

Development Management Committee

Agenda

Members of the Development Management Committee:

Cllr V Thomson (Chairman)	Cllr T Holden
Cllr L Neal (Vice Chairman)	Cllr C Hudson
Cllr D Bills	Cllr T Laidlaw
Cllr F Ellis	Cllr G Minshull
Cllr J Halls	

Date & Time:

Wednesday 14 December 2022
10.00am

Please note that planning applications 9-11 will not be heard until after 2.00pm.

Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Leah Arthurton tel (01508) 533610
Email: committee.snc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.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 committee.snc@southnorfolkandbroadland.gov.uk, no later than **5.00pm on Friday 9 December 2022**

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.

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 6)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday 16 November 2022;
(attached – page 8)
5. Planning Applications and Other Development Control Matters;
(attached – page 20)

To consider the items as listed below:

Item No.	Planning RefNo.	Parish	Site Address	Page No.
1	2020/8033 Item deferred	SUTON	Land at: Plots 1-8 south east side of London Road (Hollyoaks)	20
2	2021/1034	KESWICK AND INTWOOD	Land West of Ipswich Road Keswick Norfolk	34
3	2021/1035	KESWICK AND INTWOOD	Land West of Ipswich Road Keswick Norfolk	55
4	2021/1036	KESWICK AND INTWOOD	Land West of Ipswich Road Keswick Norfolk	75
5	2021/1037/D	KESWICK AND INTWOOD	Land West of Ipswich Road Keswick Norfolk	94
6	2022/0276/O	CHEDGRAVE	Land East Of Langley Road Chedgrave Norfolk	114
7	2022/0067/F	REDENHALL WITH HARLESTON	Land to the east of Mendham Lane Harleston Norfolk	138
8	2022/1435/F	BRAMERTON	The Homestead The Street Bramerton NR14 7DW	172
9	2022/1108/F	BRESSINGHAM	Deal Farm, Kenninghall Road, Bressingham	186
10	2022/0803/F	REDENHALL WITH HARLESTON	Halfway Garage, Mendham Lane, Harleston, IP20 9DW	226

11	2022/1532/F	CRINGLEFORD	Land South Of Newmarket Road And North Of Colney Lane Cringleford Norfolk	234
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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. Planning Appeals (for information); (attached – page 248)

8. **Date of next scheduled meeting-** Wednesday 11 January 2023

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

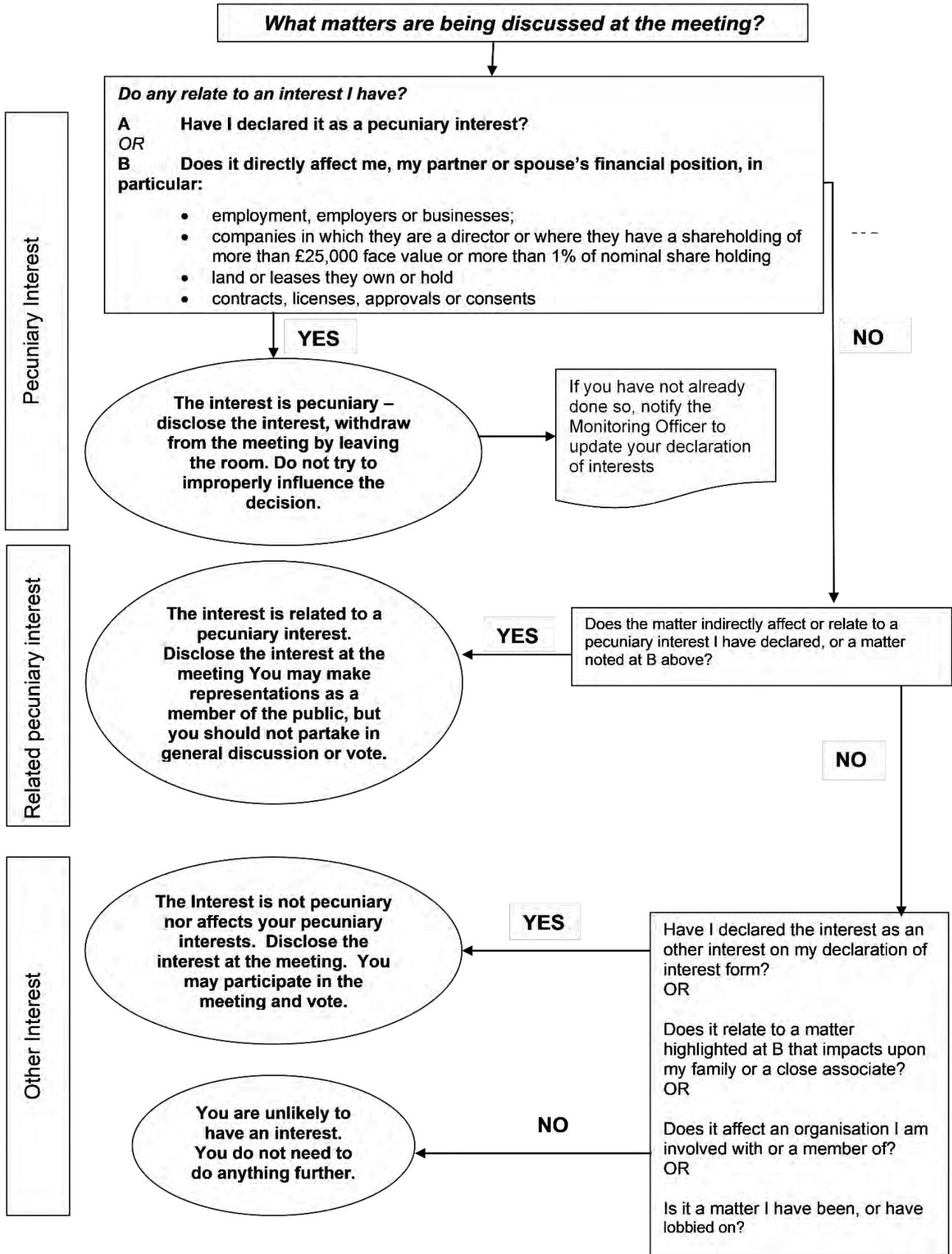
DECLARATIONS OF INTEREST AT MEETINGS

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 <p>inlf 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 16 November 2022 at 10am.

Committee Members Present: Councillors: V Thomson (Chairman), D Bills, F Ellis (for items 1,2,4,5 & 6), J Halls, T Holden , C Hudson, T Laidlaw, L Neal and G Minshull.

Officers in Attendance: The Assistant Director for Planning (H Mellors) and the Area Planning Managers (G Beaumont, C Curtis & S Everard), the Principal Planning Officers (H Bowman & T Barker) and the Democratic Services Officer (L Arthurton)

23 members of the public were also in attendance

637 DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
2021/2764/F (Item 1)	SPOONER ROW	J Halls	Other Interest Local Member
		J Halls	Local Planning Code of Practice Lobbied by the Applicant
2022/1083/F (Item 2)	HOWE	All	Local Planning Code of Practice Lobbied by the Applicant
		F Ellis	Other Interest As Local Member, Cllr Ellis chose to step down from the Committee and speak

			solely as Local Member on the application
2022/1084/O	WYMONDHAM (Item 3)	T Holden	Other interest Local Member and known to the applicant.
		J Halls	Other interest A member of Wymondham Town Council
2022/1118/CU (Item 4)	STARSTON	C Hudson	Other interest Local member
		C Hudson	Local Planning Code of Practice Lobbied by the Applicant
2022/1417/H (Item 5)	HEMPNALL	All	Local Planning Code of Practice Lobbied by an Objector

638 MINUTES

The minutes of the meeting of the Development Management Committee held on 21 September 2022 were confirmed as a correct record.

639 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
2021/2764/F	SPOONER ROW	R Ashton – Applicant
2022/1083/F	HOWE	C Magrath – Applicant J Venning – Agent Cllr F Ellis – Local Member
2022/1084/O	WYMONDHAM	Cllr S Nuri-Nixon– Town Council M Thomson – Agent Cllr J Hornby – Local Member
2022/1118/CU	STARSTON	K O’Keeffe – Parish Council S Hendry – Applicant Cllr M Wilby – Local Member
2022/1417/H	HEMPNALL	A Driver – Parish Council (written Representation) D Hook – Objector H Rose – Objector Cllr M Edney – Local Member
2022/1548/F	CARLETON RODE	O Jones – Agent C Furness – Applicant

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.

640 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 13:20pm)

Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE
– 16 November 2022

Item	Updates	Page No
1- 2021/2764	Additional condition proposed for inclusion: Details of method of foul water disposal to be submitted for approval.	14
2 – 2022/1083	No Updates	25
3 – 2022/1084	<p>Consultee Comment – Cllr Dearnley and Cllr Hardy</p> <p>Object to the development on the following terms:</p> <ul style="list-style-type: none"> • Policy DM4.7 of the South Norfolk Development Management policies protects the openness of the strategic gap between Hethersett and Wymondham to ensure these two settlements do not converge in the face of substantial housing growth in these areas and it carries substantial planning weight against an approval. Landscape character area, itself protected under policy DM4.5. • We must ensure that the substantial planning weight of policy DM4.7 is applied in full by all decision makers - whether planning officers under delegated authority or planning committees when called in - when determining planning applications. It is one of the most important planning policies we have carrying the most planning weight, preventing as it does Hethersett merging with Wymondham which would undermine our separate identities which we must guard against at all costs. • Whilst the provision of a dental surgery would be welcome, there is a distinct lack of dentists nationally to occupy such surgeries, and the provision of just 5 homes with a dental surgery in no way offsets the substantial harm housing development would have in the strategic gap and this protected landscape area. <p>Additional information submitted by the applicant. Officer comments included below in <i>italics</i></p> <ul style="list-style-type: none"> • Strategic gap analysis – This has considered appeal decision APP/L2630/W/15/3007004. This was 	33

	<p>allowed within the strategic Gap. Evidence has also been provided to show lack of visibility of the site within the gap.</p> <ul style="list-style-type: none"> Assessment of alternative sites for a dentist surgery -Two alternative sites were shown within the development boundary which had been dismissed as unsuitable. <p><i>Limited evidence has been provided as to the reason why the sites were discounted. The land is available within the defined development boundary for E class use and would represent a suitable alternative.</i></p> <ul style="list-style-type: none"> Bunwell appeal decision relating to Nutrient Neutrality <p><i>The appeal decision allows for nutrient neutrality mitigation to be provided through a discharge of condition application as opposed to being required in advance of the determination. It should be noted that a number of other appeal decisions have been received which have concluded that the nutrient neutrality mitigation is needed in advance of a decision being taken. At this stage the reason for refusal is considered to remain appropriate.</i></p> <p>Officer Comments – Consideration has been given to the updated information. Whilst additional information has been submitted this is not considered to overcome the reasons for refusal as set out within the report.</p>	
4 – 2022/1118	No updates	45
5 – 2022/1417	Lobbying letter has been received and circulated to all members of the committee	50
6 – 2022/1548	<p><u>Further comments from the applicant</u></p> <p>Note that they can amend the layout to address issues raised by the Highway Authority.</p> <p><u>Officer's comments</u> – noted. If these details are provided then the third reason for refusal in the report recommendation can be deleted.</p> <p><u>Comments from SNC Ecology Officer:</u></p>	56

	<p>Further information required on Nutrient Neutrality mitigation: The application will need to provide a shadow HRA which demonstrates how the proposal will be nutrient neutral, with what has been submitted is not detailed enough to satisfy this.</p> <p>The proposed Package Treatment Plan is unlikely to be accepted by Natural England due to the need for ongoing dosing and management of the dosing system. It is also not clear whether the reed beds will form part of the mitigation strategy and how this would be secured.</p> <p>Further Issues with the ecological survey:</p> <p>10 ponds and one drain are present within a 250m radius of the site. No pond surveys were undertaken as access was not obtained. The closest pond is 47m from the site. The desk top study revealed that one pond, P6, had great crested newts in 2014.</p> <p>Suitable terrestrial habitat (rough grassland and hibernacula) exists within the site margins. The report notes <i>'the site may be used by individuals commuting between ponds, if present in these features'</i> and <i>'The rough marginal grassland provides some connectivity but the small area of suitable habitat and regular site disturbance through mowing and grazing would suggest that great crested newts are unlikely to be using the site for foraging'</i>. Please note the activities of 'foraging' and 'commuting' are not distinct from each other i.e. GCN will feed on worms, snails and spiders when foraging or commuting between or too ponds.</p> <p>The loss of 0.39 ha of land (terrestrial habitat) within 100m from any breeding ponds (worst case scenario in the absence of surveys) would be likely to result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or Wildlife and Countryside Act 1981.</p> <p>The application site is also located within an amber zone for great crested newts (<i>amber zones contain suitable habitat and GCN are likely to be present</i>).</p> <p>Additional land would be required to satisfy Highway's recommendation for a footpath between the site and Rode Lane (NCC, 22/09/22).</p>	
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	<p>For the reasons above and in the absence of pond surveys I am not satisfied that there are sufficient grounds for discounting impacts on GCN and further information is required.</p> <p><u>Officer comments</u> – additional reason for refusal proposed in regard to the potential impact on protected species:</p> <p><i>Insufficient information has been provided to demonstrate that the proposed scheme would not have an adverse impact on protected species and in particular in regard to great crested newts.</i></p> <p>Further Neighbour Comment:</p> <ul style="list-style-type: none">• Notes that the qualification statement suggests the development would not set a precedent. However, Rosecroft adjacent to the site is wide enough for a roadway to be constructed alongside the proposal, providing access to a plot to the rear.• Questioned the validity of 'self-build' as there is a development company involved.• Dwellings are out of character• Concerned regarding access	
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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** : **2021/2764/F**
Parish : **SPOONER ROW**
 Applicant's Name : Mr Robert Ashton
 Site Address : Land opposite Turnpike Farm London Road Sutton Norfolk
 Proposal : Proposed new single-storey earth-sheltered dwelling to be sited in the paddock
 Decision : Members voted unanimously to authorise the Assistant Director (Place) to approve subject to Unilateral Undertaking being entered into that secures contributes to towards GIRAMS and subject to the following conditions:
1. Time Limit - Full Permission
 2. In accordance with submitted drawings
 3. Verification to be provided that dwelling achieves a minimum SAP rating of 167A prior to its first occupation
 4. Submission of a landscaping scheme
 5. Details of ecological enhancements to be submitted
 6. Development to take place in accordance with identified ecological mitigation measures
 7. Development to take place in accordance with details in Arboricultural Impact Assessment
 8. Construction of access
 9. No obstructions across access for first 5 metres
 10. Provision of parking and turning area
 11. Provision of visibility splays
 12. Water efficiency
 13. Remove permitted development rights for alterations and extensions to the dwelling and the erection of outbuildings (Classes ABCDE)
 14. Details of method for foul water disposal to be submitted for approval

2. **Appl. No** : **2022/1083/F**
Parish : **HOWE**
Applicant's Name : Mr & Mrs J Magrath
Site Address : Church Farmhouse The Green Howe Norfolk NR15 1HD
Proposal : Ground floor and first floor extensions with associated alterations of existing garage/office building to form annexe accommodation and extension with associated alterations at first floor level of existing barn.
Decision : Members voted 5-2 for refusal

Refused

1. Contrary to DM3.7 due to size and scale
2. Not high-quality design and would harm the character and appearance of the Conservation Area

3. **Appl. No** : **2022/1084/O**
Parish : **WYMONDHAM**
Applicant's Name : Elm Farm Properties limited
Site Address : Land North of Elm Farm Norwich Common Wymondham Norfolk
Proposal : Outline application for five detached dwellings, with gardens and garages, and a dental practice with parking area (planning use class E(e)) with access.
Decision : Members voted 7-1 for refusal

Refused

1. Harm to the landscape character and Strategic Gap
2. Failure to demonstrate that other sites could not accommodate a new dentists surgery
3. Failure to comply with DM1.3 including no overriding benefits
4. Insufficient information nutrient neutrality.

4. **Appl. No** : **2022/1118/CU**
Parish : **STARSTON**
Applicant's Name : Mr Stuart Hendry
Site Address : Thurlings Farmhouse Hardwick Road Starston Norfolk IP20
9PH
Proposal : Change of use of field to recreational use for siting of
shepherds hut to be used as holiday let
Decision : Members voted unanimously for approval (contrary to the
officer's recommendation of refusal)

Approved

1. In accordance with submitted drawings
2. Holiday let only
3. Parking and turning area to be provided and retained.

Reason for overturning Officer recommendation

Members felt that the small scale of the proposal did not impact the surrounding area. The site also had good connectivity via footpath access and would promote tourism in the area.

5. **Appl. No** : **2022/1417/H**
Parish : **HEMPNALL**
Applicant's Name : Joesbury
Site Address : 2 Freemasons Cottages Mill Road Hempnall Norfolk NR15 2LP
Proposal : New door opening within side (north west) elevation and new single storey rear extension including internal alterations (Revised)
Decision : Members voted 7-1 with one abstention for refusal (contrary to Officer's recommendation of approval)

Refused

1 design, scale and mass of single storey
2 use of contemporary material

Reasons for overturning recommendation:

Taking into consideration the reduction of the height of the extension from the previous application the scale, bulk and mass of the extension which protrudes to the side of the dwelling along with the contemporary design of the proposed extension would create a dominant extension which would detract from the character and appearance of existing dwelling which is a non-designated heritage asset and in doing so adversely affect the character and appearance of the area. The proposal is therefore contrary to policies DM3.6 and DM3.8 of the South Norfolk Local Plan, Policy 2 of the Joint Core Strategy and Paragraphs 130, 134 and 203 of the NPPF.

The appearance and architectural characteristics of the extension as described in the first reason for refusal will detract from and result in harm to the character and appearance of the existing dwelling, 2 Freemasons Cottage, and its significance as a non-designated heritage asset. The existing dwelling is considered to be a non-designated heritage asset by virtue of it being historically a good representative example of well-designed local mid C19 domestic style architecture with a balanced and proportioned Georgian style front elevation, original multi-pane sash windows, detailed flat gauged brick arches and white gault brick to the front elevation, which represents locally distinctive design and materials found in the area at the time, but which is not of sufficient enough significance to warrant heritage listing based on national importance.

6. **Appl. No** : **2022/1548/F**
Parish : **CARLETON RODE**
Applicant's Name : Mr. Tim Davidge
Site Address : Land North of The Turnpike, Carleton Rode, Norfolk
Proposal : Erection of 3 dwellings.
Decision : Members voted unanimously for refusal

Refused

1. The principle of the proposal is unacceptable by virtue of the proposed location and relation to development boundaries and thus potential impact upon sustainable transport and access to key services due to the distance to the nearest settlement with a range of services, public transport access and the lack of pedestrian facilities on the local highway network. The proposal would therefore result in a high reliance on the private car and therefore is not considered to accord with policies DM1.1, DM1.3 and DM3.10 of the Development Management Policies and Policies 1 and 6 of the Joint Core Strategy or accord with the NPPF's definition of sustainable development outlined in NPPF 02.

2. The proposal conflicts with Policies DM1.4 and DM3.8 of the Local Plan and Policy 2 of the Joint Core Strategy as the scale, height, and massing of the proposed dwellings do not respect the local character of the area as they are considerably larger in scale than the existing dwellings fronting onto Rode Lane.

3. The width of the access and turning provision within the site is inadequate therefore potentially leading to conflict between vehicles entering and leaving the site as well as large vehicles having to either unload or reverse onto the public highway thus endangering highway safety contrary to Policy DM3.11 of the Local Plan.

4. Whilst acknowledging the benefits of the scheme, these are significantly and demonstrably outweighed by the harms identified above and therefore the development is contrary to the NPPF even if the tilted balance in paragraph 11 of the NPPF is applied.

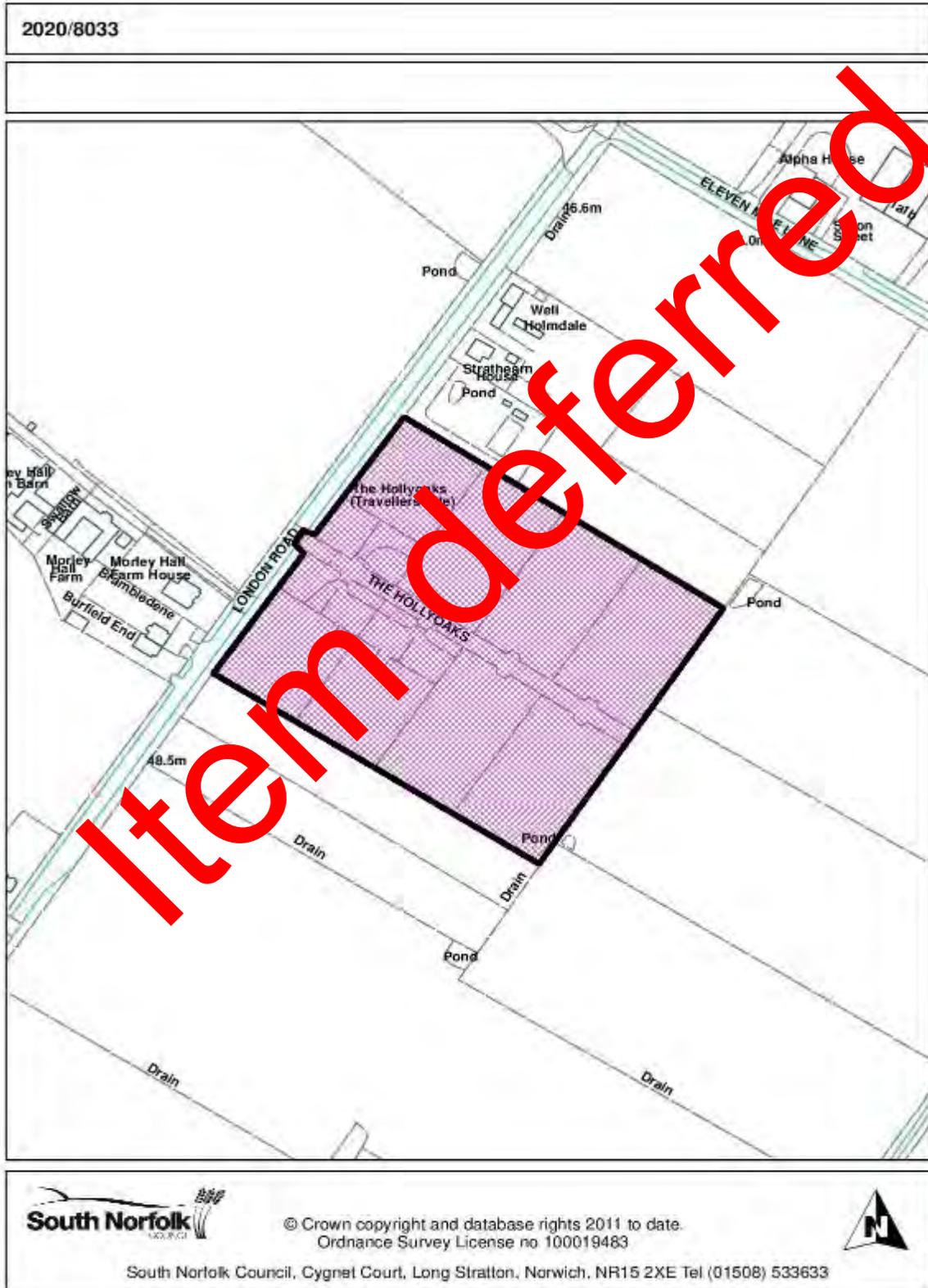
5. If required, any further reason(s) following receipt of comments from Natural England.

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Place

Enforcement Report

Application 1



Enforcement Report

- 1. Enforcement Ref: 2020/8033**
Parish: SUTON

Site Address: Land at: Plots 1-8 south east side of London Road (Hollyoaks)
 Breach: Non-compliance with Enforcement Notice (material change of use)

Developers: Occupiers of the site represented by TMA

1. Background

- 1.1 Planning permission was refused under ref: 2019/0330 on 23rd August 2019 for 'Change of use to allow formation of 8 No travellers pitches each with mobile home, hard standing for touring caravan and stable building'. The land then became occupied on the weekend of 8/9th February 2020, a Temporary Stop Notice was served on 10th February 2020 and then an Enforcement Notice and Stop Notice were served on 05/03/2020 to cease the unauthorised use of the land.
- 1.2 Both the planning refusal and enforcement notice were appealed but were dismissed by the Planning Inspector on 29th June 2021, the notice was upheld but varied to '*Remove all buildings, structures, material and equipment – including but not limited to all hardstandings and all fences and gates except those fronting the B1172 – associated with the residential use of the land from the site in their entirety*' and the compliance date for the notice to be complied with was 29th June 2022. The appeal decisions are attached as Appendix for members information.
- 1.3 The site remains occupied in breach of the notice and two pitches have been split to create 2 additional pitches.

Assessment

- 1.4 It is an agreed position following the dismissed planning and enforcement appeal, as has been communicated and agreed with the occupiers, that the site is not acceptable in planning terms for the traveller use and needs to be vacated and returned to its former use. It has been made clear and accepted by the occupiers that no further application for such a use will be accepted for the site and the only options available are to find an alternative site and vacate the appeal site.
- 1.5 It should be noted that while Officers had engaged with the site occupiers/owners and their agents prior to the compliance date set by the Inspector there was not a breach that the Council could have enforced until that compliance date passed. In seeking to secure cessation of the use by the compliance date, it was evident that prior to the compliance date there were a series of factors that resulted in delays for the majority of the occupiers finding an alternative site. The occupiers newly appointed agent has worked positively in reflecting on the inspector's decision that whilst there is a need for Gypsy and Traveller provision across the GNLP area that this site is not an appropriate location and all efforts are being made to locate a new site
- 1.6 The occupiers currently have no alternative site available to them. While it is not a requirement for the Council to find an alternative site for the occupiers, Officers have sought to understand the availability of existing sites in the area in helping inform its proposed actions to remedy the breach. Officers reviewed all existing sites within and in other districts, it is evident that there are insufficient pitches at nearby sites or across Greater Norwich Local Plan Area (GNLP) to meet the need of the occupiers of the site at present

1.7 The Council takes all breaches of planning control seriously and the distress the non-compliance has caused the local settled community is fully recognised. The Council also had full and due regard to the compliance period set by the Inspector on dismissing both the planning and enforcement appeal and the rationale for the period set.

1.8 Setting a compliance period is a matter of judgement of reasonableness having regard to the breach and the harms of the development. The Inspector concluded in the dismissed appeal that:

“...The notice gives the occupants 12 months to vacate the site. This seems appropriately generous to me as they will be losing their established base and there is nowhere obvious for them to go. I do not think a shorter period is warranted, even though this appeal has dragged on since April 2020. The appellants are entitled to assume success and they should not be penalised for delays in the planning system. The appellants suggested a 5 year compliance period would be better, but that would be tantamount to granting a temporary planning permission and I have dealt with that above. There is no need to alter the compliance period.”

1.9 Having reached the end of the compliance period without compliance the Council has needed to consider what action would and should be taken to secure compliance.

1.10 The Council's Enforcement plan recognises that there is a range of enforcement measures and methods of seeking compliance available to it and will have regard to which power (or mix of powers) is best suited to dealing with any particular breach of control to achieve a satisfactory, lasting and cost effective remedy. It also recognises in general in respect of the how to secure compliance that wherever possible and appropriate the Council will seek to remedy breaches of planning control through negotiation and mediation.

1.11 The three main options open to the Council to secure compliance are: Direct Action, Prosecution Action or an Extension to the Compliance Period. Each of these options is explained below.

Option 1 – Prosecution Action

1.12 The council can pursue prosecution proceedings against non compliance with an enforcement notice.

Taking prosecution action can be a lengthy process, especially with the back log in the Courts system since Covid 19. Whilst prosecution action would punish those who have breached the notice and it clearly reinforces that notices should not be ignored; it does not remedy the breach as there is no additional requirement through prosecution action to comply. It is simply a punishment for not complying.

Option 2 – Direct Action

1.13 Direct action would involve the council carrying out the works to achieve compliance with the requirements of the notice.

This is not a straight forward process and can take months to organise and would involve substantial council resources, including officer time and legal advice/support, the Police, Bailiffs and contractors to assist in clearing the site and resultant storage of belongings.

The cost for which can mount up to be very significant. Whilst some or all of the costs can be recovered from the sale of the land it can take the council many years to recover the full costs.

It should be noted that whilst this would remedy the breach on this site, if there is not sufficient provision elsewhere in the districts the council are essentially making the occupiers homeless by such action. Due to the lack of provision in the GNLP area by displacing the occupiers from the current site it could be anticipated that the occupiers will occupy a new site as an unauthorised encampment. Given a number of the occupier's children are at local schools it is quite possible such an encampment would happen in the locality.

Option 3 – Extend compliance period

- 1.14 The third option is to extend the compliance period where there are reasons to do so and there are positive steps from the occupier to achieve compliance such that the Council has confidence that in doing so it is not merely delaying any direct action for a later date and instead finding satisfactory, long lasting and cost effective remedies to the breach.

The Inspectors decision to dismiss the appeal and uphold the enforcement notice was taken in similar circumstances to those at present where there was not a demonstrable five year supply of Gypsy and Traveller pitches, there was no obvious site available for the occupiers to relocate to and the human rights of the family and best interest of the children were taken into account. This has not changed.

Further as already set out in the report the Council considers that in setting a compliance period there is a matter of judgement of reasonableness having regard to the breach and the harms of the development. While the Inspector considered 12 months to be sufficient, the reality is that this period has not resulted in the cessation of the use and occupiers moving off the site.

There are two key factors that are influencing the availability of a site and help inform what a suitable alternative period for compliance might look like.

Firstly, the occupiers are now and have been for some months, positively and actively working to locate an alternative site to enable them to vacate the site. While it is disappointing that this had not been more proactive during the 12 month compliance period set, there is now a clear distinction between the activities of the travellers to secure themselves an alternative site (subject to planning and considered on its own merits) now compared to that initial period. While ultimately the Council is not required to allow further time, should we work positively with the occupiers to re-locate the outcomes for all, albeit later than originally envisaged, would be more positive and long lasting.

Secondly informing the considerations for any extended compliance period is the status and progress of the Gypsy and Traveller allocations intended to be adopted through the Greater Norwich Local Plan (GNLP).

Allocations are intended to be delivered through the GNLP. The GNLP was submitted for examination in July 2021. Examination hearing sessions into the GNLP were held during 2022. Further sessions are expected in 2023. These will deal with such subjects including the housing trajectory, mitigations to deal with nutrient neutrality in river basins, and the identification of site allocations for Gypsies and Travellers.

It is currently expected that a consultation on potential Gypsy and Traveller sites will be undertaken in early 2023. Following the end of the consultation, examination hearing sessions on Gypsy and Traveller sites are then anticipated in summer 2023, with a consultation on main modifications expected in Autumn 2023. Whilst the exact timetable may be subject to change subject to the outcome of these hearing sessions, it is currently expected that the GNLP will be adopted in early 2024.

There is therefore a reasonable expectation that when the Plan is adopted in early 2024, sufficient sites should have been allocated to meet the objectively assessed needs for Gypsies and Travellers in the Greater Norwich Area.

These two factors taken together indicate that a further 18 months compliance period would be an appropriate period. This would align to the expected adoption of sites through the GNLP and give greater time for the proactive action now being taken by the occupiers to find themselves an alternative site in parallel.

2. Recommendation:

- 2.1 Officers recommended course of action is to extend the compliance period by 18 months from the date of the committee (as set out in Option 3) only, and at this stage while the GNLP is still in progress and the occupiers are actively and positively engaged in securing an alternative site, no other formal action is taken.
- 2.2 Officers consider that the option recommended would assist in finding a permanent solution to balance the needs for both the settled and travelling communities. Members are asked to endorse the recommended approach.
- 2.3 The harm identified by the Inspector in dismissing the planning and enforcement appeal and balancing the human rights and best interests of the Children in reaching that decision is unchanged in terms of the site being unsuitable for the use. Regard has been had in this recommendation in respect of the compliance period to the best interests of the children on the site along with the human rights of the occupiers and considerable weight has been afforded to this. While the Council considers the harms are not outweighed by this, this is clearly a factor in seeking a reasonable further period for compliance.

Contact Officer,	Andy Baines
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Item deferred

Appendix 1 for Application 1



The Planning Inspectorate

Appeal Decisions

Hearing Held on 16 June 2021

Site visit made on 16 June 2021

by **Simon Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2021

Appeal A: APP/L2630/C/20/3250478

Land at Plots 1-8 South East Side of London Road, Sutton, Wymondham

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Christine Falquero against an enforcement notice issued by South Norfolk District Council.
- The enforcement notice, reference: 2020/8033, was issued on 5 March 2020.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from agricultural land to land used for residential purposes, for the standing of caravans for human habitation and the standing of associated timber buildings and structures.
- The requirements of the notice are: i) Remove all the mobile homes/caravans from the site in their entirety. ii) Remove all buildings, structures, material and equipment associated with the residential use of the land from the site in their entirety. iii) Cease the residential use of the land.
- The period for compliance with the requirements is 1 year.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- Appeals on the same grounds except for (a) have also been made by Ms Debra Tidd (3250479), Ms Yvonne Smith (3250480), Mr Jimmy Smith (3250481), Mr Andrew Biddle (3250482), Ms Rodie Berham (3250483), Mr William Tidd (3250484), Ms Jeanette Tidd (3250485), Mr Nathan Young (3250486), Ms S Smith (3250487) and Mr A Tidd (3254088).

Appeal B: APP/L2630/W/20/3246540

Land at Plot 1-8 South East Side of London Road, Sutton, Wymondham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms S Smith against the decision of South Norfolk District Council. The application Ref 2019/0330, dated 6 February 2019, was refused by notice dated 23 August 2019.
- The development proposed is change of use of the land to allow formation of 8 No plots each with mobile home, day room, hard standing for touring caravan and stable building.

Decisions

Appeal A and all other Enforcement Appeals

1. It is directed that the enforcement notice be varied by deleting requirement (ii) and replacing it with "ii) Remove all buildings, structures, material and equipment – including but not limited to all hardstandings and all fences and

<https://www.gov.uk/planning-inspectorate>

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gates except those fronting the B1172 - associated with the residential use of the land from the site in their entirety". Subject to this variation the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – 3246540

2. The appeal is dismissed.

Preliminary Matters

3. The appeals were made on all grounds. At the hearing the appellants withdrew the ground (e) appeal. I had already explained that complaints about the use of correct delegations by the Council was not a matter for an appeal under s174.
4. The appeals on (b), (c) and (d) were primarily concerned with the gates and fences that had been constructed on the site. The appellants argued these were permitted development in any event and so could not be attacked by the notice. The Council pointed out the word "structures" in the notice could be read so as to not mean gates and fences and so were happy for me to correct the requirements to make this clear. However, as Mr Charles, who represented a number of local residents said, the gates and fences could be taken to be part of the material change of use and so could be required to be removed by the notice. I agree, and this is something I will consider under ground (f).
5. Similarly, the appellants argue the notice did not specifically include the hardstanding that had been laid, which is correct, but it does require all the "buildings, structures, materials and equipment associated with the residential use" to be removed from the land. If the hardstanding was laid as part and parcel of the material change of use then that too can be required to be removed. There are thus no substantive arguments on grounds (b), (c) and (d).

The Appeal on Ground (a) and the Planning Appeal

6. The site lies in the countryside, on the south-eastern side of the B1172 which runs from the junction with the A11 to Wymondham. I was informed this is the old route before Wymondham was bypassed. Morley Hall Farm lies opposite the entrance to the site.
7. The current development plan for the area comprises the Joint Core Strategy (JCS) amended in 2014 (which covers Broadland, Norwich and South Norfolk) and the South Norfolk Local Plan Development Management Policies Document (2015). These are due to be superseded by the Greater Norwich Local Plan, which covers the same area as the JCS. This latter document is at an early stage and is yet to be submitted for Inquiry. The appellants have registered objections to the draft version. I shall give this document little weight.
8. The JCS policies are pretty general, dealing with climate change, design and local transport, the more directly relevant policies are in the local plan. DM 1.4 deals with environmental quality and local distinctiveness; DM 3.10 promotes sustainable transport; DM 4.5 landscape character; 4.10 heritage assets and of most relevance DM 3.3 deals with gypsy and traveller sites. In addition the

Council consider they have planned for a 5 year supply of gypsy sites which is disputed by the appellant.

9. The main issues in the appeal are therefore whether there is a 5 year supply of sites and if so whether there are any alternative sites for the appellants? Where is the site located in relationship to nearby settlements or communities and how would it impact on them? Does it have an impact on the character of the local area and any local heritage assets, and finally the personal circumstances of the appellants?

5 Year Supply Issues

10. The question of a 5 year supply depends on the validity of the Accommodation Needs Assessment produced in 2017 for the greater Norwich area. This was discussed at a Hearing¹ held back in 2018 when the Inspector concluded that although he had reservations about the ANA it was the best available published evidence and the Council did have a 5 year supply.
11. It is clear the ANA is not a full scale Gypsy and Traveller Accommodation Needs Assessment (GTAA), but a rather more broad-brush accommodation assessment of people not living in bricks and mortar, such as gypsies and boat dwellers. The details of the evidence which underpins its conclusions is not reproduced, apparently for reasons of confidentiality, but this does make it difficult to gauge how comprehensive it is. The appellants claimed there are numerous gypsy families that have not been included, but it is certain the current appellants say they have never been approached and because of the lack of transparency surrounding the ANA it is impossible to verify this.
12. Of greater significance in my view is that it seems to have relied on information from the Council and so only looked at sites that already had planning permission or in one case was unauthorised. I find it hard to believe there was only a single unauthorised gypsy camp in the district. Also, as far as I can tell, there is no allowance for any forward migration.
13. In May of this year the Council produced an ANA addendum, which shows that based on the figures in the ANA they have a 5.27 year supply of pitches. I have no reason to doubt the mathematics of that report but it depends entirely on the validity of the ANA in the first place. The ANA was originally produced as a document to inform the GNLP, which is still moving slowly along the path to a local plan inquiry at which the ANA can be tested for the first time. Assuming that inquiry does take place this year the original research for the ANA will be five years out of date. It also seems the appellants, who require 8 pitches, were not included in the ANA, that alone would affect the 5 year supply figure. Consequently, I am less sanguine than the Inspector in 2018 about the value of the ANA and do not consider I can find the Council does have a reliable 5 year supply of gypsy sites.
14. Whatever my conclusions on the 5 year supply however, it remains undisputed that the appellants have nowhere else to go. They have mostly been living on the road in recent times. Several of them were at another site, Romany Meadows, but were evicted as the owner wants to put that forward for housing. Mr Carruthers argued this was a recurring problem for gypsy sites especially those on the edge of settlements. If the site is sustainably located then its

¹ APP/K2610/W/17/3189064, Honingham Road, issued 31 August 2018

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value for housing is considerably greater than as a gypsy site. Further back in 2005 several of the families were involved in the Kingsland Farm² appeal and at that time it was noted they were itinerant, living mostly on the road and had nowhere else to go. The Inspector also noted it should now be clear to the Council that gypsy sites were required in the area far quicker than the then local plan timetable would allow. So it is clear that at least some of the families have been well known to the Council for many years, so it is odd they have not been included in the latest ANA.

15. Consequently, the lack of a 5 year supply of gypsy sites and the lack of any alternative accommodation weigh in favour of the appeal.

Relationship of the site to the settled community

16. There is no dispute the site is located in the open countryside and it was accepted at the Hearing that it is away from the nearest settled community. PPTS at paragraph 25 advises that new sites in the countryside away from existing settlements should be very strictly limited. It goes on to say such sites should respect the scale of and not dominate the existing community.
17. Having carefully looked around the area on my site visit my impressions confirmed the view from the Ordnance Survey map and aerial overlays that it is largely pleasant, open countryside with very scattered dwellings and farms. The nearest grouping of buildings that I would consider to be a settlement is Spooner Row, some way to the south beyond the A11 and the railway, and this is very small. Sutton itself is just part of the general scatter of properties in the area. Morley St Botolph has more the feel of a village, but is a couple of kilometres to the north, while Littleborough and Wymondham, more substantial towns lie to the east and west respectively along the A11, 3-4 km away. I have no reason to dispute the view that the site is in the open countryside and is away from local settlements.
18. What comprises the "nearest settled community" as described by the PPTS was subject to some discussion. In my view none of the villages or towns mentioned above are near to or affected by the appeal site. The nearest settled community is clearly not the same as the nearest settlement, or that phrase would have been repeated. The appellant argued the Parish of Spooner Row formed the settled community and that consisted of over 700 people. I do not agree otherwise the idea of dominating the settled community would have no real meaning unless the gypsy site was big enough to dominate an entire parish. In my view the nearest settled community is the scatter of houses and farms that lie within a kilometre or so of the site.
19. I do not agree with some of the more fanciful estimates of numbers on the appeal site, but 8 families with their dependants is a sizeable number of people without counting any visiting families travelling in the area. Within the context of the local settlement pattern the site amounts to a small village in its own right and with the numbers of people and its compact nature it would clearly dominate the locality and so be contrary to DM 3.3 1(a).
20. In reaching this conclusion I have not taken into account the nearby gypsy site at Chepore Lane, which lies about 1/2km to the south adjacent to the junction with the A11. This was allowed by the Council in 2012 for 8 pitches for an

² APP/L2630/A/04/1151371, issued 22 June 2005

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extended Romany gypsy family, much the same as the current appellants. Its very isolation was taken to not dominate the local community and it does seem as if few people live nearby, which is not the same as the appeal site. The general view of local residents was that they already have a gypsy site and one is enough. While I would not put it quite in those terms, it is clear that two, 8 pitch sites, in such a scattered and sparsely populated community would clearly be disproportionate and so contrary to DM 3.3 1(i)

Access to services

21. Access to local services would appear to be reasonable. The local senior school is Wymondham College, which is in the grounds of Morley Hall, across the road from the site, but actually a couple of kilometres away by road. It is a similar distance to the nearest primary schools at Morley St Botolph and Spooner Row, the latter having a station as well. There is a bus stop on the road near to the site which provides a service to Attleborough and Wymondham. Despite this, it was accepted that the occupants of the site would be dependent on the car for access to local services. That is because of the realistic acceptance that culturally gypsies are most likely to drive, but also because the surrounding road network is not conducive to walking. Even the bus stop, which would ordinarily be considered within walking distance, was along the B1172, which is straight and well trafficked at fast speeds and with no pavement or lighting. The verge would also not seem to be easily walked on, so the bus stop is essentially out of reach of the site.
22. I agree therefore that the local facilities are most likely to be predominantly accessed by car. Nevertheless, they are nearby and the site is well connected for a rural gypsy site. It is accepted that by their very nature gypsy sites are likely to be rural and that local sustainability criteria can be relaxed slightly when compared to permanent housing. There is also the difficult to quantify contribution that having a settled base would make compared to being on the road. This would seem to be recognised by DM 3.3 which says that gypsy sites should "not be so isolated from settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs". Taking all that together therefore I do not think the proposal is unsustainable and so is not contrary to DM 3.3 1(f).

Impact on landscape and heritage assets

23. The local parish has a complex administrative history, but that does not detract from the essential landscape characteristics of the area. The Council's Landscape Character Assessment describes the area as a "pleasant rural working landscape of farmland with sparse settlement comprising villages and isolated dwellings". The most relevant of the development considerations is to maintain the perception of the rural working landscape and for proposed development to relate to the existing pattern of small villages and scattered development.
24. I would agree with these assessments, the area is pleasantly agricultural, with fields bounded by hedges and trees and generally quiet rural lanes. There are long views across the landscape as it is predominantly flat and the site is clearly visible from Chepore Lane, across the fields to the east. Even where local development straggles along the road, each house is well separated from its neighbours, set back and often hidden by hedges and trees. Within this landscape the site stands out as an alien intrusion that looks entirely out of

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place. It will be a densely populated block of caravans, mobile homes, stables, day rooms and vehicle parking on an otherwise flat open field that is wholly incongruous within the landscape context of its surroundings.

25. What makes it worse is the central road that has been laid down the middle of the site and the extensive fencing that divides the 8 plots, made of concrete posts with wooden panel inserts. A number of the pitches have also had hardstanding put down and this gives an indication of how the final site will look. Essentially it looks like a small village made up of caravans and mobile homes that is set to become more developed if the appeal is allowed.
26. Some of these issues, such as with the fencing, could possibly be dealt with by conditions, although no proposed landscaping or boundary treatments have been suggested, but that would not overcome the fundamental objections I have identified. In my view it is out of place, intrusive and harmful. It is thus contrary to DM 3.3 1(d). It will also harm local character and distinctiveness, contrary to DM 1.4(d)(i) and DM 4.5.
27. There is a pair of estate cottages opposite the site which are non-designated heritage assets. These are attractive substantial Edwardian cottages with distinctive chimneys and half-timbered gables. The NPP and DM 4.10 require that the impact on the significance of any non-designated heritage assets is taken into account in reaching planning decisions. Here the impact is limited to the setting of the cottages. Historically they formed the main road in an isolated position within the patchwork of local farms. At present this situation would still pertain if it wasn't for the appeal site. Given my conclusions above on landscape harm, it follows there is considerable harm to the setting of the cottages which would no longer be isolated in the countryside but opposite a busy campsite.
28. Although I have been given no information on whether the cottages are particularly rare it does seem they are a good example of their type and are a prominent feature in the immediate neighbourhood. The impact on their setting is considerable and this is contrary to DM 4.10.

