. This consists of the Site-Specific Allocations and Policies Document, the Wymondham Area Action Plan, the Development Management Policies Document. The Long Stratton Area Action Plan was also adopted in 2016. These documents allocate specific areas of land for development, define settlement boundaries and provide criterion-based policies giving a framework for assessing planning applications. The Cringleford Neighbourhood Development Plan was also made in 2014, Mulbarton Neighbourhood Development Plan made in 2016 and Easton Neighbourhood Plan made in 2017, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes.

The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

THEREFORE, we will:

- **Acknowledge the strength of our policies, and**
- **Be consistent in the application of our policy**

Decisions which are finely balanced and contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.

OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.

AGENDA

1. To report apologies for absence and to identify substitute members;
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
3. To receive Declarations of interest from Members;
(Please see guidance form and flow chart attached – page 7)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday, 1 September 2021;
(attached – page 9)
5. Planning Applications and Other Development Control Matters;
(attached – page 14)

To consider the items as listed below:

Item No.	Planning Ref No.	Parish	Site Address	Page No.
1	2018/2631/F	SWAINSTHORPE	Land west of Norwich Road Swainsthorpe Norfolk	14

Updates received after publication of this agenda relating to any application to be considered at this meeting will be published on our website:

<https://www.southnorfolkandbroadland.gov.uk/south-norfolk-committee-meetings/south-norfolk-council-development-management-planning-committee>

6. Sites Sub-Committee;

Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.

7. Date of next scheduled meeting- Wednesday 22 September 2021

GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

- (i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
- (ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
- (iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
- (iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
- The **town or parish council** - up to 5 minutes for member(s) or clerk;
- **Objector(s)** - any number of speakers, up to 5 minutes **in total**;
- The **applicant**, or **agent** or any **supporters** - any number of speakers up to 5 minutes **in total**;
- **Local member**
- Member consideration/decision.

MICROPHONES: The Chairman will invite you to speak. An officer will ensure that you are no longer on mute so that the Committee can hear you speak.

WHAT CAN I SAY AT THE MEETING? Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

A - Advert	G - Proposal by Government Department
AD - Certificate of Alternative Development	H - Householder – Full application relating to residential property
AGF - Agricultural Determination – approval of details	HZ - Hazardous Substance
C - Application to be determined by County Council	LB - Listed Building
CA - Conservation Area	LE - Certificate of Lawful Existing development
CU - Change of Use	LP - Certificate of Lawful Proposed development
D - Reserved Matters (Detail following outline consent)	O - Outline (details reserved for later)
EA - Environmental Impact Assessment – Screening Opinion	RVC - Removal/Variation of Condition
ES - Environmental Impact Assessment – Scoping Opinion	SU - Proposal by Statutory Undertaker
F - Full (details included)	TPO - Tree Preservation Order application

Key to abbreviations used in Recommendations

CNDP - Cringleford Neighbourhood Development Plan

J.C.S - Joint Core Strategy

LSAAP - Long Stratton Area Action Plan – Pre-Submission

N.P.P.F - National Planning Policy Framework

P.D. - Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified)

S.N.L.P - South Norfolk Local Plan 2015

Site Specific Allocations and Policies Document

Development Management Policies Document

WAAP - Wymondham Area Action Plan

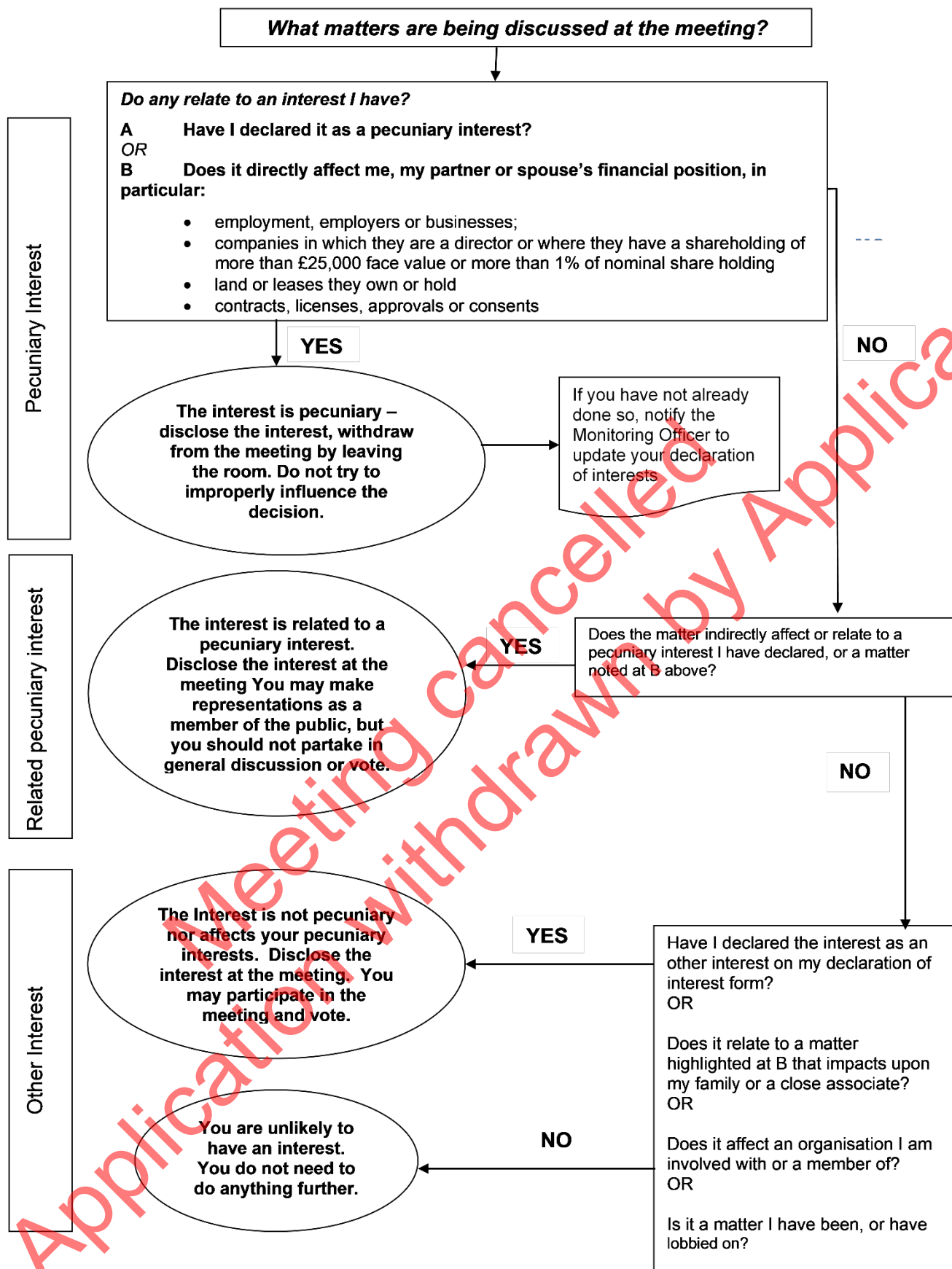
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Agenda Item 4

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of a meeting of the Development Management Committee of South Norfolk District Council, held on 1 September 2021 at 10am.

Committee Members Present: Councillors: V Thomson (Chairman), D Bills, J Halls, L Neal and G Minshull.

Officers in Attendance: The Development Manager (T Lincoln), the Area Planning Managers (C Raine & G Beaumont), the Senior Planning Officer (P Kerrison) and the Principal Planning Officer (S Everard)

one member of the public was also in attendance

572 DECLARATIONS OF INTEREST

The following members declared interests in the matters listed below. Unless indicated otherwise, they remained in the meeting.

Application	Parish	Councillor	Declaration
2021/0307/F	DISS	G Minshull	Other interest Local Member for Diss
2021/0365/F	FORNCETT	G Minshull	Other Interest Trustee of Norfolk Tank Museum who occupied land adjacent to the application site

573 MINUTES

The minutes of the meeting of the Development Management Committee held on 28 July 2021 were confirmed as a correct record.

574 PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Place, which was presented by the officers. The Committee received updates to the report, which are appended to these minutes at Appendix A.

The following speakers addressed the meeting with regard to the applications listed below.

Application	Parish	Speakers
2021/0307/F	DISS	E Taylor – Town Council Cllr K Kiddie – Local Member
2021/0365/F	FORNCETT	D Avery – Applicant Cllr B Duffin – Local Member

The Committee made the decisions indicated in Appendix B of the minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Place.

575 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 11:45 pm)

Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE
– 1 September 2021

Item	Updates	Page No
Item 1	<p>2021/0307</p> <p>One additional representation has been received. This has set out detailed comments including concern with the following:</p> <ul style="list-style-type: none"> – Initial consent was for a pub and a hotel, why was the pub allowed to be built without the much needed hotel. – Unclear is key planning issues were discussed at the pre-application meetings – No reference to access from the Morrisons roundabout. – Bus station is a poor reflection on Diss, however it is a shame that there isn't a connection to it. – Why was there no discussion about cycle routes and provision for cycle storage? – Why do so many of the dwellings face north? Why are they single aspect with no cross ventilation? Why do so many of the units have no open private space? Why are the internal corridors so long and narrow and artificially lit? – Given these homes are for retirees and a population which will in most instances become more infirm, why is there no provision for mobility scooters close to the apartments? Why are they parked in a cluster at one end of the car park? – Why are there no footpaths alongside the road on the west side of the site? Are residents to be expected to walk in the road when collecting their order from the Fair Green Fish & Chip shop? Who owns and who will be responsible for the maintenance of the road and its lighting? – Is a site adjacent to a pub car park and overlooking an electricity sub-station a suitable place for retirees? – Diss needs better from the applicants and the SNC planning department. Let's try to improve design standards and not simply fall back on old layouts because they're cheap and simpler to implement 	Pages 16-32
Item 2	<p>Additional reason for refusal proposed based on appeal decision (attached) for adjacent site. Wording as follows:</p> <p>Accessibility of the Site: <i>By virtue of the works associated with this application, the unit will create a greater transport and traffic movements as an independent dwelling as opposed to an annex ancillary to a dwelling. The application site is approximately 930m outside of the development</i></p>	

	<p>boundary that has been defined for Fornsett St. Mary. Given the nature of the highway network in the area and in light of the approximately 2.5km distance to Long Stratton and the frequency of the bus service, it is considered likely that residents will rely on the private car to access a wider range of services and facilities. The location of the site is not considered to encourage sustainable patterns of transport movements and the development will not minimise the need to travel or minimise greenhouse gas emissions. The application is therefore contrary to Policies 1 and 6 of the Joint Core Strategy and Policy DM3.10 of the South Norfolk Local Plan Development Management Policies Document 2015.</p>	
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Meeting cancelled
Application withdrawn by Applicant

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**NOTE:**

Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Place's final determination.

Other Applications

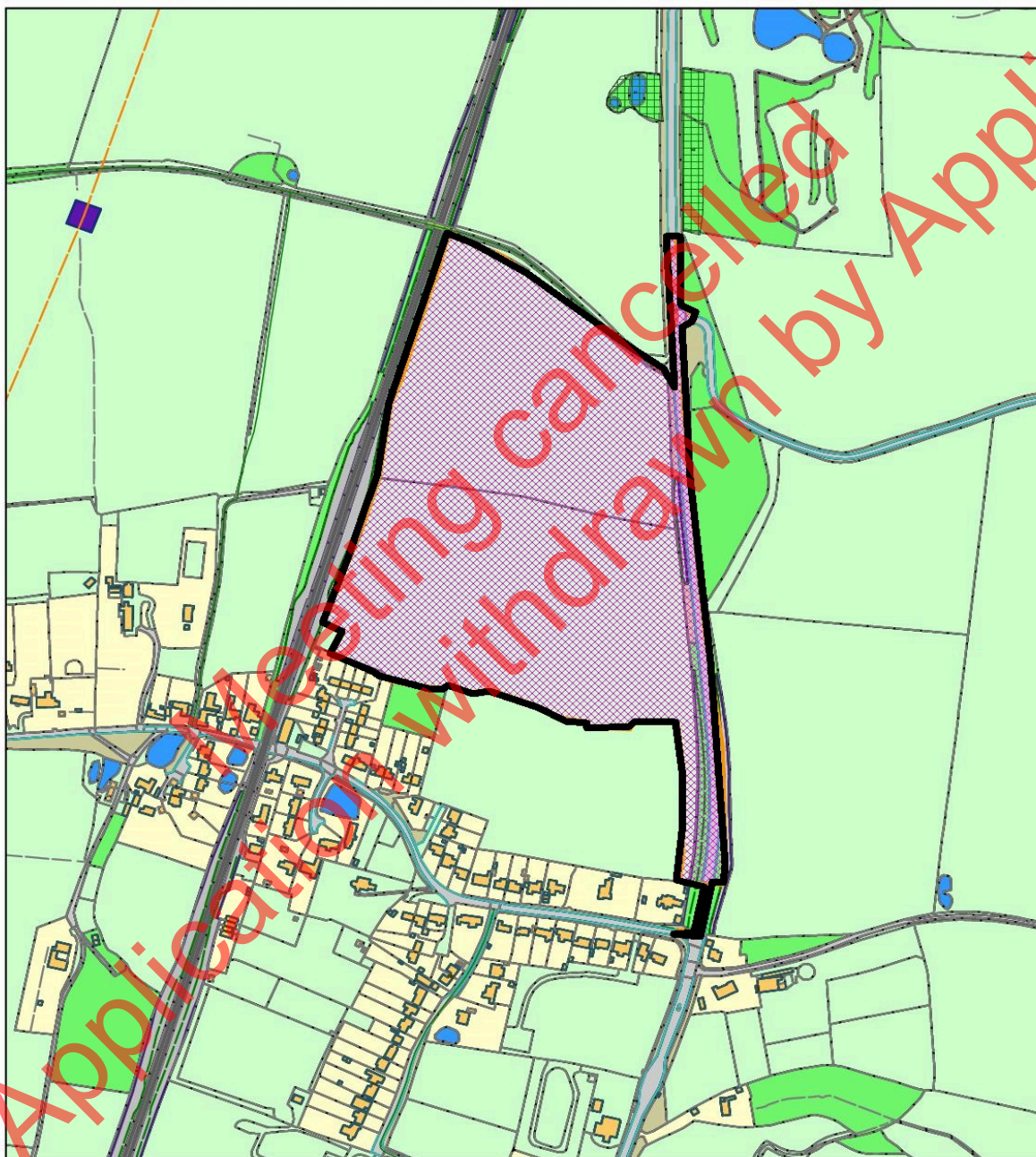
1. **Appl. No** : **2021/0307/F**
Parish : **DISS**
Applicant's Name : Churchill Retirement Living
Site Address : Land to the Rear of Thatchers Needle Park Road Diss Norfolk
- Proposal** : Redevelopment of the site to form 58 retirement apartments and 15 retirement cottages including communal facilities, access, car parking and landscaping.
- Decision** : Members voted unanimously to advise officers that they are minded to refuse the application and to give delegated authority for officers to continue to negotiate on outstanding issues.
- Minded to Refuse
- 1 Over development of site
 - 2 Insufficient information – viability
 - 3 insufficient information – drainage
 - 4 Contrary to DM3.15 – Insufficient levels of open space
2. **Appl. No** : **2021/0365/F**
Parish : **FORNCETT**
Applicant's Name : Mr & Mrs Avery
Site Address : The Old Safety Valve Station Road Fornsett St Peter NR16 1JA
- Proposal** : Proposed change of use and extension of existing annexe to create separate dwelling.
- Decision** : Members voted unanimously for **Refusal**
- Refused
- 1 Building not suitable for conversion
 - 2 Outside of Development Boundary
 - 3 Accessibility of the Site

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Place

Major Applications

2018/2631



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

1. **Application No :** 2018/2631/F
Parish : SWAINSTHORPE

Applicant's Name: Mr Ben Turner
Site Address Land west of Norwich Road Swainsthorpe Norfolk
Proposal Development of a new headquarters to include areas for the supply, maintenance, repair and hire of agricultural, horticultural, construction and grounds care machinery and equipment, offices, education hub, trade counter, sales and display areas, associated internal and external storage, and associated infrastructure (sui generis).

Reason for reporting to committee

The Local Member at the time of original consultation has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4, and further the recommendation is one of refusal of an employment generating proposal.

Recommendation summary:

Refusal

1 Proposal and site context

- 1.1 The application seeks full planning permission for a new headquarters for Ben Burgess to enable the company to relocate from its existing premises at Trowse, Norwich and consolidate its operations which are currently spread across several regional locations. The business specialises in the supply, maintenance and hire of agricultural, construction and grounds care vehicles and equipment and serves agricultural and horticultural clients across the region.
- 1.2 It should be noted that a separate planning application has been submitted (ref 2018/2632) that seeks advertisement consent for signage and advertisements associated with the proposed development. This will be determined separately to this planning application.
- 1.3 The site is located to the west of the A140 Ipswich Road, approximately 2.5km south of the junction with the southern bypass around Norwich. It is 11.51ha in area, (12.21ha including the additional area of off-site highway works) and is currently Grade 3 arable land farmed as two fields.
- 1.4 Immediately to the south of the application site there is an area of the southern field and small piece of woodland, also in the ownership of the applicant, which is not included in the application. Beyond that is the residential area of the village of Swainsthorpe running along both sides of Church Road. There is a cul-de-sac, Station Close, adjacent to the south-west corner of the site which has the closest residential properties. Along the north boundary is Hickling Lane, a narrow country lane which is a Byway Open to All Traffic (BOAT) and is part of the public rights of way network.
- 1.5 Along the east boundary is the A140 Ipswich Road which bounds the site and includes changes in levels between the road and the site. The A140 runs on a north-south alignment along the entire boundary of the site and is classified as a "Principal Route" and is designated as a "Corridor of Movement" and part of the "Major Route Network", with the A140 linking Ipswich to the south and Norwich and Cromer to the north
- 1.6 Along the west boundary runs the Norwich-Ipswich railway line, which sits on an elevated embankment. On the opposite side of the A140, further to the north-east is Dunston Hall Hotel and golf course. To the south of Church Road is St Peter's Church which is a Grade II* Listed Building.

- 1.7 The site is outside but adjacent to the Development Boundary defined for the village. The site's boundaries are delineated by field boundaries largely comprising well established hedges interspersed with mature hedgerows and trees. There is also an established field boundary dissecting the site east-west comprising a hedge. The land is undulating with the highest point being the very northern point falling to a dip along this central field boundary and a gentle rise to the south. Adjacent to the A140 there is a bank and tree belt along the south-eastern boundary before the main views from the road open out over the fields where there is no solid boundary.
- 1.8 The proposal comprises two buildings; one located relatively centrally being two-storey with a display area, parts store, workshops and offices at ground floor and offices and training rooms and store at first floor; the second located further to the north, being one-storey with storage areas and associated facilities.
- 1.9 The proposal includes external storage for some of the company's hire vehicles and staff and visitor car-parking spaces and cycle spaces.
- 1.10 Landscaping is proposed within and around the site, including bank stabilisation planting, feature trees, hedgerows, a woodland belt, coppice areas, a ha-ha and flower and grass meadows. It also includes surface water drainage features (SUDs) such as an attenuation pond and swales.
- 1.11 Access is proposed by a new three-arm roundabout on the A140, which serves as the principal access point to the proposed development. It is noted that the planning application originally included two access options, which included a ghost island access (option 1). This option has since been withdrawn from the planning application and the application is now being determined on the basis of the option referred to above as 'option 2' and 'option B' for the new three-arm roundabout on the A140.
- 1.12 The proposals are summarised as follows:
- New vehicular access onto A140.
 - Off-site highway works to provide foot/cycle ways and junction improvements.
 - New Pedestrian access with footway linking with existing footway to the south of Church Road.
 - Informal pedestrian path from Church View to the existing woodland edge along the field to proposed new tree planting to western site boundary where route will run parallel with railway line.
 - Permissive route along the A140 from Hickling Lane to the entrance of the site.
 - Visitor and staff car parking (116 car parking spaces, 5 disability spaces, 8 cycle spaces, 16 LGVs spaces).
 - Main headquarters building comprising 7,713sqm gross internal floor space over two floors, including agricultural equipment display area, service areas, parts stores, workshops, offices and training room.
 - Ancillary building, comprising 898sqm gross internal floor space, one storey, including storage and associated facilities.
 - Landscaping (6.55ha) including new tree planting, hedging, frontage landscaping and meadow grassland.
 - Groundworks and land remodelling.
 - Surface water attenuation basin, combining an area of 9,132sqm for the storage of vehicles, machinery and equipment.
 - Other surface water attenuation features including a hahha and swales.
 - External display 'pads' (272sqm) close to the site entrance and near the building.

- 8,884sqm of other external storage areas, including for the storage of hire vehicles and machinery that are awaiting service or repair and vehicles and machinery that are awaiting pre-sales checks.
- Wash down area.

2. Relevant Planning History

2.1	2018/1193	Screening Opinion for new headquarters for Ben Burgess, to include the provision of an agricultural, horticultural and construction vehicle and machinery repair, retail and education hub with office accommodation and areas for internal and external storage and external areas for best practice demonstration purposes	EIA Not Required
2.2	2018/2632	Proposed illuminated and non-illuminated signage	Under consideration
2.3	2020/1717	Screening Opinion for works undertaken during the last twelve months and additional supporting information relating to amendments to application 2018/2631/F	Under consideration

3. Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 04 : Decision-making
 NPPF 06 : Building a strong, competitive economy
 NPPF 09: Promoting sustainable transport
 NPPF 11 : Making effective use of land
 NPPF 12 : Achieving well-designed places
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
 NPPF 15 : Conserving and enhancing the natural environment
 NPPF 16 : Conserving and enhancing the historic environment
 NPPF 17 : Facilitating the sustainable use of minerals
- 3.2 Joint Core Strategy (JCS)
 Policy 1 : Addressing climate change and protecting environmental assets
 Policy 2 : Promoting good design
 Policy 3: Energy and water
 Policy 5 : The Economy
 Policy 6 : Access and Transportation
 Policy 7 : Supporting Communities
 Policy 16 : Other Villages
 Policy 17 : Small rural communities and the countryside
 Policy 20 : Implementation
- 3.3 South Norfolk Local Plan Development Management Policies
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM2.1 : Employment and Business Development
 DM3.8 : Design Principles applying to all development
 DM3.9 : Advertisements and Signs

DM3.10 : Promotion of sustainable transport
 DM3.11 : Road safety and the free flow of traffic
 DM3.12 : Provision of vehicle parking
 DM3.13 : Amenity, noise, quality of life
 DM3.14 : Pollution, health and safety
 DM4.2 : Sustainable drainage and water management
 DM4.3 : Facilities for collection of recycling and waste
 DM4.4 : Natural environmental assets
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

3.4 Supplementary Planning Documents (SPD)

South Norfolk Place Making Guide 2012
 South Norfolk Local Landscape Designations Review 2012

Statutory duties relating to Listed Buildings and setting of Listed Buildings:

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4. Consultations

Please note a full copy of all consultation responses can be found on the Council's website. The following summarises the key comments.

4.1 Swainsthorpe Parish Council (various responses summarised as follows)

Comments on originally submitted proposals:

- Objects
- Greenfield site, countryside, outside development boundary
- Contrary to NPPF, JCS, Local Plan
- Not sustainable development
- Designated 'Other Village', not for development of this scale
- Would encourage ribbon development along the A140
- Major intrusion into the countryside
- Other allocated employment sites available
- Highway impact & safety on 'corridor of movement'
- Out of character in Tas Valley Farming Landscape
- Impact of lighting & advertisements
- Impact on heritage assets of village, Listed Church
- Poor landscaping
- Impact on residents' amenity
- Statement of Community Involvement is misleading
- Impact on habitats and species

Comments on amended proposals:

- Objects
- Re-submission does nothing to address the planning issues as above.

4.2 Saxlingham Nethergate Parish Council

Comments on originally submitted proposals:

- Objects
- Highway safety, additional traffic & congestion

Comments on amended proposals:

- Objects
- Supports objection by Swainstorp PC and CPRE
- Analysis of alternative sites is not convincing

4.3 Mulbarton Parish Council

Comments on originally submitted proposals:

- Objects
- Loss of good arable land
- Creeping urbanisation
- Preferable locations Harford Bridge/Hall Rd for this type of development

4.4 Colney Parish Council

Comments on originally submitted proposals:

- Objects
- Not sustainable development
- Negative cumulative impact of sequential applications

4.5 Dickleburgh & Rushall Parish Council

Comments on originally submitted proposals:

- Objects
- Site is too large in comparison to village
- Impact on village infrastructure
- Should be located in a town
- Pollution from vehicles, impact on greenhouse gas & climate change
- Reliance on access by cars, not healthy
- Contrary to wider Policy on distribution of growth
- Alternative preferable locations, employment land available

4.6 Tasburgh Parish Council

Comments on originally submitted proposals:

- Great difficulty in accessing and egressing the A140 at the Flordon Road junction.
- There will be an undisclosed number of visitors, most of whom will probably arrive and leave by private vehicle.
- As a company which sells and services farm machinery there is also the prospect of low loaders being required to transport such vehicles, adding to the congestion.
- We are advised that the area designated for demonstrating the equipment is on Malthouse Farm which is on the opposite side of the road and this presumably will also require movement to and from the main site.
- Should be borne in mind the proposed major developments within the Long Stratton bypass of housing and industrial units. Although the emphasis is on public transport, invariably more traffic will be generated adding to our problems.

- Urge South Norfolk to reject this application because without some sensible and practical redesign of the Flordon Road junction our residents will be unable to join or leave the extremely busy A140 with any degree of safety.
- Should the development be approved Tasburgh Parish Council would be in favour of a ghost island which would eliminate the interruption to the flow of traffic on A140.

4.7 Keswick & Intwood Parish Council

Comments on originally submitted proposals:

- Objects
- Increase in traffic, including agricultural, and impact on highway safety.

Comments on amended proposals:

- Objects
- 'Other Village' – inappropriate scale of development
- Loss of greenfield land
- Impact on highway safety
- Suitable sites elsewhere

4.8 Great Moulton Parish Council

Comments on originally submitted proposals:

- Objects
- Loss of habitat on greenfield site
- Highway safety and lack of highway infrastructure

4.9 Hempnall Parish Council

Comments on originally submitted proposals:

- Objects
- Outside development boundary, greenfield site
- Not allocated
- Preferable locations available for this type of development

Comments on amended proposals:

- Maintains its objection

4.10 Mundham Parish Council

Comments on originally submitted proposals:

- Objects
- Not sustainable development; environmental impact; lack of infrastructure locally
- Better to invest in small scale business
- Detrimental impact on rural landscape and wildlife

4.11 Tivetshall Parish Council

Comments on amended proposals:

- Objects
- Loss of prime arable land
- Impact on highway
- Preferable locations

4.12 Local District Councillor (at the time consulted on the original application) – Cllr Hardy

- I would like this application to be decided by committee due to potential highways impacts, encroachment into the countryside and impacts on countryside views.
- Encroachment into countryside
- Outside settlement boundary, unallocated
- Impact of scale of village
- Highway safety
- Impact on the church
- Query about whether Great Crested Newts are present

Local District Councillor (at the time consulted on amended application) – Cllr Ellis

- No comments received

4.13 Norfolk Fire and Rescue

Comments on originally submitted proposals:

- Requires 2 fire hydrants or alternative at developer's cost secured by Condition.

Comments on amended proposals:

- Previous comment remains with amended wording.

4.14 Natural England

Comments on originally submitted proposals:

- No objection
- No significant adverse impacts on statutorily protected sites or landscapes.
- LPA should consider other natural environment impacts: landscape, agricultural land, protected species, local sites and species, ancient woodland, ancient and veteran trees. Also should consider mitigation and opportunities for environmental enhancement (suggestions included) both locally and wider. Should consider access and recreation, rights of way and national trails. LPA has a duty to have regard to conserving biodiversity.