Personal circumstances

29. I have no reason to doubt the appellants are all gypsies who fall within the definition in the PPTS. It was explained the families are interrelated or have other close ties. It would seem that three of the families have children of various ages, all of whom would benefit either now or in the future from a stable home from which to access schools and medical facilities and one of the occupants suffers from an illness that requires frequent hospital attendance. The other families either seem to be older or young working couples. I have no independent verification of any of these facts but no reason to disbelieve them.
30. Certainly some of the appellants have been on the road for a long time and have been involved in various attempts to find settled accommodation, to no avail and Mr Jay made an impassioned speech to this effect at the hearing.

Other issues

31. A number of other issues were raised by local residents. They were concerned at the speed of traffic on the B1172, which is straight and fast. However, there were no technical objections from the highway authority, I assume because visibility was good and it wasn't actually that busy in the greater scheme of

things. The site would be well screened and secured from the road so there should be no specific highway problems.

32. Local residents also were concerned about flooding. Photographs showed part of the field with large puddles but they hardly represent a danger to the occupants. The site is not in a flood zone and there is no evidence flooding would render the development unsafe. There was also a discussion about the treatment of sewage. It is not unusual for any development, not just gypsy sites, to come forward and expect to deal with foul and rainwater treatment through conditions. Unless there is evidence that there are specific problems at a particular site there is usually a technical solution that can be found.

Conclusions

33. I am obliged to consider the best interests of the children, which is a primary consideration, and have had that uppermost in my mind along with the human rights of the appellants, their right to a home and to retain their cultural lifestyle. All of these attract considerable weight. I have also concluded the Council does not have a 5 year supply of sites and the appellants do not have any alternative accommodation. However, the site is prominent and incongruous and causes significant harm to the landscape, it harms the setting of the nearby non-designated heritage asset and is disproportionate in size and would dominate the nearby settled community. These factors are sufficiently serious and of sufficient weight that they are not outweighed by the factors in favour of granting planning permission.
34. I note the Council allowed the narrow site at Chepore Lane against officers' advice on the basis of a shortage of gypsy sites in the area and that it was not harmful to the character of the area. Chepore Lane is indeed tucked away close to a roundabout junction with the A11 and has quite a different impact on its surroundings than the appeal site. Consequently, while I recognise the situation the appellants are in, I consider this to be the wrong site in the wrong location. The interference with their human rights is proportional and the harm caused significant enough to warrant dismissal even considering the best interests of the children.
35. A temporary condition was considered, the appellants suggested 5 years, but agreed that not a lot was likely to change in that time. In my view, the local disadvantages would not be affected by a temporary condition, the harm is immediate and continuing. A temporary condition is not therefore warranted. A large number of other conditions were discussed but they deal with the specific issues raised by a grant of planning permission and do not affect the outcome of the appeal. I shall therefore dismiss the appeals and uphold the notice.

The Appeal on Ground (f)

36. I agree that the allegation does not mention the fences or the hardstanding but it is directed against the material change of use. It uses the unusual phrase "standing of associated timber buildings and structures". I assume this is because at the time the notice was issued there were no permanent day rooms or other structures apart from a few timber sheds and stables, which the Council would seem to allege are placed on the land as part of the material change of use rather than comprising separate operational development.

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37. However, exactly what is meant is not important as the requirements are to cease the use and to remove the caravans and "*all buildings, structures, material and equipment associated with the residential use of the land from the site*". It is thus clear exactly what the scope of the notice is. Anything that has been introduced to the field that is part and parcel of facilitating a gypsy site should be removed. Apart from the fence fronting the B1172, which could be said to be useful for agriculture, all the rest of the structures, stables, the fences and gates that sub-divide the site into plots, the individual hardstandings and the access road that runs through the site are part of the material change of use and would serve no purpose without it. They all fall comfortably within the long established and well known series of court judgements beginning with *Murfit*³ in 1980 and culminating, as far as I am aware, with *Kestrel Hydro*⁴ in 2016, which confirm that works associated with a material change of use can be removed if they were integral to that change of use.
38. Mr Carruthers relies on a different case, *Egan v Basildon* from 2011, which was part of the long running Dale Farm controversy. This was an injunction to prevent the council from over-enforcing their notice. It was held the Council could only remove structures such as fences, gates and walls, which were unlawfully constructed prior to the issue of the enforcement notice if they were included in the notice itself. The Council could not rely on the principle of enabling works "*which exists at common law or by virtue of section 111(1) of the local government Act 1972*". No mention is made of *Murfit* or the other pre-2011 cases I have referred to above. That is because these are two separate issues. In this appeal the notice does refer to all the fences, gates, hardstandings etc in the catch all phrase "*all buildings, structures, material and equipment associated with the residential use*". Thus the principles outlined in *Egan* do not arise.
39. Given that this is a matter of dispute I shall vary the requirements to make it clear they refer to all the hardstanding and the fences and gates other than those fronting the B1172.

The Appeal on Ground (g)

40. The notice gives the occupants 12 months to vacate the site. This seems appropriately generous to me as they will be losing their established base and there is now no obvious for them to go. I do not think a shorter period is warranted even though this appeal has dragged on since April 2020. The appellants are entitled to assume success and they should not be penalised for delays in the planning system.
41. The appellants suggested a 5 year compliance period would be better, but that would be tantamount to granting a temporary planning permission and I have dealt with that above. There is no need to alter the compliance period.

Simon Hand

Inspector

³ *Murfit v SSE & East Cambridgeshire CC* [1980] JPL 598

⁴ *Kestrel Hydro v SSCLG & Spelthorne BC* [2015] EWHC 1654 (Admin), [2016] EWCA Civ 784

⁵ *Mr Patrick Egan v Basildon BC* [2011] EWHC 2416 (QB)

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APPEARANCES

FOR THE APPELLANT:

Stuart Carruthers – Agent
Simon Jay – Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Adam Banham – South Norfolk District Council
Andy Baines
Glen Beaumont
John Shaw – Norfolk County Council (highway matters)

INTERESTED PERSONS:

Sebastian Charles – solicitor representing a group of local residents
Rachel Hall
Shaun Daly

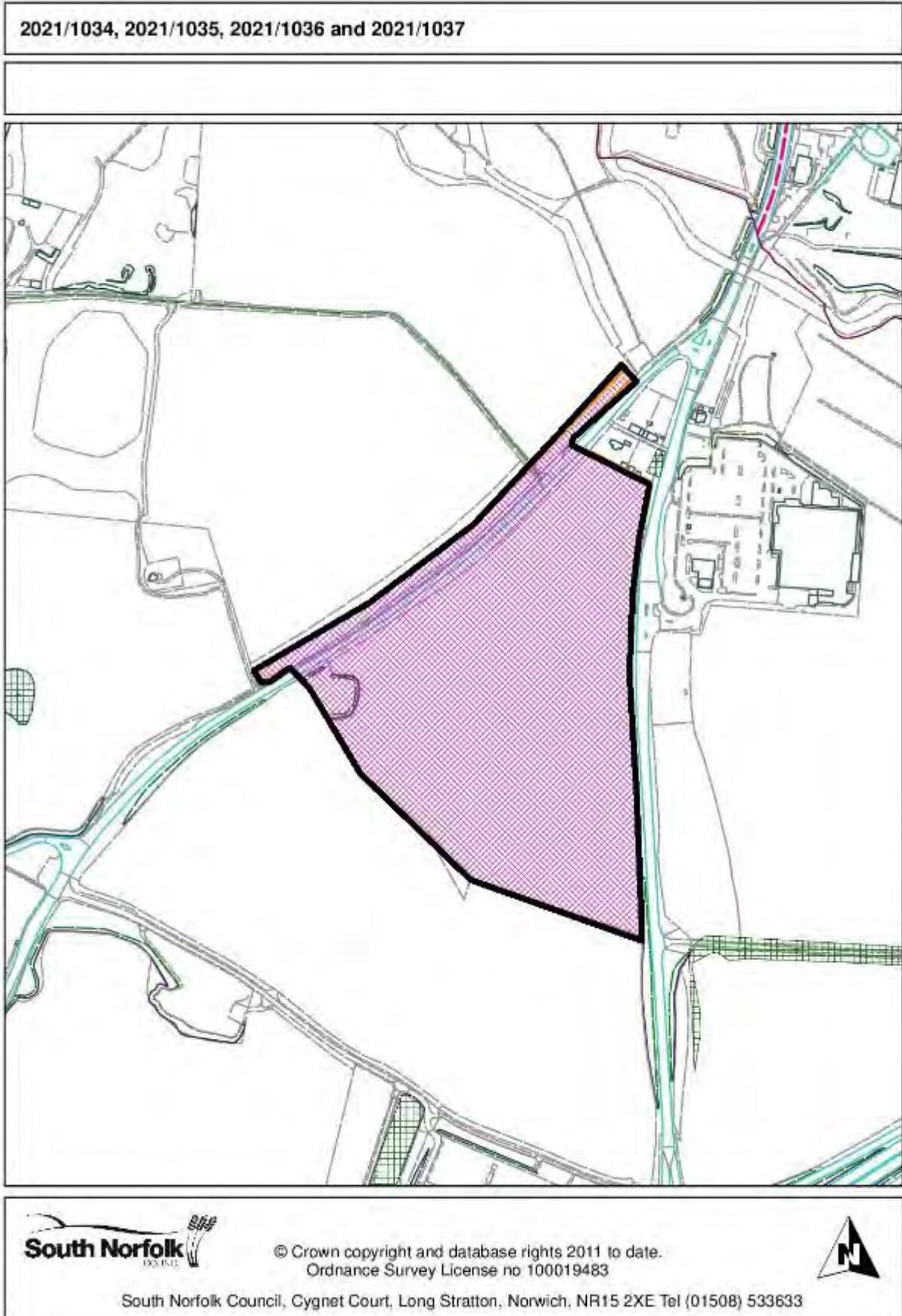
DOCUMENTS

- 1 List of appellants and plots
- 2 Plan of site with plot numbers and relevant appellants noted

Item deferred

Major Applications

Applications 2, 3, 4 and 5



Major Applications

- 2. Application No : 2021/1034**
Parish : KESWICK AND INTWOOD

Applicant's Name: Norwich Apex Limited
 Site Address Land West of Ipswich Road Keswick Norfolk
 Proposal Reserved matters for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary: Approval with conditions

- 1 Proposal and site context
- 1.1 This application seeks reserved matters approval for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission. This application follows the Outline planning consent 2017/2794 which gave consent for the employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout at land west of Ipswich Road, Keswick.
- 1.2 Condition 8 requires each Reserved Matters application for the units to provide a scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources.
- 1.3 Condition 9 requires each Reserved Matters application for the units to demonstrate that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.
- 1.4 Condition 23 requires an assessment of background and ambient noise levels in the area to inform the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.
- The application site
- 1.5 The site comprises a parcel of arable land of approx. 10.94Ha, triangular in nature bounded by the A140 to the east and the B1113 to the west. There is an existing field access from the B1113 on to the site.
- 1.6 In terms of topography there is a marked change in levels across the site rising from the north of the site to the south with the southern part of the application site sitting on a natural highbrow.

- 1.7 To the east of the site lies a supermarket with farmland beyond; to the west farmland; to the south arable farmland immediately adjacent to the site with the A47 and the Harford Park and Ride further south. To the north of the site are 5 residential dwellings as existing. The B1113/A140 junction is beyond.
- 1.8 The village of Keswick is located to the south-west via the B1113 with the nearest properties of Keswick village being approx. 560m away.
- 1.9 There is a Grade II Listed church approx. 180m to the west of the site served from the B1113 which sits in an elevated position.
- 1.10 The River Yare runs east-west and is located approximately 240m to the north of the site, beyond the B1113 and A140 junction. There are also a number of field drainage channels in land to the north of the B1113 approximately 100m to the north of the site which drain towards the River Yare.
- 1.11 A pit (assumed to be a former marl/borrow pit) is noted on the topographical survey in the southwestern corner of the site.
- 1.12 A County Wildlife Site is located approx. 170m to the north-east of the application site between the Tesco supermarket and the River Yare.
- 1.13 There are a number of trees on the site but limited to the field boundaries and small wooded area to the south-west corner.
- 1.14 The east and west boundaries are delineated by hedgerow with trees interspersed.

The reserved matters and key requirements of the Outline planning permission:

- 1.15 The Outline Application 2017/2794 granted permission for an employment development consisting of B1, B2 and B8 uses with access and landscaping and a link road between the A140 and the B1113, including new roundabout.
- 1.16 This application forms part of reserved matters for seven phases of development of the planning permission granted under the Outline Application. The outline consent required that *the approval of reserved matters must be made before the expiration of THREE Years from the date of this permission*. All the reserved matters applications were made prior to the 17th of May 2021 and therefore comply with this part of Condition1.
- 1.17 Condition 2 required: *No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved in writing by the local planning authority. These plans and descriptions shall relate to: appearance, scale, landscaping and layout of any building to be erected together with the precise details of the type and colour of the materials to be used in their construction.*
- 1.18 Condition 3 required: *The development hereby permitted shall accord with the following drawings: 731_03_020 REVH - Proposed Highway Modification Overview - dated 7 March 2018 201 - Context Plan - dated 7 December 2017 202 - Location Plan - dated 7 December 2017 731_03_027 REVA - Bus Rapid Transit Land Requirements - dated 7 December 2017. Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.*

- 1.19 Condition 4 required: *The first Reserved Matters application shall provide full details of the strategic landscape works together with both hard and soft internal landscaping for the whole site, to include an phasing/implementation programme. These details shall include:*
- *proposed finished levels or contours;*
 - *hard surfacing materials;*
 - *planting plans;*
 - *written specifications (including cultivation and other operations associated with plant and grass establishment);*
 - *schedules of plants, noting species, plant sizes and forms, and proposed numbers/densities where appropriate;*
 - *long term management plan*
- 1.20 Condition 6 required: *Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order revoking and re-enacting that Act or Order)(with or without modification), the development hereby approved permits a maximum of 28,329 square metres in floor space (maximum 9443sqm B1; maximum 9443sqm B2 and maximum 9443sqm B8) and this shall not be exceeded by internal or external alteration of the building without the specific grant of a further permission.*
- 1.21 Condition 8 required: *Each Reserved Matters application for the units/premises shall provide a scheme for generating a minimum of 10% of the predicted energy requirement of that development from decentralised renewable and/or low carbon sources (as defined in Annex 2: Glossary of the NPPF 2012 or any subsequent version). The development shall be implemented in accordance with the approved scheme and the approved scheme shall remain operation for the lifetime of the development.*
- 1.22 Condition 9 required: *The development hereby permitted will be required to demonstrate through the Reserved Matters application for the units/premises, that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.*
- 1.23 Condition 18 required: *A) The first Reserved Matters application shall provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations shall be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. The trial trenching will form the first phase of a programme of archaeological mitigation work that shall be carried out in accordance with a written scheme of investigation which will need to be submitted to and approved by the local planning authority in writing prior to the submission of the first Reserved Matters application.*
- 1.24 Condition 22 required: *The first Reserved Matters application shall provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. Thereafter, the approved details shall be implemented in full in accordance with the approved timetable and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*
- 1.25 Condition 23 required: *Each Reserved matters application shall include an assessment of background and ambient noise levels in the area, suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The assessment shall set out suitable boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The development shall be carried out in accordance with the details as approved.*

2. Relevant planning history

2.1	2014/2618	Proposed Employment Development	EIA Not Required
2.2	2016/0764	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113 with some matters reserved	Refused
2.3	2017/2794	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout with some matters reserved (resubmission)	Approved
2.4	2020/0184	Details for condition 18(A) of 2017/2794 - 18(A) Written Scheme of Investigation for Archaeological Evaluation Trenching	Approved
2.5	2020/1066	Details for conditions 11, 12, 13, 19 and 24 of 2017/2794 - (11) cycle parking (Unit 1), (12) construction workers site parking, (13) wheel cleaning facilities, (19) fire hydrants and (24) construction environmental management plan	Approved
2.6	2020/1067	Details for conditions 16, 15(A) and 32(A) of 2017/2794 - 15(A) Off site highway works, (16) Traffic management scheme and 32(A) Travel plan	under consideration
2.7	2020/1849	Discharge of condition 21 of planning permission 2017/2794 - materials management plan	Approved
2.8	2020/2351	Discharge of condition 20 of planning permission 2017/2794 - Surface water drainage scheme	under consideration
2.9	2021/1035	Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission.	under consideration

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|------|-----------|--|---------------------|
| 2.10 | 2021/1036 | Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission. | under consideration |
| 2.11 | 2021/1037 | Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission. | under consideration |
| 2.12 | 2021/1038 | Reserved matters for the details of appearance, layout, scale and landscaping of the sixth phase (Phase 6) of the development comprising the construction of Units 9-14 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 9-14 only), Condition 9 (Units 9-14 only) and Condition 23 (Units 9-14 only) of the outline planning permission. | under consideration |
| 2.13 | 2021/1039 | Reserved matters for the details of appearance, layout, scale and landscaping of the seventh phase (Phase 7) of the development comprising the construction of Units 15-20 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 15-20 only), Condition 9 (Units 15-20 only) and Condition 23 (Units 15-20 only) of the outline planning permission. | 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 07 : Ensuring the vitality of town centres
 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 9 : Strategy for growth in the Norwich Policy Area
 Policy 16 : Other Villages
 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
 DM1.2 : Requirement for infrastructure through planning obligations
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM2.1 : Employment and business development
 DM2.4 : Location of main town centre uses
 DM3.8 : Design Principles applying to all development
 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 the collection of recycling and waste
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.6 : Landscape Setting of Norwich
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

3.4 Site Specific Allocations and Policies

KES 2 Land west of Ipswich Road:

Land amounting to some 4 hectares is allocated for employment uses restricted to uses in classes type B1. The developer of the site is required to provide the following:

1. An access road across the site from B1113 to A140 at Tesco Harford, to be agreed with Highways Authority
2. Right turn junction into site from B1113
3. Landscaping/bunding to protect properties to the north
4. Use restricted to light industrial/workshop type uses (B1)
5. Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources

3.5 Supplementary Planning Documents (SPD)

South Norfolk Place Making Guide 2012

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

S16(2) and 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, 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.

4. Consultations

4.1 Keswick and Intwood Parish Council

Refuse:

The Parish Council appreciates the local interest in the outline planning application for the land to the west of Ipswich Road, often referred to as Kes 2 and is keen to share our position regarding the pending reserved matters applications. Having reviewed the 4 applications above the Parish Council has objected to each of these applications:

- Object to the reserved matters application and considers that the content is a clear and significant departure from the outline permissions approved in the original application and not in keeping with proposals highlighted in the Design and Access Statement submitted in December 2017.
- Consider that several key factors such as character, design, layout, distribution of usage and scale have changed substantially, and such detrimental changes could significantly impact on the material matters which were carefully considered as part of the original application when it was only narrowly approved
- Have been advised in writing that we should consider the reserved matter applications on their own merits, that they are not comparable to the original application and should be considered as a 'fresh' or new application.
- Given that the Parish Council is being asked to consider several reserved matter applications as a 'fresh' application we object to this application and recommend that a new single planning application should be submitted allowing the multiple reserved matters applications to be managed by appropriate governance and consultative frameworks.
- The Parish Council understands that Article 6 of the Town and Country Planning (development Management Procedure) (2015) states that details of the reserved matters application must be in line with the outline approval and if proposals have changed in any way the applicant may need to reapply for outline or full planning permission
- The Parish Council is concerned that heights of the proposed development have significantly increased, which we believe exceed the parameters set out in the outline planning permission. Object to any increase in height, acknowledges that 'landscape' was a key factor in the initial application 2016/0764 being refused and that the visual impact of the development, including height was a key factor in appropriate conditions being required as part of the outline application.
- The Landscape and Visual Impact Assessment (2017) does not capture the changed design aspects of the reserved matter applications and is no longer a representation of the visual impact of the development both within the local setting of Keswick and within the Southern Bypass Landscape Protection Zone.
- As highlighted in the Design and Access Statement, the outline permissions were for the equitable provision of B1, B2 and B8, the allocation proposed in the reserved application appears to have changed. Such changes could have significant impact on the validation of other considerations such as traffic surveys and that such significant changes should warrant a new application. The Parish Council would want to understand the impact of usage would have on understanding the impact on local highways, especially the impact on Low Road.

- The Parish Council and planning committee was assured by the local developer that the development would be a development with character that would sit within its rural setting which is documented as 'tributary farmland with parkland' in the Design and Access Statement. The Parish Council objects to the design of the buildings within the reserved matter application as these are a departure from the design proposed in the Design and Assessment Statement, both in forms of materials and character and are no longer 'resonant' within the local and rural context.

4.2 District Councillors: Cllr William Kemp and Cllr Daniel Elmer

- We wanted to confirm that the Keswick Triangle applications should only be determined by the DMC due to the public interest in the applications, to allow the environmental and highways impact to be considered and to consider the changes between the permitted scheme and what is proposed.

4.3 Environment Agency

No comments received

4.4 NCC Lead Local Flood Authority

To Original Submission:

- No objection to this reserved matters subject to our being consulted on any further application if this application is approved.

To Amended Submission

- No objection to the reserved matters
- Note that Condition 20 relating to surface water drainage is subject to a separate discharge of condition application.

4.5 Natural England

No comments

4.6 Anglian Water

No objection

- Reviewed the applicants foul water drainage strategy and flood risk documentation and considers that the impacts on the public foul water sewerage network acceptable to Anglian Water at this stage.

Note that Condition 29 requires the submission and approval of detailed foul drainage.

4.7 SNC Senior Heritage & Design Officer

No objections

4.8 Historic Environment Service

No comments received in respect of this application.

However, raised no objections under 2020/0903 and confirmed that an archaeological scheme has been approved by NCC Environment Service.

4.9 SNC Community Services - Environmental Quality Team

No comments or objections to the reserved matters or to the discharge of condition 23

4.10 NCC Highways

To Original submission

No comments received

To Amended Submission

A number of concerns and points needing clarification

- 1) A swept path analysis should be provided
- 2) A safe and practical rout for pedestrians accessing units 6 and 7
- 3) Passive EV parking space provision has not been detailed revised plan

To Revised Highway Plans

The Highway Authority is satisfied that previous comments have now been addressed and has no objections to this reserved matters:

4.11 Police Architectural Liaison Officer

The proposed layout does show that Crime Prevention Through Environmental Design features are being considered and mostly incorporated into this proposal.

Would make the following observations, comments and recommendations:

- The venue should have appropriate access gates and perimeter fencing installed
- Clear signage is used for the buildings advertising its nature and intended purpose
- Recommend CCTV
- Lighting of car park, cycle shelter, loading areas etc is recommended to be a white light complaint with BS 5489-1:2013
- Recommend vehicle access to development to restricted out of hours by gates/barriers Recommend that the palisade fence forms a continuous barrier and to 1.8m at the sites and vulnerable rear boundaries
- Cycle storage must facilitate the locking of both wheels and the cross bar.
- Consideration is required to maximize opportunities for natural surveillance, therefore it is generally recommended that plant growth above 1m and below 2m be absent to provide a 'window of surveillance' across the site. The planting scheme should be considered in tandem with lighting of the site and installation & requirement of any intended CCTV system.

4.12 SNC Ecologist

No objections subject to conditions:

Condition 22 required the first reserved matters 2020/0903 to provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. This has been provided and is considered acceptable subject to the signing of a unilateral undertaking for offsite mitigation for skylark plots.

In light of the above, no objections are raised to this reserved matters and would recommend that the following is either provided prior to determination or secured via condition:

- supervision of site clearance and installation of enhancements by an ecological clerk of works (this has now been provided).
- a lighting strategy (including contour lines), to ensure that sensitive areas e.g. the infiltration ponds and wet meadows, linear landscape /woodland elements, and dark corridors around the perimeter, and bird/bat boxes are not artificially illuminated. Lighting should be designed in accordance with ILE and BCT guidance.

4.13 National Highways (was Highways England)

No objection

4.14 SNC Landscape Architect

No objections raised under 2020/0903

4.15 NCC Minerals and Waste Planning Officer

No comments received

Site investigations and a Materials Management Plan-Minerals are required to enable the discharge of Condition 21 of planning permission 2017/2794, prior to any commencement of development proposed in this reserved matters application

4.16 Norwich City Council

No comments

4.17 Norfolk Fire Service

No comments received

4.18 Norfolk Rivers Heritage Group

No comments received

4.19 Upper Yare and Tas IDB

No comments received

4.20 SNC Economic Development Officer

No comments received

4.21 Norfolk Rivers IDB

To Original Submission

- I cannot see that any additional drainage details have been supplied, therefore we have no comments. I commented on application 2020/0903 stating that the proposed direct discharge of surface water to the main river would not require consent from the Norfolk Rivers IDB, however we would still like to be consulted on any future application that deals with drainage conditions at this site.

To Amended Submission

- Note the change strategy to dispose of surface water via infiltration onsite. Should the strategy change to include a discharge to an ordinary watercourse in Norfolk Rivers IDB consent would be required.

4.22 Council for the Protection of Rural England (CPRE)

Comments regarding lighting;

- Lighting on the site should be kept to a minimum as the site is located in an area of Rural Dark Landscape as defined in the Norfolk County Council Environmental Lighting Zones Policy
- Lighting should be on only when needed for site operation purposes and preferably be operated by motion sensors or similar.
- Lighting to be from a white LED source mounted in full cut off, flat glass "hoods".
- Lighting to be directed downwards only - not upwards or outwards. Reason for these comments: To minimise light pollution from the site in compliance with NPPF paragraph 180.

4.23 Other Representations

32 letters of objection

- The proposals submitted here clearly do not meet this threshold in many areas including the design parameters, landscape, original drawings, lay out in relation to buildings and spaces outside the development, and height width length and use of proposed buildings
- The original application was approved some time ago, being approved by ONE vote and interestingly two people who were on the board and were clearly going to object were conveniently put on a training course on the day of the vote, I feel this has not been a fair vote as they should have been allowed to be present and cast their vote
- These Applications for Approval of Reserved Matters are a material departure from the original Approval. As such they cannot be considered under Reserved matters and require a new and comprehensive full application
- The original planning application were controversially passed having attracted nearly all negative comments from local residents
- Since the application was approved there have been numerous village meetings, one of which Apex attended
- We as villagers were assured there would be a mixture of use of the site, building heights would be low and would aesthetically fit the area and Keswick is under government legislation is a "designated rural area"
- Now Apex seem to of got initial planning through by that one vote then passed it mostly to another firm to run away with and do whatever they like as suddenly the amended plans have completely changed
- I sense the developers, by putting in multiple smaller applications, are trying to bend the rules to get permission for a scheme that would never have been granted permission initially It's important to maintain public confidence in the planning system.
- There is insufficient evidence in the reserved matters application to demonstrate that the Landscape has not been adversely affected by these applications
- Given that 'landscape ' was a key factor in the 2016/0764 application refusal it would seem the reserved matters application is no longer a representation of the visual impact this development would have should it be significantly higher than agreed on the original applications
- The heights of the buildings have been significantly increased and platforms have been introduced to site the buildings on
- The building usages have been moved round the site bringing industrial usage closer to surrounding open spaces and buildings

- This submission appears to have buildings which are much larger, more industrial, and standard (and cheaper?) design
- Are now proposing large, ugly, industrial B8 units that will irreversibly damage a beautiful, ancient gateway to our fine city
- The design of the site is completely different to that approved
- The original approval had an equal mix of B1,B2, and B8 floor space in buildings sized to minimise impact on Landscape
- There are now fewer but much larger buildings
- There is mention of mezzanine floors made possible by the increased building height which were not in the original approval
- It seems that since then, the original developer has sold on the site, and the new developers appear to be an outfit from far afield that look to have disregarded all local feeling, and the original desires of SNDC
- How can the Council compromise its avowed policy of not allowing any major development to overwhelm a small rural village, by granting consent, not to mention it's contravention of visual impact along the corridors of the A140 and B1113
- One villager was urged by SNDC to consider this 'a totally new application' and we would all ask SNDC to do the same.
- In an era of serious environmental concern, please ask the planning officer if we need to build this new site, when only a mile away the Hall Road Industrial Estate has huge empty areas, with infrastructure already in place
- If this proposal isn't rejected as an unacceptable change to the agreed plans, we will be forced to raise this damaging development in the press and would ask for serious scrutiny of South Norfolk Council, and how it came to the decision to allow this desecration of our county and city
- Concerned about the impact this would have in a predominantly farmland area
- Increase traffic through Keswick.
- In respect of the link road taking traffic not heading for Norwich over to the Tesco junction on the A140 easing congestion at the Harford Bridge intersection with the A140, only time will tell how long it will be before the said link road becomes even more congested than what we have now
- Over the 25 years I have been turning from Low Road onto the B1113 heading for Harford Bridge the longest I have been held up is 5 minutes. Reason in itself why this development should never have got off the ground
- The developer should submit a fresh application supported by a robust and acceptable traffic scheme covering the undoubted impact the development will have on Low Road, which is already an overpopulated rat run
- Low Road remains an important recreational area both for the residents of Keswick, and also the wider community and, as yet, neither the existing approved planning, nor the significant alterations proposed have satisfactorily solved the problem of how Low Road can be made safe given the likely significant increase in traffic (including light good vehicles) associated with this development
- Concerned re the increase and type of traffic flow on Low Road
- Even with the current speed limit, it is dangerous for pedestrians who are following the public walk route crossing over into Mill Lane from the Keswick Hall walk. Currently pedestrians need to physically step out of the junction to see what traffic is coming down the road
- During a few road closures, there have been many incidents of large HGV's clogging up the road resulting in a complete standstill of traffic. It has been manic and scary for families with small children wanting to walk through the narrows of Low Road - there is no path and it is not safe. Having more commercial vehicles using this road as a 'rat-run' to the A11 will be a danger to life
- The usage change threatens large transporting vehicles down Low Road in Keswick Currently this road is a school transport bus route for those attending their catchment high school and children board and unboard the bus on this road, the roads are unpaved at long stretches, unlit at long stretches, narrow at points (the 16th Century wall of Keswick Old Hall) and there is nothing to stop larger vehicles coming down the road as a school coach has to come down here

- Road signs about weight restrictions on the bridge near the stream are ignored and there is never in reality going to be a way to police this so the best thing to do is not build large industrial units that entice vehicles of such magnitude down here in the first place
- There is a playground right on the edge of low road with picket fencing that the largest of adults can easily get through, let alone small children
- Low Road is too narrow in places for two cars to pass each other
- There are historic walls along Low Road which will be impacted by additional heavy traffic
- Keswick borders nature reserves and is a wonderful source of country walks and leisure for the people of Eaton, Cringleford and Keswick. This will be negatively impacted by increased heavy traffic
- Keswick is a wonderful tight knit community, we look after each other in ways that are now very rare and often save the public purse (clearing roads and verges, checking in on elderly neighbours), by increasing traffic along Low Road you will make it difficult for us to live as a community
- The outline permission was granted for one site, which is now being split into two sites. It seems the LLFA were not aware of this on 5 January 2021 which is the latest on the planning portal.
- The proposal provides an attenuation scheme within the lower site but run off from the upper site has to flow over the roads, including the B1113 which already suffers a high degree of surface water flooding
- It seems impractical for the owners of the lower site to have to provide a drainage scheme for the upper site in perpetuity and for the LLFA to be able to enforce that. At the very least, there need to be culverts under the new road that divides the sites, but planning should require that each site deal independently with their own run off and a drainage scheme is provided in the upper site that will avoid flooding roads
- It also appears that the site has been split into two, with an upper and lower site. The upper site relying on the drainage provided by the lower site and flooding the road between the two with run off. (The proposed drainage scheme appears to show no gulleys to drain water from the upper site onto the B1113.) Are these drawings incomplete? In which case the developer should be sent away to complete them. This does not seem a sustainable solution and it is hard to see why the owner of the lower site would feel obligated to indefinitely provide drainage for a neighbour
- A cut and fill process is being used on site, what mechanism will be in place to deal with the runoff from this slope that does not place an increased burden on the existing infrastructure?
- Has there been a guarantee that no water will be draining into the River Yare?
- Given that Anglia Water are currently unable to operate their foul water system without regularly releasing raw sewage into our rivers, it should be unacceptable to connect more sewage into an already overloaded system. Any development should process its own foul water on site.
- Maintenance relies on the use of glyphosate, a carcinogen soon to be banned by the EU, and a chemical Norfolk County Council is also considering banning. It is one thing to use a chemical like this on roadside verges or open fields. It is quite another to use it on a site which hopes to employ a thousand staff.
- If used on this site it will inevitably find its way into the Yare which has a very delicate eco system and is also likely to harm the bats on the site. There are ways to kill weeds without chemical herbicides
- A designated rural area should be able to keep its character, its wildlife and nature aspects especially in a time of a global warming crisis when our wildlife and environment is under huge threat
- If this were to go ahead it would deprive wildlife of much needed, diminishing habitat, and rob our community here at Keswick of yet another green space, and one of breath-taking beauty in late Spring when the poppies burst into flower. This will mean nothing to the developers and is probably laughable to them. But why make survival even harder for our wildlife, and steal moments of peace and calmness from stressed humans as they toil to and from work each day?

- There is no justification for losing a valuable green field site when nearby units of a similar nature sit unused, and the Ukraine crisis has made food security a priority. There is no planning gain from the loss of this green field site.
- We have no local traffic problems now, but a new employment site intended to move a thousand jobs from elsewhere will create severe traffic problems, always assuming the jobs can be filled given the current labour shortages
- Impact on Church of Keswick and historic walls on Low Road
- Flooding concerns within and outside the site (now split in two) and run-off into the Yare
- Sewerage system doesn't have capacity
- Traffic will cause congestion, Low Road is too narrow, risk to pedestrian and cyclist safety
- Need extensive traffic calming on Low Road. Where there is a pavement it is narrow
- Impact on recreational area and walking routes; Eaton Common, Marston Marshes, country roads, bridleways are all part of the Kett's Country Long Distance Trail. The Cringleford Loop
- Road signs re: weight limits will be ignored
- Danger to children at the playground close by
- Impact on the community and all the facilities along Low Road

5 Assessment

Key considerations

5.1 The key considerations are:

- Scale, Layout and Design
- Access and Parking Considerations
- Landscape and Visual Impact
- Ecology
- Impact on Residential Amenity
- Drainage
- Archaeology
- Heritage Assets

Principle

5.2 The principle of the development on the site has been accepted by the grant of the outline consent. As such the principle is established for commercial development. It is therefore only the details reserved of that outline that are now being considered for Phase 2. With this in mind the following assessment focuses on the site-specific planning issues and how the scheme complies with the requirements of the outline consent.

Scale, Layout and Design

- 5.3 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development.
- 5.4 This proposal seeks consent for the second stage of the development. It comprises Units 5-7, the layout and design has been informed by the individual business needs for B2/B8 users. Comprising of a terrace unit approximately 11.8m high building with a gross internal floorspace totalling approximately 57,700ft sq (5360.5sqm), across the ground floor and first floor levels. It will be set in a compound, to include space for parking and servicing.

- 5.5 The development will portray a familiar design across the proposed buildings, utilising a consistent palette of materials. Units 5-7 is a rectangular terrace building with a shallow pitched roof. The west elevation fronts the main spine road. This façade and a portion of the east and north elevations are clad with built up profile steel cladding. On the north façade is set the main glazed entrance doors. The north elevation has four large roller shutter doors for loading. The external compound is formed with 2.4m high green palisade fencing and gates.
- 5.6 This reserved matters application is accompanied by a unit specific Energy Statement which demonstrates a scheme for generating a minimum of 10% of predicted energy requirement, and that all viable and practical steps have been taken to maximise opportunities for sustainable construction in accordance with Conditions 8 and 9 of the outline planning permission. The approach incorporates suitable passive design measures to provide a highly efficient building fabric and efficient space heating system; and the use of Air Source Heat Pumps.

- 5.7 The Senior Conservation and Design Officer has commented as follows:

In terms of the layout and design of the buildings, the development now represents quite a change from the original indicative drawings and plans and those submitted earlier with these applications.

A fundamental aspect of the original plan was to ensure the preservation of landscape views around the site and to some extent the setting of Keswick church which is situated in an isolated position quite close by to the east. The planting to the northwest of the site on both sides of the road should ensure the setting of the church within its surrounding landscape is adequately preserved.

Within the site, additional planting and walks have been provided around and between buildings, which are now larger in scale than the original plans. The walks to the south are not that secure and not well overlooked by active frontage, however being commercial and not residential and most likely used during the daytime for lunchtime and break recreation these will serve a purpose. The whole site will also be within a compound area with a 2.4 high metre palisade fence.

The design of units is fairly standard and utilitarian. However, with buildings of this size it is better to keep the architecture relatively simple and not 'overly fussy'. Although the panelling will be grey, the bulk will be broken down with areas of different coloured grey panels associated with office/window areas which will help to reduce the impression of overall bulk. The height is also broken with two different type of grey colour cladding horizontally. The overall height and massing is reduced by having a shallower pitched roof. The entrances will be marked out with double height glazed feature and canopy to the entrance which will aid legibility. These colours and design characteristics are reproduced across the site to create an homogenous group of buildings and identity for this part of the site.

- 5.8 In view of the above, in respect of the design of the building, the uses require an element of functionality, especially in relation to its scale, loading and parking/turning requirements, however, it is considered significant effort has been made via colours and design characteristics which will be reproduced across the site to create a homogenous group of buildings and identity for this part of the site. Given the potential and often used approach to large commercial sites to be purely functional in form and design detail, the design approach used here is considered to create a well-rounded and good design and therefore accords with policy DM3.8 of SNLP and the new emphasis on 'beautiful' buildings (acknowledging the subjectivity of the word) contained within section 12 of the NPPF, when considering the nature and use of the proposed building.

- 5.9 Concerns have been raised as set out above from the Parish Council and Local residents in respect of the changes in key factors such as character, design, layout, distribution of usage and scale etc. have changed substantially from the outline. Thereby bringing into question if this reserved matters should be considered at all or whether a new application should be submitted, when giving regards to the wording of condition 3: Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.
- 5.10 Members may recall that these issues were raised and discussed under the first reserved matters application 2020/0903 at 27 July 2022 Development Management Committee meeting, which resolved to approve the application subject the completion of a Unilateral Undertaking (UU) for offsite mitigation for skylarks, together with clarification in terms of surface water drainage for NCC Highways and confirmation of supervision of site clearance and installation of enhancements by an ecological clerk of works (these have been addressed and the UU nearing completion). Again, as previously with 2020/0903 it is considered that this scheme for units 5-7 satisfactorily accords with condition 3 of 2017/2794 insofar as there it “substantially” accords with the approved parameter plans and illustrative master plan. In light of this, whilst I appreciate concerns that have been raised in respect of all the reserved matters applications, the proposal does substantially accord with the outline, as agreed under 2020/0903.

Access and parking considerations

- 5.11 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. DM3.12 looks for appropriate parking, turning etc. to serve the needs of the development.
- 5.12 Whilst I fully appreciate the concerns raised by local residents in respect of traffic generation, highway safety issues, etc, as set out above, all these were considered under the outline consent, there are off-site highway works to include:
- The removal of signals at the B1113/A140 junction with the prohibition of right turn movements and allows left turn only onto the A140
 - The provision of a new roundabout on the B1113 to provide a junction for the new link road
 - Changes to the signalised Tesco's junction where the new link road joins the A140 and the provision of two ahead lanes into Norwich from the Tesco's junction to the Hall Road junction
 - A footway link along Low Road. This will be designed to ensure that there is an appropriate 'landing pad' at both ends to ensure that pedestrian safety is not compromised.
 - In addition, a traffic management scheme will be delivered along Low Road, Keswick.
 - Improved cycle links from the Yellow Pedal way at the Marsh Harrier to the B1113 and an off-carriageway cycleway along the B1113 to Low Road

The key consideration under this reserved matters therefore is the appropriate amount of parking for vehicles and bicycles within the site along with turning and loading for larger vehicle, internal roads and footpaths.

- 5.13 The application has been assessed by NCC Highway Authority who raised some initial concerns which have now been resolved following the submission of an amended plans, they offer no objection to this reserved matters application.
- 5.14 The proposal is therefore considered to accord with policy DM3.11 and DM3.12.

Landscape and visual impact

- 5.15 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.
- 5.16 Policy 4.6 has regard to the landscape setting of Norwich which includes the sites location within the Norwich Southern bypass protection zone and on two undeveloped approaches to Norwich (A140 and B1113).
- 5.17 The specific aims of policy DM4.5 are the protection of the landscape character at a wider level. DM4.6 specifically seeks protection of the setting of Norwich and maintaining the rural approach to Norwich.
- 5.18 In respect of Policy DM4.5 the site sits in the C1 Yare Tributary Farmland with Parkland landscape character area It is adjacent to the F1 Yare Valley Urban Fringe Landscape Character Area and near to the B1 Tas Tributary Farmland. The site is not directly within a River Valley Policy Area although it is near.
- 5.19 Policy DM4.5 requires all development to respect, conserve and where possible, enhance the landscape character surrounding the development. Policy DM4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.20 The outline consent has established the principal of the development and its acceptability of its landscape and visual effects. As part of the first reserved matters 2020/0903, full details of the strategic landscaping for the whole site was submitted as required and considered acceptable as part of reserved matters phase 1. This landscaping strategic scheme ensures that the development, as a whole, is appropriately landscaped and to that end included the detailed planting plans, written specifications, schedule of plants, species, plant sizes etc, and that the impact of the development is acceptable in terms of its impact on the surrounding landscape and visual amenities of the area.
- 5.21 In view of the above, it is considered that the proposed reserved matters development would not have an adverse impact on the surrounding landscape to a material degree and appropriate detailed landscaping is provided. The proposal is considered to accord with policies DM4.5 and DM4.6 of the SNLP.
- 5.22 Policy DM 4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.23 Tree protection is proposed during construction for the remaining trees on site via a condition imposed on the outline planning permission. Therefore, the proposal is considered to comply with Policy DM4.9.

Ecology

- 5.24 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.

- 5.25 Due to the date of the original survey (2014/2015) the Ecologist requested that a re-visit to the site/ site walkover will be required by the applicant's ecologist to ensure the habitats/ conditions on the site have not changed, and that no signs of protected species using the site are evident. Condition 22 required as part of the first reserved matters that details of the Ecology Report including details of mitigation and enhancement measures were submitted.
- 5.26 The requisite details were provided under the reserved matters for phase 1 2020/0903 and the Council's Ecologist raised no objections subject to the signing of a Unilateral Undertaking for offsite mitigation for skylarks plots. In light of the above the ecologist has raised no objections to this reserved matters subject to the imposition of condition for the Lighting design strategy for biodiversity.
- 5.27 Therefore, in respect of ecology and biodiversity, subject to the proposal would accord with Policy 1 and DM4.4.

Impact on Residential Amenity

- 5.28 Policy DM3.13 requires development to have regard to the impacts on residential amenity. Furthermore, Policy DM3.14 has regard to pollution and emissions in respect of air quality, water quality, land quality and condition and the health and safety of the public.
- 5.29 In respect of mitigating impacts of construction, the impacts from the operation of the proposed development from noise, lighting, dust, air quality, conditions were placed on the outline planning consent to ensure the development did not give rise to a situation detrimental to the amenities of nearby residential properties.
- 5.30 As part of each reserved matters shall include an assessment of background and ambient noise levels in the area, is required to be submitted and agreed. The Environment Quality Team has assessed the report submitted and have raise no objections. The adjoining neighbours are located to the north of the site and this reserved matters is separated by intervening uses, which will be B1 office uses, in light of this, it is not considered that the proposed development would give rise to a situation detrimental to the amenities of the local residents. It is considered that the proposal accords with Policy DM3.13 and DM3.14 of the SNLP.

Drainage

- 5.31 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.
- 5.32 Both the foul water and surface water drainage strategy for the whole site will be subject to discharge of conditions applications and therefore are not under consideration for the reserved matter application (the surface water drainage discharge of conditions application, however, has been submitted to run alongside the reserved matters applications to enable clarity and understanding to what has been proposed). The Lead Local Flood Authority initial asked for clarification, following the submission of these details they have raised no objections to the reserved matters application. As such the proposal is considered to accord with JCS Policy 1 and DM4.2.