Comments on amended proposals:

- Previous comment remains.

4.15 Council for the Protection of Rural England (CPRE)

(Four separate responses received, including an analysis of Planning Policy)

Original and amended proposals:

- Objects
- Range of more suitable sites available
- Unsuitable countryside location
- Unallocated site, not identified by Policy 5 JCS Does not meet Policy criteria for allocation for this use
- Does not meet any other Countryside Policy criteria
- Swainsthorpe is an 'Other village' – not a sustainable location for significant development of this type
- Scale too big for this location
- Not sensitive to the landscape (contrary to NPPF para 84 & DM3.8, DM4.5, DM4.9 & Landscape Character & Place Making Guide SPD)

- Will destroy existing natural features
- Loss of higher grade agricultural land
- Harm on setting of Listed Building (St Peter's Church)
- Unacceptable negative highway impact on a strategic route/corridor of movement
- Negative impact on local character and distinctiveness: light and noise pollution
- Harm on quality of life for Swainsthorpe residents
- Significant impact on rural dark skies from light pollution

4.16 NCC Historic Environment Service

Comments on originally submitted proposals:

- The archaeological desk-based assessment included with the consultation highlights a high potential for buried archaeological remains within the proposed development area.
- Therefore requires an archaeological evaluation to be submitted.
- In this case the pre-determination archaeological evaluation should commence with a geophysical survey and evaluation trial trenching, for which a brief may be obtained from our office.

Comments on amended proposals:

- Preapplication archaeological trenching for the Ben Burgess site north of Swainsthorpe has been completed.
- The report has been approved and I have advised that it should be submitted in support of the application.
- There is only one area of the site that required further archaeological mitigation, so an archaeological planning condition will be required. The wording included in my email of 14th February 2019 (our ref CNF48148_4) would be suitable for that.

4.17 Police Architectural Liaison Officer

Comments on originally submitted proposals:

- Crime records for this area in the previous 12 months show low levels of crime.
- Advice given for future security of the site; Secured by Design should be used, Liaison can advise further.

Comments on amended proposals:

- Previous comment remains

4.18 SNC Environmental Quality Team

Comments on originally submitted proposals:

- No objection, subject to conditions:
- Noise and dust management scheme to be submitted for construction works.
- Noise limit Condition for external plant.
- No external loud speaker/equipment.
- Details of any extraction system to be submitted.
- External lighting as per submitted plans.
- Hours of operation as per submitted plans.
- Hours of refuse collection
- Contaminated land to be reported if found during construction

Comments on amended proposals:

- Previous comment remains

4.19 Lead Local Flood Authority (LLFA)

Comments on originally submitted proposals:

- A Flood Risk Assessment and Drainage Strategy has been submitted,
- We welcome the use of SUDS
- No objection subject to conditions

Comments on amended proposals:

- Previous comment remains

4.20 Historic England

Comments on originally submitted proposals:

- Historic England has concerns regarding the application on heritage grounds due to the potential impact of the new development affecting the significance of the grade II* listed parish church through development within its setting.
- The tower is a significant landmark in addition to its major architectural and historic importance. Despite the growth of Swainsthorpe the church still retains its rural character.
- The church is set on south east side of Swainsthorpe village where it was previously amongst open countryside. This relationship to agricultural land contributes to an understanding of the church's place in a rural community and landscape.
- St Peter's has been surrounded by housing built during the last century on all sides except part of the south.
- This allows some views of the church from beyond the housing in which the historic link between church and its landscape setting can be appreciated.
- The Built Heritage Statement submitted with the application identifies the northern part of the application site as one of the locations from which the church can still be seen. Images 1-3 in the Statement show the roof and tower of the church seen from the site above and between trees which partly mask the modern housing to give the impression of the church in a largely rural, undeveloped landscape.
- Although some annotated photographs have been provided to show the extent of the development, no wireframes or photomontages have been provided to give a clearer indication of the impact of the development. In the absence of this information it is difficult to be clear about the level of impact on the grade II* church of St Peters.
- The proposed development would introduce modern building to an area of agricultural land in the setting of the listed building resulting in a degree of harm to the historic significance of the parish church by diminishing the quality of its setting that contributes to that significance.
- St Peters Church is grade II* putting it in the top 5.8% of listed buildings nationally. Paragraph 194 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification.
- 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 189, 194, 197, 199, 200, 202 and 206 of the NPPF.
- In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Comments on amended proposals:

- Objects to the application on heritage grounds.
- The revised heritage assessment concurs with our view and notes that the church is experienced from the application site as being beyond the modern housing and that this 'positively contributes to the appreciation of [the church's] heritage significance' (2.7).
- Despite this the assessment understates the visual effect of the development.
- It is difficult to reconcile the text's description with the appearance of the new building in the fields north of the church in the images. These show the church as prominent on the skyline above rolling fields and confirm our assessment that the proposed building would dramatically detract from these views of the church.
- Not only would the views of the building be lost, but the scale, form and materials of the proposed building would be particularly assertive and contrasting in the scenery. The effect would be quite profound, bringing a major and decidedly negative change to the setting of the church.
- The only mitigation the applicants offer to offset this impact is planting around the development, but this would in itself obscure views of the church. Hiding the building behind bushes does not remove the essential impact of the development, which is to take part of the fields north of the church and occupy it with a large industrial shed.
- The nature of development proposed, as well as the form and scale of building are in themselves harmful to the significance of the church.
- The building would be wholly modern and industrial in style and alien to the landscape or any local traditions of building.
- The development proposal will lead to less than substantial harm to the significance of a designated heritage asset.
- Paragraph 194 of the NPPF states that any harm to, or loss of, significance of a designated heritage asset should require 'clear and convincing justification'. As St Peters Church is grade II* listed, putting it in the top 5.8% of listed buildings nationally, we would expect a particularly compelling justification to be made regardless of the level of harm the applicant might wish to assign. In heritage terms we would not support the application, although the NPPF makes it clear the harm should be weighed against the public benefits of the scheme by the Council (paragraph 196).
- However, the justification for any harm to the church should be established first and in this case the applicant's do not seem to have demonstrated that this development cannot be accommodated on another site in areas south of Norwich.
- Even if this were established the need for such an avowedly alien and aggressive design of building in this rural setting is not.
- We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 198, 199 and 200. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

4.21 SNC Senior Heritage and Design Officer

Comments on originally submitted proposals:

- The proposed development will have an impact on the setting of the grade II* Church of St Peter resulting in less than substantial harm. Although the setting has already changed with the development of modern housing, this has not been to the extent that the church is no longer viewed within a rural agricultural setting and it remains a prominent village landmark when viewed from distance, including views from Hickling Lane and the A140. This will result in less than substantial harm and a decision should give considerable importance and weight to preserving the setting of the heritage asset when taking into account the public benefits of the proposal in the planning balance, in line with Policy DM4.10 of the Local Plan and para 202 of the NPPF.

Comments on amended proposals:

- The fact that screening is required indicates the acceptance that the proposed building will have a harmful impact and that screening of the new building by vegetation is a required form of mitigation. The screening of the building will however not remove the harm, only reduce it. The result is still that the development, including the landscaping proposals, will alter the setting and result in a degree of harm. Views of the church tower will remain, but the setting will not be preserved, and the views of the church will change from the church being seen within its current rural context and setting to that of a much altered landscape where a large modern commercial building will be the dominant structure.
- Consideration should be given to JCS 1 and DM 4.10 of the local Plan and section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- In considering whether to grant planning permission [or permission in principle] 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 building or its setting or any features of special architectural or historic interest which it possesses.
- The adverse impact on the setting and consequently the significance of the building needs to be included within the planning balance and measured against public benefits in line with NPPF planning policy 202.

4.22 NCC Natural Environment Team (Ecology)

Comments on originally submitted proposals:

- An Ecology Assessment has been submitted.
- There are numerous ponds either side of the development and the report states Great Crested Newts (GCN) were returned in the data search.
- Therefore, an assessment of the impact on them, and reptiles, is required with recommendations.

Comments on amended proposals:

- Supports the applicant's conclusions that there are unlikely to be impacts on great crested newts and reptiles.
- No objections, subject to conditions.

4.23 Anglian Water

Comments on originally submitted proposals:

- 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. Informative to be added should permission be granted.
- The foul drainage from this development is in the catchment of Stoke Holy Cross Water Recycling Centre that will have available capacity for these flows.
- The sewerage system at present has available capacity for these flows via a pumped connection to manhole 9904 at a discharge rate of 3.8l/s. Informative to be added should permission be granted.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

4.24 Norfolk Wildlife Trust

Comments on originally submitted proposals:

- We support in principle the enhancement measures set out in the Ecological Appraisal (EA) that accompanies the application which, alongside Protected Roadside Verge (PRV) measures, should be secured by way of a CEMP and LEMP. The LEMP should be able to demonstrate who is responsible for delivery, funding and what monitoring and remedial measures are available should habitat creation not succeed as predicted.
- Recommend several additional measures are incorporated in the EA in order to maximise the biodiversity benefits the application proposes (see response for details).
- We strongly recommend a condition that secures the creation of a replacement verge of at least the same area as suggested in the EA, and that following this all the area of the PRV within the applicant's red line boundary is safeguarded under a long-term management plan.

4.25 NCC Minerals and Waste Team

Comments on originally submitted proposals:

- The proposal 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, and Core Strategy Policy CS16 'Safeguarding' is applicable. Therefore a Condition is required to address Intrusive site investigations, if viable then how to extract and a Materials Management Plan.

Comments on amended proposals:

- It is considered that our previous responses regarding the inclusion of a planning condition would be an appropriate method of addressing mineral issues in any potential future grant of permission on this site

4.26 Health and Safety Executive

Comments on originally submitted proposals:

- Does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding.

4.27 SNC Landscape Architect

Comments on originally submitted proposals:

- The proposed development in its nature will introduce large-scale built form, an identified risk to the landscape character. The need to regrade the land in order to achieve the necessary functional spaces for the business operation, the site will result in a loss of much of its clearly determinable and distinctive landform; the obvious sloping accentuated by the railway embankment. Contrary to DM4.5 and the Landscape Strategy for the B1 LCA in that it will have a significant adverse effect of the landscape character.
- Furthermore, loss of vegetation (as detailed) is also an identified sensitivity and conflicts with the aspirations of the landscape strategy. The proposed tree and hedgerow losses, subject to the Hedgerows Regulations 1997, are contrary to policy DM4.8 as it will result in the loss of a section of 'important' hedgerow and significant trees.

Comments on amended proposals:

- My interpretation of the Tithe Map is still that part of the existing hedgerow forms part of the historic line and as such it is 'important' and as such DM4.8 is pertinent.
- I would contest that the hedgerow is gappy as the Hedgerow Survey confirms that the gaps are no more than 10% of its total, which is an acceptable ratio when looking at the features that may contribute to its 'importance'.
- If the hedgerow is – at least in part – 'important' then it is a 'key' attribute and as such its loss is arguably contrary to an aspect of the Landscape Strategy of the Landscape Character Assessment.
- The latest version of the AIA includes an expanded conclusion that is less focussed on the retained trees, however the fact that the best tree (a category A Oak, T43) which is situated on the very public roadside frontage, will be lost as consequence of the required roundabout. The benefits of such trees (e.g. visual character and wildlife) are not quickly replaced by new planting. I maintain that this consequence of the proposals is contrary to DM4.8.
- I agree that the numbers of new trees proposed have the potential to result in more trees on this site than are existing at present. Furthermore, other elements of the application's landscape strategy are not at odds with the published Landscape Strategy of the LCA.
- The review is right to note that the new roundabout at the 'Hempnall Crossroads' was developed under different circumstances, being a project to address highway safety (and not one to primarily serve a new development). There are similarities in that trees were lost for the Hempnall Crossroads' scheme, but – and as the Review notes – none was a category A tree. I am still of the view that the Ben Burgess proposal is contrary to DM4.8 as it necessitates the loss of significant trees.
- Whilst there are undoubtedly merit in what is being proposed as the landscape treatment for this scheme it remains the case that the distinctive landform will be changed and that key/significant landscape features will be lost.

- I am still of the view that – as key landscape characteristics are proposed to be lost as a result of the proposed development - I conclude that this is a demonstrable harm.
- The review confirms my point that the screening (by new planting) of the proposed development from residential properties will be limited by the need to maintain views to the church.
- The Review's further commentary is welcomed, and I accept that – whilst there may be limited glimpses of the building from west of the railway line – this is not the same as breaking the skyline. It is still the case that any visibility of built form – no matter how slight – will give a new sense that the area is developed and, as such, less open.
- The assessments at 6.3.7, 6.38 and 6.39 relate to users of the public footpaths, not the far less-sensitive rail passenger receptors. I still maintain my view that the effect is greater than negligible adverse, as there will be glimpses of the new built form as described in the LVIA.
- I still conclude that the proposed scheme is contrary to DM4.5 in that it will have a significant adverse effect of the landscape character. Furthermore it is clear that there is no immediate need to enhance the character of the site (as required by DM4.5) as it is already making a positive contribution to the identified landscape character, displaying key landscape characteristics. The only obvious enhancement currently necessary appears to be the restoration of the hedgerow, which would not be possible as part of the proposed development.
- I also consider that the proposed tree and hedgerow losses are contrary to policy DM4.8 as it will result in the loss of a section of 'important' hedgerow and significant trees.

4.28 NCC Highway Authority

Comments on originally submitted proposals:

- Recommends refusal
- The proposed development would lead to the creation of a new access on a stretch of classified highway of nationally strategic importance which carries significant traffic movements, usually at speed.
- Furthermore, the vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles and introduce a further point of possible traffic conflict particularly with the introduction of slow moving traffic, contrary to South Norfolk's Development Plan Policy DM3.11.

Comments on amended proposals:

- These are not reported because of the decision to issue them was quashed by Judicial Review.