Archaeology

- 5.33 Condition 18 required, the first Reserved Matters application to provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations should then be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. I can confirm that the results of the programme of informative archaeological investigations (trial trenching) have been submitted with this reserved matters application and prior to this, the trial trenching was carried out in accordance with the written scheme of investigation that was approved on 9th March 2020 via application reference 2020/0184. Part A of this condition has therefore been complied with. Therefore, the proposal accords with policy DM4.10 of the SNLP

Heritage assets

- 5.34 The setting of listed buildings requires consideration under policy DM4.10 and S66 of the Listed Buildings Act 1990.
- 5.35 There are no designated heritage assets including Listed Buildings, Conservation Areas, Scheduled monuments within the site. There are a number of Grade II Listed buildings in the vicinity of the site the majority of these are not deemed to be sensitive to the proposed development due to the distance, topography and intervening features (vegetation and buildings). There are two heritage assets namely the Church of All Saints and the remains of Church of All Saints (Grade II) which lie approximately 160m to the west of the site on the opposite side of the B1113.
- 5.36 The key issue for consideration in respect of heritage assets is therefore the impact of the proposal on the setting of the remains of Keswick Church and the new church, and the extent to which the site and proposals impact on their significance. Although the original church dates from the C12th, and parts of the round tower dates from C12, the church was heavily rebuilt and the tower restored in the C19 by the Gurney family; the chancel of the earlier church having been pulled down in 1597 is now in ruins. Hence, the heritage assets are grade II listed. Historic England defines setting as “the surroundings in which a heritage asset is experienced”. The asset sits in a wooded landscaped area surrounded by fields and this contributes to its significance. There is very limited intervisibility between the assets and the site. There would be a low degree of impact on the setting due to the distance between the church and the site, and the church would still be viewed within an isolated rural context. The B1113 lies between the site and has quite an impact, to the degree that from within the proposed site, any views, which may be only glimpsed at best, do not make a significant contribution to the setting of the asset. In light of the strategic landscaping proposed between the Church and the development under consideration, it is considered that the proposal would lead to a ‘less than substantial harm to the significance of the heritage asset’ and this harm has been weighed against the public benefits of the proposal. In this case there are significant public benefits in respect of the creation of employment and highway improvements that are considered to outweigh the identified level of harm. The proposal is therefore on balance considered to comply with Policy DM4.10 and fulfils the Council's duties in respect of S66 of the Listed Buildings Act 1990 having due regard to the desirability of preserving the building or its setting.

Other matters

Nutrient Neutrality Non-Overnight Accommodation Inside catchment

- 5.37 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of

these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed is commercial (B1, B2 and B8 use) and will not provide overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.38 In terms of the specific request for discharging the requirements of conditions 8, 9 and 23 for this unit only, it is apparent that these are condition require the submission of adequate information in relation to specific matters at the point of submission of the reserved matters application. By virtue of the fact that the application has been validated and recommended for resolution it is clear that the requirements of these conditions have been met for these buildings.
- 5.39 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.
- 5.40 This application is liable for Community Infrastructure Levy (CIL).

Conclusion

The principle of the development has already been established by the grant of outline planning permission 2017/2794. The proposed reserved matters is considered acceptable in terms of design and layout. Furthermore, the development will not adversely impact of the surrounding landscape, character of appearance of the area or the setting of nearby listed buildings to a material degree. It will not be detrimental to highway safety; ecology; nor adversely affect the amenities of nearby residential properties. In view of the above, the proposal is considered to accord with DM3.8, DM3.11, DM3.12, DM4.5, DM4.6, DM4.9, DM4.4, Dm3.13, DM3.14, DM4.2, DM4.10 of the SNLP; Policy 1 of JCS and Section 12 of NPPF and I recommend that the application be approved.

Recommendation: Approval with conditions

- 1 In accordance with outline consent
- 2 In accordance with submitted plans
- 3 Materials to accord with submitted details
- 4 Lighting design strategy for biodiversity

Confirmation of partial discharge of conditions 8, 9 and 23

Contact Officer	Claire Curtis
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3. Application No : 2021/1035
Parish : KESWICK AND INTWOOD

Applicant's Name: Norwich Apex Limited
 Site Address Land West of Ipswich Road Keswick Norfolk
 Proposal Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary: Approval with conditions

1 Proposal and site context

- 1.1 This application seeks Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission. This application follows the Outline planning consent 2017/2794 which gave consent for the employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout at land west of Ipswich Road, Keswick.
- 1.2 Condition 8 requires each Reserved Matters application for the units to provide a scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources.
- 1.3 Condition 9 requires each Reserved Matters application for the units to demonstrate that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.
- 1.4 Condition 23 requires an assessment of background and ambient noise levels in the area to set out suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.

The application site:

- 1.5 The site comprises a parcel of arable land of approx. 10.94Ha, triangular in nature bounded by the A140 to the east and the B1113 to the west. There is an existing field access from the B1113 on to the site.
- 1.6 In terms of topography there is a marked change in levels across the site rising from the north of the site to the south with the southern part of the application site sitting on a natural highbrow.
- 1.7 To the east of the site lies a supermarket with farmland beyond; to the west farmland; to the south arable farmland immediately adjacent to the site with the A47 and the Harford Park and Ride further south. To the north of the site are 5 residential dwellings as existing. The B1113/A140 junction is beyond.

- 1.8 The village of Keswick is located to the south-west via the B1113 with the nearest properties of Keswick village being approx. 560m away.
- 1.9 There is a Grade II Listed church approx. 180m to the west of the site served from the B1113 which sits in an elevated position.
- 1.10 The River Yare runs east-west and is located approximately 240m to the north of the site, beyond the B1113 and A140 junction. There are also a number of field drainage channels in land to the north of the B1113 approximately 100m to the north of the site which drain towards the River Yare.
- 1.11 A pit (assumed to be a former marl/borrow pit) is noted on the topographical survey in the southwestern corner of the site.
- 1.12 A County Wildlife Site is located approx. 170m to the north-east of the application site between the Tesco supermarket and the River Yare.
- 1.13 There are a number of trees on the site but limited to the field boundaries and small wooded area to the south-west corner.
- 1.14 The east and west boundaries are delineated by hedgerow with trees interspersed.

The reserved matters and key requirements of the Outline planning permission:

- 1.15 The Outline Application 2017/2794 granted permission for an employment development consisting of B1, B2 and B8 uses with access and landscaping and a link road between the A140 and the B1113, including new roundabout.
- 1.16 This application forms part of reserved matters for seven phases of development of the planning permission granted under the Outline Application. The outline consent required that the approval of reserved matters must be made before the expiration of THREE Years from the date of this permission. All the reserved matters applications were made prior to the 17th of May 2021 and therefore complying with this part of Condition1.
- 1.17 Condition 2 required: *No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved in writing by the local planning authority. These plans and descriptions shall relate to: appearance, scale, landscaping and layout of any building to be erected together with the precise details of the type and colour of the materials to be used in their construction.*
- 1.18 Condition 3 required: *The development hereby permitted shall accord with the following drawings: 731_03_020 REVH - Proposed Highway Modification Overview - dated 7 March 2018 201 - Context Plan - dated 7 December 2017 202 - Location Plan - dated 7 December 2017 731_03_027 REVA - Bus Rapid Transit Land Requirements - dated 7 December 2017. Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.*

- 1.19 Condition 4 required: *The first Reserved Matters application shall provide full details of the strategic landscape works together with both hard and soft internal landscaping for the whole site, to include an phasing/implementation programme. These details shall include:*
- *proposed finished levels or contours;*
 - *hard surfacing materials;*
 - *planting plans;*
 - *written specifications (including cultivation and other operations associated with plant and grass establishment);*
 - *schedules of plants, noting species, plant sizes and forms, and proposed numbers/densities where appropriate;*
 - *long term management plan*
- 1.20 Condition 6 required: *Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order revoking and re-enacting that Act or Order)(with or without modification), the development hereby approved permits a maximum of 28,329 square metres in floor space (maximum 9443sqm B1; maximum 9443sqm B2 and maximum 9443sqm B8) and this shall not be exceeded by internal or external alteration of the building without the specific grant of a further permission.*
- 1.21 Condition 8 required: *Each Reserved Matters application for the units/premises shall provide a scheme for generating a minimum of 10% of the predicted energy requirement of that development from decentralised renewable and/or low carbon sources (as defined in Annex 2: Glossary of the NPPF 2012 or any subsequent version). The development shall be implemented in accordance with the approved scheme and the approved scheme shall remain operation for the lifetime of the development.*
- 1.22 Condition 9 required: *The development hereby permitted will be required to demonstrate through the Reserved Matters application for the units/premises, that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.*
- 1.23 Condition 18 required: *A) The first Reserved Matters application shall provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations shall be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. The trial trenching will form the first phase of a programme of archaeological mitigation work that shall be carried out in accordance with a written scheme of investigation which will need to be submitted to and approved by the local planning authority in writing prior to the submission of the first Reserved Matters application.*
- 1.24 Condition 22 required: *The first Reserved Matters application shall provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. Thereafter, the approved details shall be implemented in full in accordance with the approved timetable and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*
- 1.25 Condition 23 required: *Each Reserved matters application shall include an assessment of background and ambient noise levels in the area, suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The assessment shall set out suitable boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The development shall be carried out in accordance with the details as approved.*

2. Relevant planning history

2.1	2014/2618	Proposed Employment Development	EIA Not Required
2.2	2016/0764	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113 with some matters reserved	Refused
2.3	2017/2794	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout with some matters reserved (resubmission)	Approved
2.4	2020/0184	Details for condition 18(A) of 2017/2794 - 18(A) Written Scheme of Investigation for Archaeological Evaluation Trenching	Approved
2.5	2020/1066	Details for conditions 11, 12, 13, 19 and 24 of 2017/2794 - (11) cycle parking (Unit 1), (12) construction workers site parking, (13) wheel cleaning facilities, (19) fire hydrants and (24) construction environmental management plan	Approved
2.6	2020/1067	Details for conditions 16, 15(A) and 32(A) of 2017/2794 - 15(A) Off site highway works, (16) Traffic management scheme and 32(A) Travel plan	under consideration
2.7	2020/1849	Discharge of condition 21 of planning permission 2017/2794 - materials management plan	Approved
2.8	2020/2351	Discharge of condition 20 of planning permission 2017/2794 - Surface water drainage scheme	under consideration
2.9	2021/1034	Reserved matters for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission	under consideration

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|------|-----------|--|---------------------|
| 2.10 | 2021/1036 | Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission. | under consideration |
| 2.11 | 2021/1037 | Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission. | under consideration |
| 2.12 | 2021/1038 | Reserved matters for the details of appearance, layout, scale and landscaping of the sixth phase (Phase 6) of the development comprising the construction of Units 9-14 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 9-14 only), Condition 9 (Units 9-14 only) and Condition 23 (Units 9-14 only) of the outline planning permission. | under consideration |
| 2.13 | 2021/1039 | Reserved matters for the details of appearance, layout, scale and landscaping of the seventh phase (Phase 7) of the development comprising the construction of Units 15-20 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 15-20 only), Condition 9 (Units 15-20 only) and Condition 23 (Units 15-20 only) of the outline planning permission. | 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 07 : Ensuring the vitality of town centres
 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 4 : Housing delivery
 Policy 5 : The Economy
 Policy 6 : Access and Transportation
 Policy 9 : Strategy for growth in the Norwich Policy Area
 Policy 16 : Other Villages
 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
 DM1.2 : Requirement for infrastructure through planning obligations
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM2.1 : Employment and business development
 DM2.4 : Location of main town centre uses
 DM3.8 : Design Principles applying to all development
 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 the collection of recycling and waste
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.6 : Landscape Setting of Norwich
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

3.4 Site Specific Allocations and Policies

KES 2 Land west of Ipswich Road:

Land amounting to some 4 hectares is allocated for employment uses restricted to uses in classes type B1. The developer of the site is required to provide the following:

1. An access road across the site from B1113 to A140 at Tesco Harford, to be agreed with Highways Authority
2. Right turn junction into site from B1113
3. Landscaping/bunding to protect properties to the north
4. Use restricted to light industrial/workshop type uses (B1)
5. Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources

3.5 Supplementary Planning Documents (SPD)

South Norfolk Place Making Guide 2012

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

S16(2) and 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, 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.

4. Consultations

4.1 Keswick and Intwood Parish Council

Refuse:

The Parish Council appreciates the local interest in the outline planning application for the land to the west of Ipswich Road, often referred to as Kes 2 and is keen to share our position regarding the pending reserved matters applications. Having reviewed the 4 applications above the Parish Council has objected to each of these applications:

- Object to the reserved matters application and considers that the content is a clear and significant departure from the outline permissions approved in the original application and not in keeping with proposals highlighted in the Design and Access Statement submitted in December 2017.
- Consider that several key factors such as character, design, layout, distribution of usage and scale have changed substantially, and such detrimental changes could significantly impact on the material matters which were carefully considered as part of the original application when it was only narrowly approved
- Have been advised in writing that we should consider the reserved matter applications on their own merits, that they are not comparable to the original application and should be considered as a 'fresh' or new application.
- Given that the Parish Council is being asked to consider several reserved matter applications as a 'fresh' application we object to this application and recommend that a new single planning application should be submitted allowing the multiple reserved matters applications to be managed by appropriate governance and consultative frameworks.
- The Parish Council understands that Article 6 of the Town and Country Planning (development Management Procedure) (2015) states that details of the reserved matters application must be in line with the outline approval and if proposals have changed in any way the applicant may need to reapply for outline or full planning permission
- The Parish Council is concerned that heights of the proposed development have significantly increased, which we believe exceed the parameters set out in the outline planning permission. Object to any increase in height, acknowledges that 'landscape' was a key factor in the initial application 2016/0764 being refused and that the visual impact of the development, including height was a key factor in appropriate conditions being required as part of the outline application.
- The Landscape and Visual Impact Assessment (2017) does not capture the changed design aspects of the reserved matter applications and is no longer a representation of the visual impact of the development both within the local setting of Keswick and within the Southern Bypass Landscape Protection Zone.
- As highlighted in the Design and Access Statement, the outline permissions were for the equitable provision of B1, B2 and B8, the allocation proposed in the reserved application appears to have changed. Such changes could have significant impact on the validation of other considerations such as traffic surveys and that such significant changes should warrant a new application. The Parish Council would want to understand the impact of usage would have on understanding the impact on local highways, especially the impact on Low Road.

- The Parish Council and planning committee was assured by the local developer that the development would be a development with character that would sit within its rural setting which is documented as 'tributary farmland with parkland' in the Design and Access Statement. The Parish Council objects to the design of the buildings within the reserved matter application as these are a departure from the design proposed in the Design and Assessment Statement, both in forms of materials and character and are no longer 'resonant' within the local and rural context.
- 4.2 District Councillors: Cllr William Kemp and Cllr Daniel Elmer
- We wanted to confirm that the Keswick Triangle applications should only be determined by the DMC due to the public interest in the applications, to allow the environmental and highways impact to be considered and to consider the changes between the permitted scheme and what is proposed.
- 4.3 Environment Agency
- No comments received
- 4.4 NCC Lead Local Flood Authority
- To Original Submission:
- No objection to this reserved matters subject to our being consulted on any further application if this application is approved.
- To Amended Submission
- No objection to the reserved matters
 - Note that Condition 20 relating to surface water drainage is subject to a separate discharge of condition application.
- 4.5 Natural England
- No comments
- 4.6 Anglian Water
- The reserved matters is for the details of appearance, layout, scale and landscaping therefore we have no comments to make for this application.
- 4.7 SNC Senior Heritage & Design Officer
- No objections
- 4.8 Historic Environment Service
- No comments received in respect of this application.
- However, raised no objections under 2020/0903 and confirmed that an archaeological scheme has been approved by NCC Environment Service
- 4.9 SNC Community Services - Environmental Quality Team
- No comments or objections to the reserved matters or to the discharge of condition 23
- 4.10 NCC Highways
- To Original submission

No comments received

To Amended Submission

A number of concerns and points needing clarification

- 1) A swept path analysis should be provided
- 2) A safe and practical rout for pedestrians accessing units 6 and 7
- 3) Passive EV parking space provision has not been detailed revised plan

To Revised Highway Plans

The Highway Authority is satisfied that previous comments have now been addressed and has no objections to this reserved matters:

4.11 Police Architectural Liaison Officer

The proposed layout does show that Crime Prevention Through Environmental Design features are being considered and mostly incorporated into this proposal.

Would make the following observations, comments and recommendations:

- The venue should have appropriate access gates and perimeter fencing installed
- Clear signage is used for the buildings advertising its nature and intended purpose
- Recommend CCTV
- Lighting of car park, cycle shelter, loading areas etc is recommended to be a white light complaint with BS 5489-1:2013
- Recommend vehicle access to development to restricted out of hours by gates/barriers Recommend that the palisade fence forms a continuous barrier and to 1.8m at the sites and vulnerable rear boundaries
- Cycle storage must facilitate the locking of both wheels and the cross bar.
- Consideration is required to maximize opportunities for natural surveillance, therefore it is generally recommended that plant growth above 1m and below 2m be absent to provide a 'window of surveillance' across the site. The planting scheme should be considered in tandem with lighting of the site and installation & requirement of any intended CCTV system.

4.12 SNC Ecologist

No objections subject to conditions:

Condition 22 required the first reserved matters 2020/0903 to provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. This has been provided and is considered acceptable subject to the signing of a unilateral undertaking for offsite mitigation for skylark plots.

In light of the above, no objections are raised to this reserved matters and would recommend that the following is either provided prior to determination or secured via condition:

- supervision of site clearance and installation of enhancements by an ecological clerk of works (this has now been provided).
- a lighting strategy (including contour lines), to ensure that sensitive areas e.g. the infiltration ponds and wet meadows, linear landscape /woodland elements, and dark corridors around the perimeter, and bird/bat boxes are not artificially illuminated. Lighting should be designed in accordance with ILE and BCT guidance.

4.13 National Highways (was Highways England)

No objection

4.14 SNC Landscape Architect

No objections raised under 2020/0903

4.15 NCC Minerals and Waste Planning Officer

No comments received

Site investigations and a Materials Management Plan-Minerals are required to enable the discharge of Condition 21 of planning permission 2017/2794, prior to any commencement of development proposed in this reserved matters application

4.16 Norwich City Council

No comments

4.17 Norfolk Fire Service

No comments received

4.18 Norfolk Rivers Heritage Group

No comments received

4.19 Upper Yare and Tas IDB

No comments received

4.20 SNC Economic Development Officer

No comments received

4.21 Norfolk Rivers IDB

To Original Submission

- I cannot see that any additional drainage details have been supplied, therefore we have no comments. I commented on application 2020/0903 stating that the proposed direct discharge of surface water to the main river would not require consent from the Norfolk Rivers IDB, however we would still like to be consulted on any future application that deals with drainage conditions at this site.

To Amended Submission

- Note the change strategy to dispose of surface water via infiltration onsite. Should the strategy change to include a discharge to an ordinary watercourse in Norfolk Rivers IDB consent would be required.

4.22 Council for the Protection of Rural England (CPRE)

Comments regarding lighting;

- Lighting on the site should be kept to a minimum as the site is located in an area of Rural Dark Landscape as defined in the Norfolk County Council Environmental Lighting Zones Policy
- Lighting should be on only when needed for site operation purposes and preferably be operated by motion sensors or similar.
- Lighting to be from a white LED source mounted in full cut off, flat glass "hoods".
- Lighting to be directed downwards only - not upwards or outwards. Reason for these comments: To minimise light pollution from the site in compliance with NPPF paragraph 180.

4.23 NCC Green Infrastructure Officer (Rights of Way)

- We have no objections on Public Rights of Way grounds as, although Keswick Bridleway 7 is in the vicinity, it does not appear to be affected by the proposals.

4.24 Other Representations

28 letters of objection:

- The proposals submitted here clearly do not meet this threshold in many areas including the design parameters, landscape, original drawings, lay out in relation to buildings and spaces outside the development, and height width length and use of proposed buildings
- The original application was approved some time ago, being approved by ONE vote and interestingly two people who were on the board and were clearly going to object were conveniently put on a training course on the day of the vote, I feel this has not been a fair vote as they should have been allowed to be present and cast their vote
- These Applications for Approval of Reserved Matters are a material departure from the original Approval. As such they cannot be considered under Reserved matters and require a new and comprehensive full application
- The original planning application were controversially passed having attracted nearly all negative comments from local residents
- Since the application was approved there have been numerous village meetings, one of which Apex attended
- We as villagers were assured there would be a mixture of use of the site, building heights would be low and would aesthetically fit the area and Keswick is under government legislation is a "designated rural area"
- Now Apex seem to of got initial planning through by that one vote then passed it mostly to another firm to run away with and do whatever they like as suddenly the amended plans have completely changed
- I sense the developers, by putting in multiple smaller applications, are trying to bend the rules to get permission for a scheme that would never have been granted permission initially It's important to maintain public confidence in the planning system.
- There is insufficient evidence in the reserved matters application to demonstrate that the Landscape has not been adversely affected by these applications
- Given that 'landscape ' was a key factor in the 2016/0764 application refusal it would seem the reserved matters application is no longer a representation of the visual impact this development would have should it be significantly higher than agreed on the original applications
- The heights of the buildings have been significantly increased and platforms have been introduced to site the buildings on
- The building usages have been moved round the site bringing industrial usage closer to surrounding open spaces and buildings
- This submission appears to have buildings which are much larger, more industrial, and standard (and cheaper?) design

- Are now proposing large, ugly, industrial B8 units that will irreversibly damage a beautiful, ancient gateway to our fine city
- The design of the site is completely different to that approved
- The original approval had an equal mix of B1, B2, and B8 floor space in buildings sized to minimise impact on Landscape
- There are now fewer but much larger buildings
- There is mention of mezzanine floors made possible by the increased building height which were not in the original approval
- It seems that since then, the original developer has sold on the site, and the new developers appear to be an outfit from far afield that look to have disregarded all local feeling, and the original desires of SNDC
- How can the Council compromise its avowed policy of not allowing any major development to overwhelm a small rural village, by granting consent, not to mention it's contravention of visual impact along the corridors of the A140 and B1113
- One villager was urged by SNDC to consider this 'a totally new application' and we would all ask SNDC to do the same.
- In an era of serious environmental concern, please ask the planning officer if we need to build this new site, when only a mile away the Hall Road Industrial Estate has huge empty areas, with infrastructure already in place
- If this proposal isn't rejected as an unacceptable change to the agreed plans, we will be forced to raise this damaging development in the press and would ask for serious scrutiny of South Norfolk Council, and how it came to the decision to allow this desecration of our county and city
- Concerned about the impact this would have in a predominantly farmland area
- Increase traffic through Keswick.
- In respect of the link road taking traffic not heading for Norwich over to the Tesco junction on the A140 easing congestion at the Harford Bridge intersection with the A140, only time will tell how long it will be before the said link road becomes even more congested than what we have now
- Over the 25 years I have been turning from Low Road onto the B1113 heading for Harford Bridge the longest I have been held up is 5 minutes. Reason in itself why this development should never have got off the ground
- The developer should submit a fresh application supported by a robust and acceptable traffic scheme covering the undoubted impact the development will have on Low Road, which is already an overpopulated rat run
- Low Road remains an important recreational area both for the residents of Keswick, and also the wider community and, as yet, neither the existing approved planning, nor the significant alterations proposed have satisfactorily solved the problem of how Low Road can be made safe given the likely significant increase in traffic (including light good vehicles) associated with this development
- Concerned re the increase and type of traffic flow on Low Road
- Even with the current speed limit, it is dangerous for pedestrians who are following the public walk route crossing over into Mill Lane from the Keswick Hall walk. Currently pedestrians need to physically step out of the junction to see what traffic is coming down the road
- During a few road closures, there have been many incidents of large HGV's clogging up the road resulting in a complete standstill of traffic. It has been manic and scary for families with small children wanting to walk through the narrows of Low Road - there is no path and it is not safe. Having more commercial vehicles using this road as a 'rat-run' to the A11 will be a danger to life
- The usage change threatens large transporting vehicles down Low Road in Keswick Currently this road is a school transport bus route for those attending their catchment high school and children board and unboard the bus on this road, the roads are unpaved at long stretches, unlit at long stretches, narrow at points (the 16th Century wall of Keswick Old Hall) and there is nothing to stop larger vehicles coming down the road as a school coach has to come down here

- Road signs about weight restrictions on the bridge near the stream are ignored and there is never in reality going to be a way to police this so the best thing to do is not build large industrial units that entice vehicles of such magnitude down here in the first place
- There is a playground right on the edge of low road with picket fencing that the largest of adults can easily get through, let alone small children
- Low Road is too narrow in places for two cars to pass each other
- There are historic walls along Low Road which will be impacted by additional heavy traffic
- Keswick borders nature reserves and is a wonderful source of country walks and leisure for the people of Eaton, Cringleford and Keswick. This will be negatively impacted by increased heavy traffic
- Keswick is a wonderful tight knit community, we look after each other in ways that are now very rare and often save the public purse (clearing roads and verges, checking in on elderly neighbours), by increasing traffic along Low Road you will make it difficult for us to live as a community
- The outline permission was granted for one site, which is now being split into two sites. It seems the LLFA were not aware of this on 5 January 2021 which is the latest on the planning portal.
- The proposal provides an attenuation scheme within the lower site but run off from the upper site has to flow over the roads, including the B1113 which already suffers a high degree of surface water flooding
- It seems impractical for the owners of the lower site to have to provide a drainage scheme for the upper site in perpetuity and for the LLFA to be able to enforce that. At the very least, there need to be culverts under the new road that divides the sites, but planning should require that each site deal independently with their own run off and a drainage scheme is provided in the upper site that will avoid flooding roads
- It also appears that the site has been split into two, with an upper and lower site. The upper site relying on the drainage provided by the lower site and flooding the road between the two with run off. (The proposed drainage scheme appears to show no gulleys to drain water from the upper site onto the B1113.) Are these drawings incomplete? In which case the developer should be sent away to complete them. This does not seem a sustainable solution and it is hard to see why the owner of the lower site would feel obligated to indefinitely provide drainage for a neighbour
- A cut and fill process is being used on site, what mechanism will be in place to deal with the runoff from this slope that does not place an increased burden on the existing infrastructure?
- Has there been a guarantee that no water will be draining into the River Yare?
- Given that Anglia Water are currently unable to operate their foul water system without regularly releasing raw sewage into our rivers, it should be unacceptable to connect more sewage into an already overloaded system. Any development should process its own foul water on site.
- Maintenance relies on the use of glyphosate, a carcinogen soon to be banned by the EU, and a chemical Norfolk County Council is also considering banning. It is one thing to use a chemical like this on roadside verges or open fields. It is quite another to use it on a site which hopes to employ a thousand staff.
- If used on this site it will inevitably find its way into the Yare which has a very delicate eco system and is also likely to harm the bats on the site. There are ways to kill weeds without chemical herbicides
- A designated rural area should be able to keep its character, its wildlife and nature aspects especially in a time of a global warming crisis when our wildlife and environment is under huge threat
- If this were to go ahead it would deprive wildlife of much needed, diminishing habitat, and rob our community here at Keswick of yet another green space, and one of breath-taking beauty in late Spring when the poppies burst into flower. This will mean nothing to the developers and is probably laughable to them. But why make survival even harder for our wildlife, and steal moments of peace and calmness from stressed humans as they toil to and from work each day?

- There is no justification for losing a valuable green field site when nearby units of a similar nature sit unused, and the Ukraine crisis has made food security a priority. There is no planning gain from the loss of this green field site.
- We have no local traffic problems now, but a new employment site intended to move a thousand jobs from elsewhere will create severe traffic problems, always assuming the jobs can be filled given the current labour shortages
- Impact on Church of Keswick and historic walls on Low Road
- Flooding concerns within and outside the site (now split in two) and run-off into the Yare
- Sewerage system doesn't have capacity
- Traffic will cause congestion, Low Road is too narrow, risk to pedestrian and cyclist safety
- Need extensive traffic calming on Low Road. Where there is a pavement it is narrow
- Impact on recreational area and walking routes; Eaton Common, Marston Marshes, country roads, bridleways are all part of the Kett's Country Long Distance Trail. The Cringleford Loop
- Road signs re: weight limits will be ignored
- Danger to children at the playground close by
- Impact on the community and all the facilities along Low Road

5 Assessment

Key considerations

- 5.1 The key considerations are:
- Scale, Layout and Design
 - Access and Parking Considerations
 - Landscape and Visual Impact
 - Ecology
 - Impact on Residential Amenity
 - Drainage
 - Archaeology
 - Heritage Assets

Principle

- 5.2 The principle of the development on the site has been accepted by the grant of the outline consent. As such the principle is established for commercial development. It is therefore only the details reserved of that outline that are now being considered for Phase 3. With this in mind the following assessment focuses on the site-specific planning issues and how the scheme complies with the requirements of the outline consent.

Scale, Layout and Design

- 5.3 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development.
- 5.4 This proposal seeks consent for the third stage of the development. It comprises Unit 2. The layout and design has been informed by the individual business needs for a builders merchant (use class B8 plus ancillary trade counter), comprising of a terrace unit approximately 8.9m high building with a gross internal floorspace totalling approximately 20,796sqft (1,932sqm), across the ground floor levels. It will be set in a compound, to include space for parking and servicing.
- 5.5 The development will portray a familiar design across the proposed buildings, utilising a consistent palette of materials. Unit 2 is a rectangular terrace building with a shallow pitched roof. The west elevation fronts the main spine road. This façade and a portion of on the return façade to the south are clad with built up profile steel cladding. The west and south façade also include the main glazed entrance doors. The south elevation has three large roller shutter doors for loading. The external compound is formed with 2.4m high green palisade fencing and gates.

5.6 This reserved matters has been accompanied by a unit specific Energy Statement which demonstrates a scheme for generating a minimum of 10% of predicted energy requirement, and that all viable and practical steps have been taken to maximise opportunities for sustainable construction in accordance with Conditions 8 and 9 of the outline planning permission. The approach incorporates suitable passive design measures to provide a highly efficient building fabric and efficient space heating system; and the use of Air Source Heat Pumps.

5.7 The Senior Conservation and design officer has commented as follows:

In terms of the layout and design of the buildings, the development now represents quite a change from the original indicative drawings and plans and those submitted earlier with these applications.

A fundamental aspect of the original plan was to ensure the preservation of landscape views around the site and to some extent the setting of Keswick church which is situated in an isolated position quite close by to the east. The planting to the northwest of the site on both sides of the road should ensure the setting of the church within its surrounding landscape is adequately preserved.

Within the site, additional planting and walks have been provided around and between buildings, which are now larger in scale than the original plans. The walks to the south are not that secure and not well overlooked by active frontage, however being commercial and not residential and most likely used during the daytime for lunchtime and break recreation these will serve a purpose. The whole site will also be within a compound area with a 2.4 high metre palisade fence.

The design of units is fairly standard and utilitarian. However, with buildings of this size it is better to keep the architecture relatively simple and not 'overly fussy'. Although the panelling will be grey, the bulk will be broken down with areas of different coloured grey panels associated with office/window areas which will help to reduce the impression of overall bulk. The height is also broken with two different type of grey colour cladding horizontally. The overall height and massing is reduced by having a shallower pitched roof. The entrances will be marked out with double height glazed feature and canopy to the entrance which will aid legibility. These colours and design characteristics are reproduced across the site to create an homogenous group of buildings and identity for this part of the site.

5.8 In view of the above, in respect of the design of the building, the uses require an element of functionality, especially in relation to its scale, loading and parking/turning requirements, however, it is considered significant effort has been made via colours and design characteristics which will be reproduced across the site to create a homogenous group of buildings and identity for this part of the site. Given the potential and often used approach to large commercial sites to be purely functional in form and design detail, the design approach used here is considered to create a well-rounded and good design and therefore accords with policy DM3.8 of SNLP and the new emphasis on 'beautiful' buildings (acknowledging the subjectivity of the word) contained within section 12 of the NPPF, when considering the nature and use of the proposed building.

5.9 Concerns have been raised as set out above from the Parish Council and Local residents in respect of the changes in key factors such as character, design, layout, distribution of usage and scale etc. have changed substantially from the outline. Thereby bringing into question if this reserved matters should be considered at all or whether a new application should be submitted, when giving regards to the wording of condition 3: Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.

- 5.10 Members may recall that these issues were raised and discussed under the first reserved matters application 2020/0903 at 27 July 2022 Development Management Committee meeting, which resolved to approve the application subject the completion of a Unilateral Undertaking (UU) for offsite mitigation for skylarks, together with clarification in terms of surface water drainage for NCC Highways and confirmation of supervision of site clearance and installation of enhancements by an ecological clerk of works (these have been addressed and the UU nearing completion). Again, as previously with 2020/0903 it is considered that this scheme for units 2 satisfactorily accords with condition 3 of 2017/2794 insofar as it “substantially” accords with the approved parameter plans and illustrative masterplan. In light of this, whilst I appreciate concerns that have been raised in respect of all the reserved matters applications, the proposal does substantial accord with the outline, as agreed under 2020/0903.

Access and parking considerations

- 5.11 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. DM3.12 looks for appropriate parking, turning etc. to serve the needs of the development.
- 5.12 Whilst I fully appreciate the concerns raised by local residents in respect of traffic generation, highway safety issues, etc, as set out above, all these were considered under the outline consent, there are off-site highway works to include:
- The removal of signals at the B1113/A140 junction with the prohibition of right turn movements and allows left turn only onto the A140
 - The provision of a new roundabout on the B1113 to provide a junction for the new link road
 - Changes to the signalised Tesco's junction where the new link road joins the A140 and the provision of two ahead lanes into Norwich from the Tesco's junction to the Hall Road junction
 - A footway link along Low Road. This will be designed to ensure that there is an appropriate 'landing pad' at both ends to ensure that pedestrian safety is not compromised.
 - In addition, a traffic management scheme will be delivered along Low Road, Keswick.
 - Improved cycle links from the Yellow Pedal way at the Marsh Harrier to the B1113 and an off-carriageway cycleway along the B1113 to Low Road

The key consideration under this reserved matters therefore is the appropriate amount of parking for vehicles and bicycles within the site along with turning and loading for larger vehicle, internal roads and footpaths.

- 5.13 The application has been assessed by NCC Highway Authority who raised some initial concerns, which have now been resolved following the submission of an amended plans, they offer no objection to this reserved matters application.
- 5.14 The proposal is therefore considered to accord with policy DM3.11 and DM3.12.

Landscape and visual impact

- 5.15 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.
- 5.16 Policy 4.6 has regard to the landscape setting of Norwich which includes the sites location within the Norwich Southern bypass protection zone and on two undeveloped approaches to Norwich (A140 and B1113).

- 5.17 The specific aims of policy DM4.5 are the protection of the landscape character at a wider level. DM4.6 specifically seeks protection of the setting of Norwich and maintaining the rural approach to Norwich.
- 5.18 In respect of Policy DM4.5 the site sits in the C1 Yare Tributary Farmland with Parkland landscape character area It is adjacent to the F1 Yare Valley Urban Fringe Landscape Character Area and near to the B1 Tas Tributary Farmland. The site is not directly within a River Valley Policy Area although it is near.
- 5.19 Policy DM4.5 requires all development to respect, conserve and where possible, enhance the landscape character surrounding the development. Policy DM4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.20 The outline consent has established the principal of the development and its acceptability of its landscape and visual effects. As part of the first reserved matters 2020/0903, full details of the strategic landscaping for the whole site was submitted as required and considered acceptable as part of reserved matters phase 1. This landscaping strategic scheme ensures that the development, as a whole, is appropriately landscaped and to that end included the detailed planting plans, written specifications, schedule of plants, species, plant sizes etc, and that the impact of the development is acceptable in terms of its impact on the surrounding landscape and visual amenities of the area.
- 5.21 In view of the above, it is considered that the proposed reserved matters development would not have an adverse impact on the surrounding landscape to a material degree and appropriate detailed landscaping is provided. The proposal is considered to accord with policies DM4.5 and DM4.6 of the SNLP.
- 5.22 Policy DM 4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.23 Tree protection is proposed during construction for the remaining trees on site via a condition imposed on the outline planning permission. Therefore, the proposal is considered to comply with Policy DM4.9.

Ecology

- 5.24 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.
- 5.25 Due to the date of the original survey (2014/2015) the Ecologist requested that a re-visit to the site/ site walkover will be required by the applicant's ecologist to ensure the habitats/ conditions on the site have not changed, and that no signs of protected species using the site are evident. Condition 22 required as part of the first reserved matters that details of the Ecology Report including details of mitigation and enhancement measures were submitted.
- 5.26 The requisite details were provided under the reserved matters for phase 1 2020/0903 and the Council's Ecologist raised no objections subject to the signing of a Unilateral Undertaking for offsite mitigation for skylarks plots. In light of the above the ecologist has raised no objections to this reserved matters subject to the imposition of condition for the Lighting design strategy for biodiversity.
- 5.27 Therefore, in respect of ecology and biodiversity, subject to the proposal would accord with Policy 1 and DM4.4.

Impact on Residential Amenity

- 5.28 Policy DM3.13 requires development to have regard to the impacts on residential amenity. Furthermore, Policy DM3.14 has regard to pollution and emissions in respect of air quality, water quality, land quality and condition and the health and safety of the public.
- 5.29 In respect of mitigating impacts of construction, the impacts from the operation of the proposed development from noise, lighting, dust, air quality, conditions were placed on the outline planning consent to ensure the development did not give rise to a situation detrimental to the amenities of nearby residential properties.
- 5.30 As part of each reserved matters shall include an assessment of background and ambient noise levels in the area, is required to be submitted and agreed. The Environment Quality Team has assessed the report submitted and have raise no objections. The adjoining neighbours are located to the north of the site and this reserved matters is separated by intervening uses, which will be B1 office uses, light of this, it is not considered that the proposed development would give rise to a situation detrimental to the amenities of the local residents. It is considered that the proposal accords with Policy DM3.13 and DM3.14 of the SNLP.

Drainage

- 5.31 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.
- 5.32 Both the foul water and surface water drainage strategy for the whole site will be subject to discharge of conditions applications and therefore are not under consideration for the reserved matter application (the surface water drainage discharge of conditions application, however, has been submitted to run alongside the reserved matters applications to enable clarity and understanding to what has been proposed). The Lead Local Flood Authority initial asked for clarification, following the submission of these details they have raised no objections to the reserved matters application. As such the proposal is considered to accord with JCS Policy 1 and DM4.2.

Archaeology

- 5.33 Condition 18 required, the first Reserved Matters application to provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations should then be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. I can confirm that the results of the programme of informative archaeological investigations (trial trenching) have been submitted with this reserved matters application and prior to this, the trial trenching was carried out in accordance with the written scheme of investigation that was approved on 9th March 2020 via application reference 2020/0184. Part A of this condition has therefore been complied with. Therefore, the proposal accords with policy DM4.10 of the SNLP

Heritage assets

- 5.34 The setting of listed buildings requires consideration under policy DM4.10 and S66 of the Listed Buildings Act 1990.

- 5.35 There are no designated heritage assets including Listed Buildings, Conservation Areas, Scheduled monuments within the site. There are a number of Grade II Listed buildings in the vicinity of the site the majority of these are not deemed to be sensitive to the proposed development due to the distance, topography and intervening features (vegetation and buildings). There are two heritage assets namely the Church of All Saints and the remains of Church of All Saints (Grade II) which lie approximately 160m to the west of the site on the opposite side of the B1113.
- 5.36 The key issue for consideration in respect of heritage assets is therefore the impact of the proposal on the setting of the remains of Keswick Church and the new church, and the extent to which the site and proposals impact on their significance. Although the original church dates from the C12th, and parts of the round tower dates from C12, the church was heavily rebuilt and the tower restored in the C19 by the Gurney family; the chancel of the earlier church having been pulled down in 1597 is now in ruins. Hence, the heritage assets are grade II listed. Historic England defines setting as “the surroundings in which a heritage asset is experienced”. The asset sits in a wooded landscaped area surrounded by fields and this contributes to its significance. There is very limited intervisibility between the assets and the site. There would be a low degree of impact on the setting due to the distance between the church and the site, and the church would still be viewed within an isolated rural context. The B1113 lies between the site and has quite an impact, to the degree that from within the proposed site, any views, which may be only glimpsed at best, do not make a significant contribution to the setting of the asset. In light of the strategic landscaping proposed between the Church and the development under consideration, it is considered that the proposal would lead to a ‘less than substantial harm to the significance of the heritage asset’ and this harm has been weighed against the public benefits of the proposal. In this case there are significant public benefits in respect of the creation of employment and highway improvements that are considered to outweigh the identified level of harm. The proposal is therefore on balance considered to comply with Policy DM4.10 and fulfils the Council's duties in respect of S66 of the Listed Buildings Act 1990 having due regard to the desirability of preserving the building or its setting.

Other matters

Nutrient Neutrality Non-Overnight Accommodation Inside catchment

- 5.37 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed is commercial (B1, B2 and B8 use) and will not provide overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.38 In terms of the specific request for discharging the requirements of conditions 8, 9 and 23 for this unit only, it is apparent that these are condition require the submission of adequate information in relation to specific matters at the point of submission of the reserved matters application. By virtue of the fact that the application has been validated and recommended for resolution it is clear that the requirements of these conditions have been met for this building.

- 5.39 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.
- 5.40 This application is liable for Community Infrastructure Levy (CIL).

Conclusion

- 5.41 The principle of the development has already been established by the grant of outline planning permission 2017/2794. The proposed reserved matters is considered acceptable in terms of design and layout. Furthermore, the development will not adversely impact of the surrounding landscape, character of appearance of the area or the setting of nearby listed buildings to a material degree. It will not be detrimental to highway safety; ecology; nor adversely affect the amenities of nearby residential properties. In view of the above, the proposal is considered to accord with DM3.8, DM3.11, DM3.12, DM4.5, DM4.6, DM4.9, DM4.4, Dm3.13, DM3.14, DM4.2, DM4.10 of the SNLP; Policy 1 of JCS and Section 12 of NPPF and I recommend that the application be approved.

Recommendation: Approval with conditions

- 1 In accordance with outline consent
- 2 In accordance with submitted plans
- 3 Materials to accord with submitted details
- 4 Lighting design strategy for biodiversity

Confirmation of partial discharge of conditions 8, 9 and 23

Contact Officer Claire Curtis
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4. Application No : 2021/1036
Parish : KESWICK AND INTWOOD

Applicant's Name: Norwich Apex Limited
 Site Address Land West of Ipswich Road Keswick Norfolk
 Proposal Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary: Approval with conditions

1 Proposal and site context

- 1.1 This application seeks Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission. This application follows the Outline planning consent 2017/2794 which gave consent for the employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout at land west of Ipswich Road, Keswick.
- 1.2 Condition 8 requires each Reserved Matters application for the units to provide a scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources.
- 1.3 Condition 9 requires each Reserved Matters application for the units to demonstrate that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.
- 1.4 Condition 23 requires an assessment of background and ambient noise levels in the area to set out suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.

The application site

- 1.5 The site comprises a parcel of arable land of approx. 10.94Ha, triangular in nature bounded by the A140 to the east and the B1113 to the west. There is an existing field access from the B1113 on to the site.
- 1.6 In terms of topography there is a marked change in levels across the site rising from the north of the site to the south with the southern part of the application site sitting on a natural highbrow.
- 1.7 To the east of the site lies a supermarket with farmland beyond; to the west farmland; to the south arable farmland immediately adjacent to the site with the A47 and the Harford Park and Ride further south. To the north of the site are 5 residential dwellings as existing. The B1113/A140 junction is beyond.

- 1.8 The village of Keswick is located to the south-west via the B1113 with the nearest properties of Keswick village being approx. 560m away.
- 1.9 There is a Grade II Listed church approx. 180m to the west of the site served from the B1113 which sits in an elevated position.
- 1.10 The River Yare runs east-west and is located approximately 240m to the north of the site, beyond the B1113 and A140 junction. There are also a number of field drainage channels in land to the north of the B1113 approximately 100m to the north of the site which drain towards the River Yare.
- 1.11 A pit (assumed to be a former marl/borrow pit) is noted on the topographical survey in the southwestern corner of the site.
- 1.12 A County Wildlife Site is located approx. 170m to the north-east of the application site between the Tesco supermarket and the River Yare.
- 1.13 There are a number of trees on the site but limited to the field boundaries and small wooded area to the south-west corner.
- 1.14 The east and west boundaries are delineated by hedgerow with trees interspersed.

The reserved matters and key requirements of the Outline planning permission:

- 1.15 The Outline Application 2017/2794 granted permission for an employment development consisting of B1, B2 and B8 uses with access and landscaping and a link road between the A140 and the B1113, including new roundabout.
- 1.16 This application forms part of reserved matters for seven phases of development of the planning permission granted under the Outline Application. The outline consent required that *the approval of reserved matters must be made before the expiration of THREE Years from the date of this permission*. All the reserved matters applications were made prior to the 17th of May 2021 and therefore complying with this part of Condition1.
- 1.17 Condition 2 required: *No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved in writing by the local planning authority. These plans and descriptions shall relate to: appearance, scale, landscaping and layout of any building to be erected together with the precise details of the type and colour of the materials to be used in their construction.*
- 1.18 Condition 3 required: The development hereby permitted shall accord with the following drawings: 731_03_020 REVH - Proposed Highway Modification Overview - dated 7 March 2018 201 - Context Plan - dated 7 December 2017 202 - Location Plan - dated 7 December 2017 731_03_027 REVA - Bus Rapid Transit Land Requirements - dated 7 December 2017.

Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.

- 1.19 Condition 4 required: *The first Reserved Matters application shall provide full details of the strategic landscape works together with both hard and soft internal landscaping for the whole site, to include an phasing/implementation programme. These details shall include:*
- *proposed finished levels or contours;*
 - *hard surfacing materials;*
 - *planting plans;*

- *written specifications (including cultivation and other operations associated with plant and grass establishment);*
 - *schedules of plants, noting species, plant sizes and forms, and proposed numbers/densities where appropriate;*
 - *long term management plan*
- 1.20 Condition 6 required: *Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order revoking and re-enacting that Act or Order)(with or without modification), the development hereby approved permits a maximum of 28,329 square metres in floor space (maximum 9443sqm B1; maximum 9443sqm B2 and maximum 9443sqm B8) and this shall not be exceeded by internal or external alteration of the building without the specific grant of a further permission.*
- 1.21 Condition 8 required: *Each Reserved Matters application for the units/premises shall provide a scheme for generating a minimum of 10% of the predicted energy requirement of that development from decentralised renewable and/or low carbon sources (as defined in Annex 2: Glossary of the NPPF 2012 or any subsequent version). The development shall be implemented in accordance with the approved scheme and the approved scheme shall remain operation for the lifetime of the development.*
- 1.22 Condition 9 required: *The development hereby permitted will be required to demonstrate through the Reserved Matters application for the units/premises, that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.*
- 1.23 Condition 18 required: *A) The first Reserved Matters application shall provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations shall be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. The trial trenching will form the first phase of a programme of archaeological mitigation work that shall be carried out in accordance with a written scheme of investigation which will need to be submitted to and approved by the local planning authority in writing prior to the submission of the first Reserved Matters application.*
- 1.24 Condition 22 required: *The first Reserved Matters application shall provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. Thereafter, the approved details shall be implemented in full in accordance with the approved timetable and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*
- 1.25 Condition 23 required: *Each Reserved matters application shall include an assessment of background and ambient noise levels in the area, suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The assessment shall set out suitable boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The development shall be carried out in accordance with the details as approved.*

2. Relevant planning history

2.1	2014/2618	Proposed Employment Development	EIA Not Required
2.2	2016/0764	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113 with some matters reserved	Refused

2.3	2017/2794	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout with some matters reserved (resubmission)	Approved
2.4	2020/0184	Details for condition 18(A) of 2017/2794 - 18(A) Written Scheme of Investigation for Archaeological Evaluation Trenching	Approved
2.5	2020/1066	Details for conditions 11, 12, 13, 19 and 24 of 2017/2794 - (11) cycle parking (Unit 1), (12) construction workers site parking, (13) wheel cleaning facilities, (19) fire hydrants and (24) construction environmental management plan	Approved
2.6	2020/1067	Details for conditions 16, 15(A) and 32(A) of 2017/2794 - 15(A) Off site highway works, (16) Traffic management scheme and 32(A) Travel plan	under consideration
2.7	2020/1849	Discharge of condition 21 of planning permission 2017/2794 - materials management plan	Approved
2.8	2020/2351	Discharge of condition 20 of planning permission 2017/2794 - Surface water drainage scheme	under consideration
2.9	2021/1034	Reserved matters for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission	under consideration
2.10	2021/1035	Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission.	under consideration

- 2.11 2021/1037 Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission. under consideration
- 2.12 2021/1038 Reserved matters for the details of appearance, layout, scale and landscaping of the sixth phase (Phase 6) of the development comprising the construction of Units 9-14 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 9-14 only), Condition 9 (Units 9-14 only) and Condition 23 (Units 9-14 only) of the outline planning permission. under consideration
- 2.13 2021/1039 Reserved matters for the details of appearance, layout, scale and landscaping of the seventh phase (Phase 7) of the development comprising the construction of Units 15-20 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 15-20 only), Condition 9 (Units 15-20 only) and Condition 23 (Units 15-20 only) of the outline planning permission. 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 07 : Ensuring the vitality of town centres
 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 4 : Housing delivery
 Policy 5 : The Economy

Policy 6 : Access and Transportation
 Policy 9 : Strategy for growth in the Norwich Policy Area
 Policy 16 : Other Villages
 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
 DM1.2 : Requirement for infrastructure through planning obligations
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM2.1 : Employment and business development
 DM2.4 : Location of main town centre uses
 DM3.8 : Design Principles applying to all development
 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 the collection of recycling and waste
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.6 : Landscape Setting of Norwich
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

3.4 Site Specific Allocations and Policies

KES 2 Land west of Ipswich Road:

Land amounting to some 4 hectares is allocated for employment uses restricted to uses in classes type B1. The developer of the site is required to provide the following:

1. An access road across the site from B1113 to A140 at Tesco Harford, to be agreed with Highways Authority
2. Right turn junction into site from B1113
3. Landscaping/bunding to protect properties to the north
4. Use restricted to light industrial/workshop type uses (B1)
5. Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources

3.5 Supplementary Planning Documents (SPD)

South Norfolk Place Making Guide 2012

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

S16(2) and 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, 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.

4. Consultations

4.1 Keswick and Intwood Parish Council

Refuse:

The Parish Council appreciates the local interest in the outline planning application for the land to the west of Ipswich Road, often referred to as Kes 2 and is keen to share our position regarding the pending reserved matters applications. Having reviewed the 4 applications above the Parish Council has objected to each of these applications:

- Object to the reserved matters application and considers that the content is a clear and significant departure from the outline permissions approved in the original application and not in keeping with proposals highlighted in the Design and Access Statement submitted in December 2017.
- Consider that several key factors such as character, design, layout, distribution of usage and scale have changed substantially, and such detrimental changes could significantly impact on the material matters which were carefully considered as part of the original application when it was only narrowly approved
- Have been advised in writing that we should consider the reserved matter applications on their own merits, that they are not comparable to the original application and should be considered as a 'fresh' or new application.
- Given that the Parish Council is being asked to consider several reserved matter applications as a 'fresh' application we object to this application and recommend that a new single planning application should be submitted allowing the multiple reserved matters applications to be managed by appropriate governance and consultative frameworks.
- The Parish Council understands that Article 6 of the Town and Country Planning (development Management Procedure) (2015) states that details of the reserved matters application must be in line with the outline approval and if proposals have changed in any way the applicant may need to reapply for outline or full planning permission
- The Parish Council is concerned that heights of the proposed development have significantly increased, which we believe exceed the parameters set out in the outline planning permission. Object to any increase in height, acknowledges that 'landscape' was a key factor in the initial application 2016/0764 being refused and that the visual impact of the development, including height was a key factor in appropriate conditions being required as part of the outline application.
- The Landscape and Visual Impact Assessment (2017) does not capture the changed design aspects of the reserved matter applications and is no longer a representation of the visual impact of the development both within the local setting of Keswick and within the Southern Bypass Landscape Protection Zone.
- As highlighted in the Design and Access Statement, the outline permissions were for the equitable provision of B1, B2 and B8, the allocation proposed in the reserved application appears to have changed. Such changes could have significant impact on the validation of other considerations such as traffic surveys and that such significant changes should warrant a new application. The Parish Council would want to understand the impact of usage would have on understanding the impact on local highways, especially the impact on Low Road.
- The Parish Council and planning committee was assured by the local developer that the development would be a development with character that would sit within its rural setting which is documented as 'tributary farmland with parkland' in the Design and Access Statement. The Parish Council objects to the design of the buildings within the reserved matter application as these are a departure from the design proposed in the Design and Assessment Statement, both in forms of materials and character and are no longer 'resonant' within the local and rural context.

4.2 District Councillors: Cllr William Kemp and Cllr Daniel Elmer

- We wanted to confirm that the Keswick Triangle applications should only be determined by the DMC due to the public interest in the applications, to allow the environmental and highways impact to be considered and to consider the changes between the permitted scheme and what is proposed.

4.3 Environment Agency

No comments received

4.4 NCC Lead Local Flood Authority

To Original Submission:

- No objection to this reserved matters subject to our being consulted on any further application if this application is approved.

To Amended Submission

- No objection to the reserved matters
- Note that Condition 20 relating to surface water drainage is subject to a separate discharge of condition application.

4.5 Natural England

No comments

4.6 Anglian Water

No comments

4.7 Senior Heritage & Design Officer

No objections

4.8 Historic Environment Service

No comments received in respect of this application.

However, raised no objections under 2020/0903 and confirmed that an archaeological scheme has been approved by NCC Environment Service

4.9 Community Services - Environmental Quality Team

No comments or objections to the reserved matters or to the discharge of condition 23

4.10 NCC Highways

To Original submission

No comments received

To Amended Submission

A number of concerns and points needing clarification

- 1) A swept path analysis should be provided
- 2) A safe and practical rout for pedestrians accessing units 6 and 7
- 3) Passive EV parking space provision has not been detailed revised plan

To Revised Highway Plans

The Highway Authority is satisfied that previous comments have now been addressed and has no objections to this reserved matters:

4.11 Police Architectural Liaison Officer

The proposed layout does show that Crime Prevention Through Environmental Design features are being considered and mostly incorporated into this proposal.

Would make the following observations, comments and recommendations:

- The venue should have appropriate access gates and perimeter fencing installed
- Clear signage is used for the buildings advertising its nature and intended purpose
- Recommend CCTV
- Lighting of car park, cycle shelter, loading areas etc is recommended to be a white light compliant with BS 5489-1:2013
- Recommend vehicle access to development to restricted out of hours by gates/barriers Recommend that the palisade fence forms a continuous barrier and to 1.8m at the sites and vulnerable rear boundaries
- Cycle storage must facilitate the locking of both wheels and the cross bar.
- Consideration is required to maximize opportunities for natural surveillance, therefore it is generally recommended that plant growth above 1m and below 2m be absent to provide a 'window of surveillance' across the site. The planting scheme should be considered in tandem with lighting of the site and installation & requirement of any intended CCTV system.

4.12 Ecologist

No objections subject to conditions:

Condition 22 required the first reserved matters 2020/0903 to provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. This has been provided and is considered acceptable subject to the signing of a unilateral undertaking for offsite mitigation for skylark plots.

In light of the above, no objections are raised to this reserved matters and would recommend that the following is either provided prior to determination or secured via condition:

- supervision of site clearance and installation of enhancements by an ecological clerk of works (this has now been provided).

a lighting strategy (including contour lines), to ensure that sensitive areas e.g. the infiltration ponds and wet meadows, linear landscape /woodland elements, and dark corridors around the perimeter, and bird/bat boxes are not artificially illuminated. Lighting should be designed in accordance with ILE and BCT guidance.

4.13 National Highways (was Highways England)

No objection

4.14 Landscape Architect

No objections raised under 2020/0903

4.15 NCC Minerals and Waste Planning Officer

No comments received

Site investigations and a Materials Management Plan-Minerals are required to enable the discharge of Condition 21 of planning permission 2017/2794, prior to any commencement of development proposed in this reserved matters application.

4.16 Norwich City Council

No comments

4.17 Norfolk Fire Service

No comments received

4.18 Norfolk Rivers Heritage Group

No comments received

4.19 Upper Yare and Tas IDB

No comments received

4.20 SNC Economic Development Officer

No comments received

4.21 Norfolk Rivers IDB

To Original Submission

- I cannot see that any additional drainage details have been supplied, therefore we have no comments. I commented on application 2020/0903 stating that the proposed direct discharge of surface water to the main river would not require consent from the Norfolk Rivers IDB, however we would still like to be consulted on any future application that deals with drainage conditions at this site.

To Amended Submission

- Note the change strategy to dispose of surface water via infiltration onsite. Should the strategy change to include a discharge to an ordinary watercourse in Norfolk Rivers IDB consent would be required.

4.22 Council for the Protection of Rural England (CPRE)

Comments regarding lighting;

- Lighting on the site should be kept to a minimum as the site is located in an area of Rural Dark Landscape as defined in the Norfolk County Council Environmental Lighting Zones Policy
- Lighting should be on only when needed for site operation purposes and preferably be operated by motion sensors or similar.
- Lighting to be from a white LED source mounted in full cut off, flat glass "hoods".
- Lighting to be directed downwards only - not upwards or outwards. Reason for these comments: To minimise light pollution from the site in compliance with NPPF paragraph 180.

4.23 NCC Green Infrastructure Officer (Rights of Way)

- We have no objections on Public Rights of Way grounds as, although Keswick Bridleway 7 is in the vicinity, it does not appear to be affected by the proposals.
- he said link road becomes even more congested than what we have now
- Over the 25 years I have been turning from Low Road onto the B1113 heading for Harford Bridge the longest I have been held up is 5 minutes. Reason in itself why this development should never have got off the ground
- The developer should submit a fresh application supported by a robust and acceptable traffic scheme covering the undoubted impact the development will have on Low Road, which is already an overpopulated rat run
- Low Road remains an important recreational area both for the residents of Keswick, and also the wider community and, as yet, neither the existing approved planning, nor the significant alterations proposed have satisfactorily solved the problem of how Low Road can be made safe given the likely significant increase in traffic (including light good vehicles) associated with this development
- Concerned re the increase and type of traffic flow on Low Road

Even with the current speed limit, it is dangerous for pedestrians who are following the public walk route crossing over into 4.25

4.24 Other Representations

29 letters of objection:

- The proposals submitted here clearly do not meet this threshold in many areas including the design parameters, landscape, original drawings, lay out in relation to buildings and spaces outside the development, and height width length and use of proposed buildings
- The original application was approved some time ago, being approved by ONE vote and interestingly two people who were on the board and were clearly going to object were conveniently put on a training course on the day of the vote, I feel this has not been a fair vote as they should have been allowed to be present and cast their vote
- These Applications for Approval of Reserved Matters are a material departure from the original Approval. As such they cannot be considered under Reserved matters and require a new and comprehensive full application
- The original planning application were controversially passed having attracted nearly all negative comments from local residents
- Since the application was approved there have been numerous village meetings, one of which Apex attended
- We as villagers were assured there would be a mixture of use of the site, building heights would be low and would aesthetically fit the area and Keswick is under government legislation is a "designated rural area"
- Now Apex seem to of got initial planning through by that one vote then passed it mostly to another firm to run away with and do whatever they like as suddenly the amended plans have completely changed
- I sense the developers, by putting in multiple smaller applications, are trying to bend the rules to get permission for a scheme that would never have been granted permission initially It's important to maintain public confidence in the planning system.
- There is insufficient evidence in the reserved matters application to demonstrate that the Landscape has not been adversely affected by these applications
- Given that 'landscape ' was a key factor in the 2016/0764 application refusal it would seem the reserved matters application is no longer a representation of the visual impact this development would have should it be significantly higher than agreed on the original applications
- The heights of the buildings have been significantly increased and platforms have been introduced to site the buildings on
- The building usages have been moved round the site bringing industrial usage closer to surrounding open spaces and buildings

- This submission appears to have buildings which are much larger, more industrial, and standard (and cheaper?) design
- Are now proposing large, ugly, industrial B8 units that will irreversibly damage a beautiful, ancient gateway to our fine city
- The design of the site is completely different to that approved
- The original approval had an equal mix of B1, B2, and B8 floor space in buildings sized to minimise impact on Landscape
- There are now fewer but much larger buildings
- There is mention of mezzanine floors made possible by the increased building height which were not in the original approval
- It seems that since then, the original developer has sold on the site, and the new developers appear to be an outfit from far afield that look to have disregarded all local feeling, and the original desires of SNDC
- How can the Council compromise its avowed policy of not allowing any major development to overwhelm a small rural village, by granting consent, not to mention its contravention of visual impact along the corridors of the A140 and B1113
- One villager was urged by SNDC to consider this 'a totally new application' and we would all ask SNDC to do the same.
- In an era of serious environmental concern, please ask the planning officer if we need to build this new site, when only a mile away the Hall Road Industrial Estate has huge empty areas, with infrastructure already in place
- If this proposal isn't rejected as an unacceptable change to the agreed plans, we will be forced to raise this damaging development in the press and would ask for serious scrutiny of South Norfolk Council, and how it came to the decision to allow this desecration of our county and city
- Concerned about the impact this would have in a predominantly farmland area
- Increase traffic through Keswick.
- In respect of the link road taking traffic not heading for Norwich over to the Tesco junction on the A140 easing congestion at the Harford Bridge intersection with the A140, only time will tell how long it will be before t o Mill Lane from the Keswick Hall walk. Currently pedestrians need to physically step out of the junction to see what traffic is coming down the road
- During a few road closures, there have been many incidents of large HGV's clogging up the road resulting in a complete standstill of traffic. It has been manic and scary for families with small children wanting to walk through the narrows of Low Road - there is no path and it is not safe. Having more commercial vehicles using this road as a 'rat-run' to the A11 will be a danger to life
- The usage change threatens large transporting vehicles down Low Road in Keswick Currently this road is a school transport bus route for those attending their catchment high school and children board and unboard the bus on this road, the roads are unpaved at long stretches, unlit at long stretches, narrow at points (the 16th Century wall of Keswick Old Hall) and there is nothing to stop larger vehicles coming down the road as a school coach has to come down here
- Road signs about weight restrictions on the bridge near the stream are ignored and there is never in reality going to be a way to police this so the best thing to do is not build large industrial units that entice vehicles of such magnitude down here in the first place
- There is a playground right on the edge of low road with picket fencing that the largest of adults can easily get through, let alone small children
- Low Road is too narrow in places for two cars to pass each other
- There are historic walls along Low Road which will be impacted by additional heavy traffic
- Keswick borders nature reserves and is a wonderful source of country walks and leisure for the people of Eaton, Cringleford and Keswick. This will be negatively impacted by increased heavy traffic
- Keswick is a wonderful tight knit community, we look after each other in ways that are now very rare and often save the public purse (clearing roads and verges, checking in on elderly neighbours), by increasing traffic along Low Road you will make it difficult for us to live as a community

- The outline permission was granted for one site, which is now being split into two sites. It seems the LLFA were not aware of this on 5 January 2021 which is the latest on the planning portal.
- The proposal provides an attenuation scheme within the lower site but run off from the upper site has to flow over the roads, including the B1113 which already suffers a high degree of surface water flooding
- It seems impractical for the owners of the lower site to have to provide a drainage scheme for the upper site in perpetuity and for the LLFA to be able to enforce that. At the very least, there need to be culverts under the new road that divides the sites, but planning should require that each site deal independently with their own run off and a drainage scheme is provided in the upper site that will avoid flooding roads
- It also appears that the site has been split into two, with an upper and lower site. The upper site relying on the drainage provided by the lower site and flooding the road between the two with run off. (The proposed drainage scheme appears to show no gulleys to drain water from the upper site onto the B1113.) Are these drawings incomplete? In which case the developer should be sent away to complete them. This does not seem a sustainable solution and it is hard to see why the owner of the lower site would feel obligated to indefinitely provide drainage for a neighbour
- A cut and fill process is being used on site, what mechanism will be in place to deal with the runoff from this slope that does not place an increased burden on the existing infrastructure?
- Has there been a guarantee that no water will be draining into the River Yare?
- Given that Anglia Water are currently unable to operate their foul water system without regularly releasing raw sewage into our rivers, it should be unacceptable to connect more sewage into an already overloaded system. Any development should process its own foul water on site.
- Maintenance relies on the use of glyphosate, a carcinogen soon to be banned by the EU, and a chemical Norfolk County Council is also considering banning. It is one thing to use a chemical like this on roadside verges or open fields. It is quite another to use it on a site which hopes to employ a thousand staff.
- If used on this site it will inevitably find its way into the Yare which has a very delicate eco system and is also likely to harm the bats on the site. There are ways to kill weeds without chemical herbicides
- A designated rural area should be able to keep its character, its wildlife and nature aspects especially in a time of a global warming crisis when our wildlife and environment is under huge threat
- If this were to go ahead it would deprive wildlife of much needed, diminishing habitat, and rob our community here at Keswick of yet another green space, and one of breath-taking beauty in late Spring when the poppies burst into flower. This will mean nothing to the developers and is probably laughable to them. But why make survival even harder for our wildlife, and steal moments of peace and calmness from stressed humans as they toil to and from work each day?
- There is no justification for losing a valuable green field site when nearby units of a similar nature sit unused, and the Ukraine crisis has made food security a priority. There is no planning gain from the loss of this green field site.
- We have no local traffic problems now, but a new employment site intended to move a thousand jobs from elsewhere will create severe traffic problems, always assuming the jobs can be filled given the current labour shortages
- Impact on Church of Keswick and historic walls on Low Road
- Flooding concerns within and outside the site (now split in two) and run-off into the Yare
- Sewerage system doesn't have capacity
- Traffic will cause congestion, Low Road is too narrow, risk to pedestrian and cyclist safety
- Need extensive traffic calming on Low Road. Where there is a pavement it is narrow
- Impact on recreational area and walking routes; Eaton Common, Marston Marshes, country roads, bridleways are all part of the Kett's Country Long Distance Trail. The Cringleford Loop
- Road signs re: weight limits will be ignored
- Danger to children at the playground close by
- Impact on the community and all the facilities along Low Road

5 Assessment

Key considerations

- 5.1 The key considerations are the appearance, layout, scale and landscaping.

Principle

- 5.2 The principle of the development on the site has been accepted by the grant of the outline consent. As such the principle is established for commercial development. It is therefore only the details reserved of that outline that are now being considered for Phase 4. With this in mind the following assessment focuses on the site-specific planning issues and how the scheme complies with the requirements of the outline consent.

Scale, Layout and Design

- 5.3 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development.
- 5.4 This proposal seeks consent for the fourth stage of the development. It comprises Units 8-10, the layout and design has been informed by the individual business needs for B2/B8 users. Comprising of a terrace building approximately 12.3m high with a gross internal floorspace totalling approximately 42,300sqft (3,929.8sqm), across the ground floor levels. It will be set in a compound, to include space for parking and servicing.
- 5.5 The development will portray a familiar design across the proposed buildings, utilising a consistent palette of materials. Unit 8 – 10 is a rectangular terrace building with a shallow pitched roof. The west elevation fronts the main spine road. This north elevation and portion on the return façade to the west and east are clad with built up profile steel cladding. The south façade also include the main glazed entrance doors, as well as three large roller shutter doors for loading. The external compound is formed with 2.4m high green palisade fencing and gates.
- 5.6 This reserved matters has been accompanied by a unit specific Energy Statement which demonstrates a scheme for generating a minimum of 10% of predicted energy requirement, and that all viable and practical steps have been taken to maximise opportunities for sustainable construction in accordance with Conditions 8 and 9 of the outline planning permission. The approach incorporates suitable passive design measures to provide a highly efficient building fabric and efficient space heating system; and the use of Air Source Heat Pumps.
- 5.7 The Senior Conservation and design officer has commented as follows:

In terms of the layout and design of the buildings, the development now represents quite a change from the original indicative drawings and plans and those submitted earlier with these applications.

A fundamental aspect of the original plan was to ensure the preservation of landscape views around the site and to some extent the setting of Keswick church which is situated in an isolated position quite close by to the east. The planting to the northwest of the site on both sides of the road should ensure the setting of the church within its surrounding landscape is adequately preserved.

Within the site, additional planting and walks have been provided around and between buildings, which are now larger in scale than the original plans. The walks to the south are not that secure and not well overlooked by active frontage, however being commercial and not residential and most likely used during the daytime for lunchtime and break recreation these will serve a purpose. The whole site will also be within a compound area with a 2.4 high metre palisade fence.

The design of units is fairly standard and utilitarian. However, with buildings of this size it is better to keep the architecture relatively simple and not 'overly fussy'. Although the panelling will be grey, the bulk will be broken down with areas of different coloured grey panels associated with office/window areas which will help to reduce the impression of overall bulk. The height is also broken with two different type of grey colour cladding horizontally. The overall height and massing is reduced by having a shallower pitched roof. The entrances will be marked out with double height glazed feature and canopy to the entrance which will aid legibility. These colours and design characteristics are reproduced across the site to create an homogenous group of buildings and identity for this part of the site.

- 5.8 In view of the above, in respect of the design of the building, the uses require an element of functionality, especially in relation to its scale, loading and parking/turning requirements, however, it is considered significant effort has been made via colours and design characteristics which will be reproduced across the site to create a homogenous group of buildings and identity for this part of the site. Given the potential and often used approach to large commercial sites to be purely functional in form and design detail, the design approach used here is considered to create a well-rounded and good design and therefore accords with policy DM3.8 of SNLP and the new emphasis on 'beautiful' buildings (acknowledging the subjectivity of the word) contained within section 12 of the NPPF, when considering the nature and use of the proposed building.
- 5.9 Concerns have been raised as set out above from the Parish Council and Local residents in respect of the changes in key factors such as character, design, layout, distribution of usage and scale etc. have changed substantially from the outline. Thereby bringing into question if this reserved matters should be considered at all or whether a new application should be submitted, when giving regards to the wording of condition 3: Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.
- 5.10 Members may recall that these issues were raised and discussed under the first reserved matters application 2020/0903 at 27 July 2022 Development Management Committee meeting, which resolved to approve the application subject the completion of a Unilateral Undertaking (UU) for offsite mitigation for skylarks, together with clarification in terms of surface water drainage for NCC Highways and confirmation of supervision of site clearance and installation of enhancements by an ecological clerk of works (these have been addressed and the UU nearing completion). Again, as previously with 2020/0903 it is considered that this scheme for units 8 - 10 satisfactorily accords with condition 3 of 2017/2794 insofar as it "substantially" accords with the approved parameter plans and illustrative master plan. In light of this, whilst I appreciate concerns that have been raised in respect of all the reserved matters applications, the proposal does substantial accord with the outline, as agreed under 2020/0903.

Access and parking considerations

- 5.11 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. DM3.12 looks for appropriate parking, turning etc. to serve the needs of the development.
- 5.12 Whilst I fully appreciate the concerns raised by local residents in respect of traffic generation, highway safety issues, etc, as set out above, all these were considered under the outline consent, there are off-site highway works to include:
- The removal of signals at the B1113/A140 junction with the prohibition of right turn movements and allows left turn only onto the A140
 - The provision of a new roundabout on the B1113 to provide a junction for the new link road
 - Changes to the signalised Tesco's junction where the new link road joins the A140 and the provision of two ahead lanes into Norwich from the Tesco's junction to the Hall Road junction
 - A footway link along Low Road. This will be designed to ensure that there is an appropriate 'landing pad' at both ends to ensure that pedestrian safety is not compromised.

- In addition, a traffic management scheme will be delivered along Low Road, Keswick.
- Improved cycle links from the Yellow Pedal way at the Marsh Harrier to the B1113 and an off-carriageway cycleway along the B1113 to Low Road

The key consideration under this reserved matters therefore is the appropriate amount of parking for vehicles and bicycles within the site along with turning and loading for larger vehicle, internal roads and footpaths.

- 5.13 The application has been assessed by NCC Highway Authority who raised some initial concerns , which have now been resolved following the submission of an amended plans, they offer no objection to this reserved matters application.
- 5.14 The proposal is therefore considered to accord with policy DM3.11 and DM3.12.

Landscape and visual impact

- 5.15 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.
- 5.16 Policy 4.6 has regard to the landscape setting of Norwich which includes the sites location within the Norwich Southern bypass protection zone and on two undeveloped approaches to Norwich (A140 and B1113).
- 5.17 The specific aims of policy DM4.5 are the protection of the landscape character at a wider level. DM4.6 specifically seeks protection of the setting of Norwich and maintaining the rural approach to Norwich.
- 5.18 In respect of Policy DM4.5 the site sits in the C1 Yare Tributary Farmland with Parkland landscape character area It is adjacent to the F1 Yare Valley Urban Fringe Landscape Character Area and near to the B1 Tas Tributary Farmland. The site is not directly within a River Valley Policy Area although it is near.
- 5.19 Policy DM4.5 requires all development to respect, conserve and where possible, enhance the landscape character surrounding the development. Policy DM4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.20 The outline consent has established the principal of the development and its acceptability of its landscape and visual effects. As part of the first reserved matters 2020/0903, full details of the strategic landscaping for the whole site was submitted as required and considered acceptable as part of reserved matters phase 1. This landscaping strategic scheme ensures that the development, as a whole, is appropriately landscaped and to that end included the detailed planting plans, written specifications, schedule of plants, species, plant sizes etc, and that the impact of the development is acceptable in terms of its impact on the surrounding landscape and visual amenities of the area.
- 5.21 In view of the above, it is considered that the proposed reserved matters development would not have an adverse impact on the surrounding landscape to a material degree and appropriate detailed landscaping is provided. The proposal is considered to accord with policies DM4.5 and DM4.6 of the SNLP.
- 5.22 Policy DM 4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.

- 5.23 Tree protection is proposed during construction for the remaining trees on site via a condition imposed on the outline planning permission. Therefore, the proposal is considered to comply with Policy DM4.9.

Ecology

- 5.24 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.
- 5.25 Due to the date of the original survey (2014/2015) the Ecologist requested that a re-visit to the site/ site walkover will be required by the applicant's ecologist to ensure the habitats/ conditions on the site have not changed, and that no signs of protected species using the site are evident. Condition 22 required as part of the first reserved matters that details of the Ecology Report including details of mitigation and enhancement measures were submitted.
- 5.26 The requisite details were provided under the reserved matters for phase 1 2020/0903 and the Council's Ecologist raised no objections subject to the signing of a Unilateral Undertaking for offsite mitigation for skylarks plots. In light of the above the ecologist has raised no objections to this reserved matters subject to the imposition of condition for the Lighting design strategy for biodiversity.
- 5.27 Therefore, in respect of ecology and biodiversity, subject to the proposal would accord with Policy 1 and DM4.4.

Impact on Residential Amenity

- 5.28 Policy DM3.13 requires development to have regard to the impacts on residential amenity. Furthermore, Policy DM3.14 has regard to pollution and emissions in respect of air quality, water quality, land quality and condition and the health and safety of the public.
- 5.29 In respect of mitigating impacts of construction, the impacts from the operation of the proposed development from noise, lighting, dust, air quality, conditions were placed on the outline planning consent to ensure the development did not give rise to a situation detrimental to the amenities of nearby residential properties.
- 5.30 As part of each reserved matters shall include an assessment of background and ambient noise levels in the area, is required to be submitted and agreed. The Environment Quality Team has assessed the report submitted and have raise no objections. The adjoining neighbours are located to the north of the site and this reserved matters is separated by intervening uses, which will be B1 office uses, light of this, it is not considered that the proposed development would give rise to a situation detrimental to the amenities of the local residents. It is considered that the proposal accords with Policy DM3.13 and DM3.14 of the SNLP.

Drainage

- 5.31 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.

- 5.32 Both the foul water and surface water drainage strategy for the whole site will be subject to discharge of conditions applications and therefore are not under consideration for the reserved matter application (the surface water drainage discharge of conditions application, however, has been submitted to run alongside the reserved matters applications to enable clarity and understanding to what has been proposed). The Lead Local Flood Authority initially asked for clarification, following the submission of these details they have raised no objections to the reserved matters application. As such the proposal is considered to accord with JCS Policy 1 and DM4.2.

Archaeology

- 5.33 Condition 18 required, the first Reserved Matters application to provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations should then be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. I can confirm that the results of the programme of informative archaeological investigations (trial trenching) have been submitted with this reserved matters application and prior to this, the trial trenching was carried out in accordance with the written scheme of investigation that was approved on 9th March 2020 via application reference 2020/0184. Part A of this condition has therefore been complied with. Therefore, the proposal accords with policy DM4.10 of the SNLP

Heritage assets

- 5.34 The setting of listed buildings requires consideration under policy DM4.10 and S66 of the Listed Buildings Act 1990.
- 5.35 There are no designated heritage assets including Listed Buildings, Conservation Areas, Scheduled monuments within the site. There are a number of Grade II Listed buildings in the vicinity of the site the majority of these are not deemed to be sensitive to the proposed development due to the distance, topography and intervening features (vegetation and buildings). There are two heritage assets namely the Church of All Saints and the remains of Church of All Saints (Grade II) which lie approximately 160m to the west of the site on the opposite side of the B1113.
- 5.36 The key issue for consideration in respect of heritage assets is therefore the impact of the proposal on the setting of the remains of Keswick Church and the new church, and the extent to which the site and proposals impact on their significance. Although the original church dates from the C12th, and parts of the round tower dates from C12, the church was heavily rebuilt and the tower restored in the C19 by the Gurney family; the chancel of the earlier church having been pulled down in 1597 is now in ruins. Hence, the heritage assets are grade II listed. Historic England defines setting as “the surroundings in which a heritage asset is experienced”. The asset sits in a wooded landscaped area surrounded by fields and this contributes to its significance. There is very limited intervisibility between the assets and the site. There would be a low degree of impact on the setting due to the distance between the church and the site, and the church would still be viewed within an isolated rural context. The B1113 lies between the site and has quite an impact, to the degree that from within the proposed site, any views, which may be only glimpsed at best, do not make a significant contribution to the setting of the asset. In light of the strategic landscaping proposed between the Church and the development under consideration, it is considered that the proposal would lead to a ‘less than substantial harm to the significance of the heritage asset’ and this harm has been weighed against the public benefits of the proposal. In this case there are significant public benefits in respect of the creation of employment and highway improvements that are considered to outweigh the identified level of harm. The proposal is therefore on balance considered to comply with Policy DM4.10 and fulfils the Council's duties in respect of S66 of the Listed Buildings Act 1990 having due regard to the desirability of preserving the building or its setting.

Other matters**Nutrient Neutrality Non-Overnight Accommodation Inside catchment**

- 5.37 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed is commercial (B1, B2 and B8 use) and will not provide overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.38 In terms of the specific request for discharging the requirements of conditions 8, 9 and 23 for this unit only, it is apparent that these are condition require the submission of adequate information in relation to specific matters at the point of submission of the reserved matters application. By virtue of the fact that the application has been validated and recommended for resolution it is clear that the requirements of these conditions have been met for these buildings.
- 5.39 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.
- 5.40 This application is liable for Community Infrastructure Levy (CIL).

Conclusion

The principle of the development has already been established by the grant of outline planning permission 2017/2794. The proposed reserved matters is considered acceptable in terms of design and layout. Furthermore, the development will not adversely impact of the surrounding landscape, character of appearance of the area or the setting of nearby listed buildings to a material degree. It will not be detrimental to highway safety; ecology; nor adversely affect the amenities of nearby residential properties. In view of the above, the proposal is considered to accord with DM3.8, DM3.11, DM3.12, DM4.5, DM4.6, DM4.9, DM4.4, Dm3.13, DM3.14, DM4.2, DM4.10 of the SNLP; Policy 1 of JCS and Section 12 of NPPF and I recommend that the application be approved.

Recommendation: Approval with conditions

- 1 In accordance with outline consent
- 2 In accordance with submitted plans
- 3 Materials to accord with submitted details
- 4 Lighting design strategy for biodiversity

Confirmation of partial discharge of conditions 8, 9 and 23

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- 5. Application No : 2021/1037/D**
Parish : KESWICK AND INTWOOD

Applicant's Name: Norwich Apex Limited
 Site Address Land West of Ipswich Road Keswick Norfolk
 Proposal Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary: Approval subject to conditions

1 Proposal and site context

- 1.1 This application seeks Reserved matters for the details of appearance, layout, scale and landscaping of the fifth phase (Phase 5) of the development comprising the construction of Units 3-4 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 3-4 only), Condition 9 (Units 3-4 only) and Condition 23 (Units 3-4 only) of the outline planning permission. This application follows the Outline planning consent 2017/2794 which gave consent for the employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout at land west of Ipswich Road, Keswick.
- 1.2 Condition 8 requires each Reserved Matters application for the units to provide a scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources.
- 1.3 Condition 9 requires each Reserved Matters application for the units to demonstrate that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.
- 1.4 Condition 23 requires an assessment of background and ambient noise levels in the area to set out suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound.

The application site

- 1.5 The site comprises a parcel of arable land of approx. 10.94Ha, triangular in nature bounded by the A140 to the east and the B1113 to the west. There is an existing field access from the B1113 on to the site.
- 1.6 In terms of topography there is a marked change in levels across the site rising from the north of the site to the south with the southern part of the application site sitting on a natural highbrow.

- 1.7 To the east of the site lies a supermarket with farmland beyond; to the west farmland; to the south arable farmland immediately adjacent to the site with the A47 and the Harford Park and Ride further south. To the north of the site are 5 residential dwellings as existing. The B1113/A140 junction is beyond.
- 1.8 The village of Keswick is located to the south-west via the B1113 with the nearest properties of Keswick village being approx. 560m away.
- 1.9 There is a Grade II Listed church approx. 180m to the west of the site served from the B1113 which sits in an elevated position.
- 1.10 The River Yare runs east-west and is located approximately 240m to the north of the site, beyond the B1113 and A140 junction. There are also a number of field drainage channels in land to the north of the B1113 approximately 100m to the north of the site which drain towards the River Yare.
- 1.11 A pit (assumed to be a former marl/borrow pit) is noted on the topographical survey in the southwestern corner of the site.
- 1.12 A County Wildlife Site is located approx. 170m to the north-east of the application site between the Tesco supermarket and the River Yare.
- 1.13 There are a number of trees on the site but limited to the field boundaries and small wooded area to the south-west corner.
- 1.14 The east and west boundaries are delineated by hedgerow with trees interspersed.

The reserved matters and key requirements of the Outline planning permission:

- 1.15 The Outline Application 2017/2794 granted permission for an employment development consisting of B1, B2 and B8 uses with access and landscaping and a link road between the A140 and the B1113, including new roundabout.
- 1.16 This application forms part of reserved matters for seven phases of development of the planning permission granted under the Outline Application. The outline consent required that *the approval of reserved matters must be made before the expiration of THREE Years from the date of this permission*. All the reserved matters applications were made prior to the 17th of May 2021 and therefore complying with this part of Condition1.
- 1.17 Condition 2 required: *No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved in writing by the local planning authority. These plans and descriptions shall relate to: appearance, scale, landscaping and layout of any building to be erected together with the precise details of the type and colour of the materials to be used in their construction.*
- 1.18 Condition 3 required: The development hereby permitted shall accord with the following drawings: 731_03_020 REVH - Proposed Highway Modification Overview - dated 7 March 2018 201 - Context Plan - dated 7 December 2017 202 - Location Plan - dated 7 December 2017 731_03_027 REVA - Bus Rapid Transit Land Requirements - dated 7 December 2017. Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.

- 1.19 Condition 4 required: *The first Reserved Matters application shall provide full details of the strategic landscape works together with both hard and soft internal landscaping for the whole site, to include an phasing/implementation programme. These details shall include:*
- *proposed finished levels or contours;*
 - *hard surfacing materials;*
 - *planting plans;*
 - *written specifications (including cultivation and other operations associated with plant and grass establishment);*
 - *schedules of plants, noting species, plant sizes and forms, and proposed numbers/densities where appropriate;*
 - *long term management plan*
- 1.20 Condition 6 required: *Notwithstanding the provisions of section 55(2)(a) of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Act or Order revoking and re-enacting that Act or Order)(with or without modification), the development hereby approved permits a maximum of 28,329 square metres in floor space (maximum 9443sqm B1; maximum 9443sqm B2 and maximum 9443sqm B8) and this shall not be exceeded by internal or external alteration of the building without the specific grant of a further permission.*
- 1.21 Condition 8 required: *Each Reserved Matters application for the units/premises shall provide a scheme for generating a minimum of 10% of the predicted energy requirement of that development from decentralised renewable and/or low carbon sources (as defined in Annex 2: Glossary of the NPPF 2012 or any subsequent version). The development shall be implemented in accordance with the approved scheme and the approved scheme shall remain operation for the lifetime of the development.*
- 1.22 Condition 9 required: *The development hereby permitted will be required to demonstrate through the Reserved Matters application for the units/premises, that all viable and practicable steps have been taken to maximise opportunities for sustainable construction.*
- 1.23 Condition 18 required: *A) The first Reserved Matters application shall provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations shall be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. The trial trenching will form the first phase of a programme of archaeological mitigation work that shall be carried out in accordance with a written scheme of investigation which will need to be submitted to and approved by the local planning authority in writing prior to the submission of the first Reserved Matters application.*
- 1.24 Condition 22 required: *The first Reserved Matters application shall provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. Thereafter, the approved details shall be implemented in full in accordance with the approved timetable and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.*
- 1.25 Condition 23 required: *Each Reserved matters application shall include an assessment of background and ambient noise levels in the area, suitable for the determination of boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The assessment shall set out suitable boundary noise levels based on the principles in British Standard 4142:2014 Methods for rating and assessing industrial and commercial sound. The development shall be carried out in accordance with the details as approved.*

2. Relevant planning history

2.1	2014/2618	Proposed Employment Development	EIA Not Required
2.2	2016/0764	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113 with some matters reserved	Refused
2.3	2017/2794	Outline Application for Proposed employment development consisting of B1, B2 and B8 uses, associated access and landscaping; and proposed link road between the A140 and the B1113, including new roundabout with some matters reserved (resubmission)	Approved
2.4	2020/0184	Details for condition 18(A) of 2017/2794 - 18(A) Written Scheme of Investigation for Archaeological Evaluation Trenching	Approved
2.5	2020/1066	Details for conditions 11, 12, 13, 19 and 24 of 2017/2794 - (11) cycle parking (Unit 1), (12) construction workers site parking, (13) wheel cleaning facilities, (19) fire hydrants and (24) construction environmental management plan	Approved
2.6	2020/1067	Details for conditions 16, 15(A) and 32(A) of 2017/2794 - 15(A) Off site highway works, (16) Traffic management scheme and 32(A) Travel plan	under consideration
2.7	2020/1849	Discharge of condition 21 of planning permission 2017/2794 - materials management plan	Approved
2.8	2020/2351	Discharge of condition 20 of planning permission 2017/2794 - Surface water drainage scheme	under consideration
2.9	2021/1034	Reserved matters for the details of appearance, layout, scale and landscaping of the second phase (Phase 2) of the development comprising the construction of Units 5-7 (Use Classes B2/B8) and ancillary development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 5-7 only), Condition 9 (Units 5-7 only) and Condition 23 (Units 5-7 only) of the outline planning permission	under consideration

- 2.10 2021/1035 Reserved matters for the details of appearance, layout, scale and landscaping of the third phase (Phase 3) of the development comprising the construction of Unit 2 - builders merchant (Use Class B8 plus ancillary trade counter) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Unit 2 only), Condition 9 (Unit 2 only) and Condition 23 (Unit 2 only) of the outline planning permission. under consideration
- 2.11 2021/1036 Reserved matters for the details of appearance, layout, scale and landscaping of the fourth phase (Phase 4) of the development comprising the construction of Units 8-10 (Use Classes B2/B8) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 8-10 only), Condition 9 (Units 8-10 only) and Condition 23 (Units 8-10 only) of the outline planning permission. under consideration
- 2.12 2021/1038 Reserved matters for the details of appearance, layout, scale and landscaping of the sixth phase (Phase 6) of the development comprising the construction of Units 9-14 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 9-14 only), Condition 9 (Units 9-14 only) and Condition 23 (Units 9-14 only) of the outline planning permission. under consideration
- 2.13 2021/1039 Reserved matters for the details of appearance, layout, scale and landscaping of the seventh phase (Phase 7) of the development comprising the construction of Units 15-20 (Use Class B1) and associated development of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 8 (Units 15-20 only), Condition 9 (Units 15-20 only) and Condition 23 (Units 15-20 only) of the outline planning permission. 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 07 : Ensuring the vitality of town centres
 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 4 : Housing delivery
 Policy 5 : The Economy
 Policy 6 : Access and Transportation
 Policy 9 : Strategy for growth in the Norwich Policy Area
 Policy 16 : Other Villages
 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
 DM1.2 : Requirement for infrastructure through planning obligations
 DM1.3 : The sustainable location of new development
 DM1.4 : Environmental Quality and local distinctiveness
 DM2.1 : Employment and business development
 DM2.4 : Location of main town centre uses
 DM3.8 : Design Principles applying to all development
 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 the collection of recycling and waste
 DM4.4 : Natural Environmental assets - designated and locally important open space
 DM4.5 : Landscape Character Areas and River Valleys
 DM4.6 : Landscape Setting of Norwich
 DM4.8 : Protection of Trees and Hedgerows
 DM4.9 : Incorporating landscape into design
 DM4.10 : Heritage Assets

3.4 Site Specific Allocations and Policies

KES 2 Land west of Ipswich Road:

Land amounting to some 4 hectares is allocated for employment uses restricted to uses in classes type B1. The developer of the site is required to provide the following:

1. An access road across the site from B1113 to A140 at Tesco Harford, to be agreed with Highways Authority
2. Right turn junction into site from B1113
3. Landscaping/bunding to protect properties to the north
4. Use restricted to light industrial/workshop type uses (B1)
5. Norfolk Minerals and Waste Core Strategy Policy CS16 applies, as this site is underlain by safeguarded mineral resources

3.5 Supplementary Planning Documents (SPD)

South Norfolk Place Making Guide 2012

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

S16(2) and 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, 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.

4. Consultations

4.1 Keswick and Intwood Parish Council

Refuse:

The Parish Council appreciates the local interest in the outline planning application for the land to the west of Ipswich Road, often referred to as Kes 2 and is keen to share our position regarding the pending reserved matters applications. Having reviewed the 4 applications above the Parish Council has objected to each of these applications:

- Object to the reserved matters application and considers that the content is a clear and significant departure from the outline permissions approved in the original application and not in keeping with proposals highlighted in the Design and Access Statement submitted in December 2017.
- Consider that several key factors such as character, design, layout, distribution of usage and scale have changed substantially, and such detrimental changes could significantly impact on the material matters which were carefully considered as part of the original application when it was only narrowly approved
- Have been advised in writing that we should consider the reserved matter applications on their own merits, that they are not comparable to the original application and should be considered as a 'fresh' or new application.
- Given that the Parish Council is being asked to consider several reserved matter applications as a 'fresh' application we object to this application and recommend that a new single planning application should be submitted allowing the multiple reserved matters applications to be managed by appropriate governance and consultative frameworks.
- The Parish Council understands that Article 6 of the Town and Country Planning (development Management Procedure) (2015) states that details of the reserved matters application must be in line with the outline approval and if proposals have changed in any way the applicant may need to reapply for outline or full planning permission
- The Parish Council is concerned that heights of the proposed development have significantly increased, which we believe exceed the parameters set out in the outline planning permission. Object to any increase in height, acknowledges that 'landscape' was a key factor in the initial application 2016/0764 being refused and that the visual impact of the development, including height was a key factor in appropriate conditions being required as part of the outline application.
- The Landscape and Visual Impact Assessment (2017) does not capture the changed design aspects of the reserved matter applications and is no longer a representation of the visual impact of the development both within the local setting of Keswick and within the Southern Bypass Landscape Protection Zone.