Comments on amended proposals (following quashed comments):

- Recommends refusal
- The proposed development introduces a new, additional, junction on a route of strategic importance defined as a 'Corridor of Movement' and additionally, on part of the MRN, a nationally recognised route, where vehicle speeds are high. The junction serves no strategic or local access function and is therefore in-principle deemed to be to the detriment of the A140 as a primary traffic carrying route.
- Furthermore, the vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles and introduce a further point of possible traffic conflict particularly with the introduction of slow moving traffic, contrary to South Norfolk's Development Plan Policy DM3.11.

- The highway authority maintains that should the development come forward, the appropriate junction would be a roundabout at the north of the site at the location of an existing road junction, which would not only enable access to the proposed development site to/from the A140 but would also connect Stoke Lane. A roundabout in this location would not create an additional junction on the A140.

4.29 Highways England

Comments on original and amended proposals:

- No objection

4.30 Network Rail

Comments on originally submitted proposals:

- No comments received

Comments on amended proposals:

- The developer must ensure that their proposal, both during construction and after completion does not encroach onto Network Rail land; Affect the safety, operation or integrity of the company's railway and its infrastructure; Undermine its support zone; Damage the company's infrastructure; Adversely affect any railway land or structure; Oversail or encroach upon the airspace of any Network Rail land; Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.
- Network Rail strongly recommends the developer complies with our requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

4.31 SNC Economic Development Officer

Comments on originally submitted proposals:

- No comments received

Comments on amended proposals:

- Support the proposal, subject to any outstanding planning issues being resolved.
- An established firm with links to local and wider economy
- Proposal retains employment, apprenticeships and educational opportunities and economic benefits.

4.32 NCC Economic Development

Comments on originally submitted proposals:

- No comments received

Comments on amended proposals:

- The County Council see real Economic Benefits of the relocation of Ben Burgess and are keen to see them continue to operate in the County
- Ben Burgess are a key player in the agri-food sector and wider rural economy
- Agri-food is a key sector in a number of key local strategies and plans
- Ben Burgess supports the agricultural sector, and wider Norfolk rural economy, both of which are even more important in light of Brexit and the post-Covid19 recovery of the county

- There would be a number of economic benefits of Ben Burgess moving from their current location, both to the company and the wider economy:
- A move would allow the business to expand and attract new customers and retain the current skilled workforce
- The proposal may also provide an increase in the number of jobs from 95 to approximately 122, with an opportunity to expand apprenticeships.
- Expansion would strengthen the supply chain that supports farmers and producers in close proximity to their operations, which is vital to the future competitiveness of the agricultural sector in Greater Norwich.
- The business will be able to fully embrace new technology and train and demonstrate to existing and potential customers the capabilities of the new machinery and technologies – a key objective of the Norfolk Rural Strategy.
- Linked to this, a new innovation and education hub is proposed, to enable Ben Burgess to assist rural businesses in south Norfolk to fulfil their competitiveness and achieve the most out of new technologies.
- The proposed location fits well with the aims of the Norwich-Cambridge Tech Corridor strategy, to drive clean, efficient, technology-based economic activity
- Ben Burgess provide significant services to the sector, both regionally and nationally.
- If they are not able to successfully relocate within Norfolk there is a risk that they have to seek a location outside Norfolk, meaning that the jobs and economic benefits of the operation will be lost.

4.33 Neighbour Representations (summarised)

A total of 735 representations have been received, of which approx. 160 support the proposals and the approx. 575 object to the proposals. These relate to both the original and amended proposals and in some instances are from the same address as a result of re-consultation). The comments are summarised by topics as follows:

Objections:

- Not sustainable development
- Greenfield site, countryside, outside development boundary
- Contrary to Planning Policy: NPPF, JCS, Local Plan
- Designated 'Other Village', not for development of this scale
- Negative impact on infrastructure of the village
- Major intrusion into the countryside
- Loss of good grade agricultural land
- Other allocated employment sites, designated and available in better locations
- Would encourage ribbon development along the A140
- Negative impact on highway safety: important 'corridor of movement'
- Negative impact of lighting & advertisements
- Negative impact on heritage assets of village, Grade II* Listed Church
- Adverse impact on residents' amenity
- Out of character in Tas Valley Farming Landscape
- Site would be highly visible in the landscape
- Poor landscaping proposals
- Negative impact on habitats and species
- Loss of significant protected hedgerow and trees
- Pollution from vehicles, impact on greenhouse gas & climate change
- Reliance on access by cars for staff and visitors
- Report received from Mr M Lambert objecting to the proposals

Support:

- Retains an important company in the area
- Provides significant employment
- Supports and supplies to other related businesses
- Supports training and apprenticeships, links to Easton College
- Well renowned company locally and nationally
- Good location, close to Norwich, accessible on 'A' road and close to A47 bypass
- Good links to Norwich-Cambridge tech corridor
- Well-designed scheme

A petition against the proposal has also been submitted by Saving Swainsthorpe Campaign with 229 signatories from the village. Some of these residents have also made separate representations as summarised above.

Representations have also been received from:

4.34 Saving Swainsthorpe Campaign

Comments summarised as follows:

- Concerns regarding support by NCC (Cabinet members) for this application for planning permission and dual councillor roles on NCC and SNC.
- Little evidence to suggest that relocating to Swainsthorpe would provide economic benefits to the wider economy.
- Proposals do nothing for the 'green agenda' but add to traffic problems damage the environment and removal of agricultural land.
- More reasons to re-think this development and to consider repurposing and utilising Ben Burgess's an existing sites in light of post Covid-19.
- Claimed benefit could be equally achieved at one of many locations within Norfolk.
- Increase in jobs is speculative and very modest.
- The village of Swainsthorpe is badly served by public transport, there are no cycle ways to the village other than by use of the A140.
- The likelihood of recruiting staff from the village of Swainsthorpe or surrounding area is remote.
- The mobile skilled workforce is centred in industrial complexes with good infra structure and easy travel links to large residential populations.
- None of these benefits depend upon the village of Swainsthorpe as a location.
- Ben Burgess is a tractor dealership, it does not develop new technologies. There is no indication in the planning documents of how the company will be able to 'fully embrace new technology'.
- The training will be on tractors and equipment developed and produced overseas.
- The suggested benefits could be achieved at another location without the necessity to create damage to the countryside, increase traffic, increase fumes, noise and 24/7 light pollution.
- The proposals will incur a massive increase in on site noise and pollution, the arrival and departure of huge machinery will disrupt traffic flow, the proposed roundabout will move the A140 closer to the village of Swainsthorpe. The structure, security lighting and 2-metre-high fencing will blight the area.

- There is currently a surplus of land designated for employment development in Norfolk not least the Food Enterprise Hub development at Easton which could both accommodate this business.
- Surprised NCC appears to have bought into the threat that if the company does not receive planning approval, they will leave Norfolk.

4.35 Parochial Parish Council

- Objects
- Unsuitable village location; out of character
- Not new jobs being created, being moved from industrial site to village
- Already been considered and not allocated
- Noise and disturbance
- Air pollution and light pollution
- Traffic increase, serious safety concerns
- Existing light carbon footprint village would change radically
- Loss of footpaths and recreation opportunities
- Ecological impact – trees, wildlife
- Impact on physical fabric of the Listed church of increased traffic

4.36 New Anglia Local Enterprise Partnership

Supports

- Retains a long-standing, strategic employer in agri-food sector
- A key priority sector experiencing significant growth in Norfolk & Suffolk
- Direct and indirect economic benefits
- Provides direct and wider employment (eg engineering, vehicle repairs)
- Welcome in current Covid-19 uncertain climate

4.37 Country Land and Business Association

- Supports
- Will enable this well-established, developing business to continue to contribute to the local economy

4.38 Agri-TechE (formerly Agri-Tech East)

- Supports
- Agri-food is a growth sector with many major opportunities
- The potential for this development to create skilled, high value jobs in the sector in Norfolk is extremely timely.
- Pleasing to see how it will align with the New Anglia LEP Local Industrial Strategy and the Delivery Plan overseen by the Agri-Food Industry Council.
- Ben Burgess is an excellent business to demonstrate the opportunities for potential inward investors.
- Support for the proposed Centre of Excellence for Ben Burgess at this site.
- Their developments elsewhere in other counties demonstrate they are a valued asset to retain in Norfolk.

5. Assessment

Principle

5.1 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 National Planning Policy Framework (NPPF).

5.2 The application site lies outside of any defined development boundary for the area and thus is in a countryside location. The site is located adjacent to the northern edge of Swainsthorpe, which is identified in Policy 16 of the Joint Core Strategy (JCS) as an 'other village'. The site is within the Norwich Policy Area.

5.3 As such Policy DM1.3 (2) of the SNLP is applicable. This sets out the circumstances where development will be permitted outside of the development boundary. This makes provision for development to be granted outside of development boundaries, where one of the two criteria are met:

*2 c) where specific development management policies allow; or,
2 d) where there are overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1.*

5.4 Having regard to criterion 2 (c) of Policy DM1.3 of the SNLP, Policy DM2.1 is applicable relevant to this proposal, and in particular parts 1) and 7) of the policy which state the following:

1) Development proposals which provide for or assist the creation of new employment opportunities, inward investment and / or provide for the adaptation and expansion of an existing business will be supported unless there is a significant adverse impact in terms of Policies DM 1.1, 1.3 and other policies of the Local Plan.

7) Proposals for new sites in the Countryside will be assessed against the policies of the Local Plan, with positive consideration given to proposals that:

*a) Re-use redundant rural buildings and hard standings (see Policy DM 2.10); and / or
b) Are located on sites well related to rural towns and villages and it is demonstrated that there are no sequentially preferable sites available; and / or
c) Create accessible jobs and business opportunities in the rural area.*

5.5 Policy DM2.1 part 1 is generally supportive of the creation of new employment opportunities and inward investment subject to there being no significant adverse impacts in terms of all other relevant policies of the plan and as such the following is an assessment of the scheme against the key issues of the scheme with reference to those relevant policies:

Access and highway impacts

5.6 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.

5.7 The application previously included two access options from the A140. The first option (Option 1) was a ghost island right hand turn lane, which was considered by the Highway Authority as an unacceptable junction form in this location contrary to policy DM3.11 and the National Planning Policy Framework Paragraph 111.

- 5.8 The applicant subsequently withdrew Option 1, advised that it was “not possible to deliver a roundabout to bring into one junction, access to the site, north and south bound lanes of A140, Stoke Land and Hickling Lane” because of “constraints of third party land” and “legal issues”.
- 5.9 The second option (Option 2) comprised a “three-arm roundabout (with Stoke Lane Ghost Island) and provision of an optional removal of right turns out of Stoke Lane and Church Road”. This option was formally amended by the applicant in the ‘Access Options Consideration – Technical Note’, dated 10 August 2020. It is this option (Option 2) that is now being considered as part of this planning application.
- 5.10 The County Council as Highway Authority formally responded to the revised access option (Option 2) on the 28th September 2020 recommending approval of the application, in which they noted the proposals would be beneficial to the economy.
- 5.11 A challenge was subsequently lodged by Swainsthorpe Parish Council for judicial review of the decision reached by Norfolk County Council to consider the lawful scope of the statutory consultation response. The judgement handed down that the consultation response should be quashed. In light of this the Highway Authorities comments dated 28 September 2020 are not reported to committee and are not taken into consideration in the determination of this application.
- 5.12 The Highway Authority further responded to the proposals on the 26 May 2021, updating their recommendation to one of refusal on the grounds that the proposed development introduces a new, additional, junction on the A140 (which is a route of strategic importance defined as a ‘Corridor of Movement’ and additionally, on part of the Major Road Network (MRN), a nationally recognised route), where vehicle speeds are high. Furthermore, they deemed the junction to be to the detriment of the A140 as a primary traffic carrying route on the basis that the junction serves no strategic or local access function.
- 5.13 The updated consultation response takes into account the highway authorities published guidance ‘*Safe, Sustainable Development*’ which clearly sets out, in Aim 7, that development is resisted along a ‘Corridor of Movement’ and in particular along the MRN as these routes are nationally recognised as inter urban/regional routes. The requirement of Aim 7 states that ‘Development needs to be located in accessible locations recognising the needs and travel patterns of patrons, avoiding the need to create new accesses, or to increase or change the use of an existing access onto a Corridor of Movement. Development contrary to this aim is likely to attract a recommendation of refusal from the Local Highway Authority unless well founded reasons exist to permit development. This is strictly applied’.
- 5.14 It also recognises the importance of Policy DM 3.11 criterion 2 which states:
- Planning permission will be granted for development involving the formation or intensified use of a direct access onto a Corridor of Movement providing it would not:*
- (a) Prejudice the safe and free flow of traffic or planned proposals for sustainable transport initiatives along the Corridor of Movement;*
- (b) Be practical to gain access from the site to the Corridor of Movement via a secondary road; and*
- (c) Facilitate the use of the Corridor of Movement for short local journeys.”*

- 5.15 The reasoned justification for Policy DM 3.11 states in paragraphs 3.76 and 3.77 that:

The function of the principal routes and some main distributor routes is particularly important to the strategy for sustainable transport to serve the current and future needs and new development in the towns and villages of South Norfolk, and their function should be protected. These routes are identified as Corridors of Movement – see the Key Diagram (at Policy DM 1.3) The Key Diagram shows the spatial strategy for South Norfolk, with locations for growth where the need to travel can be minimised and the use of sustainable modes of transport can be maximised, and the protected areas of restraint.

The Norfolk County Council Guide for Developers (and other documents) referred to in the Notes below provide the detailed requirements of new accesses, new roads and layouts to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians, avoid street clutter, set standards for safe and suitable accesses for all people, and that manage the free flow of traffic.

Notes

- Ensuring the safe access and protecting of the free flow of traffic and function of the Corridors of Movement will be a consideration in many development proposals, in particular development that would generate significant movement.*
- The National Planning Policy Framework (section 4) requires development to provide for safe and suitable access and the protection of routes that would be critical in developing infrastructure to widen transport choice – such as the defined Corridors for Movement and other projects identified in the Norwich Area Transportation Strategy.*
- The Joint Core Strategy recognises that in most rural areas the private car will remain important...”*

(text underlined by Officer)

- 5.16 Having regard to the above, including the supporting text and the function of the A140, the Highway Authority have recommended refusal of the planning application on the following grounds:

The proposed development would lead to the creation of a new access on a stretch of classified highway of nationally strategic importance which carries significant traffic movements, usually at speed. Furthermore, the vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles and introduce a further point of possible traffic conflict particularly with the introduction of slow moving traffic and turning movements. Contrary to South Norfolk's Development Plan Policy DM 3.11.