- As highlighted in the Design and Access Statement, the outline permissions were for the equitable provision of B1, B2 and B8, the allocation proposed in the reserved application appears to have changed. Such changes could have significant impact on the validation of other considerations such as traffic surveys and that such significant changes should warrant a new application. The Parish Council would want to understand the impact of usage would have on understanding the impact on local highways, especially the impact on Low Road.
- The Parish Council and planning committee was assured by the local developer that the development would be a development with character that would sit within its rural setting which is documented as 'tributary farmland with parkland' in the Design and Access Statement. The Parish Council objects to the design of the buildings within the reserved matter application as these are a departure from the design proposed in the Design and Assessment Statement, both in forms of materials and character and are no longer 'resonant' within the local and rural context.

4.2 District Councillors: Cllr William Kemp and Cllr Daniel Elmer

- We wanted to confirm that the Keswick Triangle applications should only be determined by the DMC due to the public interest in the applications, to allow the environmental and highways impact to be considered and to consider the changes between the permitted scheme and what is proposed.

4.3 Environment Agency

No comments received

4.4 NCC Lead Local Flood Authority

To Original Submission:

- No objection to this reserved matters subject to our being consulted on any further application if this application is approved.

To Amended Submission

- No objection to the reserved matters
- Note that Condition 20 relating to surface water drainage is subject to a separate discharge of condition application.

4.5 Natural England

No comments

4.6 Anglian Water

No comments

4.7 SNC Senior Heritage & Design Officer

No objections

4.8 Historic Environment Service

No comments received in respect of this application.

However, raised no objections under 2020/0903 and confirmed that an archaeological scheme has been approved by NCC Environment Service

4.9 SNC Community Services - Environmental Quality Team

No comments or objections to the reserved matters or to the discharge of condition 23

4.10 NCC Highways

To Original submission

No comments received

To Amended Submission

A number of concerns and points needing clarification

- 1) A swept path analysis should be provided
- 2) A safe and practical rout for pedestrians accessing units 6 and 7
- 3) Passive EV parking space provision has not been detailed revised plan

To Revised Highway Plans

The Highway Authority is satisfied that previous comments have now been addressed and has no objections to this reserved matters:

4.11 Police Architectural Liaison Officer

The proposed layout does show that Crime Prevention Through Environmental Design features are being considered and mostly incorporated into this proposal.

Would make the following observations, comments and recommendations:

- The venue should have appropriate access gates and perimeter fencing installed
- Clear signage is used for the buildings advertising its nature and intended purpose
- Recommend CCTV
- Lighting of car park, cycle shelter, loading areas etc is recommended to be a white light complaint with BS 5489-1:2013
- Recommend vehicle access to development to restricted out of hours by gates/barriers Recommend that the palisade fence forms a continuous barrier and to 1.8m at the sites and vulnerable rear boundaries
- Cycle storage must facilitate the locking of both wheels and the cross bar.
- Consideration is required to maximize opportunities for natural surveillance, therefore it is generally recommended that plant growth above 1m and below 2m be absent to provide a 'window of surveillance' across the site. The planting scheme should be considered in tandem with lighting of the site and installation & requirement of any intended CCTV system.

4.12 SNC Ecologist

No objections subject to conditions:

Condition 22 required the first reserved matters 2020/0903 to provide an updated Ecology Report, together with full details of the ecology mitigation and enhancement measures to be undertaken. The scheme shall include a timetable for implementation of the ecological mitigation and enhancement measures and a habitat management plan. This has been provided and is considered acceptable subject to the signing of a unilateral undertaking for offsite mitigation for skylark plots.

In light of the above, no objections are raised to this reserved matters and would recommend that the following is either provided prior to determination or secured via condition:

- supervision of site clearance and installation of enhancements by an ecological clerk of works (this has now been provided).

a lighting strategy (including contour lines), to ensure that sensitive areas e.g. the infiltration ponds and wet meadows, linear landscape /woodland elements, and dark corridors around the perimeter, and bird/bat boxes are not artificially illuminated. Lighting should be designed in accordance with ILE and BCT guidance.

4.13 National Highways (was Highways England)

No objection

4.14 SNC Landscape Architect

No objections raised under 2020/0903

4.15 NCC Minerals and Waste Planning Officer

No comments received

Site investigations and a Materials Management Plan-Minerals are required to enable the discharge of Condition 21 of planning permission 2017/2794, prior to any commencement of development proposed in this reserved matters application.

4.16 Norwich City Council

No comments

4.17 Norfolk Fire Service

No comments received

4.18 Norfolk Rivers Heritage Group

No comments received

4.19 Upper Yare and Tas IDB

No comments received

4.20 SNC Economic Development Officer

No comments received

4.21 Norfolk Rivers IDB

To Original Submission

- I cannot see that any additional drainage details have been supplied, therefore we have no comments. I commented on application 2020/0903 stating that the proposed direct discharge of surface water to the main river would not require consent from the Norfolk Rivers IDB, however we would still like to be consulted on any future application that deals with drainage conditions at this site.

To Amended Submission

- Note the change strategy to dispose of surface water via infiltration onsite. Should the strategy change to include a discharge to an ordinary watercourse in Norfolk Rivers IDB consent would be required.

4.22 Council for the Protection of Rural England (CPRE)

Comments regarding lighting;

- Lighting on the site should be kept to a minimum as the site is located in an area of Rural Dark Landscape as defined in the Norfolk County Council Environmental Lighting Zones Policy
- Lighting should be on only when needed for site operation purposes and preferably be operated by motion sensors or similar.
- Lighting to be from a white LED source mounted in full cut off, flat glass "hoods".
- Lighting to be directed downwards only - not upwards or outwards. Reason for these comments: To minimise light pollution from the site in compliance with NPPF paragraph 180.

4.23 Other Representations

28 letters of objection:

- The proposals submitted here clearly do not meet this threshold in many areas including the design parameters, landscape, original drawings, lay out in relation to buildings and spaces outside the development, and height width length and use of proposed buildings
- The original application was approved some time ago, being approved by ONE vote and interestingly two people who were on the board and were clearly going to object were conveniently put on a training course on the day of the vote, I feel this has not been a fair vote as they should have been allowed to be present and cast their vote
- These Applications for Approval of Reserved Matters are a material departure from the original Approval. As such they cannot be considered under Reserved matters and require a new and comprehensive full application
- The original planning application were controversially passed having attracted nearly all negative comments from local residents
- Since the application was approved there have been numerous village meetings, one of which Apex attended
- We as villagers were assured there would be a mixture of use of the site, building heights would be low and would aesthetically fit the area and Keswick is under government legislation is a "designated rural area"
- Now Apex seem to of got initial planning through by that one vote then passed it mostly to another firm to run away with and do whatever they like as suddenly the amended plans have completely changed
- I sense the developers, by putting in multiple smaller applications, are trying to bend the rules to get permission for a scheme that would never have been granted permission initially It's important to maintain public confidence in the planning system.
- There is insufficient evidence in the reserved matters application to demonstrate that the Landscape has not been adversely affected by these applications
- Given that 'landscape ' was a key factor in the 2016/0764 application refusal it would seem the reserved matters application is no longer a representation of the visual impact this development would have should it be significantly higher than agreed on the original applications
- The heights of the buildings have been significantly increased and platforms have been introduced to site the buildings on
- The building usages have been moved round the site bringing industrial usage closer to surrounding open spaces and buildings

- This submission appears to have buildings which are much larger, more industrial, and standard (and cheaper?) design
- Are now proposing large, ugly, industrial B8 units that will irreversibly damage a beautiful, ancient gateway to our fine city
- The design of the site is completely different to that approved
- The original approval had an equal mix of B1, B2, and B8 floor space in buildings sized to minimise impact on Landscape
- There are now fewer but much larger buildings
- There is mention of mezzanine floors made possible by the increased building height which were not in the original approval
- It seems that since then, the original developer has sold on the site, and the new developers appear to be an outfit from far afield that look to have disregarded all local feeling, and the original desires of SNDC
- How can the Council compromise its avowed policy of not allowing any major development to overwhelm a small rural village, by granting consent, not to mention its contravention of visual impact along the corridors of the A140 and B1113
- One villager was urged by SNDC to consider this 'a totally new application' and we would all ask SNDC to do the same.
- In an era of serious environmental concern, please ask the planning officer if we need to build this new site, when only a mile away the Hall Road Industrial Estate has huge empty areas, with infrastructure already in place
- If this proposal isn't rejected as an unacceptable change to the agreed plans, we will be forced to raise this damaging development in the press and would ask for serious scrutiny of South Norfolk Council, and how it came to the decision to allow this desecration of our county and city
- Concerned about the impact this would have in a predominantly farmland area
- Increase traffic through Keswick.
- In respect of the link road taking traffic not heading for Norwich over to the Tesco junction on the A140 easing congestion at the Harford Bridge intersection with the A140, only time will tell how long it will be before t o Mill Lane from the Keswick Hall walk. Currently pedestrians need to physically step out of the junction to see what traffic is coming down the road
- During a few road closures, there have been many incidents of large HGV's clogging up the road resulting in a complete standstill of traffic. It has been manic and scary for families with small children wanting to walk through the narrows of Low Road - there is no path and it is not safe. Having more commercial vehicles using this road as a 'rat-run' to the A11 will be a danger to life
- The usage change threatens large transporting vehicles down Low Road in Keswick Currently this road is a school transport bus route for those attending their catchment high school and children board and unboard the bus on this road, the roads are unpaved at long stretches, unlit at long stretches, narrow at points (the 16th Century wall of Keswick Old Hall) and there is nothing to stop larger vehicles coming down the road as a school coach has to come down here
- Road signs about weight restrictions on the bridge near the stream are ignored and there is never in reality going to be a way to police this so the best thing to do is not build large industrial units that entice vehicles of such magnitude down here in the first place
- There is a playground right on the edge of low road with picket fencing that the largest of adults can easily get through, let alone small children
- Low Road is too narrow in places for two cars to pass each other
- There are historic walls along Low Road which will be impacted by additional heavy traffic
- Keswick borders nature reserves and is a wonderful source of country walks and leisure for the people of Eaton, Cringleford and Keswick. This will be negatively impacted by increased heavy traffic
- Keswick is a wonderful tight knit community, we look after each other in ways that are now very rare and often save the public purse (clearing roads and verges, checking in on elderly neighbours), by increasing traffic along Low Road you will make it difficult for us to live as a community

- The outline permission was granted for one site, which is now being split into two sites. It seems the LLFA were not aware of this on 5 January 2021 which is the latest on the planning portal.
- The proposal provides an attenuation scheme within the lower site but run off from the upper site has to flow over the roads, including the B1113 which already suffers a high degree of surface water flooding
- It seems impractical for the owners of the lower site to have to provide a drainage scheme for the upper site in perpetuity and for the LLFA to be able to enforce that. At the very least, there need to be culverts under the new road that divides the sites, but planning should require that each site deal independently with their own run off and a drainage scheme is provided in the upper site that will avoid flooding roads
- It also appears that the site has been split into two, with an upper and lower site. The upper site relying on the drainage provided by the lower site and flooding the road between the two with run off. (The proposed drainage scheme appears to show no gulleys to drain water from the upper site onto the B1113.) Are these drawings incomplete? In which case the developer should be sent away to complete them. This does not seem a sustainable solution and it is hard to see why the owner of the lower site would feel obligated to indefinitely provide drainage for a neighbour
- A cut and fill process is being used on site, what mechanism will be in place to deal with the runoff from this slope that does not place an increased burden on the existing infrastructure?
- Has there been a guarantee that no water will be draining into the River Yare?
- Given that Anglia Water are currently unable to operate their foul water system without regularly releasing raw sewage into our rivers, it should be unacceptable to connect more sewage into an already overloaded system. Any development should process its own foul water on site.
- Maintenance relies on the use of glyphosate, a carcinogen soon to be banned by the EU, and a chemical Norfolk County Council is also considering banning. It is one thing to use a chemical like this on roadside verges or open fields. It is quite another to use it on a site which hopes to employ a thousand staff.
- If used on this site it will inevitably find its way into the Yare which has a very delicate eco system and is also likely to harm the bats on the site. There are ways to kill weeds without chemical herbicides
- A designated rural area should be able to keep its character, its wildlife and nature aspects especially in a time of a global warming crisis when our wildlife and environment is under huge threat
- If this were to go ahead it would deprive wildlife of much needed, diminishing habitat, and rob our community here at Keswick of yet another green space, and one of breath-taking beauty in late Spring when the poppies burst into flower. This will mean nothing to the developers and is probably laughable to them. But why make survival even harder for our wildlife, and steal moments of peace and calmness from stressed humans as they toil to and from work each day?
- There is no justification for losing a valuable green field site when nearby units of a similar nature sit unused, and the Ukraine crisis has made food security a priority. There is no planning gain from the loss of this green field site.
- We have no local traffic problems now, but a new employment site intended to move a thousand jobs from elsewhere will create severe traffic problems, always assuming the jobs can be filled given the current labour shortages
- Impact on Church of Keswick and historic walls on Low Road
- Flooding concerns within and outside the site (now split in two) and run-off into the Yare
- Sewerage system doesn't have capacity
- Traffic will cause congestion, Low Road is too narrow, risk to pedestrian and cyclist safety
- Need extensive traffic calming on Low Road. Where there is a pavement it is narrow
- Impact on recreational area and walking routes; Eaton Common, Marston Marshes, country roads, bridleways are all part of the Kett's Country Long Distance Trail. The Cringleford Loop
- Road signs re: weight limits will be ignored
- Danger to children at the playground close by
- Impact on the community and all the facilities along Low Road

5 Assessment

Key considerations

5.1 The key considerations are:

- Scale, Layout and Design
- Access and Parking Considerations
- Landscape and Visual Impact
- Ecology
- Impact on Residential Amenity
- Drainage
- Archaeology
- Heritage Assets

Principle

5.2 The principle of the development on the site has been accepted by the grant of the outline consent. As such the principle is established for commercial development. It is therefore only the details reserved of that outline that are now being considered for Phase 5. With this in mind the following assessment focuses on the site-specific planning issues and how the scheme complies with the requirements of the outline consent.

Scale, Layout and Design

- 5.3 Both JCS Policy 2 and Section 12 of the NPPF require high quality design with importance being attached to the design of the built environment, which is seen as a key aspect of sustainable development.
- 5.4 This proposal seeks consent for the fifth stage of the development. It comprises of Units 3 -4, the layout and design has been informed by the individual business needs for B2/B8 users. Comprising of building approximately 12m high with a gross internal floorspace totalling approximately 64,657sqft (6,006.8sqm), across the ground floor and first floor office levels. It will be set in a compound, to include space for parking and servicing.
- 5.5 The development will portray a familiar design across the proposed buildings, utilising a consistent palette of materials. Units 3 - 4 is a rectangular terrace building with a double pitched roof. The east elevation fronts the main spine road. The south, west and east façade and a portion of the north are clad with built up profile steel cladding. On the north façade also include the main glazed entrance doors, as well as five large roller shutter doors for loading. The external compound is formed with 2.4m high green palisade fencing and gates.
- 5.6 This reserved matters has been accompanied by a unit specific Energy Statement which demonstrates a scheme for generating a minimum of 10% of predicted energy requirement, and that all viable and practical steps have been taken to maximise opportunities for sustainable construction in accordance with Conditions 8 and 9 of the outline planning permission. The approach incorporates suitable passive design measures to provide a highly efficient building fabric and efficient space heating system; and the use of Air Source Heat Pumps.
- 5.7 The Senior Conservation and Design Officer has commented as follows:

In terms of the layout and design of the buildings, the development now represents quite a change from the original indicative drawings and plans and those submitted earlier with these applications.

A fundamental aspect of the original plan was to ensure the preservation of landscape views around the site and to some extent the setting of Keswick church which is situated in an isolated position quite close by to the east. The planting to the northwest of the site on both sides of the road should ensure the setting of the church within its surrounding landscape is adequately preserved.

Within the site, additional planting and walks have been provided around and between buildings, which are now larger in scale than the original plans. The walks to the south are not that secure and not well overlooked by active frontage, however being commercial and not residential and most likely used during the daytime for lunchtime and break recreation these will serve a purpose. The whole site will also be within a compound area with a 2.4 high metre palisade fence.

The design of units is fairly standard and utilitarian. However, with buildings of this size it is better to keep the architecture relatively simple and not 'overly fussy'. Although the panelling will be grey, the bulk will be broken down with areas of different coloured grey panels associated with office/window areas which will help to reduce the impression of overall bulk. The height is also broken with two different type of grey colour cladding horizontally. The overall height and massing is reduced by having a shallower pitched roof. The entrances will be marked out with double height glazed feature and canopy to the entrance which will aid legibility. These colours and design characteristics are reproduced across the site to create an homogenous group of buildings and identity for this part of the site.

- 5.8 In view of the above, in respect of the design of the building, the uses require an element of functionality, especially in relation to its scale, loading and parking/turning requirements, however, it is considered significant effort has been made via colours and design characteristics which will be reproduced across the site to create a homogenous group of buildings and identity for this part of the site. Given the potential and often used approach to large commercial sites to be purely functional in form and design detail, the design approach used here is considered to create a well-rounded and good design and therefore accords with policy DM3.8 of SNLP and the new emphasis on 'beautiful' buildings (acknowledging the subjectivity of the word) contained within section 12 of the NPPF, when considering the nature and use of the proposed building.
- 5.9 Concerns have been raised as set out above from the Parish Council and Local residents in respect of the changes in key factors such as character, design, layout, distribution of usage and scale etc. have changed substantially from the outline. Thereby bringing into question if this reserved matters should be considered at all or whether a new application should be submitted, when giving regards to the wording of condition 3: Furthermore, the development shall substantially accord with the following drawings: 402 - Parameters Plan - Maximum Building Heights - dated 7 December 2017 2035_01 - Landscape Strategy Plan 7 December 2017 0351_00_401 - Illustrative Masterplan - dated 7 December 2017.
- 5.10 Members may recall that these issues were raised and discussed under the first reserved matters application 2020/0903 at 27 July 2022 Development Management Committee meeting, which resolved to approve the application subject the completion of a Unilateral Undertaking (UU) for offsite mitigation for skylarks, together with clarification in terms of surface water drainage for NCC Highways and confirmation of supervision of site clearance and installation of enhancements by an ecological clerk of works (these have been addressed and the UU nearing completion). Again, as previously with 2020/0903 it is considered that this scheme for units 3 - 4 satisfactorily accords with condition 3 of 2017/2794 insofar as it "substantially" accords with the approved parameter plans and illustrative master plan. In light of this, whilst I appreciate concerns that have been raised in respect of all the reserved matters applications, the proposal does substantial accord with the outline, as agreed under 2020/0903.

Access and parking considerations

- 5.11 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. DM3.12 looks for appropriate parking, turning etc. to serve the needs of the development.
- 5.12 Whilst I fully appreciate the concerns raised by local residents in respect of traffic generation, highway safety issues, etc, as set out above, all these were considered under the outline consent, there are off-site highway works to include:
- The removal of signals at the B1113/A140 junction with the prohibition of right turn movements and allows left turn only onto the A140
 - The provision of a new roundabout on the B1113 to provide a junction for the new link road
 - Changes to the signalised Tesco's junction where the new link road joins the A140 and the provision of two ahead lanes into Norwich from the Tesco's junction to the Hall Road junction
 - A footway link along Low Road. This will be designed to ensure that there is an appropriate 'landing pad' at both ends to ensure that pedestrian safety is not compromised.
 - In addition, a traffic management scheme will be delivered along Low Road, Keswick.
 - Improved cycle links from the Yellow Pedal way at the Marsh Harrier to the B1113 and an off-carriageway cycleway along the B1113 to Low Road

The key consideration under this reserved matters therefore is the appropriate amount of parking for vehicles and bicycles within the site along with turning and loading for larger vehicle, internal roads and footpaths.

- 5.13 The application has been assessed by NCC Highway Authority who raised some initial concerns, which have now been resolved following the submission of an amended plans, they offer no objection to this reserved matters application.
- 5.14 The proposal is therefore considered to accord with policy DM3.11 and DM3.12.

Landscape and visual impact

- 5.15 Policy DM4.5 requires all development to respect, conserve and where possible enhance the landscape character of its immediate and wider environment. It advises that development that would cause significant adverse impact on the distinct landscape characteristics of an area will be refused. Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.
- 5.16 Policy 4.6 has regard to the landscape setting of Norwich which includes the sites location within the Norwich Southern bypass protection zone and on two undeveloped approaches to Norwich (A140 and B1113).
- 5.17 The specific aims of policy DM4.5 are the protection of the landscape character at a wider level. DM4.6 specifically seeks protection of the setting of Norwich and maintaining the rural approach to Norwich.
- 5.18 In respect of Policy DM4.5 the site sits in the C1 Yare Tributary Farmland with Parkland landscape character area It is adjacent to the F1 Yare Valley Urban Fringe Landscape Character Area and near to the B1 Tas Tributary Farmland. The site is not directly within a River Valley Policy Area although it is near.
- 5.19 Policy DM4.5 requires all development to respect, conserve and where possible, enhance the landscape character surrounding the development. Policy DM4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.

- 5.20 The outline consent has established the principal of the development and its acceptability of its landscape and visual effects. As part of the first reserved matters 2020/0903, full details of the strategic landscaping for the whole site was submitted as required and considered acceptable as part of reserved matters phase 1. This landscaping strategic scheme ensures that the development, as a whole, is appropriately landscaped and to that end included the detailed planting plans, written specifications, schedule of plants, species, plant sizes etc, and that the impact of the development is acceptable in terms of its impact on the surrounding landscape and visual amenities of the area.
- 5.21 In view of the above, it is considered that the proposed reserved matters development would not have an adverse impact on the surrounding landscape to a material degree and appropriate detailed landscaping is provided. The proposal is considered to accord with policies DM4.5 and DM4.6 of the SNLP.
- 5.22 Policy DM 4.9 advises that the Council will promote the retention and conservation of significant trees, woodlands and traditional orchards.
- 5.23 Tree protection is proposed during construction for the remaining trees on site via a condition imposed on the outline planning permission. Therefore, the proposal is considered to comply with Policy DM4.9.

Ecology

- 5.24 Policy 1 of the JCS requires the development to both have regard to and protect the biodiversity and ecological interests of the site and contribute to providing a multi-functional green infrastructure network. Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and Biodiversity enhancements.
- 5.25 Due to the date of the original survey (2014/2015) the Ecologist requested that a re-visit to the site/ site walkover will be required by the applicant's ecologist to ensure the habitats/ conditions on the site have not changed, and that no signs of protected species using the site are evident. Condition 22 required as part of the first reserved matters that details of the Ecology Report including details of mitigation and enhancement measures were submitted.
- 5.26 The requisite details were provided under the reserved matters for phase 1 2020/0903 and the Council's Ecologist raised no objections subject to the signing of a Unilateral Undertaking for offsite mitigation for skylarks plots. In light of the above the ecologist has raised no objections to this reserved matters subject to the imposition of condition for the Lighting design strategy for biodiversity.
- 5.27 Therefore, in respect of ecology and biodiversity, subject to the proposal would accord with Policy 1 and DM4.4.

Impact on Residential Amenity

- 5.28 Policy DM3.13 requires development to have regard to the impacts on residential amenity. Furthermore, Policy DM3.14 has regard to pollution and emissions in respect of air quality, water quality, land quality and condition and the health and safety of the public.
- 5.29 In respect of mitigating impacts of construction, the impacts from the operation of the proposed development from noise, lighting, dust, air quality, conditions were placed on the outline planning consent to ensure the development did not give rise to a situation detrimental to the amenities of nearby residential properties.

- 5.30 As part of each reserved matters shall include an assessment of background and ambient noise levels in the area, is required to be submitted and agreed. The Environment Quality Team has assessed the report submitted and have raise no objections. The adjoining neighbours are located to the north of the site and this reserved matters is separated by intervening uses, which will be B1 office uses, light of this, it is not considered that the proposed development would give rise to a situation detrimental to the amenities of the local residents. It is considered that the proposal accords with Policy DM3.13 and DM3.14 of the SNLP.

Drainage

- 5.31 JCS Policy 1 requires development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage. Policy DM4.2 requires sustainable drainage measures to be fully integrated within the development to manage any surface water arising from the development proposals and to minimise the risk of flooding on the site and surrounding area. It advises that development must not cause any deterioration in water quality and measures to treat surface water runoff are to be included in the design of the drainage system.
- 5.32 Both the foul water and surface water drainage strategy for the whole site will be subject to discharge of conditions applications and therefore are not under consideration for the reserved matter application (the surface water drainage discharge of conditions application, however, has been submitted to run alongside the reserved matters applications to enable clarity and understanding to what has been proposed). The Lead Local Flood Authority initial asked for clarification, following the submission of these details they have raised no objections to the reserved matters application. As such the proposal is considered to accord with JCS Policy 1 and DM4.2.

Archaeology

- 5.33 Condition 18 required, the first Reserved Matters application to provide the results of a programme of informative archaeological investigations (trial trenching). The results of these investigations should then be used to inform the Layout of the development and any requirements for further archaeological mitigation if necessary. I can confirm that the results of the programme of informative archaeological investigations (trial trenching) have been submitted with this reserved matters application and prior to this, the trial trenching was carried out in accordance with the written scheme of investigation that was approved on 9th March 2020 via application reference 2020/0184. Part A of this condition has therefore been complied with. Therefore, the proposal accords with policy DM4.10 of the SNLP

Heritage assets

- 5.34 The setting of listed buildings requires consideration under policy DM4.10 and S66 of the Listed Buildings Act 1990.
- 5.35 There are no designated heritage assets including Listed Buildings, Conservation Areas, Scheduled monuments within the site. There are a number of Grade II Listed buildings in the vicinity of the site the majority of these are not deemed to be sensitive to the proposed development due to the distance, topography and intervening features (vegetation and buildings). There are two heritage assets namely the Church of All Saints and the remains of Church of All Saints (Grade II) which lie approximately 160m to the west of the site on the opposite side of the B1113.
- 5.36 The key issue for consideration in respect of heritage assets is therefore the impact of the proposal on the setting of the remains of Keswick Church and the new church, and the extent to which the site and proposals impact on their significance. Although the original church dates from the C12th, and parts of the round tower dates from C12, the church was heavily rebuilt and the tower restored in the C19 by the Gurney family; the chancel of the earlier church having been pulled down in 1597 is now in ruins. Hence, the heritage assets are grade II listed. Historic

England defines setting as “the surroundings in which a heritage asset is experienced”. The asset sits in a wooded landscaped area surrounded by fields and this contributes to its significance. There is very limited intervisibility between the assets and the site. There would be a low degree of impact on the setting due to the distance between the church and the site, and the church would still be viewed within an isolated rural context. The B1113 lies between the site and has quite an impact, to the degree that from within the proposed site, any views, which may be only glimpsed at best, do not make a significant contribution to the setting of the asset. In light of the strategic landscaping proposed between the Church and the development under consideration, it is considered that the proposal would lead to a ‘less than substantial harm to the significance of the heritage asset’ and this harm has been weighed against the public benefits of the proposal. In this case there are significant public benefits in respect of the creation of employment and highway improvements that are considered to outweigh the identified level of harm. The proposal is therefore on balance considered to comply with Policy DM4.10 and fulfils the Council's duties in respect of S66 of the Listed Buildings Act 1990 having due regard to the desirability of preserving the building or its setting.

Other matters

Nutrient Neutrality Non-Overnight Accommodation Inside catchment

- 5.37 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed is commercial (B1, B2 and B8 use) and will not provide overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.38 In terms of the specific request for discharging the requirements of conditions 8, 9 and 23 for this unit only, it is apparent that these are condition require the submission of adequate information in relation to specific matters at the point of submission of the reserved matters application. By virtue of the fact that the application has been validated and recommended for resolution it is clear that the requirements of these conditions have been met for these buildings.
- 5.39 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.
- 5.40 This application is liable for Community Infrastructure Levy (CIL).

Conclusion

The principle of the development has already been established by the grant of outline planning permission 2017/2794. The proposed reserved matters is considered acceptable in terms of design and layout. Furthermore, the development will not adversely impact of the surrounding landscape, character of appearance of the area or the setting of nearby listed buildings to a material degree. It will not be detrimental to highway safety; ecology; nor adversely affect the amenities of nearby residential properties. In view of the above, the proposal is considered to accord with DM3.8, DM3.11, DM3.12, DM4.5, DM4.6, DM4.9, DM4.4, Dm3.13, DM3.14, DM4.2, DM4.10 of the SNLP; Policy 1 of JCS and Section 12 of NPPF and I recommend that the application be approved.

Recommendation: Approval with conditions

- 1 In accordance with outline consent
- 2 In accordance with submitted plans
- 3 Materials to accord with submitted details
- 4 Lighting design strategy for biodiversity

Confirmation of partial discharge of conditions 8, 9 and 23

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Application 6



6. Application No : 2022/0276/O
Parish : CHEDGRAVE

Applicant's Name: Ms Amber Slater
 Site Address Land East Of Langley Road Chedgrave Norfolk
 Proposal Outline planning permission for 76 dwellings, with all matters reserved except for access

Reason for reporting to committee

The application site is contrary to policy.

Recommendation summary:

Authorise the Assistant Director (Planning) to approve with conditions subject to Section 106 and there being no objection received from Natural England.

1 Proposal and site context

- 1.1 The application is in outline with only access to be approved at this stage. All other matters are reserved for subsequent approval. The application is for up to 76 dwellings, including 25 affordable dwellings, provision of informal public open space and associated works. Whilst the layout is indicative, it allows for a mix of housing, bungalows and 4 self-build plots.
- 1.2 The application site consists of arable farmland on rising land to the north of Chedgrave Village. It is adjacent to built-up parts of the village of Chedgrave which is classified as a Key Service Centre under Policy 14 of the Joint Core Strategy. Whilst the site is not currently allocated, it is being promoted through the emerging Greater Norwich Local Plan (GNLP) and has been identified as a preferred site for allocation under emerging Policy GNLP0463R. The draft policy, which was submitted to the Secretary of State for independent examination in July 2021. Subsequent Hearings took place in February 2022.
- 1.3 The site is currently located outside, albeit adjacent to the development boundary for Chedgrave.
- 1.4 The development is accessed via a single point which is directly off Langley Road to the west.
- 1.5 The development includes the provision of a 2.4ha public open space.

2. Relevant planning history

- 2.1 None relevant

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 - NPPF 02 : Achieving sustainable development
 - NPPF 03 : Plan-making
 - NPPF 04 : Decision-making
 - NPPF 05 : Delivering a sufficient supply of homes
 - NPPF 08 : Promoting healthy and safe communities
 - NPPF 09: Promoting sustainable transport
 - NPPF 10 : Supporting high quality communications
 - 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

- 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 4 : Housing delivery
 Policy 7 : Supporting Communities
 Policy 14 : Key Service Centres
 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: Sustainable location of development
 DM1.4: Environmental Quality and local distinctiveness
 DM3.1 : Meeting housing requirements and needs
 DM3.2 : Meeting rural housing needs
 DM3.8 : Design Principles
 DM3.11: Road safety and the free flow of traffic
 DM3.12: Provision of vehicle parking
 DM3.13: Amenity, noise, quality of life
 DM4.2: Sustainable drainage and water management
 DM4.3: Facilities for the collection of recycling and waste
 DM4.4: Natural Environmental assets - designated and locally important open space
 DM4.8: Protection of Trees and Hedgerows
 DM4.9: Incorporating landscape into design
 DM4.10: Heritage Assets
- 3.4 Emerging Greater Norwich Local Plan
- Policy GNLP0463R: Land off Langley Road, Chedgrave
 The site is allocated for residential development. This site is likely to accommodate at least 60 homes and open space. More homes may be accommodated, subject to an acceptable design and layout being achieved and any infrastructure issues addressed.
- The development will be expected to address the following specific matters:
- A design brief for landscape impacts will be required.
 - Any development must conserve and enhance the significance of Langley Park to the west of the site, including its associated listed buildings and any contribution made to its significance by setting.
 - Open space in the elevated southern part of the site to provide leisure opportunities and enhance the green infrastructure network
 - An ecological assessment must be carried out, and any identified impacts on nearby sites mitigated
 - A ground contamination survey will be required
 - A transport survey will be required, and implementation of any agreed measures, including off-site measures
 - Visibility improvement and frontage development at Langley Road to the north.
 - A 2.0m footway will be required for the full extent of the site frontage, extending southwards to Hillside to link site frontage with existing facilities in Loddon.
 - Carriageway widening may be required at Langley Lane
 - Mitigation and further investigation with regards to the site's susceptibility to surface water flooding.
- 3.5 Supplementary Planning Documents (SPD)
 South Norfolk Place Making Guide 2012

4. Consultations

4.1 Chedgrave Parish Council

Objection

- This cultivated field should not be eligible to be considered for building.
- It provides an established habitat for red kites as well as a variety of wildlife.
- Langley Road is narrow and already heavily used. Another road accessing Langley Road would create further difficulties: not just for residents of Langley Road, but also Rectory Road, Big Back Lane and the White Horse corner.
- All these roads are narrow and unsuitable for an increased volume of traffic. Access to the 1A146 at the Chedgrave junction is also dangerous ,
- There have already been considerable housing developments in the area
- changing the character of the area, and putting great strain on the infrastructure - schools, Drs, dentist etc. Another development is unnecessary, and this site would overshadow the existing housing.
- Surface run off is already a problem, but a built up development would add to the risk of flooding to existing homes and shops in Langley Road

Chedgrave Parish Council held a meeting with locals, where they were able discuss the proposal. The below provides a summary of the views from the meeting.

- the site is outside the settlement boundary and is not included in the current adopted local plan
- there is already a site behind Grebe Drive for which planning permission has been granted, broadly with local approval, but which has not yet been developed.
- limited relationship with Chedgrave, Loddon and the associated amenities.
- view is that most journeys, to and from the site will be by car rather than sustainable modes of transport
- the roads leading to the site are not suited to the large volumes of construction traffic
- No plan for construction traffic has been submitted - Chedgrave Parish Council has carried out a simple review of the key access routes to and from the site.
- Increase traffic - The parish council does not agree with Create Consulting Engineers Ltd. that the estimated increase in traffic will not be severe
- the site entrance is on Sustrans cycle route 1 which is very popular. The access point is at a very fast stretch of the route and increased traffic to/from the proposed site poses potential risk to cyclists.
- the traffic plan for the site does not appear to have been thought through for either construction or domestic vehicles
- It is understood that a section of existing mature native hedging would be removed at the site entrance to create the required vision splay for traffic
- Concerns with capacity of services - Dental Care, GP services, education
- Design – the overall design features many two storey dwellings not in keeping with the local area
- Environmental Impact – the view expressed by the members of the public is that the proposed homes should have many “eco” features

4.2 District Councillor - Kay Billig and Jeremy Rowe

No comments received

4.3 Anglian Water Services Ltd

No objection.

- Capacity in sewage system and Waste water treatment works (Sisland Water Recycling Centre)
- Informative on proximity to Anglian Water assets
- Surface water drainage not proposed to use Anglian Water assets.

4.4 SNC Senior Heritage & Design Officer

- The general site assessment and appraisals of the site and development suggestions do generally accord with the work expected in the South Norfolk Place Making Guide, although the document has not been referred to in the design and access statement.
- With regard to heritage impact, the site is located close to the grade II historic park and garden of Langley Hall, which provides the setting for the grade I listed building. The site is on the opposite side of Langley Road to the part of the bordering plantation perimeter tree belt to the park, so in terms of affecting significance the tree belt will still be clearly read and the belt prevents more expansive views into and out of the park and effectively encloses the wider setting of the hall. Also, the development will have a more open area to Langley Road which along with retaining the existing hedgerow will help to preserve the more rural character of the road through not having development close up to it.
- The setting of the heritage assets to the north is more localised and with the degree of separation with the development site their rural setting will be preserved. I therefore agree with the outcomes of the heritage statement submitted.
- With regard to urban design, generally housing faces out from perimeter blocks with secure private gardens. Where private garden are exposed to street there are some walls – but not everywhere – unit 72 for example – however this can be addressed at reserved matters stage. The plan does show some different units for prominent corners – some of which are handed. Use of materials and design detail could make some of these stand out more as focal points but this would also be a matter for reserved matters.
- In terms of street hierarchy/network the overall approach to movement will be legible and it will be relatively easy to find your way around. The northern section has two quite long cul-de-sacs with limited turning areas and it would seem to make sense just to link these two areas and make it a further secondary adopted road loop and avoid what are quite long cul-de-sacs? Although the design and access statement states a limit of 9 houses for private drives this will create long drag distances for bins, so fewer houses would be preferable. Generally, the National Design guide avoids too many cul-de-sacs and keeping private drives to a minimum...however smaller private drives can create pleasant areas of housing particularly when abutting public spaces. If the two northern cul-de-sacs are planned to be accessible to refuse lorries the turning heads look too small. Therefore creating a loop road for easier access seems practical. The central loop road is just tarmac with no footpaths and I would recommend either different materials to emphasise that it is a shared surface, or a pavement provided even if just on the outside of the loop.
- As the T junction is effectively the destination at the end of the spine road it may be good to do something here to mark that such as a small landscape space with housing fronting onto it in a crescent shape for example – or just curving the building line to provide just a bit more public space and having some landmark buildings to address it.
- avoid frontage parking on the main spine road (units 54-58). Such parking arrangements are better placed on lower order roads in the street hierarchy.

- There is some tree planting between the wild flower meadow to the south and the houses to the north, however this would also affect the ability of those houses to overlook the space and make it feel more secure. More intermittent informal planting may be preferable.
- The planting looks like it is there to screen the houses but it may be better to have lower building heights also? Although outline – the choice of building/scale/height can affect size of footprints and plots and character and this can affect housing densities and numbers - so the impact of the development resulting from it being on higher ground needs to be a consideration. Planting trees to screen the development I don't consider to be the ideal solution. It may be preferential to have bungalows or 1.5 storey units for example wrapping around the site to the south east corner? Or to design houses suitable for the location such as lower eaves/roof projections to front/side for example which extend the roof down to make the appearance of the houses more 'grounded'. This could be dealt with at reserved matters, but could also be indicated in the design and access statement/annotated on the masterplan. It may be useful to have a north-south cross section to show indicative building heights to also include the height of existing bungalows to the south?
- The application states that there are four self builds i.e. presumably you would need to agree phasing as a plan showing where the self-build will be, then further reserved matters on design detail/design code/plot passport.
- good walking routes/footpaths around the site. This will help to promote healthier living/lifestyles. Will need to connect these footpaths to the pavement/footpath into the village. As per the planning statement – linking into the existing footpath network would provide good connections to the facilities in the village. The rural location and size of development and the fact that Langley Road is relatively low traffic I do not consider a dedicated cycle path would be necessary– and you would not wish the development to be too urban and lose its more informal rural character.
- The design of three character areas of woodland edge, rural edge and central edge would be appropriate for the area and for further development at reserved matters stage with design detail for house types and materials.
- Though the planning design and access statement states that "Inclusiveness in design is paramount" it does also state that the identity of affordable and market will be 'subtle in variation of detailing'. The development should be tenure blind, and although different building types may be chosen for affordables, detailing should be consistent quality throughout the scheme and there shouldn't be a need for 'subtle variation'.

4.5 SNC Ecology and Biodiversity Officer

- The application is supported by a Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, December 2021), Interim Bat Survey Report and Biodiversity Action Plan Report.
- The site is within 2km of six statutory designated sites and is located within a SSSI Impact Risk Zone (see attached document for MAGIC search results).
- The PEA concludes that due to the distance, no effects on statutory or non-designated sites are anticipated however Natural England must be consulted on this application if they have not already been so as the application is 'Rural Residential' and for more than 50 units outside the existing settlement boundary.
- The 2km data search returned three records of gadwall, five records of the shoveler, 10 records of the pochard, four records of the hen harrier and three records of the bittern, four records of the hen harrier within 2km (Broadland SPA Ramsar was designated for species including hen harried, bittern, gadwall northern shoveler).

- The site does contain priority hedgerow around all four boundaries but they are not 'important' under the ecological criteria of the Hedgerow Regulations 1997. The PEA notes that no priority habitat will be affected however an undetermined length of intact species poor hedge (priority habitat) will be lost along the western side for access/visibility- the PEA should be amended to reflect the loss of priority habitat and the length of hedge proposed for removal needs to be quantified prior to determination, so that appropriate mitigation can be secured for its loss.
- I note that trees along the northern boundary were assessed as having low to moderate bat roost potential (these trees will be retained). Habitat within the site are suitable for nesting birds and there are no ponds within a 250m radius with habitats onsite generally unsuitable for great crested newts (GCN) (the site falls within the green and amber risk zone for GCN). Recommendations for mitigation during site clearance, and enhancements are made (see below).
- While the site contains habitats that are unlikely to support GCN however due to the scale of the proposal mitigation measures will be required to ensure the site is sensitively cleared.
- The proposed mitigation and enhancements recommended at outlined within the PEA and bat reports are broadly appropriate, however prior to determination it will be necessary to clarify the loss of priority hedge to secure adequate compensation and it is also recommended that the area of wildflower meadow be defined and secured (e.g. provision of a minimum of 0.5 ha).

Comments on additional information:

No objection subject to Standard conditions, in line with BS42020:2013 recommended for

- Lighting
- Biodiversity Design Strategy
- CEMP: Biodiversity (as per previous comments)

4.6 Natural England

Further information (HRA) required to determine impacts on designated sites

HRA prepared and submitted to Natural England. Pending further comments from Natural England

4.7 SNC Community Services - Environmental Quality Team

No objection subject to a contaminated land condition

4.8 NHS Norfolk and Waveney clinical commissioning group

This proposal comprises a development of 76 residential dwellings, with a population growth of circa.150 residents, which will have an impact on the NHS funding programme for the delivery of healthcare provision within this area and specifically within the health catchment of the development. The proposed development will have an impact on the services of local GP (General Practitioner) practices, Acute healthcare, Mental healthcare, Community healthcare and the Ambulance service operating within the vicinity of the application site

NHS Norfolk and Waveney CCG has commissioned a Demand and Capacity review for primary care across the area, which assesses the current capacity and constraint of primary care estate to register new patients. This considers registration demand likely to arise from known housing developments.

The practice closest to this development and the only practice to cover this area in its catchment and therefore the primary healthcare service directly impacted by the proposed development is the Chet Valley Medical Practice, where any current capacity will quickly be consumed through new developments in the area.

In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL (Community Infrastructure Levy) Regulations, which provide for development contributions to be secured to mitigate a development's impact, the ICS would suggest that healthcare contributions should be sought to contribute to the provision of sustainable healthcare services in the area, particularly for the additional residents generated by development growth.

4.9 NCC Highways

With reference to the application relating to the above development (as shown on drawing 061-18-0200_P6), in relation to highways issues only, notice is hereby given that Norfolk County Council requests that the following amendments be submitted.

- Alterations to the junction of Big Back Lane/Norwich Road (as proposed on drawing 03/002) will not be needed in this instance. Junction improvements will only encourage vehicular traffic to cut through Big Back Lane, which in turn will lead to congestion, verge over run and increased maintenance to verge/edge of carriageway.
- At the location of the proposed site access, Langley Road has the characteristics of a road rather than a street. The 85th percentile speed data provided on the transport assessment suggests that visibility splays for the junction should measure 90m in length. Sufficient frontage hedge will need to be removed to secure the require visibility splays from the site access.
- Existing trod along frontage of site to be upgraded by widening to 1.8m and paved.
- Two points of access would be preferable for a development of this scale. However, if it is served from a single junction, provision of an internal loop road should be provided to avoid the need for lots of cul-de-sac.
- A 20mph zone would be required for this development, which should be enforced through the alignment or the carriageway. Access road shown on indicative plan between plots 2 and 20 is too straight and should be re-aligned to discourage speeding traffic.
- The access road should be 5.5m wide with 1.5 – 1.8m wide footways on both sides.
- All shared private drives should have at least a size 5 turning area measuring 8.0m x 8.0m.
- All dwellings should have at least 2 parking spaces (4 bedroom dwellings require 3), which should exclude the garage. Tandem parking spaces should be 11.0m long and parking spaces located adjacent to a wall / fence should be 3.0m wide.

Comments on amended information:

No objection subject to conditions.

- It is understood that a package of offsite highway improvement works will be delivered under a Section 278 agreement to support the development, with works being carried out to both Langley Road and to the junction of Big Back Lane and Norwich Road.
- It's worth noting at this stage that that the existing track that runs adjacent to Langley Road will need to be upgraded to a 1.8m wide metalled surface as mentioned previously. Nevertheless, detailed design checking of these offsite highway improvement works and confirmation of exact detail will be provided under

the Section 278 process, with the principle of these works as shown indicatively on drawings 03/001 and 03/002 accepted.

4.10 SNC Housing Enabling Officer

No objection subject to my preferred mix being the affordable housing obligation

- The applicants propose 25 Affordable homes. This equates to 33% of total dwellings, complying with the policy in the draft Greater Norwich Local Plan.
- The application form proposes all to be for rent, whereas the National Planning Policy Framework expresses an expectation that at least 10% of total dwellings should be for affordable home ownership. Also, the proposed mix does not meet current priorities, especially larger homes for rent.
- The indicative site plan shows some of the affordable homes to be distant from the site access. This is acceptable in principle, but I expect that the s106 agreement would require their constriction before the completion of open market homes a similar distance from the site entrance.

4.11 NCC Lead Local Flood Authority

Object in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to:

- Finished floor levels
- Groundwater levels

Comments on additional information:

No objection subject to conditions.

- We welcome that Section 6.6 of the submitted FRA and Drainage Strategy has been updated to confirm that finished floor levels will be set 300mm above any predicted flooding levels and a minimum of 150mm above existing ground levels. We note the LLFA would also expect, in line with best practice, external ground levels to slope away from any buildings.
- We welcome that infiltration testing in accordance with BRE365 standards has been conducted at 10 trial pits across the site, with the lowest infiltration rate recorded at 8.33×10^{-6} m/s. We note that site works undertaken in November 2021 encountered no groundwater to a depth of 8.0mbgl (Borehole BH01), and further monitoring of groundwater levels in December 2021 also encountered no groundwater in the borehole.
- We note that it is proposed that the large area of green space in the southeast of the site will remain undeveloped but will be landscaped. Though it is common/best practice to exclude large open green spaces from runoff calculations and exclude them from the drainage design, the layout of the site means there is potential for this area to contribute surface water runoff into the proposed drainage system (ponds southwest). This needs to be scoped further and evidenced in subsequent submissions as to whether this is the case. In addition, we note that smaller soft landscaped green areas have not been considered, for example garden spaces, and potential runoff contributions from these areas should also be scoped at development design/detailed design stage.
- Since the initial consultation, received by the LLFA on 28 February 2022, the Environment Agency (EA) updated their climate change allowances on 10 May 2022. At the development design/detailed design stage, we would expect the applicant to submit the drainage system design modelling with the correct climate change allowances applied to both the 3.33% and 1.0% AEP events to ensure compliance with national policy, frameworks, guidance (including best practice) and statutory/non-statutory standards.

- We note that a base infiltration coefficient has been included in the example house soakaway design modelling. At the development design/detailed design stage, we advise that, in line with best practice (in accordance with BRE365), we would expect base infiltration to be excluded (set to 0) and side infiltration to be assigned to the internal surface area of the soakaway to 50% effective storage depth only. We therefore welcome that the following issues have been adequately addressed:
- The applicant needs to demonstrate that finished floor levels will be 300mm above any predicted flooding level and 150mm above existing ground levels
- The applicant needs to demonstrate what the seasonally high ground water level is at the site to support this drainage strategy
- We have suggested a sequential approach to the conditions; the proposed first condition at reserved matters would provide details on the flood risk and site layout; whilst the proposed second condition, pre commencement, relates to detailed design of the flood risk mitigation, development, and surface water drainage scheme. If you do not agree with this approach, we suggest the information in the proposed first condition is provided at this outline application stage.

4.12 Designing Out Crime Officer

This indicative layout does mostly show that Crime Prevention Through Environmental Design features are being carefully considered and incorporated into this proposal. I would be pleased to work with the agent or developer to ensure that this approach continues. This is by far the most efficient way in which to proceed with residential developments and is a partnership approach to reduce criminal opportunity.

4.13 Historic Environment Service

No objection subject to conditions

- The proposed development site has already been subject to a geophysical survey and archaeological trial trenching which identified two areas in need of further archaeological mitigation (in this case open-area excavation) as their significance will be adversely affected by the proposed development.
- We therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

4.14 Historic England

- On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

4.15 Water Management Alliance

- The site is near to the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) and is within the Board's Watershed Catchment
- Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development.
- If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4.

4.16 Other Representations

47 objections have been received. A summary of these is as follows:

- ATC survey was taken at the height of lockdowns in 2020 and 2021 when traffic was very light – inaccurate data
- The TA fails to properly consider the negative effects
- inappropriate position regarding access
- Additional traffic will compound already congested roads.
- How will additional traffic be managed
- pedestrian and cycle safety concerns
- the use of driveways as passing place
- lack of employment opportunities – more car journeys at peak times
- Dangerous existing junctions; Big back Lane, Beachamp Road and Snow Lane
- Loddon High Street is already particularly bad to get through
- Any development would make existing traffic issues worse
- Big Back Lane is narrow and twisting
- The exit of Norwich Road, Beccles Road and High Bungay Road onto the A146 has seen fatal accidents over several years – development will make this worse
- 30mph speed limit is continuously being exceeded.
- I doubt that moving the 30 limit closer to Forge Road will make much difference
- impact on environment; additional noise and pollution
- existing drainage and water supply issues
- lack of footpaths and limited passing places
- Lack local of public transport and frequency
- Lack of local facilities
- Local schools, GPs, dentists are already all at capacity
- reliance on car
- Smell of Cantlay Beat Factory will lead to more complaints by new residents
- dust and smell from agricultural work will also cause issues to new residents
- Development will destroy some beautiful landscape
- Turn this part of Chedgrave into a hideous housing estate
- prime quality farmland
- lack of police in the area
- Greenfield site. Brownfield sites are better suited.
- existing commitments with area of up to 400 homes in 2-3 years. how will infrastructure be increased
- flats and big houses are out of keeping with the surrounding area
- houses are not being built for locals but for people leaving big cities.
- outside developed boundary
- other more suitable site in Loddon
- Impact from construction phase
- overlooking issues
- Will pavement and street lighting be provided within development?
- will a zebra crossing be provided for those wishing to visit the White Horse?
- will a third roundabout be provided?
- what research has been done to identify the requirement for hosing on the sites
- what constitutes affordable
- housing does not appear to be very energy efficient – no mention of solar, EV charging etc
- loss of view, landscape impact
- Change in elevation across the site
- impact on wildlife within area
- no affordable housing

- lack of informal open space in Chedgrave
- overdevelopment – numbers should be reduced.
- plots should include vegetable patch/allotment

3 supports have been received. A summary of these is as follows:

- good mix of house sizes
- Chedgrave needs the growth
- local shops need more support – many more people will be working remotely
- keeping village vibrant
- more traffic means natural speed will decrease
- notes traffic concerns but recognises the proposed solution to help visibility will go a long way
- still concerned about speeding – recommend moving the 30mph sign
- note that the site is allocated in the draft GNLP
- site seems well laid out and nice place to live
- look forward to seeing more design at Reserved Matters
- nice to see something modern come forward
- opportunity to brighten up a small corner of village

1 comment has been received. A summary of this is as follows:

- site is preferred within the draft GNLP
- Reasonable; lots of open space and significant buffers
- higher number of affordable than required
- would like Chedgrave PC to adopt the open space provided
- money from CIL or S106 to go towards upgrading of local facilities

5 Assessment

Key considerations

- The principle of development
- Economic Role
- Social Role (access & highway safety, visual impact and landscape impact, connectivity to local services, affordable housing, design, public open space & financial contributions and residential amenity)
- Environmental Role (flood risk & drainage, ecology, heritage assets, nutrient neutrality and impact on protected habitats sites)

Principle

- 5.1 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 5.2 The site is located outside, albeit adjacent, of the development boundary that has been defined for Chedgrave and so in planning policy terms, it is in the countryside. In such cases and of relevance to this proposal is that Policy DM1.3 of the Council's Development Management Policies Document sets out that new development in the countryside will be permitted where it complies with another policy and/or allocation of the development plan (criterion 2, c) or otherwise demonstrates overriding benefits in terms of the economic, social and environmental dimensions of sustainable development (criterion 2, d). This proposal does not meet with a specific policy or allocation that would allow new development in the countryside so instead, overriding benefits would need to be demonstrated. It should however be noted that the site has been allocated for residential development in the Draft Local Plan under Draft Policy GNLP0463R.

- 5.3 Notwithstanding the above, in assessing the proposed residential development, it is necessary to have regard to the fact that the Council currently has less than 5 years of deliverable sites, when having regard to the temporary impact of Nutrient Neutrality, and as such the second part of paragraph 11 is engaged, which states:
- 5.4 *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”*
- 5.5 On the basis of the above Policy DM1.3 is considered to be “out of date” and therefore the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.
- 5.6 In respect of the current housing land supply position referred to above, it is anticipated that this will be a “short lived” position brought about by the entirely unforeseen circumstances relating to Natural England’s recent advice on nutrient neutrality.
- 5.7 In respect of Nutrient Neutrality, the Council is a member of the Duty to Co-Operate Board for Norfolk, which is coordinating the response to the Nutrient Neutrality issue in the County. To help with the resolution of this matter, the Norfolk authorities have engaged Counsel to provide advice on the legal implications and restrictions resulting from Nutrient Neutrality. The Greater Norwich authorities (which cover the area over which land supply is calculated) have also engaged Royal Haskoning to prepare a Nutrient Management and Mitigation Strategy. Royal Haskoning have been engaged based on their extensive experience of nutrient neutrality issues elsewhere in the country and on the basis that they are able to progress this mitigation strategy at pace. This will enable solutions to be implemented at the earliest opportunity.
- 5.8 The Council is also working proactively with developers across the Greater Norwich area to understand the impact of the Nutrient Neutrality guidance on the delivery of development sites and identify opportunities for where sites are able to progress.
- 5.9 Notwithstanding the significant work that is going on; the government’s commitments to find a solution; and the strong likelihood of a mitigation solution being installed in a substantially quicker timeframe than has been achieved elsewhere, at the time of writing the Council recognises that there remains a significant degree of uncertainty about the progress of a number of permitted and allocated development sites. Therefore, the Council proposes that, taking a precautionary approach, the application is determined, as set out above, on the basis that there is not a demonstrable five-year supply of deliverable housing sites
- 5.10 As this proposal does not harm a 'protected area', the decision taker in this case only needs to consider the NPPF's requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; This is referred to as the 'tilted balance'.
- 5.11 In making an assessment against the “tilted balance” the following assessment is structured to assess the scheme against the three roles of sustainability as outlined in the NPPF. The assessment will also address how the scheme complies with the requirements of the emerging allocation referred to in paragraph 3.4 above insofar as it is considered that having regard to Paragraph 48 of the NPPF, officers are minded to afford moderate weight to the GNLP in the determination of this application. For ease of reference paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

5.12 In addition, officers have had regard to the issue of “prematurity” and the NPPF advises that prematurity is only likely to be a justifiable reason for refusal if the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan. Officers consider that this is only likely to be the case in respect of the most significant of site specific requirements. Based on this it is considered that this application is unlikely to be so significant in isolation, or in combination as to justify refusal on grounds of prematurity.

5.13 Again, for ease of reference, the emerging GNLP allocation text states:

Land off Langley Road, Chedgrave (approx. 5.58 ha) is allocated for residential development. This site is likely to accommodate at least 60 homes and open space.

More homes may be accommodated, subject to an acceptable design and layout being achieved and any infrastructure issues addressed.

The development will be expected to address the following specific matters:

- 1. A design brief for landscape impacts will be required.*
- 2. Any development must conserve and enhance the significance of Langley Park to the west of the site, including its associated listed buildings and any contribution made to its significance by setting.*
- 3. Open space in the elevated southern part of the site to provide leisure opportunities and enhance the green infrastructure network*
- 4. An ecological assessment must be carried out, and any identified impacts on nearby sites mitigated*
- 5. A ground contamination survey will be required*
- 6. A transport survey will be required, and implementation of any agreed measures, including off-site measures*
- 7. Visibility improvement and frontage development at Langley Road to the north.*
- 8. A 2.0m footway will be required for the full extent of the site frontage, extending southwards to Hillside to link site frontage with existing facilities in Loddon.*
- 9. Carriageway widening may be required at Langley Lane*
- 10. Mitigation and further investigation with regards to the site’s susceptibility to surface water flooding.*

Economic role

5.14 The NPPF confirms the economic role as:

“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

5.15 The scheme would result in some short term economic benefits as part of any construction work and in the longer term by local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit.

Social Role

5.16 The NPPF confirms the social role as:

“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

Access and highway safety

5.17 Policy DM3.11 of the South Norfolk DM policies requires developments not to endanger highway safety or satisfactory functioning of the highway. Paragraph 111 of the NPPF states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.18 Access has not been reserved and is part of the consideration for this application. It is proposed that the development will be accessed via a singular vehicular access off Langley Road, via a simple T junction.

5.19 The Highway Authority has assessed the proposal, and whilst having no objection to the principle of development, they have set out a number of revisions that need to be incorporated. Consequently, amended plans have been submitted which have addressed these concerns as confirmed by the Highway Authority, subject to planning conditions being attached to any permission. The proposal is therefore considered to accord with policy DM3.11 of the Local Plan.

5.20 Significant concern has been expressed by third parties at the suitability of Langley Road, Big Black Lane and Snows Lane, with specific concerns around the junctions of these roads. It has also noted that at the consultation events of August and March 2021, local residents wished to see some form of improvement at the Big Back Lane/Norwich Road junction.

5.21 The application is supported by a Transport Statement where the following highway off and onsite improvements have been proposed:

- Enhancement of the existing 30mph speed limit entry on Langley Road by means of new picket fence gateway treatment;
- Upgrade and widening existing track to 1.2m(min) with no dig solution compacted road and timber edgings, supported by stakes, with links into the development, cut back vegetation as required;
- Langley Road widening locally to 5.5m; and
- New sections of footway to north and south of the access on east side of Langley Road with dropped crossing for movements over Langley Road.

- 5.22 Additionally, layout improvements have been put forward at the Big Back Lane/Norwich Road junction; these include the modification of the existing junction to remove the central triangle and provide more conventional layout, also benefiting visibility to the west towards Norwich Road and also providing improved side road ahead warning with new 'slow' road marking. These are shown on drawing 2269/03/002. It is noted that detailed design checking of these offsite highway improvement works, and confirmation of exact detail will be provided under the Section 278 process, with the principle of these works as shown indicatively on drawings 03/001 and 03/002 being accepted by Highways.
- 5.23 In the context of the highway/traffic related criterion included in the emerging allocation, the policy requires the scheme to be supported by a transport survey. With regards to traffic survey requirements, to inform the proposed access strategy design, an independent Automatic Traffic Count (ATC) survey was undertaken on the local network between 17 and 23 September 2021 primarily to assess design speeds and corresponding visibility splay requirements. As a result, the proposed access strategy submitted with the application demonstrates that the proposal will provide new sections of footway including the widening of Langley Road to 5.5m and visibility splays of 59m x 2.4m x 59m visibility splays. The Highways Authority has raised no objection to the proposed off-site works and have advised that the principle of these works as shown indicatively on drawings 03/001 and 03/002 are acceptable. Therefore, it is considered that the application complies with the highway criterion within the emerging allocation.
- 5.24 The consultation process also raised concerns relating to construction traffic. As such, the Highway Authority has requested that a Construction Traffic Management Plan is submitted to the Council prior to commencement. This is considered reasonable as it details with safeguards associated with the construction period of the development.
- 5.25 Therefore, officers consider the proposed access to be acceptable in highway safety terms and therefore accords with policy DM3.11 of the South Norfolk DM policies.

Visual impact and landscape impact

- 5.26 Policy 2 of the Joint Core Strategy and Policy DM 4.5 of the South Norfolk DM policies seek to ensure that developments do not result in significant harm to the landscape characteristics of an area. Which is consistent with the aims of the NPPF to conserve and enhance the natural environment.
- 5.27 The site is bounded by agricultural fields to the north/north west and east, residential areas to the south/south west and immediately bordered by Langley Road along the western boundary and Snow's Lane along the southern boundary. The northern, eastern and southern boundaries are also delineated by hedgerow and trees, and part of the western boundary bordered by an area of mature woodland.
- 5.28 With regards to landscape character, the site is within the Tributary Farmland Landscape Character Type (B) and the Chet Tributary Farmland Landscape Character Area (B5). It is on the northern edge of LCA B5 and LCA B3, but its character reflects the enclosed and settled landscape of the Chet Tributary Farmland (B5) than the more open arable farmland of the Rockland Tributary Farmland (B3). The Grade II registered historic parkland landscape of Langley Park is immediately to the west of the Site.
- 5.29 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which assesses the above characteristics and the predicted visual and landscape impacts.
- 5.30 With regards to predicted landscape effects, the LVIA highlights 5 key landscape receptors: Landscape setting of Chedgrave village, Rural character of the network of local roads, Nelson's Plantation and network of mature hedgerows, hedgerow trees and woodlands, Contrasts in landscape character and Landscape setting of the Broads National Park. For the purpose of this LVIA only high or medium high adverse effects are judged to be significant although it has been recommended that strenuous effort should be made to mitigate medium-low adverse effects. In

addition, effects that are of a temporary nature (ie those that occur during construction and in the years immediately after completion before any new planting can be expected to provide an effective visual screen) are given less weight than any permanent residual effects which remain after new planting has matured.

- 5.31 The LVIA concludes that there are not predicted to be any significant residual adverse landscape effects as all the predicted landscape effects are judged to be low, neutral or beneficial after 15 years. During the construction phase, there are predicted to be low adverse effects for two of the landscape receptors, medium adverse effects for one and medium-high adverse effects for one - 'landscape setting of Chedgrave'. It is considered likely that a medium adverse landscape effect would remain at completion for two of the landscape receptors - 'landscape setting of Chedgrave' and 'Contrasts in landscape character' between the farmland plateau and tributary valley landscape types. However, these adverse landscape effects are predicted to reduce at the completion stage or soon after and, once the planting has matured and the new landscape has become established, there are not predicted to be any significant long term adverse landscape effects.
- 5.32 With regards to predicted visual effects, there are not predicted to be any significant residual adverse visual effects: all the predicted visual effects are judged to be low or neutral after 15 years with the exception of Viewpoint 1 (Langley Road at north west corner of the site). As the assessment in the LVIA Annex C3 tables (Page 32) shows, there are predicted to be visual effects from two viewpoints (1 and 2) during the construction phase of the development. However, these are of a temporary nature and the magnitude of this visual effect is predicted for Viewpoint 1 to reduce to Medium High at completion/year 1 and to Medium-Low once the boundary vegetation matures. For Viewpoint 2 (Langley Road south of the site) the Medium-Low at completion reduces to Low after 15 years.
- 5.33 It is assessed that after 15 years when the new planting will have matured, there are predicted to be no visual effects other than at Viewpoint 1, where there is a medium to low impact.
- 5.34 The majority of the predicted visual effects are judged to be neutral. As such, it is evident that the majority of the adverse landscape and visual effects are predicted during the construction stages and at completion, when the landscape and built development are at their rawest.
- 5.35 It is considered that a well-designed proposal with a comprehensive landscaping scheme has the ability to respect the character and appearance of the area. The indicative layout demonstrates a scheme that references the local context with public open space and water attenuation features that can enhance the local environment.
- 5.36 Overall, whilst a residential development of 76 dwellings would result in a change to the character and appearance of the site. The development is located on the edge of the settlement boundary where it would be viewed in the context of the existing dwellings to the immediate south of the site, as well as other existing dwellings within close proximity. In addition, whilst the application is in outline, the layout has taken into consideration the changing levels on site, where the majority of the development is positioned to the north leaving a substantial area of open space to the south which creates a logical buffer. Therefore, given this context, it is considered that the development would not appear as an incongruous addition within the landscape. Where there may be some harm as identified within the LVIA at the point of construction and completion, this harm is considered short term that could be mitigated through landscaping and would not cause significant harm to the wider landscape.
- 5.37 It is concluded that the Council's landscape objectives contained in Policy 2 of the Joint Core Strategy and Policy DM 4.5 of the South Norfolk DM policies are met.
- 5.38 In the light of engaging paragraph 11 of the NPPF officers consider that the landscape impact is not significantly harmful in this case.

- 5.39 With regard to the criterion within the emerging allocation, whilst the proposal in outline the application has provided design principles for the scheme along with an LVIA to inform any subsequent Reserved Matters application. Overall, I am satisfied that the scheme has sufficiently considered this criterion of the emerging allocation and that detailed design is subject to a separate application.

Connectivity to local services

- 5.40 Policy 14 in the JCS identifies Chedgrave as a Key service Centre (KSC) where there are a range of services including shops, infant, junior and high schools, medical centre, library, public houses and industrial estate. The site is adjacent to the development boundary where potential occupiers would be able to safely access services by foot, cycle or public transport so the proposed development would comply with policy 6 of the JCS and policy DM3.10 of the South Norfolk DM policies which seeks to locate new development close to services and encourage the use of walking, cycling or use of public transport.
- 5.41 A number of responses have expressed concern at the lack of services/amenities within the village and in particular in relation to the school and doctors' surgery, where existing residents are already struggling to get appointments. With regard to the school, NCC has confirmed that there is capacity at the school.
- 5.42 In terms of the capacity at the surgery, NHS STP/ICS have identified an impact on health care from the development and calculated a contribution to mitigate the impact. At this stage the impact from the development has not been fully assessed and validated nor has the mitigation necessary to address that. In order to resolve this issue officers are seeking authority to delegate this matter following the resolution of Members at this Committee which will agree and secure any necessary mitigation.

Affordable housing

- 5.43 Policy 4 in the JCS requires affordable housing is be provided at 33% percent. Members will be aware that in recent times we have been using the recent SHMA to secure 28% affordable housing. However, being mindful of the moderate weight given to the GNLP when applying the same approach to relevant emerging policies, the 33% requirement is what we are seeking within this scheme. As such the applicant proposes 25 affordable homes which is policy compliant. The application form proposes all to be for rent, whereas the National Planning Policy Framework expresses an expectation that at least 10% of total dwellings should be for affordable home ownership. The proposed indicative mix does not meet current priorities, especially larger homes for rent. As such, the Council's housing enabling officer has provided a preferred mix. The precise nature of the affordable housing (Size and tenure) will be picked up by a combination of a the S106 (housing schedule) within this and through the layout and house types secured through subsequent reserved matters approval. As the application is in outline it is considered that the precise mix of units can be dealt with at the reserved matters stage where a further updated mix may be required. Furthermore the requirement of policy 5 of the GNLP for 5% of plots to be self and custom build will also be secured by S106.
- 5.44 The affordable housing will be secured by a S106 agreement.

Design

- 5.45 Policy 2 in the JCS, policy DM3.4 of the South Norfolk DM Policies requires development to achieve a good standard of design which is consistent with the NPPF's aim of achieving well designed places. The Council's Senior Heritage and Design officer has reviewed the proposal and provided detailed comments on the indicative masterplan. It is recognised that although the application is in outline, the general site assessment and appraisals of the site and development suggestions do generally accord with the South Norfolk Place Making Guide, although the document has not been referred to in the design and access statement.
- 5.46 However as this is an outline application the design under consideration does not form part of this application, but it is considered that a satisfactory designed development could be achieved on the site with a mix of dwelling types as required by the Council's Housing Enabling officer.

Public Open Space provision / financial contributions

- 5.47 Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development
- 5.48 In terms of open space, Policy DM3.15 requires new housing development to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed in order to meet the need of occupants. The Council adopted an Open Space SPD in September 2018 which provides the standards for open space provision.
- 5.49 As the application is in outline with all matters reserved apart from access, it should be noted that the public open space provision is subject to change dependent on the final mix and therefore the comments received from the Council's S106 and Community Infrastructure Officer relate to the indicative mix as proposed. As such, the space requirements are as follows:
- Play – 1,095sqm
 - Adult/Formal Recreation – 3,467.5sqm
 - Informal Recreation – 4,380sqm

- 5.50 The layout as submitted allows for 4.2 Ha of open space. Whilst at this stage the layout is not fixed, I am content that appropriate on-site provision can be achieved, with the intention for the formal and play space to be provided in the southern part of the site and for the informal space, which will also count towards the Green Infrastructure (GI) requirements, largely to be provided through the informal footpath provision that is located to the western boundary.

With regards to the formal provision, whilst this can be accommodated on-site as space provides for this, at this stage it is unknown as to whether the Parish Council want this space to be provided on site or whether they would prefer a financial contribution. It is my understanding that initial contact has been made with the Parish Council to discuss this, but at this stage no formal comments in relation to the formal open space have been provided. Agreement will need to be reached prior to the grant of planning permission. In any event, it is considered that as this space could realistically be achieved on site, the details of open space can be confirmed through the reserved matters stage.

- 5.51 With regard to the emerging allocation, the indicative layout has implemented the requirement to provide "open space in the elevated southern part of the site" and also conserved the significance of Langley Park by including open space along the western perimeter of the site. In addition, the applicant has provided a Built Heritage Statement which includes an assessment of Langley Park.

Impact on local residents

- 5.52 The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 5.53 The site is relatively rectangular in shape and bordered by bungalows along to the south. The remainder of the application boundary adjoins open agricultural land. Existing hedgerows that are to be retained and enhanced enclose the site and would eventually provide a level of screening.
- 5.54 As the application is in outline form(access only) all matters other than access will be reserved for a subsequent application. The indicative layout demonstrates that this would not be such as to adversely impact on the living condition of adjoining residents. It is also proposed to locate the open space to the south and two infiltration basins to the south west side of the site which would increase separation distances between the proposed dwellings and public highway. The trip generation figures identified through the Transport Assessment are considered robust and would not introduce vehicular movements that would unacceptably harm the living conditions of neighbours. Matters of detail and individual relationship between existing and proposed dwellings can be assessed at the reserved matters stage.
- 5.55 Where objections have been made to the layout, form and appearance, as the scheme is in outline these matters can be resolved at reserved matters stage.
- 5.56 In summary, the site has the ability, at reserved matters stage, to secure a sufficiently high quality design in a location with adequate connectivity to a range of facilities by means beyond the private vehicle and as such is therefore considered to fulfil the social role.

Environmental Role

- 5.57 The NPPF confirms the environmental role as:

“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Flood risk and drainage

- 5.58 Paragraph 167 of the NPPF requires Local Planning Authorities to ensure development does not increase flood risk elsewhere and development shall only be allowed in areas at risk of flooding where the where the sequential and exception test have been passed where appropriate and the resilience and safety of the development has been demonstrated.
- 5.59 Paragraph 169 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that is would be inappropriate, this approach is supported by policy DM4.2 in the South Norfolk DM polices.
- 5.60 The site is within fluvial flood zone 1 low risk, with a very low risk of surface water flooding. A small area of high to low risk is shown in the southwest corner of the site where the site generally falls to the west and south west in particular. The scheme has been designed to avoid any areas of flood and the infiltration basin for the site has been indicatively shown in the southwest corner of the site. This is considered acceptable.

- 5.61 The application is supported by a Flood Risk Assessment and Drainage Strategy that shows that infiltration testing has demonstrated soakaways to be viable across the site, therefore an infiltration pond providing storage has been proposed. Where infiltration rates are found to be unfeasible, tanked permeable paving will be used for private drives and roadways. This approach is supported by the LLFA and will be conditioned so that the final details are submitted as part of the reserved matters application. Officers are satisfied that the assessment of surface water flooding satisfactorily addresses the reference to flooding in the allocation text.
- 5.62 In terms of foul drainage Anglian Water have confirmed that the foul drainage from this development is in the catchment of Sisland Water Recycling Centre which currently has capacity for these flows. The developer is reminded that if they wish to connect to AW sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Ecology

- 5.63 The NPPF puts in place the framework for assessing development proposals. This includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity.
- 5.64 The application is supported by an Ecology Report a Preliminary Ecological Appraisal (Greenlight Environmental Consultancy, December 2021), Interim Bat Survey Report and Biodiversity Action Plan Report.
- 5.65 The Councils Ecology and Biodiversity officer has reviewed the proposal and has noted that the ecology report concludes that habitats onsite are of low ecological value and that there are no significant ecological constraints that would prevent the proposed works. The site does however contain priority hedgerow around all four boundaries, but they are not 'important' under the ecological criteria of the Hedgerow Regulations 1997. The Preliminary Ecological Appraisal (PEA) notes that no priority habitat will be affected however an undetermined length of intact species poor hedge (priority habitat) will be lost along the western side for access/visibility. As such the PEA should be amended to reflect the loss of priority habitat and the length of hedge proposed for removal needs to be quantified prior to determination, so that appropriate mitigation can be secured for its loss. The applicant has since updated their PEA and it is noted that 100m of species poor priority hedgerow will be lost and compensated for by the compensation of approx. 659 m of new native species rich (>5 spp) hedge with trees around the site periphery and beyond the red line boundary. Based on the amended information the proposal is therefore acceptable in principle in respect of priority habitats and securing replacement and enhancement. The future management and maintenance of the proposed hedging/trees will be conditioned via a management and maintenance plan to ensure their retention and ongoing contribution as a priority habitat, details of which will be required at the Reserved Matters stage.
- 5.66 As such the Councils Ecology and Biodiversity has raised no objection subject to conditions and noted that this would be a welcomed enhancement and complies with Policy DM 1.4 to deliver biodiversity net gain onsite.
- 5.67 It is noted that the trees along the northern boundary were assessed as having low to moderate bat roost potential (these trees will be retained). Habitat within the site is suitable for nesting birds and there are no ponds within a 250m radius with habitats onsite generally unsuitable for great crested newts (GCN) (the site falls within the green and amber risk zone for GCN). Therefore, recommendations for mitigation during site clearance, and enhancements are made, and a Construction Environmental Management Plans (Biodiversity) will be conditioned.
- 5.68 Comments have also been received in regard to bird boxes and the planting of native hedge adjacent to the internal roads as enhancement, and to prevent vehicles being parked on the Public Open Space. Whilst these comments are noted, it is considered that these matters can be dealt with sufficiently under the reserved matters stage. It would however be appropriate to include a condition requiring, at the reserved matters stage, details for enhancement and ongoing

management to be included within an Ecological Design Strategy (compliant with BS42020:2013), and reflected in the hard and soft landscaping plans. With regards to lighting, it is suggested that this can be dealt with at the detailed design stage and appropriately conditioned.

- 5.69 Officers consider that the information relating ecology submitted as part of the application satisfy the ecology criterion included in the emerging allocation and adopted plan.

Trees

- 5.70 The application is supported by an Arboricultural Impact Assessment. The assessment notes that there are a number of Category B and Category C trees and hedges across the site boundaries, as well as some Category A trees that are to be retained within the area of public open space. The Impact Assessment notes that the majority of the proposed development would have no conflicts with, or impacts upon the existing arboricultural features. As noted above, a section of hedgerow along Langley Road is proposed for removal to create access into the proposed development. However, this would be replaced elsewhere on site. Otherwise all the trees are to be retained. As such, a Tree Protection Plan will be required at Reserved Matters.

Heritage Assets

- 5.71 The application is supported by a Heritage Impact Assessment. The report identifies 3 potential assets within the vicinity of the development proposal. These are Langley Park (Grade II Listed Registered park and garden), the church of Holy Trinity (Grade I Listed Building) and the non-designated built heritage asset of Chauffeur's Cottage. The findings of the report conclude that the site comprises a neutral element within the settings of these built heritage assets, whereby it makes no contribution to the significance of these assets. Any minor visual change identified will not affect how their respective significance is appreciated or understood. Historic England have been consulted and raised no objections with the proposed development. As such, the proposed development would not give rise to any harm to the significance of these assets and accords with Policy DM4.10 and S66 of the Planning and Listed Buildings Act.
- 5.72 In respect of archaeology, the proposed development site has already been subject to a geophysical survey and archaeological trial trenching which identified two areas in need of further archaeological mitigation (in this case open-area excavation) as their significance will be adversely affected by the proposed development. As such, the Historic Environment Service have requested that the development shall take place in accordance with the submitted written scheme of investigation (RPS Group PLC, 24th January 2022) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured. As such, this will be conditioned.

Nutrient Neutrality

- 5.73 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located outside of the catchment area of the sites identified by Natural England and the foul drainage remains outside of catchment. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, (subject to no objections from Natural England) be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Potential impact on Habitats Sites

- 5.74 In respect of impact on protected sites from recreational pressure from development, this is required to be mitigated in part through a tariff secured under S106 agreement and by the delivery of the on-site informal recreation space.
- 5.75 In addition, a Habitats Regulations Assessment (HRA) has been undertaken by the Council which concluded that, due to the location of the site, the proximity and nature of the European Sites and more convenient destinations and the GIRAMS tariff to provide mitigation for recreational impacts, the development having regard to all in combination effects would not have an adverse effect on the integrity of the designated sites. The application can, with regards to recreational impacts on the protected sites therefore also, be safely (subject to no objection from Natural England) determined subject to conditions to secure the mitigation, with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.76 In summary, the development would not compromise the natural, built or historic environment and would fulfil the environmental role.

Equalities Impact Assessment

- 5.77 Under section 149 of the Equality Act 2010, the Council has had due regard to the impacts of this proposal, specifically the principle of the location and connectivity of the housing. Further assessment will be needed at the detailed application stage.

Local Finances

- 5.78 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.

CIL

- 5.79 This application is liable for Community Infrastructure Levy (CIL) which will be calculated at reserved matters stage.

Planning balance and Conclusion

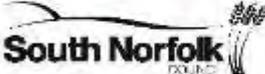
- 5.80 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing, are not significantly and demonstrably outweighed by the short term and localised landscape harm. In addition, the scheme is consistent with the aspirations of the emerging GNLP allocation (GNLP0463R), which officers consider can be afforded moderate weight in the decision-making process. With this in mind it is considered that, when considered as a whole, the scheme does represent a sustainable development in the context of the NPPF.
- 5.81 For the reasons set out above the scheme is considered acceptable in planning terms and is therefore recommended for approval.

Recommendation : Authorise the Assistant Director (Planning) to approve with conditions subject to Section 106 and there being no objection received from Natural England.

1. Time Limit - Outline
2. In accordance with submitted drawings
3. Submission of reserved matters
4. SHC 01- detailed plans of the roads, footways, foul and surface water drainage
5. SHC 02 -compliance
6. SHC 03A – compliance
7. SHC 17 – visibility splays
8. SHC 23 - provision for on-site parking for construction workers
9. SHC 24A - Construction Traffic Management Plan
10. SHC 33A - off-site highway improvement
11. SHC 33B – compliance
12. Construction Environmental Management Plan
13. Lighting for biodiversity
14. Ecological design strategy
15. Tree protection
16. Details of Landscaping
17. Landscape management plan
18. Surface water drainage
19. Finished floor levels
20. Water efficiency
21. Foul drainage to mains
22. Contamination during construction
23. Renewable energy
24. Site levels to be agreed at reserved matters stage

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Application 7

2022/0067
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- 7. Application No : 2022/0067/F**
Parish : REDENHALL WITH HARLESTON

Applicant's Name: M Scott Properties Ltd and Saffron Housing Trust
 Site Address Land to the east of Mendham Lane Harleston Norfolk
 Proposal Proposed planning application for 354 residential dwellings, 91 extra care apartments, 16 extra care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure, demolition of existing agricultural buildings.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary :

To authorise the Assistant Director of Planning to approve subject to conditions, a S.106, and there being no substantive comments received from Natural England.

The S106 agreement is to secure affordable housing; open space; community land; allotments; custom build housing; travel plan and travel plan bond; and a Recreation Avoidance and Mitigation (RAMs) contribution.

1 Proposal and site context

- 1.1 The application site comprises of 27.1 ha of agricultural land situated between the south-eastern extent of Harleston and the A143 to the east and south. Therefore, the western boundary, and a proportion of the northern boundary, is defined by existing residential development, in addition to an element of commercial development to the south-west. To the east of the site, beyond the A143, is open countryside. There is an allotment immediately to the south of the site.
- 1.2 A private road currently dissects the site into two parcels, with the road providing access off Mendham Lane to the west and the A143 to the east. The private road coincides with Public Footpath 18.
- 1.3 Within the site, there is an existing dwelling, albeit this dwelling is not included within the application site boundary, a pond, and a number of agricultural buildings. Several arable fields form the remainder of the site, with existing planting defining their respective boundaries.
- 1.4 Full planning permission is sought for the development of the site to deliver 354 residential dwellings, 91 extra care apartments, 16 extra care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure. The aforementioned existing dwelling would be retained as part of the proposed development, whilst the existing agricultural buildings would be demolished. Moreover, the private road which currently provides vehicular access to the site would be closed off and removed, including its connection to the Mendham Lane roundabout junction, with a pedestrian footpath and soft landscaping retained in its place.
- 1.5 The land adjacent to the south-east corner of the site has recently been granted planning permission for a new foodstore under application reference 2022/0115.
- 1.6 The application site, along with the adjacent site for the foodstore, is a draft allocation within the emerging Greater Norwich Local Plan (GNLP), under Policy GNLP 2136.

2. Relevant planning history
- | | | | |
|-----|-----------|--|-----------------------------|
| 2.1 | 2021/1830 | Screening Opinion for erection of a discount foodstore with access, parking, landscaping and other associated works. | EIA Not Required |
| 2.2 | 2021/2547 | Screening Opinion - Proposed planning application for 354 residential dwellings, 91 Extra Care Apartments, 16 extra-care bungalows, public open space, allotments and 1.61ha of land for community use together with associated site infrastructure. | EIA Not Required |
| 2.3 | 2022/0015 | Erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works. | Approved |
| 2.4 | 2022/1969 | Demolition of existing agricultural buildings to the north of Briar Farm House | Prior approval not required |
3. Planning Policies
- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 03 : Plan-making
 NPPF 04 : Decision-making
 NPPF 05 : Delivering a sufficient supply of homes
 NPPF 06 : Building a strong, competitive economy
 NPPF 07 : Ensuring the vitality of town centres
 NPPF 08 : Promoting healthy and safe communities
 NPPF 09: Promoting sustainable transport
 NPPF 10 : Supporting high quality communications
 NPPF 11 : Making effective use of land
 NPPF 12 : Achieving well-designed places
 NPPF 13 : Protecting Green Belt land
 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 4 : Housing delivery
 Policy 5 : The Economy
 Policy 6 : Access and Transportation
 Policy 7 : Supporting Communities
 Policy 8 : Culture, leisure and entertainment
 Policy 13 : Main Towns
 Policy 20 : Implementation

- 3.3 South Norfolk Local Plan Development Management Policies
- Policy DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
 - Policy DM1.2 : Requirement for infrastructure through planning obligations
 - Policy DM1.3 : Sustainable location of development
 - Policy DM1.4 : Environmental Quality and local distinctiveness
 - Policy DM3.1 : Meeting Housing requirements and needs
 - Policy DM3.8 : Design Principles
 - Policy DM3.10 : Promotion of sustainable transport
 - Policy DM3.11 : Road safety and the free flow of traffic
 - Policy DM3.12 : Provision of vehicle parking
 - Policy DM3.13 : Amenity, noise and quality of life
 - Policy DM3.14 : Pollution, health and safety
 - Policy DM3.15 : Outdoor play facilities and recreational space
 - Policy DM4.1 : Renewable Energy
 - Policy DM4.2 : Sustainable drainage and water management
 - Policy DM4.3 : Facilities for the collection of recycling and waste
 - Policy DM4.5 : Landscape Character Areas and River Valleys
 - Policy DM4.8 : Protection of Trees and Hedgerows
 - Policy DM4.9 : Incorporating landscape into design
 - Policy DM4.10 : Heritage Assets
- 3.4 Redenhall with Harleston Neighbourhood Plan
- Policy RWH1 : Housing mix
 - Policy RWH2 : High quality design
 - Policy RWH5 : Community infrastructure and growth
 - Policy RWH6 : New community infrastructure
 - Policy RWH8 : New play areas, open spaces, and sports provision
 - Policy RWH15 : Traffic generation and safety
 - Policy RWH16 : Pedestrian and cycle connectivity
 - Policy RWH17 : Protection and enhancement of existing Public Rights of Way
 - Policy RWH18 : Parking
 - Policy RWH19 : Landscape character and town gateways
 - Policy RWH21 : Natural assets
 - Policy RWH22 : Climate change and flood risk
 - Policy RWH23 : Landscaping buffers and pollution
- 3.5 Supplementary Planning Documents (SPD)
- South Norfolk Place Making Guide 2012
 - Redenhall with Harleston Design Guidelines and Code

4. Consultations

4.1 Redenhall with Harleston Town Council

Initial response, dated 18.03.22:

Design

- Residential designs do not reflect local character and distinctiveness, neither do they seek to enhance the quality of the area.
- Extra care apartments building has an overbearing and institutional appearance.
- Proposals do not accord with the South Norfolk Design SPD or the Redenhall with Harleston Design Guidelines and Code.

Community infrastructure

- Impact on local health infrastructure is a concern for local people.
- Provision of extra care housing is likely to have an additional impact on health services, due to the anticipated needs of future residents.
- Notes that the Norfolk and Waveney Integrated Care System consultation response calculates the capital costs for providing health care services for the development to be £673,631.
- No guarantee that CIL monies will be allocated to health infrastructure.

Flooding, waste water, and treatment plant

- Concerns raised regarding potential for off-site flooding as a consequence of increase in surface water run-off.
- Policy RWH22 of the Neighbourhood Plan identifies areas of localised flooding, including at Lovat Close and Jay's Green, both of which are close to the site.
- Concern regarding the capacity of the Harleston Waste Treatment Plant to accommodate foul sewage from the development.
- The development should not exacerbate existing surface or foul water drainage problems, or create new ones, within the town.

Traffic flow and congestion

- Would like to see the section of Mendham Lane as it narrows to join Old Market Place to be included in the traffic monitoring programme in order to manage the volume of traffic and its impacts.

Access from the A143

- Supports the inclusion of a temporary construction access from the A143.
- Would like to see the temporary access as a permanent access to alleviate traffic pressures.
- Would welcome further analysis of the access points, to ensure they do not exacerbate existing highway issues.

Reroute town centre traffic flow to push traffic to the bypass

- Would like to see measures incorporated to direct traffic from the estate to the town centre via the bypass, to reduce traffic increase within existing residential areas.

Walking and cycle routes

- Supports the provision of pedestrian and cycle routes through the development but would like to see engagement with local authorities to connect the site to the town centre through specific pedestrian and cycle routes.

Renewable energy

- Would like to see greater use of renewable energy measures, including future proofing.
- Sustainability measures should include electric vehicle charging points; the installation of solar or other electricity generating and storage technologies; and the incorporation of rainwater harvesting and grey water recycling.

Impact on existing businesses

- Concern regarding the proposed shopping facility and its impact on existing businesses within the town centre.

*Officer comment: This concern relates to planning application 2022/0015/F which was reported to Planning Committee on 22 October 2022, with the Planning Committee resolving to grant planning permission subject to conditions and a S.106.

Low income

- Whilst the inclusion of affordable housing is welcomed, concerns have been raised that there may be a subsequent decline in the average per capita income of Harleston residents, which could affect the retail offerings in the town centre.
- The Town Council and residents are proud of the high proportion of independent shops within the town centre and are concerned about their loss or decline.

Transport miscalculations

- Calculations provided within the submission on the time it takes to walk into the town have been disputed by residents walking the indicated route.
- Proposed development does not align well with current public transport services, which are limited and infrequent.
- Would welcome discussions around the arrangement of a free shuttle bus service.

Position and access to the Community Land

- Comments raised regarding the position of the proposed community land and the resulting requirement for vehicular traffic to travel through a residential area.
- Would like to see access provided to the community land from an adopted road.
- The above response from Redenhall with Harleston Town Council was informed by an advice noted prepared by Compass Point Planning & Rural Consultants, which covers the following themes:
 - Principle of development.
 - Conformity with adopted and emerging policy, including the Redenhall with Harleston Neighbourhood Plan.
 - Access and traffic generation.
 - Design and layout.
 - Housing mix, including affordable housing and custom build plots.
 - Heritage and archaeology.
 - Landscape.
 - Ecology.
 - Trees.
 - Noise.
 - Health contributions.
 - Land for community use.
 - Amenity/landscape buffers.
 - Drainage and flood risk.
 - Community engagement.
 - Public open space and its management.

The response was also accompanied by a record of the concerns raised by residents at the Town Council meeting held on 10 March 2022.

Both of the supplementary documents referred to above can be viewed on the Council's website.

Second response, dated 21.07.22:

- Previous comments remain valid. Disappointment expressed at the fact that the access off the A143 has been omitted from the most recent plans.

4.2 District Councillor - Cllr. Savage

Initial response, dated 12.07.22:

- Requested that the application be considered by Planning Committee, due to its scale and the long-term issues involved.
- Moreover, clarification was sought on the way in which rooms sizes have been measured, with a further comment that some rooms appear small.

4.3 Water Management Alliance

- Recommends that the discharge of surface water from the site be attenuated to the Greenfield Runoff Rates wherever possible.

4.4 Historic Environment Service

- Notes that there is potential for heritage assets of archaeological interest to be present at the site and that their significance would be adversely affected by the proposed development. Accordingly, the Historic Environment Officer has requested conditions to mitigate against any potential impacts should planning permission be granted.

4.5 Anglian Water Services Ltd

- The method for surface water management does not relate to Anglian Water assets. Recommended consultation with the Lead Local Flood Authority (LLFA).

Second response, dated 20.07.22:

- Comments the same as the initial response received.