- 5.17 It is noteworthy that throughout discussions with the applicant and its transport consultant, the highway authority has maintained that should the development come forward, the appropriate junction would be a roundabout at the north of the site at the location of an existing road junction, which would not only enable access to the proposed development site to/from the A140 but would also connect Stoke Lane. A roundabout in this location would not create an additional junction on the A140. However, the applicant has maintained it wishes to progress with a roundabout option to the southern end of the site (Option 2).

- 5.18 Consequently the highway authority maintains its recommendation of refusal as detailed above, but is of the view that the safe and correct form of junction on this category of road is a roundabout junction, provided it can be designed to comply with the latest national requirements specified in the national Standards for Highways, and in particular the Design Manual for Roads and Bridges. The Highway Authority states that the “*promotion of a single roundabout junction serving the proposed development and the Stoke Lane junction would address the stated highway authority's concerns.*”

- 5.19 For the reasons set out above and given the fact that the proposals would lead to the creation of a new access onto the 'Corridor of Movement', which in turn would prejudice the free flow of traffic on a stretch of classified highway of nationally strategic importance, the proposals are considered contrary to Policy DM3.11 (2) of the South Norfolk Local Plan.

Impact on landscape form and character of area

- 5.20 Paragraph 174 of the National Planning Policy Framework requires that planning decisions recognise the intrinsic character and beauty of the countryside. Planning Practice Guidance clarifies that conservation and enhancement of the landscape, not only designated landscapes, contributes to upholding this principle. Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. Furthermore, development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused. Policy DM4.9 looks for a high quality of landscape design, implementation and management as an integral part of new development. Policy DM4.8 promotes the retention and conservation of trees and hedgerows and advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.21 The site is largely within the B1 Tas Tributary Farmland Local Landscape Character Area (LCA) but the eastern edge is an interface with the A1 Tas Rural River Valley LCA. Development proposals, such as this, must have regard to protecting the distinctive characteristics, special qualities and geographical extents of the identified character area. Of the published Sensitivities & Vulnerabilities, Landscape Strategy and Development for the LCAs the most pertinent are:

B1 Tas Tributary Farmland Local Landscape Character Area:

Sensitivities and Vulnerabilities

- the small scale dispersed pattern and vernacular character of settlement and potential for incremental development and infill;
- further loss of vegetation structure including woodland and hedgerows from the landscape which would lead to a greater sense of openness;
- gently sloping topography and open landscape making this area sensitive to intrusion by tall and large elements, including large farm buildings and pylons;

Landscape Strategy

- to maintain the open and agricultural character of the landscape, conserve the ecological value of the area and protect key views;
- enhancement of the landscape, including active management of the woodlands and grasslands, conservation and restoration of key hedgerows and replanting of hedgerow trees, particularly adjacent to roads.

Development Considerations

- respect the existing small-scale and dispersed settlement pattern;
- consider the impact of any development upon the skyline and sense of openness of the character area.

A1 Tas Rural River Valley Local Landscape Character Area:

Sensitivities and Vulnerabilities

- particular vulnerabilities in the northern part of the valley due to the impact of infrastructure and large scale land uses relating to the urban edge of Norwich including pylons, golf courses and development in association with the transport corridors (A140 and A47);
- loss of hedgerow boundaries and trees, resulting in a further opening up of the landscape creating some very large scale and bleak areas on valley sides;

Development Considerations

- ensure that the northern part of the Tas Valley is not further degraded, by large scale of infrastructure developments associated with the roads.

- 5.22 Of the existing situation the submitted Landscape and Visual Impact Assessment (LVIA) states that the site has a “*distinctive landform*” adding that “*the topographical change results in the centre of the site forming a distinctive small valley feature*” (note that this also contains the hedgerow and some of the trees already discussed above).
- 5.23 In its consideration of the current site’s features against the identified local landscape character, the LVIA notes the “*distinctive undulating landform*” highlighting the “*central ditch with a strong hedgerow line and trees*” and stating that the site “*strongly displays the characteristics of the local landscape character*”. Furthermore, it is noted that “*The site and its rural context on the edge of the valley is largely representative of the [landscape] character area*”. The influence of the railway and road are considered, noting that they “*temper the overall tranquillity of the Site to a limited degree*” only and that the site “*strongly retains its overall relationship with the wider rural landscape*”.
- 5.24 Overall the LVIA assesses the site “*as making a positive contribution to the local landscape character*” in particular noting that “*The distinctive rolling landform and central tree line field division are key characteristics of the Site that contribute to the countryside character of the area*”.
- 5.25 The LVIA also notes:
- “*There will be a significant change in the landscape character of the Site...*” “*This is a permanent, direct effect that cannot be avoided that will change some of the key characteristics of the Site.*” (par. 5.1.2)
- “*The scale of the proposed built form will contrast with the surrounding undeveloped rural landscape to the east. Although the proposed development will be a change in land use the new buildings will be of considerable scale and presence in the landscape*”. (5.2.2)
- 5.26 In terms of the key physical changes to the site, there will be loss of some mature trees and hedges as a result of the development including the removal of the distinctive central line of mature trees and the hedgerow between the two field parcels and a significant change to the landform of the site, which is necessary to achieve the footprints of the proposed buildings and associated areas of parking, surfacing and attenuation features. The new access and roundabout will also necessitate the removal of mature trees and some sections of hedgerow, including changes to the landform of the site.
- 5.27 In terms of lighting, the LVIA does not consider the effects of lighting, however in 4.3.2 it is noted that [the] “*Lighting design is stated to limit light spill beyond the Site*”. Notwithstanding this, and mindful of the nature of the development, the light is a key potential effect on both landscape character and visual effect. Despite the limited information in the LVIA to fully assess this, it is considered that the visual effects of lighting will be adverse. These will be further assessed as part of the consideration of the advertisements consent application ref 2018/2632.
- 5.28 The Council’s Landscape Architect has assessed the proposals and has raised concerns regarding the landscape and visual effects of the proposals. Their position and the Council’s Landscape Architect own observations is summarised as follows:

- 5.29 For the landscape effects, the site is considered as a whole and the LVIA concludes there will be a Substantial to Moderate Adverse Effect at year 1 and I agree with this. After establishment of the landscape elements of the scheme (year 15) the LVIA concludes that the significance of effect will decrease to Moderate Adverse Effect. My own view is that the effect will remain at Substantial to Moderate Adverse Effect. I base this conclusion on the fact that some of the key existing characteristics of the site at present (it's landform and topography, and the distinctive line of trees and 'important' hedgerow between the field parcels) will be permanently lost as a consequence of the introduction of a large scale built form, regrading of the land associated with the proposal (both in terms of the buildings and the associated functional spaces and infrastructure e.g. parking, service yards, roads, drainage etc). Whilst there will be new planting this will not be full mitigation as the new hedgerows will not have the same historical status.
- 5.30 In respect of the level of harms and how they are quantified and assessed, whilst the LVIA does not set a threshold for significance (as it is not part of an Environmental Statement) Substantial is the most significant and Moderate second on the scale; Substantial to Moderate therefore sits within these two and as such I would conclude that the harm is not insignificant.
- 5.31 Overall therefore in respect of landscape effect, Officers consider that these key landscape characteristics will be lost as a result of the proposed development and consequently it is concluded that the proposal fails to respect, conserve or enhance the landscape character of its immediate and wider environment and further causes significant adverse impact on the distinctive landscape characteristics and central tree line field division and is therefore contrary to DM4.5 of the Local Plan.
- 5.32 With regards to the visual effects the Council's Landscape Architect generally concurs with the LVIA's assessment. However, there are a number of areas as set out below that are not in agreement. The Council's Landscape Architect advises:
- 5.33 For the public viewpoints from BOAT6 Hickling Lane East (example photo locations 10 and 13) my own assessment is that the significance of effect at year 15 will remain at the year 1 level of Moderate Adverse Effect. This is because, whilst the visual effect of the buildings and other structures will be lessened by the maturing vegetation, this in itself will change the views across the currently open fields towards the village and church. That the views will, in places, be effectively blocked and interrupted will be a change for visual amenity of the viewer; I consider this to be moderate rather than slight.
- 5.34 To a lesser degree I query the assessed significance of effect for views in Year 1 from public viewpoints along PRoW BR2 to the west of the railway line (example photo locations 4 and 5) and Hickling Lane West BOT6 and FP1 to the west of the railway line(photo example locations 14 and 15). Here it is acknowledged that there will be potential views of the uppermost sections of the new buildings in the winter. My assessment would be to set the significance of effect as Slight Adverse, not Negligible Adverse as set in the LVIA. Notwithstanding this, I do concur that this will diminish with time as the proposed new planting establishes.
- 5.35 Of the LVIA's assessments with which I concur, it is worth noting the findings for the viewpoints from A140 Ipswich Road (example Photo Locations 10 and 11). The significance of effect at Year 1 is assessed as Substantial to Moderate Adverse Effect and as year 15 this reduces to Moderate Adverse. Again, whilst the LVIA does not set a threshold for significance, Moderate is the second most significant on the scale, and as such I would conclude that the harm is not insignificant.
- 5.36 Overall therefore taking into account the variance of Officer opinion on the significance and magnitude of visual effects compared to the submitted LVIA, Officers conclude that there are significant adverse visual effects as a result of the development.

- 5.37 As case officer, having considered the above, I agree with the views of the Council's Landscape Architect insofar as the adverse effects in terms of the landscape and visual impact (by virtue of the scheme introducing large buildings with associated infrastructure into a site with a distinctive landform and central tree line field division within the rural landscape which are key characteristics of the Site that contribute to the countryside character and appearance of the area), are sufficiently severe so, even when having regard to the proposed mitigation programme of new planting, that they can be considered to have a significant adverse impact in terms of both landscape character and visual impact such that it fails to comply with the requirements of Policies DMM4.5 and DM3.8 of the Local Plan.

Impact on trees and hedgerows

- 5.38 With regards to Policy DM4.8, which seeks to protect trees and hedgerows, regard has been had for the need to respect the surrounding area and the retention and enhancement of existing landscape features. The scheme proposes to retain these along the site boundaries, which includes existing trees and hedges, as well as providing more trees on site than are existing at present.
- 5.39 The Arboricultural Impact Assessment (AIA) has identified that the best tree (a category A Oak, T43) which is situated on the very public roadside frontage, will be lost as a consequence of the required roundabout. Furthermore, a number of less significant trees are proposed to be removed. The benefits of such trees (e.g. visual character and wildlife) are not quickly replaced by new planting and as a consequence is contrary to DM4.8.
- 5.40 In terms of the existing hedgerow dividing the two land parcels that form this application site, updated information has been submitted by the applicant that follows the format required by the Hedgerow Regulations. The Council's Landscape Architect has reviewed this information and has identified that part of the existing hedgerow forms part of the historic line and as such it is 'important'. He contests the applicant's original assertion that the hedgerow is 'gappy', as the Hedgerow Survey confirms that the gaps are no more than 10% of its total, which is an acceptable ratio when looking at the features that may contribute to its 'importance'. As such it is concluded that the hedgerow, at least in part, is 'important' under the Hedgerow Regulations and that the proposed tree and hedgerow losses are therefore contrary to policy DM4.8 of the Local Plan as they will result in the loss of sections of 'important' hedgerow.
- 5.41 The applicant has since confirmed that they are in agreement that the identified section of hedgerow is "important".
- 5.42 It is also noted that this policy makes provision for trees and hedgerows to be removed where the benefits clearly outweigh their loss. It is considered that this is not the case in this instance and accordingly the proposal conflicts with DM4.8.

Design

- 5.43 In terms of the design of the buildings, these use a limited range of external materials comprising metal cladding (weathered Corten steel) as the primary material on the main façades together with large areas of glazing. Less prominent sections utilise zinc coloured panels. The colours generated by the Corten steel are intended to give a more natural 'earthiness' to the appearance of the buildings to fit in with the more rural and vegetated surrounding landscape character.
- 5.44 With regards to the scale, height, massing and form of development, which is larger in scale than the traditional scale of the existing buildings in the village, emphasis is placed on breaking up the massing of the buildings through the use of profiled elevations and glazing together with a mixture of mono pitched roofs to reduce roof visibility, combined with reverse pitch roofs to reduce the height as much as possible whilst allowing for a two storey

development with a relatively low roof height. A single storey ancillary building is also proposed. The main façade facing the A140 is broken up into three sections by an angled central focal point projecting outward of the main building with vertical secondary elements set behind to try and create interest and to reduce the building's overall mass.

- 5.45 It is also taken into account that the large structures are positioned at low points within the landscape towards the rear of the site with landscaping proposed to be installed between the buildings and the settlement.
- 5.46 Whilst it is appreciated that these measures could help to mitigate the impact of the development on the character of the existing settlement and the setting of the listed church, the commercial building will be large in scale with a non-traditional design. It can therefore be regarded as 'alien' in character and scale when viewed within the existing rural setting, the context of small-scale traditional residential buildings which characterise the village, and the setting of the landmark church with its tower.
- 5.47 With regards to separation of public and private spaces, dedicated formal pedestrian paths are proposed to provide access within the site. It is proposed to establish a formal footpath along the A140 as well as providing pedestrian access from the village. Informal mown pedestrian paths are proposed to run as a permissive route from Church View to the existing woodland edge along the field, to proposed new tree planting on the western site boundary where the route will run parallel with the rail line. Hickling Lane provides access to a new permissive route along the A140 to the entrance of the site.
- 5.48 In terms of accessibility (including pedestrians, cyclists and people with protected characteristics) the design proposes to utilise materials that provide surface finishes that clearly delineate vehicular and pedestrian priority as well as suitable gradients to allow for full, unimpaired movement around the site. The concept of access for all has been considered as part of the application process, which aims to respond to the requirements of location, providing protection as required whilst footpaths adjacent to the operational areas have been kept to a minimum on the site, mainly to direct visitors to the main entrance.
- 5.49 Parking for cars, machinery and cycles is sought to provide a safe and visually appropriate setting for vehicles without dominating the development or surroundings. The proposed parking strategy for the site includes parking for machinery, visitors and staff, which is generally well integrated into the site which provides convenient, safe and visually attractive areas for vehicles having regard to the nature and scale of the proposals.
- 5.50 Overall, it is considered that the proposals will be wholly modern and industrial in style and 'alien' in their character and scale when considering the existing traditional rural character and setting of the village. They will not successfully integrate into their surroundings, and will neither protect or enhance the environment or the locally distinctive character of the area. The development proposals can therefore be considered to be contrary to the design principles promoted in DM3.8 of the Development Management Policies Document, Policy 2 of the Joint Core Strategy and section 12 of the NPPF. In addition the proposal fails to make a positive contribution to local character and distinctiveness contrary to criterion d (1) of DM1.4.