4.6 SNC Senior Heritage & Design Officer

- Provided a number of comments with regards to the proposed design of the development during the period of pre-application engagement and during the course of the planning application. Comments were provided in relation to the layout, house type designs, landscaping, and the design of the extra care housing and custom build housing elements of the scheme.
- Following the incorporation of suggested changes, no objections have been raised to the proposed development.

4.7 SNC Ecologist and Biodiversity Officer

Initial response, dated 10.06.22:

- Noted that, whilst the proposed development complies with relevant planning policy, it had not been possible to locate the great crested newt (GCN) report referred to in the updated Preliminary Ecological Assessment. Further comments included:
 - Updated bats surveys also recommended.
 - Site located within a SSSI zone of influence, awaiting comments from Natural England.
 - Proposed development would achieve a Net Gain for Biodiversity, with a 24.46% increase in habitat units, and an 84.49% increase in hedgerow units.
 - Recommended a number of conditions and a financial contribution (GIRAMs).

Second response, dated 13.10.22:

- Noted that eDNA surveys have been undertaken and that a report was submitted, on 17 August, which recommends proceeding with a district level license (DLL). A countersigned IROPC document, including the red line boundary plan submitted to Natural England, will need to be submitted prior to determination.

4.8 SNC Services - Environmental Quality Team

Initial response, dated 19.04.22:

- No objections raised, subject to the imposition of recommended conditions relating to noise, construction management, and contamination. An informative is also recommended with regards to asbestos.

Second response, dated 14.07.22:

- No comments to make on the revised plans. Previous comments remain valid.

4.9 NCC Highways

Initial response, dated 08.04.2022:

- No objection to the principle of the development, however, the Highway Authority is unable to fully assess the proposed development as the Transport Assessment is not available to view on the Council's website.
- In addition, amendments and clarification were requested in relation to:
 - Traffic calming measures.
 - Forward visibility.
 - Private accesses and shared drives.
 - Refuse vehicle tracking.
 - Improvements to the existing public footpath.
 - Details of vehicular accesses to be permanently closed.
 - Pedestrian crossings.
 - Carriageway details.
 - Maintenance arrangements.
 - Cycleways.
 - Parking spaces.

Second response, dated 29.07.22:

- Further comments provided in relation to:
 - Plans do not show removal of existing access onto the Mendham Lane roundabout.
 - PROW details to be clarified.
 - Layout plan updates required.
 - Refuse vehicle tracking requires further consideration.
 - Need to demonstrate pedestrian / vehicular splays to rear of footway crossings at junctions with shared surfaces.
 - Cyclepath needs revising on either side of the private drive serving plots 123 to 126.

Third response, dated 28.10.22:

- No further detailed comments raised that would need to be addressed prior to the application being considered by Planning Committee. However, a few further points should be considered as follows:
 - Existing access from Mendham Lane will need to be removed in accordance with a detailed scheme to be agreed. Satisfied that a condition could achieve this in the absence of updated plans.
 - Footpath across the site should follow the route of the existing PROW.

Recommended highway conditions should planning permission be granted.

4.10 SNC Housing Enabling & Strategy Manager

Initial response, dated 10.05.22:

- Raised no objection to the proposed development, but instead responded that the proposed development would provide a good mix of homes to meet demand and need, including bungalows designed for wheelchair users.
- Additional comments also included:
 - Excellent mix of types and tenures.
 - All internal floor areas are acceptable, and some are exceptionally good.
 - Notes that all of the extra care housing would be affordable.
 - Two of the one-bedroom, extra care flats would be designed as bariatric accommodation.
 - Mix based upon Saffron Housing Trust's successful experience with similar developments.
 - Phasing proposed would be acceptable.
 - Acknowledged that funding is to be sought from Homes England to deliver affordable homes beyond the adopted policy requirement of 33%.
 - Suggested use of Plot Passports for the 16 custom build dwellings proposed.

Second response, dated 12.07.22:

- Initial comments remain unchanged, as no changes have been made to the type and mix of affordable homes. No objection to the application.

4.11 Environmental Waste Strategy

Initial response, dated 02.08.22:

- Bin storage areas need to provide for three bins, not two.
- Bin collection points for the extra care housing need to be located next to the adoptable highway, or the unadopted road will need to be built to an adoptable standard in order to enable access by refuse vehicles.
- Consideration should be given to shared bins for the extra care housing element, rather than individual bins.
- Suggested that dog and litter bins be provided for the Public Open Space and play area.

4.12 SNC Landscape Architect

No formal comments received.

4.13 NCC Planning Obligations Co Ordinator

Initial response, dated 10.06.22:

- Responded with a list of infrastructure requirements to be funded by CIL comprising Early Years & Primary: £1,682,640.00 and Library contributions: £26,550.00
- The response also highlighted the requirements of Norfolk Fire Services, as well as the need to provide housing for the ageing population, including 360 extra care units, of which 144 are to be affordable, by 2028.

Second response, dated 18.07.22:

- No further comments to make, but previous comments remain valid.

4.14 Designing Out Crime Officer

Initial response, dated 08.02.22:

- Recommends that the Applicant has regard to the principles of Crime Prevention through Environmental Design and Secured by Design. Other recommendations made include:
 - Permeability within layout needs to be balanced against higher crime rates.
 - Footpaths, public open spaces, and allotments should be overlooked through passive surveillance.
 - Access to allotments should be restricted through enclosure.
 - Boundary treatment to dwellings and extra care housing should provide defensible space.
 - Active elevations should be utilised to promote passive surveillance.
 - Positive that parking is principally proposed adjacent to each individual home.
 - Communal parking areas should be arranged in small groups close to the homes they serve.
 - Rear parking courts are not supported.
 - Consideration should be given to access control to the extra care housing.
 - Proposal for external lighting supported.

Second response, dated 21.07.22:

- Re-affirmed earlier comments, but also provided further comments in relation to the revised arrangement of footpaths and their security implications.

4.15 NHS England

No comments received.

4.16 NHS Norfolk and Waveney Integrated Care System

- Notes that the development will have an impact on the NHS funding programme for the delivery of healthcare provision within the area, with the extra care provision anticipated to place a further strain on local services. If unmitigated, the implications of the impacts would be unsustainable.
- Welcomes the submission of a Health Impact Assessment (HIA), however, whilst significant CIL payments would be collected, it is not guaranteed that health will receive a CIL contribution.
- Recommended that healthcare contributions should be sought from the development, to contribute towards the provision of sustainable healthcare services, in accordance with the calculations provided within Table 1 of the consultation response.

4.17 Harleston Medical Practice

No comments received.

4.18 Natural England

Comments pending.

4.19 Norfolk And Waveney Local Medical Council

No comments received.

4.20 NCC Lead Local Flood Authority

Initial response, dated 28.02.22:

- Holding objection imposed due to insufficient information, namely an acceptable Flood Risk Assessment.

Second response, dated 26.04.22:

- Following a review of the additional information provided by the Applicant, the LLFA has no objections to the application subject to the imposition of recommended conditions.

Third response, dated 26.07.22:

- Nothing further to add to previous response on 26th April.

4.21 NHS Norfolk And Waveney ICB

No comments received.

4.22 Other Representations

25 objections received, with the concerns raised summarised as follows:

- Harm to neighbour amenity
- Insufficient capacity at Waste Treatment Plant
- Access arrangement proposed unacceptable
- Increase in traffic
- Detrimental impact on highway safety
- Cumulative highway impact with other developments
- Proposal represents too much development
- Loss of green space
- Construction phase would cause disruption
- Insufficient infrastructure capacity (health services, highways, public transport, drainage, education, and employment)
- Insufficient parking
- Increase in antisocial behaviour
- Flood risk
- Increase in noise disturbance and pollution
- Negative impact on Harleston's market town character
- Inadequate sustainability measures proposed
- Omission of temporary construction access off the A143 would make highway impacts worse during construction
- Re-purposing of existing buildings should be prioritised over new homes on undeveloped sites

In addition, 4 neutral representations have been received, with the comments summarised as follows:

- No objection to housing, but concern over highway impact
- Infrastructure capacity queried
- Support for new housing, but the housing should include solar panels, air source heat pumps, and electric vehicle charging points.

5. Assessment

Key considerations

- The principle of development
- Economic Role
- Social Role (location & accessibility, access & highway considerations, landscape impact, design, landscaping & open space, residential amenity, housing mix and affordable housing)
- Environmental Role (heritage, ecology & protected species, trees, flood risk & drainage, contamination, sustainability measures and nutrient neutrality)

Principle

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council's Development Plan consists of the Joint Core Strategy (JCS), the South Norfolk Local Plan Development Management Policies (SNLP) and, relevant to this application, the Redenhall with Harleston Neighbourhood Plan (RHNP).
- 5.2 The application site is located outside of the adopted development boundary for Harleston, and as such is located on land designated as countryside within the Development Plan. In such cases and of relevance to this proposal is that Policy DM1.3 of the Council's Development Management Policies Document sets out that new development in the countryside will be permitted where it complies with another policy and/or allocation of the development plan (criterion 2, c) or otherwise demonstrates overriding benefits in terms of the economic, social and environmental dimensions of sustainable development (criterion 2, d). This proposal does not meet with a specific policy or allocation that would allow new development in the countryside so instead, overriding benefits would need to be demonstrated. It should however be noted that the site has been allocated for residential development in the Draft Local Plan under Draft Policy GNLP2136.
- 5.3 Notwithstanding the above, in assessing the proposed residential development, it is necessary to have regard to the fact that the Council currently has less than 5 years of deliverable sites, when having regard to the temporary impact of Nutrient Neutrality, and as such the second part of paragraph 11 is engaged, which states:
- “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”*
- 5.4 On the basis of the above Policy DM1.3 is considered to be “out of date” and therefore the following assessment seeks to establish the benefits of the scheme and any harm that would be caused in the context of sustainable development as set out in the NPPF, and in particular, with reference to the three dimensions (economic role, social role and environmental role) and under each of these three headings the relevant South Norfolk Local Plan Development Management Policies will be referred to.

- 5.5 In respect of the current housing land supply position referred to above, it is anticipated that this will be a “short lived” position brought about by the entirely unforeseen circumstances relating to Natural England’s recent advice on nutrient neutrality.
- 5.6 In respect of Nutrient Neutrality, the Council is a member of the Duty to Co-Operate Board for Norfolk, which is coordinating the response to the Nutrient Neutrality issue in the County. To help with the resolution of this matter, the Norfolk authorities have engaged Counsel to provide advice on the legal implications and restrictions resulting from Nutrient Neutrality. The Greater Norwich authorities (which cover the area over which land supply is calculated) have also engaged Royal Haskoning to prepare a Nutrient Management and Mitigation Strategy. Royal Haskoning have been engaged based on their extensive experience of nutrient neutrality issues elsewhere in the country and on the basis that they are able to progress this mitigation strategy at pace. This will enable solutions to be implemented at the earliest opportunity.
- 5.7 The Council is also working proactively with developers across the Greater Norwich area to understand the impact of the Nutrient Neutrality guidance on the delivery of development sites and identify opportunities for where sites are able to progress.
- 5.8 Notwithstanding the significant work that is going on; the government’s commitments to find a solution; and the strong likelihood of a mitigation solution being installed in a substantially quicker timeframe than has been achieved elsewhere, at the time of writing the Council recognises that there remains a significant degree of uncertainty about the progress of a number of permitted and allocated development sites. Therefore, the Council proposes that, taking a precautionary approach, the application is determined, as set out above, on the basis that there is not a demonstrable five-year supply of deliverable housing sites
- 5.9 As this proposal does not harm a ‘protected area’, the decision taker in this case only needs to consider the NPPF’s requirement to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is referred to as the ‘tilted balance’.
- 5.10 In making an assessment against the “tilted balance” the following assessment is structured to assess the scheme against the three roles of sustainability as outlined in the NPPF. The assessment will also address how the scheme complies with the requirements of the emerging allocation referred to in paragraph 3.4 above insofar as it is considered that having regard to Paragraph 48 of the NPPF, officers are minded to afford moderate weight to the GNLP in the determination of this application. For ease of reference paragraph 48 of the NPPF states:
- Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 5.11 In addition, officers have had regard to the issue of “prematurity” and the NPPF advises that prematurity is only likely to be a justifiable reason for refusal if the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan. Officers consider that this is only likely to be the case in respect of the most significant of site specific requirements. Based on this it is considered that this application is unlikely to be so significant in isolation, or in combination as to justify refusal on grounds of prematurity.

5.12 The emerging GNLP allocation text states:

“Land at Briar Farm, Harleston (approx. 27.04 ha) is allocated for mixed-use development. The site is likely to accommodate approximately 360 homes, of which around 60 will be single storey dwellings aimed at the active elderly. In addition to housing, the mix of uses is also to include a 90 unit extra care housing scheme, 0.8 ha of retail or employment land, 1.6 ha for community use, allotments, and public open space.

The development will address all the following specific matters:

- 1. Masterplan to identify the mix of uses on the site and the relationship between them, to be accompanied by a phasing and infrastructure plan.*
- 2. Transport assessment with implementation of any agreed highway mitigation measures.*
- 3. At least two points of vehicular access with 3.0m wide frontage footway/cycleway to connect with existing facilities and revision of speed limit.*
- 4. A new footpath connection to the existing Public Right of Way to the north of the site, creating a new link to the proposed open space to Angles Way.*
- 5. Safeguarding of existing Public Right of Way east of Mendham Lane.*
- 6. Design and layout to take account of the existing residential and employment development to the west, northwest and north of the site, to protect the amenity of existing and future residents.*
- 7. Layout and landscaping to take account of the River Valley location and the potential to mitigate noise from the adjacent A143.*
- 8. Contribution towards green infrastructure protection or enhancement along the Waveney valley corridor.*
- 9. Appropriate investigation works and mitigation measures to address the surface water flooding to the north east of the site will be required.*
- 10. A proportionate contribution towards a new public water supply to help meet the requirements of the development.”*

Economic role

5.13 The NPPF confirms the economic role as:

“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

5.14 The scheme would result in some short-term economic benefits as part of any construction work and in the longer term through local spending from the future occupants. It is therefore considered that the scheme would bring forward a level of economic benefit.

Social Role

5.15 The NPPF confirms the social role as:

“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

Location and Accessibility

5.16 One of the fundamental objectives of Policy DM1.3 of the SNLP, as referred to in the supporting text for the policy at paragraph 1.2, is to guide new development towards sustainable locations and at an appropriate scale to implement the JCS.

- 5.17 Policy 1 of the JCS starts by setting out that, in order to address climate change and promote sustainability, all development will be located and designed to use resources efficiently, minimise greenhouse gas emissions, and provide for climate change adaptation and resilience. Policy 6 of the JCS, amongst other matters, promotes the concentration of development close to essential services and facilities to encourage walking and cycling as the primary means of travel, with public transport for wider access.
- 5.18 Section 6 of the JCS provides the spatial hierarchy for sustainable growth within South Norfolk, Broadland, and Norwich. The settlement hierarchy is as follows:
1. Norwich urban area, including the urban fringe parishes.
 2. Main Towns
 3. Key Service Centres
 4. Service Villages
 5. Other Villages.
- 5.19 Policy 13 of the JCS identifies Harleston as a main town. The main towns are amongst the most sustainable locations within the JCS area to accommodate growth, as they have good access to day-to-day services and facilities.
- 5.20 The above policy objectives, including the use of a settlement hierarchy, are consistent with the NPPF which encourages sustainable growth by focussing new homes in locations with good access to services, facilities, and employment opportunities, as such an approach limits the need to travel, especially by car, and promotes a genuine choice of sustainable modes of transport.
- 5.21 The application site is situated immediately adjacent to the development boundary of Harleston. Therefore, whilst the site would not be located within the existing confines of the main town, future occupants of the proposed development would benefit from access to a range of services and facilities to meet their day-to-day needs by a range of sustainable modes of transport. For instance, within Harleston there are existing shops, employment uses, leisure facilities, health services, and education facilities, including a primary and a secondary school. A new discount foodstore will also be delivered immediately to the south-west of the site, following the recent grant of planning permission for application 2022/0015.
- 5.22 As set out within the submitted Transport Assessment, many of the local amenities would be within walking distance of the site, with the proposed layout, to be discussed further below, promoting pedestrian movements and connections. Additionally, the proposed layout encourages cycling as a convenient mode of travel, through the incorporation of a shared pedestrian and cycleway, thereby increasing opportunities for future residents to cycle, as well as walk, to local amenities.
- 5.23 In addition to the above, the site is within a reasonable walking distance of the nearest bus stops in London Road, Broad Street, and Redenhall Road. Three bus services operate from Harleston town centre providing onward connections to Norwich, Diss, Beccles, Bungay, Hempsall, and Long Stratton.
- 5.24 An Interim Travel Plan has been submitted with the application which sets out measures to, amongst other matters, inform and enable future occupants to make sustainable travel choices. The measures outlined would be secured through conditions recommended by the Highway Authority, Norfolk County Council Highways, and obligations to be engrossed within the S.106.
- 5.25 Lastly, whilst the sustainable location of the site would provide opportunities to maximise sustainable modes of transport, the proposed development will generate vehicle movements and so it is also material to note that the site is well-connected to the local and strategic highway network.

- 5.26 In conclusion, it is considered that the site is in an accessible and sustainable location for new residential development. This conclusion is consistent with the identification of the site as a suitable growth location for Harleston within the emerging GNLP. Specifically, as aforementioned, draft Policy GNLP2136 of the emerging GNLP allocates the site, known as Briar Farm, for the development of approximately 360 homes, 90 extra care units, 0.8ha of retail or employment land, 1.6 ha for community use, allotments, and public open space.

Access and Highway Considerations

- 5.27 Policies DM3.11 and DM3.12 of the SNLP, Policies 2 and 6 of the JCS, and Policies RWH15, RWH16, RWH17, and RWH18 of the RHNP collectively seek to ensure the safe and free movement of traffic; the promotion of walking and cycling; the protection and enhancement of existing Public Rights of Way; and the provision of sufficient parking, in accordance with the Council's adopted parking standards.
- 5.28 The above policy objectives are reflected within paragraphs 100, 104, 107, 108, 110 and 112 the NPPF and under draft Policy 2 of the emerging GNLP. Paragraph 111 of the NPPF is explicit that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.29 Meanwhile, draft Policy GNLP2136 of the emerging GNLP establishes site specific highway considerations for the proposed development to address, including the provision of two access points; pedestrian and cycle connectivity; the safeguarding of Footpath 18; and the creation of new public footpath connections.
- 5.30 In its current format, the site is principally accessed via an unadopted, private road which runs through the centre of the site between the Mendham Lane roundabout junction to the west and the access off the A143 to the east. The central route is concurrent with Footpath 18, a PROW, and provides access to the dwelling at Briars Farmhouse. There is also an additional access from Jay's Green and Green Lane to the north, which serves farm vehicles.
- 5.31 To facilitate the proposed development, the existing vehicular access points would be closed off and new access points would be created, comprising of two priority T-junctions off Mendham Lane (as requested under the emerging allocation). Notwithstanding this, the existing vehicular access off the Mendham Lane roundabout would be retained and utilised for the construction phase of the development. Once the construction phase has been concluded, the roundabout junction would be modified to permanently remove vehicular access. It had initially been proposed to provide a temporary construction access from the A143, however, following consultation with NCC Highways it was agreed to omit this element of the proposal due to concerns over increasing the number of larger vehicles entering and exiting the site from a major road.
- 5.32 With regards to traffic generation and impacts, the application is supported by a Transport Assessment (TA) (as requested under the emerging allocation) which concludes that the increase in traffic expected to be generated by the proposed development would not have a significant impact upon the local highway network in terms of safety or capacity. For instance, the junction capacity analysis undertaken demonstrates that all junctions tested within the vicinity of the site operate within capacity, even when factoring in the worst-case scenario of all development traffic and 10 years' growth applied to background traffic. Furthermore, no other detrimental highway impacts or safety issues have been identified within the TA.
- 5.33 In terms of connectivity, the site layout provides for a number of internal and external pedestrian and cycle links. For instance, Footpath 18 has been incorporated into the proposed layout, with a number of the proposed on-site footpaths connecting to it, enabling it to form an intrinsic component of the extensive network of formal and informal pedestrian routes proposed. The central loop road is in itself an element of this network, given it would be bounded by a 2-metre-wide dedicated footpath on one side of the carriageway, and a 3-metre-wide shared pedestrian

and cycle on the other side. Connections are also proposed onto Jay's Green and Green Lane to the north. These footpath and cycleway connections are in accordance with criteria 3, 4 and 5 of draft Policy GNLP2136 of the emerging GNLP.

- 5.34 It is noted that the walking times set out within the application submission have been disputed by local residents, however, the walking times set out are intended to be informative, not exact. Even allowing for potential variations in walk times between individuals, this does not detract from the overall conclusion that the site is in a sustainable location, thereby limiting the need of future occupants to travel, whilst also offering them a genuine choice of sustainable modes of transport.
- 5.35 As a statutory consultee, NCC Highways have reviewed the submission, including the TA, and have returned no objections to the proposed development, subject to the imposition of their recommended conditions, including a Traffic Management Plan, and the implementation of the proposed highway improvements, the particulars of which are to be agreed at the detailed highway design stage.
- 5.36 Car parking is also proposed across the site in a manner that accords with the adopted Parking Standards, produced by NCC.
- 5.37 Therefore, to summarise, Officers consider that the proposed development would be acceptable with regards to highway considerations, and as such it would be compliant with Policies DM3.11 and DM3.12 of the SNLP, Policies 2 and 6 of the JCS, and Policies RWH15, RWH16, RWH17, and RWH18 of the RHNP. It would also be in accordance with the relevant policies and objectives contained within the NPPF and the requirements of draft Policies 2 and GNLP2136 of the emerging GNLP.

Landscape Impact

- 5.38 Alongside its other sustainability objectives, one of the justifications for Policy DM1.3 of the SNLP, in terms of focussing development within settlement boundaries, is to recognise the intrinsic character and beauty of the countryside. It follows that Policy DM4.5 of the SNLP requires all development to respect, conserve, and, where possible, enhance the landscape character of its immediate and wider environment.
- 5.39 Likewise, Policy 1 of the JCS sets out that all development proposals should seek to increase public access to the countryside, whilst Policy 2 of the JCS establishes a requirement to respect landscape character, including the wider countryside.
- 5.40 Policy RWH19 of the RHNP states that the visual scenic value of the landscape and countryside in the Neighbourhood Plan Area outside the defined settlement boundary will be protected from development that may adversely affect its character. The policy goes on to explain that where a development would include any parts of the neighbourhood area that have sensitive features typical of the Rural River Valleys and the Waveney Tributary Farmland Character Areas, such as long tree belts, mature hedges, mature oaks, ponds, moats, wet meadow, wet pasture and heathland, these should be incorporated into the design and layout of development proposals such that the locally characteristic patterns can be retained within new land uses.
- 5.41 All of the above Development Plan policy objectives are reflected within the NPPF and draft Policies 2 and 3 of the emerging GNLP. Moreover, draft Policy GNLP2136 of the emerging GNLP requires the development of the site to take account of the Waveney valley corridor in the proposed layout and landscaping.

- 5.42 The site lies within the overarching Rural River Valley Landscape Type and it is sub-categorised within the Waveney Rural River Valley Landscape Character Area (LCA). When assessing the impact of the proposed development upon the distinctive characteristics of the landscape, the LCA outlines the following development considerations:
- Maintain the character of the rural lane network and particularly the sunken lanes with their fords and bridge crossings, which characterise the area.
 - Conserve the views to landmark churches on the valley crests. Protect and enhance the setting of these landmark features.
 - Conserve and enhance the compact character of the market towns and small-scale vernacular settlements.
 - Ensure main roads along the valley sides (A1066 and A143) do not provide a catalyst for further linear development.
 - Protect the intact rural character of the river valley, for example from large-scale development and road lighting schemes, which could impinge on the tranquil, peaceful character.
 - Consider the impact of potential infrastructure projects on the character of the Waveney River Valley and adjacent B4 Waveney Tributary Farmland.
- 5.43 The application is supported by a Landscape and Visual Impact Assessment (LVIA), prepared by Lockhart Garratt, which assesses the baseline landscape and visual characteristics of the site; identifies and assesses the potential impacts of the proposed development upon the established baseline; and proposes, where possible, suitable mitigation measures to reduce the adverse impacts to an acceptable level.
- 5.44 One of the main observations with regards to landscape impact within the LVIA is that the site is heavily influenced by the existing settlement edge of Harleston and the presence of the A143, a dominant infrastructure feature within the setting of the site and the town. In terms of visual impact, the LVIA identifies that views of the site are mostly available from the existing settlement edge, rather than from the wider open countryside surrounding the site. This is in part due to the site largely being surrounded by mature vegetation.
- 5.45 It is recognised that the introduction of residential development on the site would inherently change its existing character as a group of arable fields, a cluster of farm buildings, and a dwelling. However, the LVIA concludes that the adverse effects of the proposed development would be Moderate/Minor or Minor in significance for the vast majority of the landscape receptors, with only Footpath 18, which cuts through the site, anticipated to experience an adverse effect of Moderate significance.
- 5.46 In relation to the visual impacts, the LVIA similarly concludes that the adverse effects of the proposed development would be Moderate/Minor or Minor in significance for most visual receptors, albeit residents of Briar Farm and Barley Close are anticipated to experience an adverse effect of Major/Moderate significance. This is therefore considered to be a significant effect. Moreover, whilst of a lesser significance, the residents of Jay's Green, Harvest Way, and Thresher Way are anticipated to experience an adverse effect of Moderate significance.
- 5.47 In order to reduce the landscape and visual impacts of the proposed development, the LVIA recommends a number of mitigation measures, which have subsequently informed the proposed design and landscaping of the scheme. These measures are summarised as follows:
- Retention and enhancement of all existing boundary vegetation where possible, to preserve the degree of visual containment to the site, and to ensure that the proposals are set within an established context of green infrastructure.

- Retention of the existing pond and the creation of new attenuation basins, to facilitate sustainable drainage, and to create additional wildlife habitats.
- Creation of a wide area of open space along the eastern edge of the site, to include additional tree planting, children's play equipment, and allotment areas. The area of open space will also provide for a defensible boundary to the settlement edge.
- Inclusion of additional tree, hedgerow, and shrub planting within the development, to create an attractive setting for the dwellings, as well as breaking up the built form.
- Addition of a footway/cycleway to connect the new development with the existing settlement of Harleston.
- Retention of the Public Right of Way through the development, to retain a connection between the existing settlement of Harleston and the open countryside to the east, beyond the A143.

5.48 In addition to the above measures, the siting, orientation, and scale of proposed dwellings, as well as the detailed landscaping proposed, have been sensitively considered to reduce the impacts on the sensitive receptors, particularly the residents of Briar Farm, Barley Close, Jay's Green, Harvest Way, and Threshers Way, as well as the users of Footpath 18.

5.49 Therefore, to summarise, it is acknowledged that the proposed development would have an impact upon the landscape character, but in most instances the adverse effects are not considered to be significant. Moreover, where the adverse effects are anticipated to be more significant, mitigation measures have been recommended and incorporated into the design of the development to ensure the impacts are reduced, particularly as the proposed planting matures.

5.50 Consequently, when assessed holistically, the development would be acceptable with regards to its anticipated impact upon the character of the landscape, particularly when noting the mitigation/enhancement measures identified above i.e. new planting etc.

Design, Landscaping and Open Space

5.51 Policies DM3.8, DM3.15, and DM4.9 of the SNLP, as well as Policies 1 and 2 of the JCS, collectively require all new developments to achieve a high standard of design and landscaping, as well as the delivery of high-quality public open space, including the provision of outdoor play facilities.

5.52 Policy RWH2 of the RHNP requires development proposals to be consistent with the principles set out within the Redenhall with Harleston Design Guidelines and Code (RHDGC). It also requires the design of all new developments to reflect Redenhall with Harleston's local distinctiveness and character, whilst simultaneously seeking to enhance its quality. Meanwhile, amongst other matters, Policy RWH8 of the RHNP states that support will be given to proposals that provide facilities for:

- New children's play areas and spaces.
- Allotments.
- Community orchards.
- New wildlife areas
- Outside meeting spaces.

- 5.53 With regards to the aforementioned RHDGC, this provides a comprehensive analysis of the design context for the Neighbourhood Plan Area, as well as setting out the considerations for new developments in the locality. The application site is located within proximity of three-character areas. These relate to the industrial area between Mendham Lane and Spirketts Lane to the south-west (Character Area 3); Briar Road, Mendham Close, and Spirketts Lane to the west (Character Area 4); and the area between Green Lane and Redenhall Road to the north-west (Character Area 6). Shared characteristics between the character areas include the presence of a range of house types; predominantly pitched roofs, albeit with some hipped roofs; combination of two-storey dwellings and bungalows; and the use of pantiles and brick. Densities vary from 20dph to 35dph across the character areas.
- 5.54 Moreover, the RHDGC establishes 32 design principles, of which 30 are relevant to major developments. Aside from the general, well-founded principles of sustainable placemaking and building design contained within the RHDGC, the following criteria are set out:
- Use of landscaping to soften transitional edges between the settlement and the countryside.
 - Promotion of permeability and emphasis on pedestrian and cycle connectivity.
 - Clear hierarchy of streets.
 - Sensitively designed parking, to reduce visual impact, with planting used to soften appearance of parked cars.
 - Garages should complement the architecture of their host dwellings.
 - Use of interesting features and landmarks to promote legibility and wayfinding.
 - Use of scale and massing consistent with neighbouring properties.
 - Height of buildings should not be overbearing or dominant.
 - Promotion of privacy through setbacks and enclosure.
 - Provision of private amenity space.
 - Use of brick and render.
 - Varied rooflines.
 - Inclusion of carefully designed corner plots.
 - Use of appropriate densities and setbacks.
 - Promotion of active frontages.
 - Incorporation of sustainability measures.
 - Construction of accessible and adaptable dwellings.
 - Delivery of accessible public realm.
- 5.55 In addition to the above policy and guidance considerations, paragraph 124 of the NPPF sets out that ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve’. It goes on to cite good design as ‘a key aspect of sustainable development’.
- 5.56 Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work, and visit. These principles are also elaborated upon within the National Design Guide and the National Model Design Code, with an emphasis on the promotion of beauty.

- 5.57 Draft Policy GNLP2136 of the emerging GNLP requires the submission of a masterplan for the site, in addition to requiring the design and layout to take account of the existing residential and employment development to the west, north-west, and north of the site to protect the amenity of existing and future residents. Draft Policy 2 of the emerging GNLP also requires responsive design that assimilates into its context.
- 5.58 Before moving onto the detailed assessment, it is acknowledged that the design of the proposed development has been subject to extensive discussions between Officers and the Applicants, with the Applicants having taken a positive approach to addressing the feedback given at the pre-application stage, and during the course of the current planning application. It is also understood that the Applicants engaged with the Town Council, the local community, and other consultees and stakeholders, including NCC Highways, the Lead Local Flood Authority, the Historic Environment Officer, and Anglian Water. The submitted Statement of Community Involvement provides a detailed overview of the engagement that has taken place, and how this engagement has informed the proposed development.
- 5.59 Moving onto the assessment of the proposed design, the submitted Design and Access Statement (DAS) outlines the design rationale applied to the proposed development. It also highlights the evolution of the proposed development from the initial pre-application engagement in 2020 through to the submission of the planning application in 2021. A summary of some of the key changes that have been made to the proposed design are as follows:
- Re-configuration of the open space and dwellings towards the north-eastern corner of the site, in order to retain and emphasise views towards the tower of Redenhall Church.
 - Re-configuration of dwellings within the vicinity of the existing pond, towards the centre of the site, thereby creating a feature of it.
 - Incorporation of additional green links and open spaces throughout the site.
 - Amendment of internal highway network to facilitate a more logical road hierarchy.
 - Improvements to the form and appearance of the extra-care apartments' building, alongside improvements to its setting.
 - Land to the rear of the extra-care housing bungalows has been re-designed to provide a 'Habitat Showcase', comprising of meadow grassland, a community orchard, native scrub planting, and native woodland planting.
- 5.60 In terms of the overall layout, the 461 homes proposed would be distributed across a number of perimeter blocks, served by a logical road hierarchy comprising of a principal, looped spine road, which links the two access points to be taken from Mendham Lane; a secondary loop road, which extends northwards from the spine road; and a series of tertiary roads, cul-de-sacs, and private driveways. This highway arrangement would also meet the requisite requirements for the collection of refuse and waste.
- 5.61 Pedestrian and cycle connectivity also forms an integral aspect of the layout permeability, with an extensive network of footpaths proposed throughout the layout, alongside the provision of a cycle route, which runs alongside the spine road loop and a significant proportion of the secondary loop road. The route of Footpath 18 would be retained within the layout.
- 5.62 Public open space (POS) has been integrated throughout the layout, with 'green links' proposed to enhance the identity of the development by providing attractive environments for future occupants and local residents. A pocket of overlooked open space, referred to as the 'village centre' within the submission, is also proposed at an important juncture within the layout where Footpath 18, an existing pond, and the dwelling at Briar Farm all converge. Meanwhile, the main area of open space would be located towards the western edge of the site. This accords with the recommendations of the LVIA and would aid with the softening of the transition from urban fringe to open countryside. Equally, the open space buffer would limit the impact of the A143 on the living conditions of future occupants.

- 5.63 In terms of its amount, the proposed POS would equate to approximately 6.59ha. The POS proposals comprise of two equipped children's play areas; informal unequipped children's play areas; a variety of recreational spaces for older children and adults, including informal pitches and kickabout areas; natural green spaces; and 0.65 ha of land for allotments. The amount of POS proposed would be in excess of the 4.02 ha needed to satisfy the requirements of the adopted Open Space SPD (2018) and subsequently comply with Policy DM3.15 of the SNLP. In addition, the proposed layout would provide for 0.61ha of community use land in conformity with the emerging site allocation under draft Policy GNLP2136 of the GNLP. The land (serviced) will be secured via S106.
- 5.64 Turning to the proposed dwellings, a range of house types and sizes are proposed, comprising of detached, semi-detached, and terraced dwellings, bungalows, flats, and extra-care apartments. Most of the built form would be two-storey in scale, albeit the bungalows would be single-storey, whilst 32 dwellings, the two flat blocks, and the extra care apartment block would be contained within buildings ranging from two-storeys to three-storeys. Single-storey dwellings are proposed towards the site's sensitive western boundary, adjacent to Jay's Green and Martin Road, and within the immediate vicinity of the existing dwelling at Briar Farm House. Similarly, the three-storey buildings are located towards the centre and south-western boundary of the site, thereby reducing their impact upon the landscape and ensuring that they do not lead to any overbearing impacts upon neighbouring properties. Equally, the strategic placement of the three-storey buildings within the layout establishes landmarks, which can aid legibility and wayfinding by acting as gateways between character areas.
- 5.65 In accordance with the characteristics of the local vernacular, as set out within the RHDGC, nearly all of the roofs would be pitched, with hipped roofs used sparingly to create variation and visual interest in certain locations. The proposed material palette is also reflective of local distinctiveness, utilising pantiles, red and buff brick, and render. Some limited instances of weatherboarding are also proposed to break-up the appearance of the flat blocks and provide punctuation within the street scenes. In addition to the use of materials, architectural details and embellishments have been incorporated into the proposed house types to enhance the appearance of the scheme. For instance, porches, blind windows, various soffit and fascia treatments, window headers and cils, and chimneys all feature as part of the proposed development, with their distribution having been carefully considered to facilitate the creation of distinct character areas.
- 5.66 The proposed soft and hard landscaping supplements the layout and design of the dwellings through the inclusion of tree, hedge, and ornamental planting within the street scenes. Officers consider that the street scene planting, in addition to the generous amount of planting proposed within the public open space, including woodlands and a community orchard, would provide for an attractive and green setting for the development. The hard landscaping would also contribute positively to the character of the development with a variety of materials proposed to differentiate between different surfaces, such as adoptable roads, footpaths, shared surfaces, and private driveways.
- 5.67 All of the above characteristics come together to culminate in the creation of four-character areas. The character areas are defined within the DAS as the 'Tree Lined Avenue', 'Parkland Edge', 'Tertiary Street', and 'Custom Build'. Within each of these areas the design has been modified to emphasis certain qualities. For instance, the 'Tertiary Street' character area would accommodate a more compact form of development, with dwellings positioned in closer proximity to the highway, creating a sense of enclosure. Whereas, the 'Tree Lined Avenue' and 'Parkland Edge' character areas would have lower densities, with greater separation distances between dwellings and the highway, with most dwellings in the latter character area facing out onto open space. The different character areas would also make use of different materials and architectural details, albeit unifying elements would still be shared amongst the character areas to facilitate cohesion between them.

- 5.68 The 'Custom Build' character area incorporates the proposal for 16 custom build plots. For these 16 plots a variety of 'shell' house types have been submitted for approval, with the intention that future occupiers can then customise the design of the homes by selecting external details, finishes and materials, as well as having the opportunity to choose from alternative internal layouts. Accordingly, given the overarching form and appearance of the dwellings would be assured, this approach to the custom build plots would ensure they assimilate into the rest of the proposed development.
- 5.69 With regards to the extra care housing, this element of the scheme would not fall within any of the aforementioned character areas and, whilst it shares many of their qualities, it represents a specific type of residential accommodation that requires a different design approach. Notably, the extra-care housing has been designed to meet the needs of older people who require care. For instance, all of the extra-care housing units have been designed to meet the requirements of the HAPPI principles, as well as Building Regulations Part M4(2)[1], meaning that they would be accessible and adaptable.
- 5.70 Additionally, the internal layout for the extra-care apartment block accommodates a wide range of amenities and facilities, including communal areas, kitchens, laundry rooms, lifts, staff areas, mobility buggy stores, consultation rooms, assisted bathrooms, and a guest suite, all of which require floor space and subsequently a larger building footprint. Moreover, whilst the apartment block would be large, its form and elevational treatment has been sensitively designed to reduce the visual impression of its massing. Notably, articulation, varying roof heights, balconies, materials, and the arrangement of openings have all been employed, alongside landscaped courtyards and a shared residents garden, to provide for a well-designed building with architectural interest, set in an attractive environment.
- 5.71 To conclude on design, it is considered that the proposed development would be compliant with Policies DM3.8, DM3.15, and DM4.9 of the SNLP, Policies 1 and 2 of the JCS, Policy RWH2 of the RHNP, and the principles set out within the RHDGC. The proposed development would also be in accordance with the relevant design policies contained within the NPPF, the principles outlined within the NDG and NDC, and the emerging requirements of Policies 2 and GNLP2136 of the GNLP.

Residential Amenity

- 5.72 Policy DM3.13 requires development to have regard to the impact upon residential amenity. Likewise, the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Moreover, as already discussed, draft Policy GNLP2136 of the emerging GNLP requires the design and layout of the site to take account of the existing residential and employment development to the west, north-west, and north of the site to protect the amenity of existing and future residents.
- 5.73 In addition to the above, draft Policy 5 of the emerging GNLP requires all new homes to meet the Nationally Described Space Standards (NDSS), as well as requiring major housing developments to deliver 20% of new homes to the Building Regulations Part M4(2)[1] standard (Accessible and adaptable).
- 5.74 With regards to the residential amenity of neighbouring properties, as discussed above in relation to design, single-storey bungalows are proposed adjacent to the site's sensitive boundaries with Jay's Green, Martin Road, and Briar Farm House, to maintain privacy for existing occupants and reduce the potential for any overbearing impacts. The three-storey buildings have also been sited within the layout where there would not impose upon existing residential properties. The remaining dwellings have either been orientated or sufficiently separated from boundaries to negate any harm to existing residential amenity.

- 5.75 With regards to the amenity of future occupiers, each dwelling would benefit from an acceptable standard of private amenity, or in the case of the flats and extra-care apartments shared amenity. Internal accommodation would also be provided to a high standard, with the Applicants confirming that 100% of the proposed dwellings would be designed to meet the requirements of the Nationally Described Space Standards (NDSS). Additionally, all of the 107 extra-care dwellings have been designed to meet the requirements of Building Regulations Part M4(2)[1] (Accessible and adaptable), equating to 23% of the overall number of dwellings, and 6 of the proposed bungalows would meet Part M4(3) (Wheelchair user dwellings).
- 5.76 The proposed layout and design of the development has also sought to reduce the potential impact of noise upon the amenity of future occupants. Notably, a Noise Assessment has been submitted with the application which concludes that an acceptable relationship would be maintained between the proposed dwellings, the A143, and the recently approved foodstore to the south-west of the site. The need to be mindful of road noise from the A143 is highlighted in the emerging allocation. To ensure that this relationship would be acceptable towards the south-eastern edge of the site, where there is a reduced separation distance between the gardens for the proposed extra-care bungalows and the A143, a hybrid earth bund and acoustic barrier, with a combined height of 2.5 metres, is proposed as recommended by the Noise Assessment. Planting is proposed on both sides of the noise barrier, so it would not detract from the overall design quality of the scheme.
- 5.77 Environmental Health have been consulted on the application and their response raised no objections with regards to the amenity of neighbouring properties or future occupants, subject to recommended conditions.
- 5.78 To conclude, the design of the proposed development has been carefully thought through to ensure that an acceptable relationship will be maintained between existing and proposed dwellings, thereby complying with requirement of Policy DM3.13 of the SNLP to have regard to the impact upon residential amenity. Moreover, the future occupants of the proposed development would benefit from a good standard of amenity in accordance with the NPPF. The proposed development would also accord with the requirements of draft Policy GNLP2136 of the emerging GNLP. Moreover, the proposed development would accord with the emerging requirement of draft Policy 5 of the GNLP to deliver at least 20% of the dwellings to Building Regulations Part M4(2)[1], whilst also according with the same policy's emerging requirement for all new homes within major developments to meet the NDSS.

Housing Mix

- 5.79 Policy DM3.1 of the SNLP and Policy 4 of the JCS requires all housing proposals to help contribute towards the delivery of a range of house types and sizes, to meet the requirements of different households.
- 5.80 Likewise, Policy RWH1 of the RHNP states that housing proposals will be supported where they provide for a range and mix of houses, in order to maintain a balanced and inclusive community and to meet local needs, both current and future. Policy RWH1 also provides particular support for the following:
- 1-, 2- and 3-bedroom homes for sale and rent.
 - Some 4-bedroom homes, including for affordable rent housing within walking distance of local schools.
 - Homes suitable for older people, such as extra care housing, retirement housing, sheltered housing, and housing capable of adaptation to meet the needs of older people with disability or limited mobility.
 - Affordable housing.
 - Opportunities for self-build or custom build properties.

- 5.81 Moreover, Policy 4 of the JCS requires residential developments of 16 or more dwellings to deliver 33% of the overall number of homes as affordable housing. This policy objective is also reflected in draft Policy 5 of the emerging GNLP. Draft Policy 5 of the emerging GNLP also sets out that, with the exception of flats, residential developments should provide at least 5% of plots as serviced self/custom-build plots, unless a lack of need can be demonstrated, or where the plots have been marketed for a period of 12 months and not sold.
- 5.82 Furthermore, as well as requiring the development of the site to provide extra-care housing, draft Policy GNLP2136 of the emerging GNLP also seeks the delivery of around 60 bungalows.
- 5.83 The above policy objectives are also consistent with the NPPF which strives to achieve mixed communities through the delivery of housing to meet the needs of different groups, including affordable housing, family homes, and homes for people with disabilities.

Affordable Housing

- 5.84 The application proposes 354 dwellings and 107 extra-care dwellings, equating to a total of 461 new homes. Accordingly, 152 affordable homes would be required in order to meet the 33% requirement established by Policy 4 and also mindful of the draft GNLP which is seeking to achieve 33% too.
- 5.85 The Applicants are proposing to deliver a total of 258 affordable homes, comprising of the 107 extra-care dwellings and a further 151 general needs dwellings. When accounting for the delivery of the extra-care dwellings as affordable housing, the overall affordable housing provision would equate to 56%. The delivery of the extra-care dwellings as affordable housing will be made possible through grant funding from Homes England, and Norfolk County Council as part of their 'Living Well' initiative. Likewise, 106 of the "traditional (non extra care)" affordable homes are also intended to receive grant funding from Homes England.
- 5.86 The mix and tenure of the proposed affordable housing has been the subject of discussions between the Applicants and the Council's Housing Enabling Officer.
- 5.87 Whilst it is commendable that the Applicants are proposing affordable housing in excess of policy compliant levels, it should be acknowledged that only 152 (33%) affordable homes are necessary to make the development acceptable in planning terms. As such, it is important to note that Regulation 122 (2) of The Community Infrastructure Levy Regulations 2010 legislates that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 5.88 In light of criteria (a) above and given the requirements for grant funding from Homes England, the S.106 will acknowledge that the proposed development seeks to deliver 258 affordable homes, however, only the 107 extra-care dwellings and a further 45 general needs dwellings would be secured as affordable housing, on the basis that only 152 affordable homes are necessary to make the development acceptable.
- 5.89 The 107 extra-care dwellings will be secured as affordable housing through an obligation requiring the transfer of the serviced land to a Registered Provider, Saffron Housing, for delivery as affordable housing through grant funding from Homes England. The remaining 45 general needs dwellings would be secured as nil public subsidy affordable housing in the usual way.