Impact on the historic environment

- 5.51 Policy DM4.10 sets out that all development proposals must have regard to the historic environment and take account of the contribution which heritage assets make to the significance of an area and its sense of place, as defined by reference to the national and local evidence base relating to heritage. Proposals must sustain, and where possible enhance and better reveal the significance of the asset and make a positive contribution to local distinctiveness. Considerable importance and weight must be given to the desirability of

preserving listed buildings, their settings and the character and appearance of conservation areas. Development should avoid causing any loss to a heritage asset, or harm to it. Less than substantial harm will only be justified where public benefits outweigh the harm, and in the planning balance, less than substantial harm accrues considerable importance and weight.

- 5.52 S66(1) 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 building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 states that when considering impact of a proposed development on the significance of a designated heritage asset, "great weight should be given to the asset's conservation". This is irrespective of the level of harm. Paragraph 200 of the NPPF makes it clear that any harm to, or loss of, significance of a designated heritage asset should require "clear and convincing justification". Furthermore, Paragraph 202 of the NPPF requires that where a proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 5.53 The planning application is supported by a Built Heritage Statement and Landscape and Visual Impact Assessment to inform the proposals. The Design and Access Statement, Landscape Masterplan DAS and other drawings submitted seek to demonstrate how the heritage assets in the surrounding area have been taken into account in the design evolution of the proposals
- 5.54 The Built Heritage Statement, November 2018 and Built Heritage Technical Note, July 2019 and additional photomontages (viewpoints agreed with Historic England through correspondence dated 12th April 2019) have considered the potential impact of the proposals on the significance of heritage assets within a 2km search through changes to their settings, including the setting to the Church of St Peter (grade II* listed building).
- 5.55 The Council's Senior Heritage and Design Officer and Historic England have commented on the proposals having regard to the information submitted and the additional photo viewpoints provided. Whilst it is accepted that the setting of most designated heritage assets will not be affected, the proposals will have an effect on the setting of the parish church of St Peter.
- 5.56 St Peter is a grade II* church with a late Saxon/Norman round tower, which dates from the 12th century with a 14th century top. It is an important listed building in terms of architectural and historic importance with a high degree of significance attached to it as a heritage asset. In terms of the wider setting its principal feature is its tower, which remains a prominent and significant landmark when viewed from surrounding fields.
- 5.57 Historically, the church was located in a more open setting of a relatively dispersed settlement of cottages in an agricultural based rural community. With the surrounding late 20th century development the setting of the church has changed significantly and is now experienced as a landmark within a more clustered village of predominantly mid to late 20th century housing. Despite this growth the setting of the church on the northern side still retains a remarkably rural character with fields beyond a fringe of trees which partly mask the modern houses.
- 5.58 The church's relationship to agricultural land contributes to an understanding of its place in a rural community and landscape. Furthermore, the fields to the north of the church were in the 18th century glebe land from which funds for the parish priest were raised. This gives it an historic association with the life of the church and community. This association and the surviving agricultural character of the land contribute to the historic significance of the listed church.
- 5.59 The application site in its current arrangement makes a positive contribution to the setting of the Church.

- 5.60 It is noted that the church tower is relatively low in height in comparison to late 15th century church towers but is situated on a high point in the village. Although not much higher than nearby mature trees, it is a prominent building within the village, sitting above the roofscape when seen in views from the A140 and Hickling Lane to the north. (Hickling Lane is a continuation of Stoke Lane to the east and connects with the road to Swardston to the west and was historically one of a number of lanes linking east to west.)
- 5.61 The applicants Heritage Statement states in para 7.1 that the site provides *“a negligible contribution to appreciating the significance of this listed building”*.
- 5.62 The Council's Senior Heritage and Design Officer disagrees with this statement and has commented that *more value should be attached to the immediate setting of the church in terms of the asset being viewed and experienced within its churchyard setting, as well as within its wider setting as the principal building within the village when viewed from surrounding fields, which also makes a contribution to its significance*. He also notes in light of the additional viewpoints and information provided by the applicant, that, *the most important aspect of the setting in terms of appreciating the significance is its immediate setting of the church yard. However, the proposals will have a considerable impact on the wider setting of the church when viewed from the north, in particular the A140 and the public footpath “BOAT6”. These do however form only part of the views of the church within its wider setting. Consequently, with no change to the actual asset, the harmful impact resulting from the development on how the setting contributes positively to the significance of the Church in terms of the asset being experienced within its setting is at the low end of less than substantial*.
- 5.63 Historic England have also commented on the proposals, concluding that the proposed buildings would *“dramatically detract from views of the church and not only would the views of the church be lost, but the scale, form and materials of the proposed building would be particularly assertive and contrasting in the scenery”*. They state that *“this effect would be quite profound, bringing a major and decidedly negative change to the setting of the church, which will lead to less than substantial harm to the significance of a designated heritage asset*.
- 5.64 The applicants revised Heritage Assessment concurs with Historic England's view and notes that the church is experienced from the application site as being beyond the modern housing and that this ‘positively contributes to the appreciation of [the church's] heritage significance’ (2.7). Furthermore Historic England considers that *‘the assessment understates the visual effect of the development and that when subsequently considering the images taken from Viewpoints 3-6 it is difficult to reconcile the text's description with the appearance of the new building in the fields north of the church in the images’*. These show the church as prominent on the skyline above rolling fields and confirm Historic England's assessment that the proposed building would dramatically detract from these views of the church.
- 5.65 In terms of mitigating the impact of the development on the wider setting of the church, Paragraph 40 of “Setting Of Heritage Assets” Historic England GPA3 (2017) states *“Where attributes of development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm. As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets.”*.
- 5.66 Whilst it is noted that the large structures are positioned at low points within the landscape and positioned towards the rear of the site so that they interfere less with views of the church from the A140. They are also ‘clean structures’ and are relatively simple in design, and use Corten cladding to lend the building a more ‘natural’ appearance. There is also proposed to be additional landscape planting between the buildings and the settlement. Whilst it is appreciated that these measures would all help to mitigate the impact of the development on the setting of the church, it is considered that the screening of the building will not remove the harm, only reduce it.

- 5.67 The result is still that the development, including the landscaping proposals, will alter the setting and result in less than substantial harm. Views of the church tower will remain, but the setting will not be preserved, and the views of the church will change from the church being seen within its current rural context and setting to that of a much altered landscape where a large modern commercial building will be the dominant structure.
- 5.68 Turning to experiencing the asset with regard to noise, the church is within the village rather than isolated, and some existing noise is generated by the busy A140 and the railway line. Although the development would create some additional noise it is not considered that this would result in any further harm than existing.
- 5.69 In terms of other nearby heritage assets, paragraphs 5.8 and 5.9 of the Built Heritage Statement notes that there is an existing Old Rectory to the South East of the site dating from the early C20. This is visible across the fields; however the orientation of the building has principal elevations facing west and east, and blank gable ends and small secondary windows rather than having elevations which are designed to take in the view to the north. Leaving the field to the rear of the building undeveloped and with the buildings set back, impact on the setting of the undesignated heritage asset in terms of views of the old rectory is considered negligible. In terms of its relationship to the church in views, the connection is not easily apparent, and the connection is more of historical connection rather than a physical visible one.
- 5.70 On this basis the Council's Heritage and Design Officer has concluded that the proposed development will have an impact on the setting of the grade II* Church of St Peter resulting in less than substantial harm. Although it is accepted that the setting has already changed with the development of modern housing, this has not been to the extent that the church is no longer viewed within a rural agricultural setting. The church remains a prominent village landmark when viewed from distance, including the ability to appreciate its rural setting (and how it contributes to the significance of the church) from the publicly accessible areas and key views from the north/ north east.
- 5.71 Historic England's own view is very similar, and they have objected to the proposals on the grounds that the development will also lead to less than substantial harm to the significance of a designated heritage asset, contrary to the requirements of the NPPF, in particular paragraph numbers 7, 8, 19, and 206
- 5.72 As case officer I agree with the views put forward by the Councils Heritage and Design Officer and Historic England.
- 5.73 Having regard to the above, both Policy DM4.10 and the NPPF makes it clear that the harm should be weighed against the public benefits of the scheme (para 202). Paragraph 199 states that when considering impact of a proposed development on the significance of a designated heritage asset, *"great weight should be given to the asset's conservation, irrespective of the level of harm"*. Paragraph 200 of the NPPF states that any harm to, or loss of, significance of a designated heritage asset should require *"clear and convincing justification"*.
- 5.74 Consideration must also be given to JCS 2 and DM 4.10 of the local Plan and section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.75 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.76 As outlined above it is considered that less than substantial harm would occur as a result of the development, which is a point accepted by the applicants heritage statement/consultant, and thereby necessary to establish if there are public benefits that outweigh the harm. In carrying out this planning balance, less than substantial harm will be afforded considerable importance and weight.
- 5.77 In this case, the benefits are associated with the economic/employment opportunities that would arise. Whilst these are noted it is not considered that they do outweigh the harm identified above as required by paragraph 202 of the NPPF.
- 5.78 Furthermore the development will lead to less than substantial harm to the significance of St Peters Church, a grade II* listed building, contrary to Policy DM4.10 of the South Norfolk Local Plan 2015, JCS Policy 2 and paragraphs numbers 7, 8, 199, 200 and 206 of the NPPF.

Archaeology

- 5.79 Archaeological trenching has been completed and a report provided by the applicant in support of the application. The work was based on advice from the Historic Environment Service and carried out in accordance with a Written Scheme of Investigation. The aim of the evaluation was to determine the location, date, extent, character, condition, and quality of any archaeological remains on the site, to assess the significance of any such remains in a local, regional, or national context, as appropriate, and to assess the potential impact of the development proposals on the site's archaeology as appropriate.
- 5.80 One area of the site has been identified as requiring further archaeological mitigation, which will be subject to an archaeological planning condition. This will consist of a geophysical survey and informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). As such, subject to a suitably worded condition as recommended by the Historic Environment Service, the proposals are considered acceptable in this regard.

Ecology and Protected Species

- 5.81 This application is supported by an Ecological Assessment. The proposed site consists of arable fields, boundary features and numerous ponds located either side of the site. Following additional information submitted by the applicant in response to comments received from the County Ecologist to determine the presence of great crested newts and reptiles, the County Ecologist has subsequently confirmed that they support the report's conclusions that there are unlikely to be impacts on newts and reptiles.
- 5.82 The aforementioned Ecological Assessment is supported by surveys for bats, badgers and birds, which sets out mitigation measures to minimise the risk of harm to protected species, including details of enhancements for biodiversity within the development and existing boundaries. Mitigation measures are outlined in section 10 of the Ecology Assessment (Wild Frontier Ecology; November 2018) which should be implemented by conditions should development proceed.
- 5.83 The County Ecologist has also recommended a Landscape and Ecological Management Plan (LEMP) setting out appropriate management options for achieving ecological and biodiversity enhancements as well as the mechanisms by which the long-term implementation of the plan will be secured and delivered, as well as how the Roadside Nature Reserve 13 will be managed.

- 5.84 The Roadside Nature Reserve (RNR) is located on the east side of the site on the A140 margin and is identified as a designated nature conservation area. The applicants Ecology Assessment determines the RNR to be at risk of impact from the proposal which would cause significant but temporary damage to the RNR. As such the applicants have proposed mitigation to the RNR which is predicated to prove beneficial in the long-term by renewing the RNR and improving the prospects of the species of interest. The mitigation measures also include a new western area for the RNR that could ultimately have a long-term positive impact.
- 5.85 The County Council's Senior Green Infrastructure has reviewed the applicants initial proposals for the RNR and commented "*that periodic ground disturbance at an appropriate intensity is often advantageous to the persistence of the orchid populations*" and that "*lack of disturbance is often a major reason for their decline.*" As such subject to a Landscape and Ecology Management Plan (LEMP), which will be required to include a management programme for RNR 13, to secure the delivery of appropriate mitigation and management, the temporary impacts on the RNR are considered acceptable.
- 5.86 Natural England have also assessed the application documents and have commented that the proposals are unlikely to have significant impacts on the natural environment. As such, subject to the imposition of appropriately worded conditions to secure the above measures recommended by the County Ecologist, it is considered that the proposals would not result in significant harm to ecology and biodiversity and are acceptable in this regard.

Surface and foul water drainage

- 5.87 A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application based on detailed site investigations carried out by the applicant. The Lead Local Flood Authority (LLFA) has carried out a detailed assessment of the information submitted and has confirmed that the drainage strategy is acceptable.
- 5.88 The drainage strategy follows the drainage hierarchy as set out in the Building Regulations and NPPF and proposes surface water attenuation within the site using Sustainable Urban Drainage such that flows are fully retained within the site boundaries prior to discharge to soakaways.
- 5.89 Existing surface water flow paths through the central eastern part of the site are proposed to be managed by the introduction of an engineered depression to provide storage for surface water flows. The feature is also proposed to be used as informal machinery storage with appropriate permeable surfacing.
- 5.90 Culverts to convey surface water flows from the outfall of the existing culvert under the railway line, to the west of the site, to the proposed infiltration basin in the east are also proposed, as well as smaller intercepting basins between the proposed culverts and the existing railway culvert, designed to dissipate energy contained within receiving flows from the railway culvert and distribute flows evenly between the proposed culverts.
- 5.91 Calculations have been supplied for the pipe network and infiltration features and the site has been re-profiled and modelled, to provide a safe and dry development platform upon which the proposed new headquarters and associated infrastructure will be arranged.
- 5.92 An outline management and maintenance plan is included in the Flood Risk Assessment for the internal drainage network, which confirms that all infiltration features will be managed by the site operator.

5.93 In summary, it is noted that the LLFA considers that the above drainage strategy provides a sustainable approach to surface water management, in accordance with the requirements of the NPPF. Subject to conditions recommended by the LLFA, to provide detailed designs of the agreed surface water drainage scheme incorporating measures to be agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority, the surface water drainage strategy is considered acceptable and accords with the NPPF, JCS Policy 1 and DM4.2.

5.94 With regards to foul water drainage the development is in the catchment of Stoke Holy Cross Water Recycling Centre. A Statements and Conditions Report has been prepared by Anglian Water which confirms that the water recycling centre at present has available capacity for the proposed flows. If the applicant wishes to connect to the sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. Subject to entering into such an agreement, the impacts on the foul water are considered acceptable and accords with Policy 1 of the JCS.

Residential amenity, pollution, health and safety

5.95 Policy DM3.13 Residential amenity directs that development should not be approved if it would have a significant adverse impact on nearby residents' amenities or the amenities of new occupiers.

5.96 The nearest dwellings are located to the southeast approximately 18 metres from the application site. Dwellings are located to the south, which are separated by an agricultural field between the development boundary and the edge of the settlement.

5.97 Whilst acknowledging that there will be a degree of impact on residential amenity, particularly to the nearest dwellings, the proposals have been designed to try and minimise this by positioning buildings towards the back of the site as well as providing landscaping between the buildings and the edge of the village.

5.98 Given the relative distance and separation of the proposed buildings located to north and properties to the south, as well as the proposed mitigation between the buildings and existing dwellings, it is considered that the proposals will not have a significant adverse impact on the amenities of nearby residents in terms of overlooking or loss of day light.

5.99 In terms of noise, given the proximity of dwellings located to the south and southwest of the site, there is the possibility that these could be affected by noise arising from the proposal both during construction and operation. This would be influenced by the hours of operation, the layout of the site, and the operations that will take place, as well as any fixed plant and machinery.

5.100 A Noise Impact Assessment has been submitted as part of the application, which assesses the noise that will be emanating from the proposal and the level of noise that residents will be subject to from the proposal. The assessment concludes that the development of a new headquarters and associated infrastructure will not have a significant adverse noise impact on occupiers of existing dwellings or properties on the site's southern boundary. The Council's Environmental Protection has assessed the findings of the Noise Impact Assessment and raises no objections to the proposals, subject to a number of conditions (as set out below) to protect the occupants of surrounding residential dwellings from noise.

- 5.101 In terms of external lighting with regards to neighbour amenity, information has been provided to demonstrate that the proposals will comply with The Institution of Lighting Professionals document entitled Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The light spill to 'off site' is limited and is generally contained within the site boundary and as such is considered acceptable with regards to residential amenity, subject to conditions. In terms of the effects of lighting from illuminated signage, this will be considered separately as part of application ref 2018/2632 for advertisement consent, having regard to the visual amenity of the surrounding area.
- 5.102 Turning to Policy DM3.14, this directs that development has regard to pollution, health and safety and requires development to minimise and where possible reduce adverse impact on air quality, surface and ground water quality, land quality and condition and the health and safety of the public.
- 5.103 The site in question has not been identified as having the potential to be the subject of land quality issues that could impact the proposal. Existing land quality is proposed as being retained through various planning, building regulations and statutory standards as appropriate.
- 5.104 Due to the site's location and the development proposed, the potential for unacceptable impacts from air quality relating to construction activities and the operation of the site are not considered to warrant a reason for refusal and can be controlled through conditions.
- 5.105 In terms of health and safety, it is proposed that public safety will be retained and improved by allowing for dedicated formal pedestrian paths to allow restricted access to the site. Informal pedestrian paths are proposed as permissive routes around the perimeter of the site. No members of the public will have unaccompanied access to the working areas of the site.
- 5.106 Having regard to the above, the Council's Environmental Protection has recommended a number of conditions requiring the following details to be submitted should planning permission be granted:
- a detailed noise and dust management plan/scheme to protect the occupants of surrounding residential dwelling surrounding the site from noise, dust and smoke;
 - a limit on noise levels generated by external plant to not exceed 53dB;
 - a condition requiring that no loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the buildings unless approved in writing;
 - a condition requiring details for the treatment and discharge of grit, dust, fumes gas or mist and for their extraction from the premises;
 - a condition requiring that all external lighting is as detailed in the External lighting report and External lighting plan included in the application documents;
 - a condition limiting the hours of operation (including the hours of delivery and dispatch) to those specified Design & Access statement;
 - a condition limiting the hours during which the refuse bins on the site are emptied and other stored waste is removed from site to between 8:00am and 7:00pm Monday to Friday only;
 - a planning condition relating to contamination if found during construction.
- 5.107 Subject to the above conditions, providing details to demonstrate that it is both possible and practicable for the proposal to operate without having an unacceptable impact on the residents of the area, the proposals are considered acceptable in the context of Policies DM3.13 and DM3.14.

Other matters

Minerals safeguarding

- 5.108 The proposal 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, and Core Strategy Policy CS16 'Safeguarding' is applicable.
- 5.109 Correspondence between Norfolk County Council as Minerals Planning Authority and the applicant confirms that minerals safeguarding can be dealt with by condition to address intrusive site investigations, if viable then how to extract and a Materials Management Plan. This would require excavated material that is proven to be suitable for the construction phases to be reused on-site, with suitable material extracted which is surplus to on-site requirements to be moved to an aggregate processing plant. Subject to the above it is considered that the proposals are acceptable in this regard.

Agricultural land classification

- 5.110 The submitted Agricultural Land Classification Report, April 2019 identifies that of a site area of 12.21ha, 8.80ha was classified 3a and 3.41ha was classified 3b.
- 5.111 The magnitude of loss of the 'best and most versatile agricultural land' as defined at Annex 2 of the NPPF is low (8.80ha). The provisions set out within Schedule 4 of Statutory Instrument 595, of the Town and Country Planning (Development Management Procedure) (England) Order 2015 state that Natural England should only be consulted in circumstances that involve the loss of 20ha or more of best and most versatile agricultural land. As such given the magnitude of loss of the best agricultural land is low, it is concluded that this cannot be substantiated as a reason for refusal of this planning application in respect to the loss of higher-grade agricultural land.

Policy DM 2.1

- 5.112 Having regard to the above assessment of the above planning constraints/requirements in returning to the establishing whether the scheme complies with Part 1 of Policy DM2.1 it is considered that the above concerns relating to highway safety, landscape and visual impacts and on a heritage asset and the resulting policy conflicts are such that significant adverse impacts occur to the extent that the development is in conflict with Part 1 of Policy DM2.1.
- 5.113 In terms of part (7) of Policy DM2.1, with regard to part (a) given the proposals are not seeking the re-use of redundant rural buildings or hard standings then this criterion is not considered relevant to these proposals.
- 5.114 In terms of criterion (7) (b) the first part of the text requires the consideration of whether the site is *well related to rural towns and villages*, this is commented on in more detail in the reasoned justification which accompanies Policy DM2.1 of the SNLP, which states at paragraph 2.8 that:

The Council will respond positively to economic development proposals on other sites. This Policy gives preference to new sites within development boundaries, to the needs of existing businesses that wish / require expansion, and finally to new small sites that are well related to a nearby rural settlement in terms of urban form and access to services... The definition of "near" is a site that has good connectivity to these settlements, particularly in terms of pedestrian and cycle access. Outside of the main employment allocations, this policy will improve the range of accessible job and new business opportunities across the whole of the district and minimise incursion into the open Countryside.

5.115 It is evident that this supporting text indicates a “preference” for development in the countryside which is either an expansion of an existing business which officers interpret to be the expansion of an existing “site” which this is not, as it is considered to be a new site. Neither is it considered to be a “new small site” given the scale of the proposed development.

5.116 In terms of this site, whilst the site is relatively well related to the village of Swainsthorpe in terms of its proximity to the settlement, it is noted that the village has very few local services, facilities or cycle paths. The JCS identifies Swainsthorpe in Policy 16, as an ‘other village’ which is described as having a basic level of services/facilities and that would not provide a sustainable location for significant new development.

5.117 In recognising the above, it should also be noted that policy 6 of the NPPF is supportive of rural business. Paragraph 84 of the NPPF states that:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

5.118 In this case the proposal is considered to fail the above insofar as its not sensitive to its surroundings, has an unacceptable impact on the road and is unable to make the site more sustainable.

5.119 With regards to the second part of (b), specifically whether it has been demonstrated that there are no sequentially preferable sites available, it is noted that the applicant has submitted information, which sets out the background and context to the need to relocate the Ben Burgess headquarters from its current location in Trowse to this site. The information provides an explanation of the site selection criteria and the relationship in this regard with applicant's business requirements.

5.120 An Assessment of Alternative Sites is also submitted in support of this being an appropriate location for this development and is supplemented by the Addendum to Assessment of Alternative Sites.

5.121 Whilst Policy DM2.1 sets out no specific criteria for assessing such sites, it is recognised that the Ben Burgess business has very specific requirements in terms of site location and features.

5.122 The applicant was also asked whether they had considered existing allocations in the local plan as potential alternative locations.

5.123 The Assessment of Alternative Sites (parts one and two plus addendum) seeks to demonstrate that there are no allocated sites suitable for large single occupiers with the very site specific requirements and low sales values per square metre such as this. Having considered this information in detail, whilst I agree that the majority of allocated sites are not suitable for the proposed development, I consider that there are some allocated sites that could potentially accommodate the scale of development proposed, for example KES2 which was recognised as a site that could meet the specific needs of the development, but was rejected based on the use of space and associated land values.

5.124 Browick Road, Wymondham and the Food Enterprise Park were also rejected for being too far from the existing site and for catchment reasons. In the submitted site assessment of January 2019, Browick Road was rejected for being too far from the existing site. Both these sites, which benefit from a high profile location in the Cambridge Norwich Tech Corridor, appear to be suitable for the type of business proposed.

- 5.125 In terms of emerging sites and meeting the needs of larger scale proposals through the allocation of land (to provide a choice and range of sites), the applicant has made representations to the emerging Greater Norwich Local Plan team suggesting that local plans should include a specific allocation to meet the needs of the Ben Burgees business. It is noted that both the current and draft Local Plan identifies significantly more employment land than the overall need and a number of these are sites capable of accommodating a development of the scale and type proposed here.
- 5.126 As such, whilst it is recognised that there are no sites that meet the applicants own assessment criteria and that there is a degree of uncertainty relating to the suitability of alternative sites to come forward through the plan led system in the timescales required, it is not accepted that this is the only criteria for selecting a site that could potentially meet the operational and commercial needs of the business and that a number of other sites could be suitable, subject to greater relaxation of the business model. Therefore the determination of this application is not reliant upon the outcomes of the GNLP and any allocation it may make, or otherwise.
- 5.127 In summarising on Policy DM2.1, it is considered that the scheme fails to comply with the relevant parts of this policy.

Policy DM 1.3

- 5.128 As set out above it is evident that the scheme fails to meet the relevant requirements of Policy DM2.1 and consequently the scheme does not satisfy criterion 2c) of Policy DM1.3 which makes provision for supporting the principle of development in the countryside where it complies with a specific policy of the Plan designed to permit development in such a location.
- 5.129 The assessment now focuses on whether the scheme complies with criterion 2d) of Policy DM1.3 insofar as does the scheme offer overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1.
- 5.130 The benefits are assessed as follows:

Economic benefits

The economic benefits of this proposal as asserted by the applicant are set out as follows:

- Maintaining existing employment opportunities which if a suitable site had not been found would have forced the headquarters functions out of the area with the potential displacement of 45 high skilled jobs;
- the creation of new employment opportunities including expansion of apprenticeships;
- the adaption and expansion of an existing established business serving the rural economy;
- wider economic benefits in relation to inward investment in farmers/producers and support industries which benefit from the locational advantages of having the headquarters of Ben Burgess (the largest John Deere's dealership in the UK) in the area;
- a proposal designed to integrate a modern and sustainable design with its landscape setting (the site layout and building design take a holistic view of design, landscape and environmental issues);
- delivery of an innovation and education hub to enable Ben Burgess to assist rural businesses in south Norfolk to fulfil their competitiveness and achieve the most out of new technologies.

- 5.131 Policy 5 of the JCS states that, "The local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations." In-line with spatial planning objective 3, this policy also recognises the need for a sufficient supply of land to be made available through site specific allocations to meet the needs of larger scale economic investors.
- 5.132 The NPPF states that, "Planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity..." (para 81). It goes on to state that, "Planning policies and decisions should recognise and address the specific locational requirements of different sectors.... at a variety of scales and in suitably accessible locations" (para 83).
- 5.133 As set above, Para 85 of the NPPF is also noteworthy, which states that "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."
- 5.134 Policy DM2.1 (1) is consistent with the Framework and states that "Development proposals which provide for or assist the creation of new employment opportunities, inward investment and/or provide for the adaption and expansion of an existing business will be supported unless there is significant adverse impact in terms of policies DM 1.1, DM 1.3 and other policies of the Local Plan". Part (7) (c) goes on to say that positive consideration will be given new sites in the countryside that "create accessible jobs and business opportunities in the rural area."
- 5.135 The documents submitted in support of the planning application set out the economic case for the proposals.
- 5.136 The supporting information suggests that there will be an increase in employment from their current site in Trowse, from 95 full time equivalent (FTE) to approximately 112, which would increase job opportunities in the local area, including the creation of jobs to serve a rural customer base located accessibly within the rural area including 7 engineering apprenticeships and 3 other apprenticeships. It is also suggested that the maintenance and expansion of direct jobs together with indirect related employment would assist in the aim to support the local and wider rural economy of South Norfolk.
- 5.137 Turning to the locational requirements of the proposals it is considered that there is no overriding justification or a proven requirement beyond the applicant's strict criteria for the proposed location of the premises, particularly given the harms identified above. It is acknowledged that the NPPF and development plan supports economic growth and that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including recognising that sites in rural areas such as this may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 5.138 Nonetheless, one of the core principles of the Framework is to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. This proposal is unable to address those concerns for the reasons set out above and cannot be considered sustainable in the context of the Framework given the fundamental Policy harms identified.

- 5.139 As such turning to the economic benefits it is considered that there would only be moderate local economic benefits gained as a result of the increase in employment opportunities and apprenticeships, particularly given these are not guaranteed and that these could potentially come forward in any event.
- 5.140 Turning to the wider economic benefits in relation to inward investment in farmers/producers and support industries which will benefit from the proposals, again this is given modest weight given that this could be replicated elsewhere and given this is essentially an expansion of an existing business. There would also be moderate local economic benefits gained from the construction of the development as well as increased local spending, but this would not be a greater benefit than the benefit to be gained if this development takes place within the settlement boundaries and is therefore not considered to be overriding.
- 5.141 With regards to the modern and sustainable design of the proposals with its landscape setting, this is considered to be a benefit of little weight, given that all buildings should aspire to take into account design, landscape and environmental issues.
- 5.142 In terms of the delivery of an innovation and education hub to enable Ben Burgess to assist rural businesses in south Norfolk to fulfil their competitiveness and achieve the most out of new technologies, it is unclear what this would involve beyond training customers to use new machinery, which again could be provided elsewhere, therefore this is given little weight.
- 5.143 In regard to maintaining existing employment opportunities and the potential displacement of high skilled jobs if the business cannot relocate to this site which is asserted, this is not a benefit in its own right and cannot be given any weight in the planning balance, given that these jobs already exist, and that the business continues to operate.
- 5.144 It is noted that both the Council's and County Council's Economic Development Team's support the proposals and have set out what they consider are the key benefits of the scheme, summarised in Section 4 of this report, which include links to the local and wider Agri-food economy, expansion of an established business, strengthening of the supply chain, embracing new technology and innovation and, links to the aims of the Norwich-Cambridge Tech Corridor strategy, to drive clean, efficient, technology-based economic activity etc.
- 5.145 They have also highlighted what they consider are the potential risks of the business not being able to successfully relocate within Norfolk and the potential loss of jobs and economic benefits of the operation.
- 5.146 In terms of COVID-19 as a material consideration, the need to support the economy as part of the recovery from the pandemic is a consideration. It is accepted that this application will provide some modest economic benefits as set out above, including through the development itself which will also contribute to the local economy. This weighs in favour of the proposal.
- 5.147 Consequently, modest weight is attached to the overall economic benefits of this proposal. However, it is considered that the economic benefits when taken as a whole do not provide "overriding benefits", given that many are asserted but not quantified or justified, and when viewed in the context of the policy harm in allowing this development outside of the development limits, which could potentially be accommodated elsewhere, resulting in significant adverse harm to the rural character of the landscape and to St Peters Church, which are in their own right significant enough reasons to justify refusal.
- 5.148 Furthermore it is considered that the proposed highway improvements to the junctions of Stoke Lane with A140 and Church Road with A140 are benefits of limited weight and as such the economic benefits of the proposals do not outweigh the adverse impact associated with the proposed new access onto the corridor of movement/major route network.
- 5.149 As such, within the context described above, the benefits are not considered to constitute overriding economic benefits in the context of Policy DM1.3(2)(d).

Social benefits

5.150 The social benefits of this proposal as set out by the applicant are summarised as follows:

- The creation of permissive pedestrian routes linking the village of Swainsthorpe with Hickling Lane via Church View and routes across the site.
- The creation of positive views of St Peter's Church from Hickling Lane and from within the site.
- New parkland style tree planting, hedging and frontage landscape comprising of native specimens and with a high degree of species rich meadow grassland and a materials palette for the buildings and operational areas which reflect the proposals' rural location and connections to the wider landscape.
- Technologies and design principles which reduce energy consumption and CO2 emissions.
- Creation of a safe and inclusive development that is fit for purpose incorporating the creation of an efficient, flexible and sustainable office building

5.151 In regard to the creation of permissive routes through the site linking Hickling Lane to the village and access to the countryside and existing footpaths, it is acknowledged that these are benefits in their own right, however, given that the majority of these routes already exist and that the village is already well connected to the countryside by existing public footpaths and routes, they are considered neutral in the planning balance

5.152 With regards to the creation of positive views of St Peter's Church from Hickling Lane and from within the site as well as landscaping and materials connecting the wider rural landscape, these are considered benefits of little weight, given that the views and connections already exist and will essentially be harmed by these proposals.

5.153 Turning now to new technologies; reducing energy consumption and creating flexible and sustainable office space, whilst these are all principles that should be commended, they are not considered unique to these proposals and are therefore neutral in the planning balance.

5.154 As such, within the context described above, the benefits are not considered to constitute overriding social benefits in the context of Policy DM1.3(2)(d).

Environmental benefits

5.155 The environmental benefits of this proposal as set out by the applicant are summarised as follows:

- 6.55ha of landscaping, designed to introduce new/key characteristics of the Tas Tributary Farmland landscape character area and adjacent Tas Rural River Valley to enhance the character of the site;
- Creation of new native woodland in the western area of the site to help soften and integrate the built forms into the landscape to the west and to help to decrease the openness of the site and increasing the depth of the wooded backdrop on the valley side.
- Strengthening the structural planting along Hickling Lane and retaining gaps to create deliberate long views/vistas outwards where gaps currently exist towards St Peter's Church to the south and the Tas Valley to the south east.
- Planting of four feature trees, nine primary route trees, 20 secondary route trees, 54 native parkland trees, 11 wetland tolerant trees (total of 98 individual trees)
- Provision of new hedgerows and the reinforcement and enhancement of existing hedgerows to be retained.
- Creation of areas of meadow grassland with trees planted in parkland style across much of the site, with areas of mown grass margins and grass paths to allow for useable open space, as well as providing some softening of the development in views from the west.
- Enlargement and management of Roadside Nature Reserve (RNR) 13; and
- net gain in biodiversity.

- 5.156 The design of the proposed development seeks to be well-integrated into the landscape and provide key characteristics of the rural landscape and the adjacent rural valley (Tas Valley). The proposal also seeks to incorporate tree planting to strengthen the wooded backdrop on the valley side and to anchor the building into the landform and the skyline.
- 5.157 Having regard to the described environmental benefits, it is accepted that there may be some merit in what is being proposed as a landscape treatment for this proposal and the mitigation of potential adverse impacts, including the creation of new woodland, strengthening of structural planting and creation of meadow grassland/tree planting. However, it remains the case that there will be a significant change in the landscape character and that some key landscape features will be lost resulting in a significant adverse effect on the landscape character.
- 5.158 Furthermore, it is clear that there is no immediate need to enhance the character of the site (as required by DM4.5) as it is already making a positive contribution to the identified landscape character, displaying key landscape characteristics.
- 5.159 As such, when taking into account the stated conclusions of the LVIA and for the reasons set out above, as well as the applicant's objectives to introduce new/key landscape characteristics, the harm is not considered to outweigh the benefits of the mitigation. This is due to the fact that the site already makes a positive contribution the landscape character areas in terms of its landscape characteristics and that there is no immediate need to enhance the character of the site/introduce new/key characteristics.
- 5.160 With regard to the suggested creation of useable open space, whilst this is a positive aspect of the proposals, there is no policy requirement to provide open space on this site and there are no guarantees that this can be reasonably secured, particularly given the commercial nature of the proposals.
- 5.161 Turning to ecology, in particular the temporary significant damage to the Roadside Nature Reserve (RNR), it is noted that as part of the proposed enlargement and future management of the RNR, that there could be some long-term positive impacts. However, given the temporary significant damage likely to be caused by the proposals, this is also considered neutral in the planning balance.
- 5.162 In regard to the effect of the proposals on species such as bats and birds, there will be some short to medium term disturbance, particularly during the proposed construction phases. The applicants have proposed mitigation measures to overcome this, which in themselves will bring some benefits, for example the additional tree planting, hedgerows and frontage landscape comprising native specimens. However, when having regard to the overall impacts of the proposals on ecology more generally, these are considered benefits of only modest weight in the planning balance.
- 5.163 As such, within the context described above, the benefits are not considered to constitute overriding environmental benefits in the context of Policy DM1.3(2)(d).
- 5.164 When taking in to account the combined benefits from the social, economic and environmental dimensions, whilst it is accepted that the scheme would present benefits, these are not considered to be overriding in the context of the clear harm identified above in respect of highway safety, landscape impact and on a heritage asset such that the scheme fails to satisfy criterion 2d) of Policy DM1.3.
- 5.165 In summary, the scheme fails to comply with either of the relevant tests of Policy DM1.3.

Summary and conclusion

- 5.166 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 National Planning Policy Framework (NPPF).
- 5.167 It is evident that the countryside location of the proposed development requires compliance with Policy DM1.3 of the SNLP and that there are two ways to achieve this as highlighted in the assessment above. In this case, the scheme fails to meet either as it neither complies with the relevant policy permitting employment in the countryside (DM2.1) nor does it “demonstrate overriding benefits in terms of economic, social and environment dimension” when having regard to the benefits provided by the scheme but noting the numerous areas of harm.
- 5.168 Furthermore, the proposal also fails to meet the relevant policies of the Plan and the guidance contained within the NPPF on matters relating to highway safety, landscape and visual impact and heritage assets.
- 5.169 With specific regard to heritage, as set out earlier in the report in line with the requirements of S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 which provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority has had special regard to the desirability of preserving the building or its setting and further the identified adverse impact on the setting and consequently the significance of the building has been considered against the public benefits in line with paragraph 202 of the NPPF.
- 5.170 In this case the public benefits of the scheme in providing new employment opportunities including the expansion of apprenticeships and the wider economic benefits in relation to inward investment etc do not outweigh the harm to the significance of the heritage asset or provide a “clear and convincing reason” (paragraph 200) to justify granting planning permission for this development.

Whilst there are some policies with which the proposal would comply, in my judgement the appeal scheme would conflict with the development plan when taken as a whole.

- 5.171 Finally, returning to the requirements of S38(6) of the Planning and Compulsory Purchase Act 2004 it is not considered that there are any other material considerations that indicate that the application should be approved contrary to the provisions of the Local Plan and bearing in mind the fundamental policy harm in allowing this development in this location.

Other considerations

- 5.172 A Screening Opinion has been carried out for the proposed development, which concluded that no Environmental Impact Statement was required.
- 5.173 The application is liable for Community Infrastructure Levy.
- 5.174 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

Recommendation: Refusal

1. Significant adverse impact to the landscape characteristics of the area, contrary to Policy DM4.5 and to the design principles promoted in DM3.8 of the Development Management Policies Document, Policy 2 of the Joint Core Strategy and section 12 of the NPPF
2. Loss of 'important' section of hedgerow and a 'Category A' tree, contrary to DM4.8
3. Harm to the significance of St Peters Church, a grade II* listed building, contrary to Policy 2 of the Joint Core Strategy DM4.10 and paragraphs 200 and 202 of the NPPF
4. Creation of a new access on a stretch of classified highway of nationally strategic importance contrary to DM3.11
5. Benefits not 'overriding' contrary to DM1.3 and DM1.1

Reasons for Refusal

1. The proposed development introduces large building/s and associated infrastructure etc into the open countryside resulting in a loss of much of the sites clearly determinable and distinctive landform including its topography; the distinctive line of trees and important hedgerow between field parcels. Consequently, key landscape characteristics will be lost as a result of the proposed development which will result in demonstrable harm. Loss of vegetation is also an identified sensitivity and conflicts with the aspirations of the landscape strategy.

Furthermore, it is clear that there is no immediate need to enhance the character of the site (as required by DM4.5) as it is already making a positive contribution to the identified landscape character, displaying key landscape characteristics. The proposed mitigation associated with the development does not overcome this issue and as such the proposals would fail to respect, conserve and where possible, enhance the landscape character of its immediate and wider environment and will result in a significant adverse impact on both the landscape character and existing visual amenity of the site, contrary to Policy 2 of the Joint Core Strategy and Policy DM3.8 of the South Norfolk Local Plan 2015 and DM4.5 of the Local Plan and Section 12 of the NPPF.

2. The development would result in the loss of sections of 'important' hedgerow and a category A Oak tree (T43). This loss would not be outweighed by the benefits of the proposal and therefore would be contrary to Policy DM4.8 of the South Norfolk Local Plan 2015.
3. The development will lead to less than substantial harm to the significance of St Peters Church, a grade II* listed building. In this case the public benefits of the scheme in providing new employment opportunities including the expansion of apprenticeships and the wider economic benefits in relation to inward investment etc do not outweigh the harm to the significance of the heritage asset or provide a "clear and convincing reason" (paragraph 200) to justify granting planning permission for this development, contrary to Policy DM4.10 of the South Norfolk Local Plan 2015, Policy 2 of the Joint Core Strategy and paragraph 200 of the NPPF.

4. The proposed development would lead to the creation of a new access on a stretch of classified highway of nationally strategic importance which carries significant traffic movements, usually at speed. Furthermore, the vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles and introduce a further point of possible traffic conflict particularly with the introduction of slow moving traffic and turning movements contrary to South Norfolk's Development Plan Policy DM 3.11.
5. The proposed development is not supported by any specific Development Management policy which allows for development outside of the development boundary, including Policy DM 2.1.
6. The lack of overriding benefits when noting the identified harm of the scheme in relation to highway safety, landscape and visual impact and a heritage asset, mean that the proposal fails to comply with either criteria 2 (c) or 2 (d) of Policy DM1.3 and DM1.1 of the South Norfolk Local Plan 2015 and is fundamentally inconsistent with the Council's Vision and Objectives for the area.

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Meeting cancelled
Application withdrawn by Applicant