- 5.90 As a safeguard mechanism the S.106 will also include an obligation that, in the event the extra-care housing does not commence/meet triggers for delivery (to be agreed) prior to the commencement of Phase 4 (or an alternative number of dwellings to be agreed with the developer) of the development, a scheme for a further 107 affordable homes will be delivered across the remainder of the development. This would enable the Council to guarantee that policy compliant levels of affordable housing will be delivered as part of the development. Additionally, it should be noted that as this is a full application, we know where these units would be provided within the layout and as such are satisfied that they would be the correct property types to fit with local need.
- 5.91 To conclude, the proposed development would deliver at least 33% of the proposed dwellings as affordable housing, as part of an agreed mix and tenure, thereby complying with the Policy 4 of the JCS. On the same basis, the proposal would also accord with draft Policy 5 of the emerging GNLP. Equally, the proposed development would comply with the NPPF requirement under paragraph 65 for at least 10% of the total number of homes to be available for affordable home ownership.

Market Housing

- 5.92 With regard to open market housing, it would provide a wide range of different house types and sizes to meet market demand in the area. The proposed market mix would accord with Policy DM3.1 of the SNLP, Policy 4 of the JCS, and Policy RWH1 of the RHNP. It would also reflect the objectives of the NPPF and the requirements of draft Policy 5 of the emerging GNLP.

Custom Build

- 5.93 The scheme also makes provision to deliver 16 of the proposed dwellings as custom build housing, equating to approximately 5% of the 461 new homes proposed when excluding the extra-care housing.
- 5.94 The quantum of custom build plots, alongside their proposed mix, is considered to be acceptable. The custom build plots would be secured through the S.106.

Summary

- 5.95 The proposed development would deliver a range of dwelling types, sizes, and tenures to meet the requirements of different households, both in terms of market and affordable housing, as identified through the current Strategic Housing Market Assessment and the Housing Needs Assessment (February 2021) produced by AECOM as part of the RHNP. This includes the provision of policy compliant levels of affordable housing, as well as the provision of custom build housing which is supported by Policy RWH1 of the RHNP and required by draft Policy 5 of the emerging GNLP.
- 5.96 The proposed development would therefore be in accordance with Policy DM3.1 of the SNLP, Policy 4 of the JCS, and Policy RWH1 of the RHNP. It would also accord with the relevant objectives and policies contained within the NPPF and the requirements of draft Policies 5 and GNLP2136 of the emerging GNLP.
- 5.97 In summary, the site would deliver an attractive layout in a sustainable location and as such fulfils the social role.

Environmental Role

5.98 The NPPF confirms the environmental role as:

“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Heritage

- 5.99 Policy DM4.10 of the SNLP sets out that 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. It goes on to cite that considerable importance and weight must be given to the desirability of preserving listed buildings, their settings and the character and appearance of conservation areas. Policy RWH3 of the RHNP reaffirms these policy requirements with specific regard to the preservation and enhancement of the Harleston Conservation Area.
- 5.100 Similarly, Policy 3 of the emerging GNLP requires development proposals to conserve and enhance the built and historic environment by, amongst other matters, avoiding harm to heritage assets, unless there would be overriding benefits to outweigh the harm or loss.
- 5.101 The above policy objectives are consistent with the policies contained in chapter 16 of the NPPF which recognises the importance of heritage assets and the subsequent importance of sustaining and enhancing their significance. Paragraph 194 also explains that where a proposed development has the potential to affect heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 5.102 The Council also has statutory duties, under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the significance of listed buildings and the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5.103 With regards to the proposed development, there would be a sufficient degree of separation between the application site and the nearest listed buildings and the Harleston Conservation Area to prevent any harm to them.
- 5.104 In relation to archaeology, the application is supported by an archaeological desk-based assessment and heritage assessment. The Historic Environment Officer at NCC has reviewed the submission and, whilst recognising that there is potential for heritage assets of archaeological interest to be present at the site and that their significance would be adversely affected by the proposed development, they have raised no objection to the application subject to the imposition of their recommended conditions.
- 5.105 It is understood that the Applicants have instructed the further archaeological investigation requested by the Historic Environment Officer in one their recommended conditions. If the WSI is finalised and submitted prior to the engrossment of the S.106 and the issuing of the decision, and subject to it being acceptable to the Historic Environment Officers, the currently recommended WSI condition would become a compliance condition instead. This would of course be subject to Members resolving to grant planning permission.

- 5.106 Therefore, to conclude, the proposed development would accord with Policy DM4.10 of the SNLP and Policy RHW3 of the RHNP. It would also be in accordance with the heritage policies and objectives contained within the NPPF and draft Policy 3 of the emerging GNLP. The Council would also be able to discharge its duties under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology and Protected Species

- 5.107 Policy DM4.4 of the SNLP requires developments to contribute towards the establishment and positive improvement of coherent ecological networks, Biodiversity Enhancement Areas, and multi-functional Green Infrastructure. Policy 1 of the JCS, amongst other matters, requires developments to improve the resilience of ecosystem to environmental change, as well as stipulating that development likely to have any adverse effect on nationally designated sites and species will be assessed in accordance with national policy and legislation.
- 5.108 Policy RWH21 of the RHNP states that development proposals will be expected to protect and enhance existing ecological networks and wildlife corridors. To do so, proposal should retain existing features of biodiversity value, where possible to do so, including ponds trees, woodland, hedgerows, and verges, whilst taking opportunities to include new features. Policy RWH21 also explains that proposals will be supported where they provide for a net gain in biodiversity, and that new buildings should incorporate biodiversity enhancement measures.
- 5.109 Paragraph 170 of the NPPF is also explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity. Draft Policy 3 of the emerging GNLP reflects these objectives and draft Policy GNL2136 of the emerging GNLP requires the development of the site to protect and enhance green infrastructure in the Waveney valley corridor.
- 5.110 The proposed development is not located within any Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar Site. The nearest designated site is the SSSI at Gawdy Hall Big Wood, approximately 2km from the site. Notwithstanding this, the site is located within the Zones of Influence (ZOI) for the Habitat Sites within the Broads and the East Coast and as such, in accordance with the Norfolk Green Infrastructure and Recreational impact Avoidance Mitigation Strategy (RAMS), dated March 2021, an index linked RAMS contribution will be secured through the S.106 to mitigate against any adverse effects of the proposed development on the integrity of the Habitat Sites.
- 5.111 Officers have consulted Natural England and are awaiting an outstanding consultation. It is not anticipated that there be any issues raised in the response that cannot be satisfactorily addressed. This is reflected in the officer recommendation.
- 5.112 The application is supported by a Preliminary Ecological Appraisal, prepared by Geosphere Environmental, which assesses the likely impact of the development on Protected and Priority Habitats and Species, as well as the identification of proportionate mitigation measures. Initially a holding objection was requested by the Council's Ecologist, due to the need for updated surveys in respect of bats and great crested newts (GCN). However, following the receipt of the required surveys, and on the provision that a district level license (DLL) in relation to GCN is submitted prior to determination, which it has, the Council's Ecologist is content that sufficient information is available to determine the application.
- 5.113 It is also notable that the application is supported by a Biodiversity Net Gain assessment, prepared by Geosphere Environmental, which sets out that through the implementation of a number of enhancement measures, including extensive shrub, grassland, tree and woodland, and hedgerow planting, as well as wildlife boxes, log piles, and hedgehog fencing, the proposed development would achieve a net gain of 25.46% for habitat units and 84.49% for hedgerow units.

- 5.114 Taking all of the above into account, the Council's Ecologist has recommended the imposition of conditions securing a lighting design strategy; a Construction Environment Management Plan for Biodiversity; a Landscape and Ecological Management Plan; and compliance with the enhancement measures, proposed within the BNG aforementioned BNG assessment.
- 5.115 The proposed development would therefore be in accordance with Policy DM4.4 of the SNLP, Policy 1 of the JCS, and Policy RHW21 of the RHNP. It would also accord with the relevant objectives and policies contained within the NPPF and the requirements of draft Policies 3 and GNLP2136 of the emerging GNLP.

Trees

- 5.116 Policy DM4.4 requires developments to contribute towards the establishment and positive improvement of coherent ecological networks, Biodiversity Enhancement Areas, and multi-functional Green Infrastructure. Policy DM 4.8 of the SNLP seeks to promote the retention and conservation of trees. Policy 1 of the JCS emphasises the importance of protecting, maintaining, restoring, and enhancing environmental assets, in addition to promoting the provision of multifunctional green infrastructure. Likewise, Policy RWH21 of the RHNP seeks the retention, where possible, of trees, woodlands, and hedgerows.
- 5.117 The above policy objectives are reinforced under paragraph 131 of the NPPF which, amongst other matters, highlights the importance of trees for helping to mitigate against and adapt to climate change and requires existing trees to be 'retained wherever possible'. Draft Policy 3 of the emerging GNLP also reflects these objectives and draft Policy GNLP2136 of the emerging GNLP requires the development of the site to protect and enhance green infrastructure in the Waveney valley corridor.
- 5.118 The site is bounded by a large number of existing trees and hedges along its northern, eastern, southern, and western boundaries. A number of trees and hedges can also be found within the central areas the site. There are no Tree Preservation Orders on the site.
- 5.119 An updated Arboricultural Impact Assessment (AIA), prepared by Geosphere Environmental, has been submitted in response to initial comments from the Council's Landscape Architect. Key conclusions of the updated AIA are that three individual trees and nine groups of trees will need to be removed to facilitate the construction of dwellings, an attenuation basin, access roads, and footpaths. Moreover, it identifies that parts of the proposed development would encroach into the root protection areas (RPA) of 10 individual trees and four groups of trees.
- 5.120 With regards to the trees to be removed, the vast majority would be of a low quality (Category C), with only two groups being of a moderate quality (Category B), and one group being of a high quality (Category A). As such, whilst it is recognised that trees should be retained where possible, it is not considered possible to retain the trees identified for removal in this instance whilst also delivering the residential development of the site, and so the loss of the trees is not considered to be unacceptable.
- 5.121 Notwithstanding the above, it is worth noting that a substantial amount of the existing tree and hedge coverage across the site is proposed for retention. Moreover, the high-quality soft landscaping scheme proposed, which includes the planting of a significant number of trees, hedgerows, woodlands, and an orchard, would compensate for any tree loss and ensure net gains for biodiversity are achieved, as discussed in the above section on ecology.
- 5.122 In terms of the works proposed within the RPA of existing trees, a robust Tree Protection Plan (TPP) has been submitted to demonstrate how the potential for damage to retained trees would be mitigated against during the construction phase. An Arboricultural Method Statement has also been submitted with the application.

- 5.123 Officers are therefore content that the proposed development would be acceptable with regards to its tree impacts, subject to conditions requiring adherence to the proposed mitigation measures.
- 5.124 The proposed development would therefore be in accordance with Policies DM4.4 and DM4.8 of the SNLP, Policy 1 of the JCS, and Policy RHW21 of the RHNP. It would also accord with the relevant objectives and policies contained within the NPPF and the requirements of draft Policies 3 and GNLP2136 of the emerging GNLP.

Flood Risk and Drainage

- 5.125 Policy DM4.2 of the SNLP and Policy JCS 1 of the JCS require new major developments to incorporate sustainable drainage systems (SUDS) to manage any surface water run-off and to minimise the risk of flooding on-site and in the surrounding area.
- 5.126 Policy RWH22 of the RHNP also requires the use of SUDS, as well as setting an expectation that all new developments should demonstrate mitigation regarding on-site flooding and drainage impacts, off-site flooding, as well as seeking to achieve lower than greenfield runoff rates. It then goes on to require that new developments should not exacerbate existing surface water or foul drainage problems, including at Jay's Green and Lovat Close to the north-east of the site.
- 5.127 Paragraph 168 of the NPPF reaffirms the above policy objectives and establishes that, when considering the SUDS used, regard should be given to the advice received from the lead local flood authority (LLFA). These policy objectives are also reflected in draft Policy 2 of the emerging GNLP. Moreover, draft Policy GNLP2136 requires appropriate investigation and mitigation measures to address surface water flooding to the north-east of the site.
- 5.128 The application site is located within Flood Zone 1 where the risk of flooding is low. A Flood Risk Assessment and Drainage Strategy (FRA), prepared by Rossi Long Consulting, has been submitted in support of the planning application. Due to low infiltration rates and shallow perched groundwater, it is proposed that surface water would be managed sustainably through the use of permeable surfaces for the private roads, driveways, and parking spaces with an overflow to the receiving drainage system. Roof and highway run-off would then drain into the receiving drainage system for detention and an attenuated off-site discharge, which would be limited to the 1 year 'greenfield' value for the site.
- 5.129 The FRA concludes that the use of permeable paving, filter strips, filter drains and swales, in addition to ponds and detention basins, will ensure that all run-off is adequately treated to prevent pollutants entering the receiving watercourses. The SUDS features would also provide a number of amenity and biodiversity benefits.
- 5.130 In terms of drainage, the FRA states that the development would be connected to the public sewer in agreement with Anglian Water.
- 5.131 The LLFA, at NCC, has been consulted on the application and, following the submission of additional details, returned no objections to the application subject to the imposition of a recommended condition requiring the submission of detailed designs for the surface water drainage scheme.
- 5.132 Anglian Water have been consulted on the application. Their response identifies that the site is within the catchment of the Harleston Water Recycling Centre which it is confirmed would have available capacity for the proposed flows. Anglian Water also recommends a condition requiring the submission and approval of a Phasing Plan and the submission and approval of a detailed design for the foul water drainage scheme. With regards to the recommended condition for a Phasing Plan, this would be unnecessary, as a Phasing Plan has been submitted with the application. The submitted Phasing Plan can be linked with a condition requiring the completion of the detailed drainage works for each phase, to be approved by under the same condition, prior to its occupation.

- 5.133 Therefore, whilst it is understood there is local concern regarding flooding, the LLFA and Anglian Water are satisfied that the proposed surface water drainage and foul drainage respectively would be adequately addressed through the proposed development and the implementation of sustainable drainage systems. In doing so, the proposed development would not exacerbate existing surface water or foul drainage problems in the local area, including to the north-east of the site.
- 5.134 The proposed development would subsequently be in accordance with Policies DM4.2 of the SNLP, Policy 1 of the JCS, and Policy RHW22 of the RHNP. It would also accord with the relevant objectives and policies contained within the NPPF and the requirements of draft Policies 2 and GNLP2136 of the emerging GNLP.

Contamination

- 5.135 Policy DM3.14 of the SNLP requires planning decisions to have regard to the potential impacts of contamination. This objective is also contained within the NPPF.
- 5.136 The Council's Environmental Health Officer (EHO) has reviewed the submission and the accompanying Phase 2 Site Investigation Report. The EHO has raised no objections subject to recommended conditions requiring a site investigation scheme and a full risk assessment, as recommended by the submitted Phase 2 Site Investigation Report, and the usual requirement for the submission of an additional information should any previously unidentified contamination be found on the site.
- 5.137 In light of the above, and subject to the imposition of the conditions recommended by the EHO, it is considered that the proposed development would be in accordance with Policy DM3.14 of the SNLP, as well as the relevant objectives of the NPPF.

Sustainability Measures

- 5.138 Policies 1 and 3 of the JCS collectively require the construction of sustainable buildings, including the incorporation of water conservation and energy efficiency measures, as well as setting out that at least 10% of expected energy requirements should be delivered by on-site sources of decentralised and renewable or low-carbon energy.
- 5.139 The submitted Design and Access Statement explains that a Fabric First approach will be taken to the proposed dwellings, to optimise their thermal performance through a very high standard of construction and detailing. Moreover, the Planning Statement sets out that an estimated 80% of the energy requirements from the development would come from low energy and zero carbon technology. Water usage across the development would also be designed to an efficient standard that would comply with the most recent Building Regulations requirements.
- 5.140 Precise details of how the proposed development would comply with the policy requirements set out above could be secured by condition, however, it is expected that the proposed development would meet, and most likely even exceed, the prescribed sustainability measures.

Nutrient Neutrality

- 5.141 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation, however it is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, and does not involve foul or surface water drainage into those catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be

submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.142 In summary, the development would not compromise the natural, built or historic environment and would fulfil the environmental role.

6 Other matters

Healthcare

- 6.1 In terms of the capacity at the surgery, NHS STP/ICS have identified an impact on health care from the development and calculated a contribution to mitigate the impact. The applicants have carried out a health impact assessment where the impacts on the health services are agreed, however at this stage it is not agreed position as to what is attributable to the development or wider infrastructure funding. At this stage the impact from the development has not therefore been fully assessed and validated nor has the mitigation necessary to address that. In order to resolve this issue officers are seeking authority to delegate this matter following the resolution of Members at this Committee which will agree and secure any necessary mitigation.

7. EIA

- 7.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a Screening Opinion has previously been carried out for the proposed development, reference number 2021/2547, which concluded that the proposed Schedule 2 development would not be likely to have significant effects on the environment, and as such an Environmental Statement has not been required.

8. Equalities Impact Assessment

- 8.1 Under section 149 of the Equality Act 2010, the Council has had due regard to the impacts of this proposal, in respect of layout, design and connectivity, on those groups with protected characteristics. It is considered that the benefits of this proposal outweigh the negative impacts having regard to the Act.

9. Local Finances

- 9.1 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.

10. CIL

- 10.1 This application is liable for Community Infrastructure Levy (CIL).

11. GIRAMS & Appropriate Assessment

- 11.1 This application is liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).
- 11.2 Nonetheless, as the proposed development would deliver sufficient on-site open space to meet the necessary green infrastructure standards, it is not necessary to seek a contribution towards off-site green infrastructure.
- 11.3 As set out within the ecology section of this report, a RAMs contribution would be sought and secured through the S.106.

- 11.4 When taken together the proposed mitigation adequately addresses the direct impacts of the development on the integrity of the Protected Sites (SPA and SAC) and accordingly the Council as the Competent Authority can satisfactorily conclude that there will be no likely significant effects and the application can safely be determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Public water supply

- 11.5 The emerging allocation makes reference to securing a proportionate contribution towards a new public water supply. The consultation response from AW has made no requests relating to this issue and therefore it is not considered as a necessary requirement of this scheme.

12. **Planning Balance and Conclusion**

- 12.1 Having due regard to the above assessment made in the context of not having a demonstrable 5 year housing land supply, it is considered that the benefits of providing additional housing, are not significantly and demonstrably outweighed by any harm. Furthermore, the scheme is considered to be consistent with the aspirations of the emerging GNLP allocation (GNLP2136), which officers consider can be afforded moderate weight in the decision-making process. With this in mind it is considered that, when considered as a whole, the scheme does represent a sustainable development in the context of the NPPF.
- 12.2 For the reasons set out above the scheme is considered acceptable in planning terms and is therefore recommended for approval subject to the imposition of conditions and the completion of a S.106 agreement and the resolution of any issues raised by the outstanding consultation with Natural England.

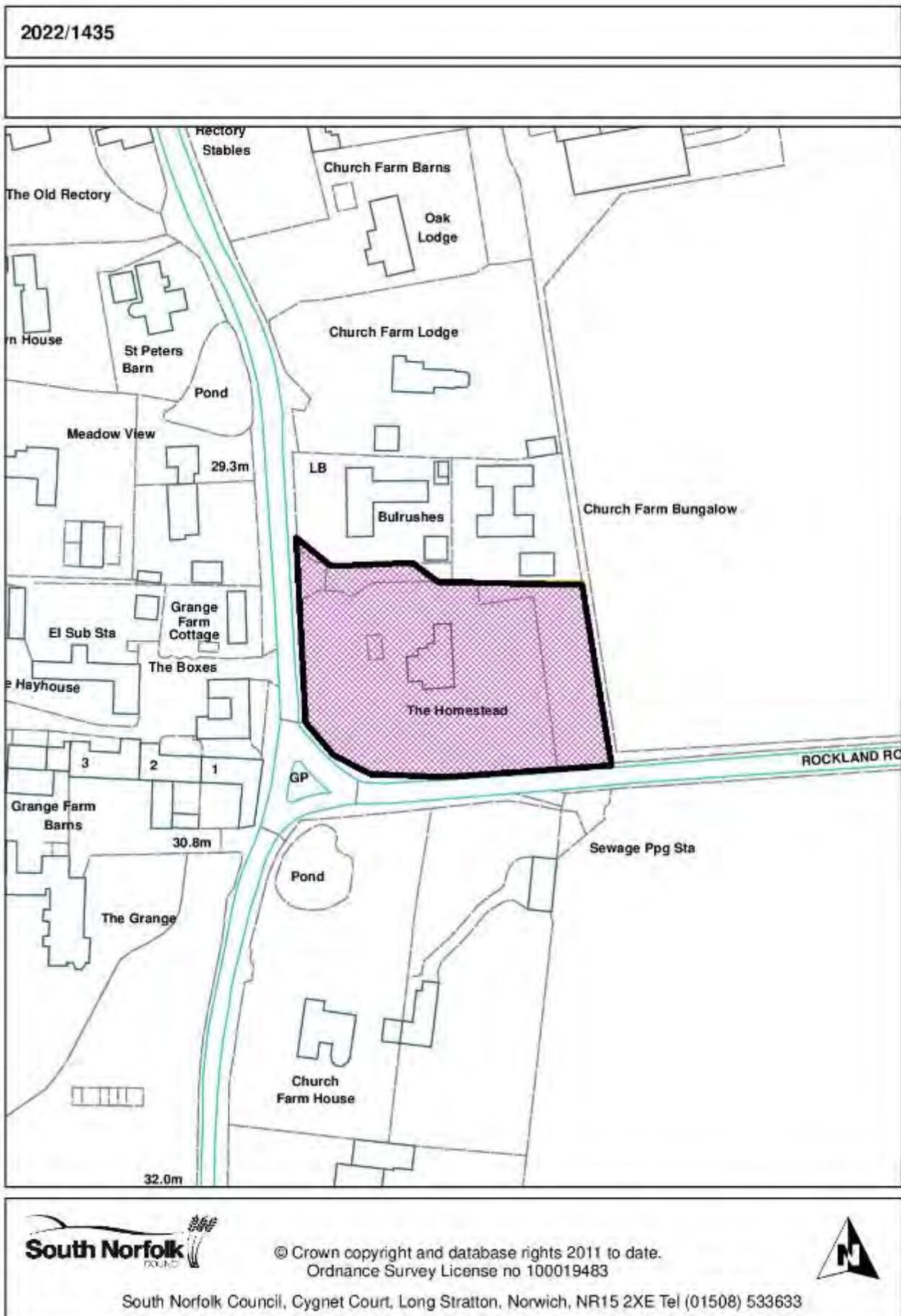
Recommendation : To authorise the Assistant Director of Planning to approve subject to conditions, a S.106, and there being no substantive comments received from Natural England.

1. Time Limit - Full Permission
2. In accordance with submitted drawings
3. Surface water drainage scheme
4. Foul water drainage scheme
5. Detailed highway plans
6. Compliance with highway works approved
7. Completion of highway works to binder course surfacing prior to first occupation
8. Compliance with approved access and permanent closure of existing accesses with re-instatement of footpath/highway verge
9. Scheme for construction parking
10. Construction Traffic Management Plan

11. Off-site highway improvement works
12. Lighting Design Strategy
13. Construction Environment Management Plan for Biodiversity
14. Landscape and Ecological Management Plan
15. Contamination investigation and risk assessment
16. Unidentified contamination
17. Contamination – Imported material
18. Noise mitigation
19. Reversing alarms
20. Construction Management Plan
21. Archaeology WSI (C)
22. Compliance with WSI
23. Written Scheme Investigation post investigation assessment
24. Renewable energy
25. Water efficiency
26. Materials
27. Landscaping scheme, including boundary treatments and site levels
28. Landscaping scheme implementation
29. Compliance with AIA, including TPP and AMS
30. Removal of PD rights for gates, fences, walls or other means of enclosure
31. Biodiversity mitigation and enhancement measures in accordance with submitted PEA and BNG report

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Application 8



Other Application

- 8. Application No : 2022/1435/F**
Parish : BRAMERTON

Applicant's Name: Balmforth
 Site Address The Homestead The Street Bramerton NR14 7DW
 Proposal Removal of existing dwelling and replacement single storey dwelling.

Reason for reporting to committee

The application relates to matters which the Assistant Director for Planning considers should be determined by Members as being in the public interest.

Recommendation summary :

Approval with Conditions

1 Proposal and site context

- 1.1 The application site comprises of an existing two-storey dwelling, known as the 'Homestead', set within a large corner plot situated at the junction of Rockland Road, The Street, and Framingham within the village of Bramerton. The site boundaries are defined by mature planting and fencing. A number of mature trees are present within the site.
- 1.2 To the north, south, and west of the site there are existing residential properties, whereas to the east there is open countryside.
- 1.3 The site is located within the Bramerton Conservation Area and there are Grade II Listed Buildings to the west and south-west of the site, at Grove Farm Cottages and the Grange respectively. The Bramerton Conservation Area Appraisal (2018) also identifies several unlisted buildings of townscape significance to the west of the site.
- 1.4 Access to the site is taken from The Street.
- 1.5 Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling and detached garage. The application follows a previous application for the demolition of the existing dwelling and the construction of two dwellings, reference 2021/2275, which was reported to Planning Committee on 6 April 2021 with Members resolving to grant planning permission subject to securing satisfactory mitigation with regards to nutrient neutrality.
- 1.6 Therefore, the decision notice for application 2021/2275 has been held in abeyance until such a time that appropriate nutrient neutrality mitigation measures have been adopted and secured for the development. Whilst the nutrient neutrality issue is being resolved, the Applicant is seeking planning permission for the replacement dwelling and garage in isolation, on the basis that this would not generate additional residential accommodation and so can be progressed in advance of the development which has a resolution to grant.
- 1.7 If Members are minded to agree with the Officers recommendation for approval, it is the Applicant's intention to demolish the existing dwelling, construct the replacement dwelling and garage, and then, when circumstances allow, construct the additional dwelling on the site in accordance with the currently pending planning permission for application 2021/2275.

2. Relevant planning history

2.1	2019/1958	Erection of 3 dwellings	Approved
2.2	2019/1980	Demolition of 2 dwellings and erection of 7 detached dwellings	Withdrawn
2.3	2020/2092	Removal of existing dwelling and proposal two new Dwellings	Approved
2.4	2021/2275	Demolition of existing dwelling and replace with 2no dwellings and garages	under consideration

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 03 : Plan-making
 NPPF 04 : Decision-making
 NPPF 05 : Delivering a sufficient supply of homes
 NPPF 06 : Building a strong, competitive economy
 NPPF 08 : Promoting healthy and safe communities
 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
- 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 6 : Access and Transportation
 Policy 15 : Service Villages
- 3.3 South Norfolk Local Plan Development Management Policies
 Policy DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk
 Policy DM1.3 : Sustainable location of development
 Policy DM1.4 : Environmental Quality and local distinctiveness
 Policy DM3.5 : Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries
 Policy DM3.8 : Design Principles
 Policy DM3.11 : Road safety and the free flow of traffic
 Policy DM3.12 : Provision of vehicle parking
 Policy DM3.13 : Amenity, noise and quality of life
 Policy DM3.14 : Pollution, health and safety
 Policy DM4.2 : Sustainable drainage and water management
 Policy DM4.3 : Facilities for the collection of recycling and waste
 Policy DM4.4 : Natural Environmental assets – designated and locally important open space
 Policy DM4.8 : Protection of Trees and Hedgerows
 Policy DM4.9 : Incorporating landscape into design
 Policy DM4.10 : Heritage Assets

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

- 3.4 S16(2) and 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, 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.

S72 Listed Buildings Act 1990 provides: “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

4. Consultations

4.1 Bramerton Parish Council

Initial response:

Objects to the application on the same grounds as the previous application, reference 2021/2275, with the reasons summarised as follows:

- The Homestead makes a valuable contribution to the Conservation Area and is in a key location at the gateway to the village.
- The proposed development does not enhance the Conservation Area, it despoils it.
- The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- Heritage Officer’s response to application 2019/1180 refers to the attractive appearance of the Homestead, including its architectural features, but notes that it more the setting of the dwelling within a large, landscape plot which makes a positive contribution to the Conservation Area.
- Officer’s report for application 2019/1958 states that the Homestead is a non-designated heritage asset and that its demolition could not be supported. The Officers report also referred to Historic England concluding that the Homestead is a non-designated heritage asset.
- The Homestead is located at one of the few gateways to Bramerton which currently provides for an attractive approach to the village. The proposed development would not replicate the current context.
- The development would detract from the open nature of the site.
- Demolition and replacement of the existing dwelling would result in unnecessary emissions at a time when there is a focus on climate change.
- Concern regarding the loss of trees and shrubs, which will have an adverse impact on the character and appearance of the Conservation Area.
- Importance of indigenous trees and hedges is noted within the Conservation Area Appraisal.
- Concern that the proposed development would have a detrimental impact upon road safety by blocking sight lines across the site, particularly for motorists travelling south on The Street and turning right into Framingham Lane.
- Visibility would also be adversely affected for motorists travelling from Rockland St Mary as they approach the southern corner of the site, as they will only have a limited view of any vehicles approaching from The Street.
- Highway concerns are underlined by a recent collision at the junction of The Street and Framingham Lane on 25 July 2022.

A second response, following re-consultation on updated ecological and tree information:

- The Parish Council's response reiterated previous comments.

A third response following re-consultation on final updates to the tree and ecology reports:

- The Parish Council's response reiterated previous comments.

4.2 District Councillor

Cllr Vic Thomson

No comments received.

4.3 SNC Senior Heritage & Design Officer

No objections received subject to conditions regarding materials and design details.

In addition to the above comments received by the Senior Heritage & Design Officer, it is worth re-producing their comments dated 18 June 2019 regarding an earlier application, reference 2019/1180, as they address heritage matters which have been raised again in connection with the current application:

- The buildings are not of significant historic or architectural value and have not been identified as such in the Conservation Area Appraisal, it is the setting of the Homestead within a large, landscaped plot which contributes positively to the character and appearance of the Conservation Area.
- Historic England have never stated that they consider the Homestead to be a non-designated heritage asset.
- The Officer for application 2019/1958 identified the Homestead as a non-designated heritage asset in their delegated report, but they did not provide any evidence or reasoning to support this. The Officer also incorrectly stated that Historic England consider the Homestead to be a non-designated heritage asset.
- Quoted Planning Policy Guidance which states that "it is important that decisions to identify them as non-designated heritage assets are based on sound evidence".
- Confirmed that in their professional judgement the Homestead as a building is not of sufficient heritage interest to be considered a non-designated heritage asset.

4.4 SNC Ecologist & Biodiversity Officer

No objections subject to conditions

Following initial comments and correspondence with the Applicants appointed ecologist, in addition to the submission of additional information and an updated Preliminary Ecological Appraisal, the Council's Ecologist & Biodiversity formally responded to the application on 29 November 2022. The comments are summarised as follows:

- Sufficient evidence submitted to demonstrate that Natural England have accepted bat survey data from the previous survey season and that they would be likely to grant a license for the proposed development.
- Requested documents in relation to great crested newts and district level licensing have been submitted and are in order.

4.5 SNC Tree Officer

No objections subject to conditions

Initial response:

- Site located within the Conservation Area, where protection is afforded to the existing mature trees, many of which appear to provide landscape value to the Conservation Area.
- The layout indicates the removal of trees which would not be necessary to implement the proposed layout, meaning a separate consent would be required for their removal via a formal Conservation Area Notification.

Response concluded by recommending planning conditions should the application be approved.

A second response, following a re-consultation on an updated Arboricultural Impact Assessment (AIA):

- No objections to the proposed development.
- Considered that the loss of three low value trees would be acceptable.
- Updated AIA is acceptable.

4.6 NCC Highways

No objections subject to recommended conditions and informative.

[The NCC Highway response submitted in response to this application replicated that submitted under application 2021/2275. Officers have liaised with NCC Highways and it has been confirmed that from the Highway Authority's perspective the response is valid and applicable to the current application]

4.7 Historic England

No objections

Noted that the replacement dwelling reflects the replacement dwelling sought as part of application 2021/2275. Referred to comments previously submitted in relation to the previous application.

- No opposition to the replacement of the existing dwelling, subject to the new dwelling sustaining the character of the Conservation Area.
- Acknowledged that the current proposal largely sustains the characteristics of the Conservation Area but recommended that the Council consider the materials and detailing of the proposed dwelling, curtilage structures and landscaping, to ensure they best reflect the character of the area.
- Reaffirmed heritage policies contained in the NPPF.

Consultation response concludes that Historic England do not object to the application on heritage grounds. Notwithstanding this, they would support the Council in attaching conditions to secure details that best reflect the character of the area.

4.8 Other Representations

Initial consultation:

3 letters of objection

- Trees are shown for removal which would not be impacted by the proposed replacement dwelling.
- Application should not have been validated without correct documentation.
- A Planning Committee resolution to grant planning permission does not constitute a decision notice. The decision for planning application 2021/2275 has not been issued and planning permission has not been granted.
- References to previous decision are irrelevant as there is no planning permission.
- Application must be assessed on its own merits.
- Reports submitted in support of the application are not relevant to the current proposal and refer to the proposals of a previous application for three dwellings.
- Proposed bungalow does not impact on the Beech tree (reference T3) and there is no valid justification for its removal.
- Documentation discrepancies, dating backing to previous applications, have not been corrected.
- AIA reports submitted with previous applications 2019/1180, 2019/1958, and 2020/2092 identified the Beech tree as a Category B tree (moderate quality) and did not require its removal. Within a few months the tree was downgraded to Category C (low quality) as part of the submission for planning application 2022/2275, which also required its removal.
- Council's Tree Officer accepted conclusions of AIA for application 2022/2275 despite the disparity with the AIA submitted under earlier applications.
- Felling of the Beech tree no longer relevant and should not be permitted.
- Neither the AIA or the Council's Tree Officer investigated the canopy health or bough defects of the Beech tree.
- An experienced arboriculturalist has examined photos of the Beech tree and identified that it is still growing with sufficient properties to counter decay.
- Category C trees can be sustained for 10 years or more.
- Trees have biodiversity value.
- Previous conclusion on the justification for the removal of the Beech tree is not founded on evidence and is incorrect.
- A petition objecting to the removal of the Beech tree has previously been signed by 30 residents, not by the occupants of eight properties as previously report to Planning Committee.
- The Beech tree is a prominent location within the site, and it makes a positive contribution to the Conservation Area.

Photos of the Beech tree (T3) were also submitted as part of one the responses

Second consultation

2 letters of objections

- The most recently updated documents are still not correct or accurate.
- Application should be assessed on its individual merits, informed by correct and accurate supporting information.
- Reaffirmed that the replacement dwelling would not impact upon trees shown for removal, with particular reference to the on-site Beech tree, as confirmed by the Council's Tree Officer.
- It is not unreasonable to seek to protect trees in a Conservation Area given the nutrient neutrality issue is ongoing.

Third consultation

1 letter of objections

- Acknowledged that an amended AIA has been submitted which shows the retention of trees previously shown for removal, as well as proposed tree protection measures.
- Understood that the application will be reported to Planning Committee.

5 AssessmentKey considerations

- 5.1 The key considerations relate to the principle of development; design; residential amenity; heritage; highways; trees; and ecology.

Principle

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is an important material consideration and reaffirms the primacy of the development plan in decision making at paragraphs 12 and 47.
- 5.3 Amongst other matters, Policy DM1.1 of the South Norfolk Local Plan (SNLP) sets out that the Council will take a positive approach to new development that reflects the presumption in favour of sustainable development, before going on to state that planning applications which accord with the Council's Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.
- 5.4 Policy DM1.3 of the South Norfolk Local Plan seeks to promote new development within development boundaries or on allocated sites. Policy DM3.5 permits replacement dwellings within development boundaries subject to compliance with design, amenity, and parking and access requirements.
- 5.5 The existing dwelling and the vast majority of the application site is located within the adopted development boundary for Bramerton. Only a small proportion of the existing garden for the Homestead is located outside of the development boundary, but even so the garden forms part of the existing residential use.
- 5.6 Planning permission is sought for the demolition of the existing dwelling and outbuilding to facilitate the construction of a replacement dwelling and garage. As noted above, replacement dwellings are facilitated under Policy DM3.5 of the SNLP and as such the principle of the proposed development would be acceptable.
- 5.7 Notwithstanding the principle being acceptable, the overall acceptability of the proposed development is dependent on various other policy considerations being satisfactorily addressed. An assessment of the proposed development against these policy considerations is set out within the remainder of the report.

Design

- 5.8 Policy DM3.8 of the SNLP and Policies 1 and 2 of the JCS require all new developments to achieve a high standard of design. Policy DM3.5 of the SNLP specifically requires proposals for replacement dwellings to incorporate good design which maintains or enhances the character of the site and its surroundings.

- 5.9 The above policy objectives are reflected in the NPPF with paragraph 127 setting out that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout, and effective landscaping.
- 5.10 The existing dwelling to be demolished is of a two-storey scale and is situated centrally within the application site. It is proposed to replace this dwelling with a single-storey, u-shaped dwelling that would occupy a similar central position within the site.
- 5.11 The scale and massing of the proposed dwelling is considered to be modest and appropriate to the size of the plot. In terms of its appearance, the design takes reference from a barn style typology, with a u-shaped footprint creating a courtyard flanked by two gable-end projections. The proposed garage reflects the style of the dwelling and would be well-related to it. Materials proposed include clay pantiles, brick, and elements of weatherboarding, in response to local vernacular. Overall, the design rationale applied to the proposed dwelling and garage would be sympathetic to the character and appearance of the site, as well as the character and appearance of the locality.
- 5.12 Landscaping would augment the proposed design of the dwelling and garage. A brick wall would define the replacement dwelling's garden and amenity space within the site, whilst the boundaries addressing Rockland Road and the access to the site would be treated with black estate railings and copper beech hedging. A landscaping scheme condition is recommended which would enable additional tree and hedge planting to be secured within the site.
- 5.13 In light of the above considerations, the proposed replacement dwelling is considered to represent a high standard of design. Accordingly, it would make a positive contribution to the character of the site and its surroundings. The proposed development would therefore comply with Policies DM3.5 and DM3.8 of the SNLP, as well as Policies 1 and 2 of the JCS.

Residential Amenity

- 5.14 Policy DM3.13 of the SNLP requires development to have regard to the impact upon residential amenity. Likewise, the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 5.15 Having regard to the siting of the dwelling within the site, its single-storey scale, and the separation distances involved, there would be no harm to the residential amenity of neighbouring properties.
- 5.16 Officers are also satisfied that the future occupants of the proposed dwelling would benefit from a high standard of residential amenity.
- 5.17 The proposed development would therefore comply with Policy DM3.13 of the SNLP. It would also accord with the policies and objectives contained within the NPPF.

Heritage

- 5.18 Policy DM4.10 of the SNLP sets out that 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. It goes on to cite that considerable importance and weight must be given to the desirability of preserving listed buildings, their settings and the character and appearance of conservation areas.
- 5.19 The above policy objectives are consistent with the policies contained in chapter 16 of the NPPF which recognises the importance of heritage assets and the subsequent importance of sustaining and enhancing their significance.

- 5.20 The Council also has statutory duties, under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the significance of listed buildings and the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5.21 As addressed in the Council's Senior Heritage & Design Officer comments submitted under application 2021/2275, and referred to in their response to this application, the dwelling at the Homestead has previously been identified as a non-designated heritage asset in the Officers delegated report for application 2019/1180. The identification of the building as a non-designated heritage asset was made without reference to any supporting evidence. The report also erroneously cited Historic England as having identified the Homestead as a non-designated heritage asset. At no point have Historic England identified the dwelling as a non-designated heritage asset. Neither is the building identified as an unlisted building of townscape significance within the Bramerton Conservation Area Appraisal.
- 5.22 The Planning Practice Guidance is material and sets out that only a minority of buildings have enough heritage significance to merit identification as non-designated heritage assets. It goes on to explain that when considering the identification of non-designated heritage assets, 'it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence'. The Homestead has not been identified as a non-designated heritage asset by either the Council's Senior Heritage and Design Officer or Historic England, and it is not considered to have sufficient heritage significance to warrant its identification as one.
- 5.23 Notwithstanding the above, given its location and landscaped setting, the site does make an important contribution to the character and appearance of the Conservation Area and village. However, as discussed earlier in this report, the proposed design of the dwelling has been carefully considered to respond positively to the site, its context, and local distinctiveness.
- 5.24 As will be discussed further below, three trees would be removed to facilitate the implementation of the proposed dwelling. It is not considered that the removal of these trees would harm the character and appearance of the site or the surrounding area. As aforementioned in the discussion on design, a landscaping scheme condition is recommended to secure additional planting to enhance the setting of the replacement dwelling. It is subsequently concluded that the proposed development would preserve the character and appearance of the Bramerton Conservation Area.
- 5.25 In addition to the above, the proposed development is considered to preserve the significance of the Grade II Listed Buildings to the west and south-wester of the site, at Grove Farm Cottages and the Grange respectively. Likewise, it is not considered there would be any harm to the unlisted buildings of townscape significance, identified within the Conservation Area Appraisal, which are also located to the west of the site.
- 5.26 The Council's Senior Heritage & Design Officer has reviewed the application and the submitted Heritage Statement and responded by raising no objection to the current application, subject to conditions being attached regarding design details. Historic England have similarly raised no objection to the proposed development, albeit they support the Council in attaching conditions to secure details which best reflect the character of the area.
- 5.27 To summarise, the proposed development would maintain an acceptable relationship with regards to the affected heritage assets, thereby complying with Policy DM4.10 of the SNLP and the heritage policies and objectives contained within the NPPF. The Council could therefore grant planning permission without prejudicing its statutory duties under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Matters

- 5.28 Policies DM3.11 and DM3.12 of the SNLP, in addition to Policy 2 of the JCS, collectively seek to ensure the safe and free movement of traffic and the provision of sufficient parking, in accordance with the Council's adopted parking standards.
- 5.29 The above policy objectives are reflected within the NPPF with paragraph 111 explicitly stating that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.30 The replacement dwelling proposed would utilise the existing access which serves the existing dwelling. Whilst the local highway concerns raised by the Parish Council during the course of the application are duly noted, Norfolk County Council Highways, as the Highway Authority, have been consulted on the application and reaffirmed that their response to planning application 2021/2275 remains extant and that there are no highway objections to the current application subject to recommended conditions regarding the upgrading of the access; compliance with required driveway details; the provision of visibility splays; and the provision of parking and manoeuvring areas. An informative has also been recommended in relation to works to highway land.
- 5.31 Sufficient parking would be provided on-site in accordance with the Council's adopted Parking Standards.
- 5.32 The proposed development would be in accordance with Policies DM3.11 and DM3.12 of the SNLP, as well as Policy 2 of the JCS. It would also be in accordance with the relevant policies and objectives contained within the NPPF.

Trees and Hedgerows

- 5.33 Policy DM4.8 of the SNLP seeks to promote the retention and conservation of trees. Policy 1 of the JCS emphasises the importance of protecting, maintaining, restoring, and enhancing environmental assets.
- 5.34 The above policy objectives are reinforced under paragraph 131 of the NPPF which, amongst other matters, highlights the importance of trees for helping to mitigate against and adapt to climate change and requires existing trees to be retained wherever possible.
- 5.35 There are a number of existing trees within the application site and along its boundaries. When the application was originally submitted, it was accompanied by the Arboricultural Impact Assessment (AIA) provided as part of application 2021/2275. This AIA indicated the removal of trees which would not be necessary in order to implement the replacement dwelling in its own right.
- 5.36 During the course of the application, updated AIA reports were requested and submitted, the most recent of which identifies three Category C trees (low quality) as requiring removal in order to implement the proposed replacement dwelling and garage. The remaining trees on the site would be protected during the construction phase of the development through the implementation of the proposed tree protection measures, which would be secured by condition.

- 5.37 The Council's Tree Officer has responded to the latest consultation and AIA raising no objections to the loss of the three low quality trees to facilitate the proposed development. They have also recommended a condition regarding service trench details, however, as set out within the submitted AIA, the services to the site are already in situ and new routes are to be located outside of any root area of retained trees. As such, by requiring compliance with the AIA, the provision of appropriate service trenches that do not harm retained trees would be assured in any event and it would not be necessary to attach a further condition on that basis. It is also notable that the Tree Officer's response does acknowledge that there appears to be sufficient space for service trenches, and that the further condition was only suggested on a precautionary basis.
- 5.38 In addition to the above considerations, whilst three trees would be removed, a landscaping scheme condition is recommended which would enable additional tree and hedge planting to be secured within the site.
- 5.39 The proposed development would be in accordance with Policy DM4.8 of the SNLP, as well as Policy 1 of the JCS. It would also be in accordance with the relevant policies and objectives contained within the NPPF.

Ecology

- 5.40 Policy DM4.4 of the SNLP requires developments to contribute towards the establishment and positive improvement of coherent ecological networks, including biodiversity enhancements and multi-functional Green Infrastructure. Policy 1 of the JCS, amongst other matters, requires developments to improve the resilience of ecosystem to environmental change, as well as stipulating that development likely to have any adverse effect on nationally designated sites and species will be assessed in accordance with national policy and legislation.
- 5.41 Paragraph 170 of the NPPF also explains that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.
- 5.42 The application is supported by a Preliminary Ecological Appraisal (PEA), prepared by Greenlight Environmental Consultancy, which assesses the likely impact of the development on Protected and Priority Habitats and Species, as well as the identification of proportionate mitigation measures. The PEA is supplemented by a bat survey report and a great crested newt survey (GCN) report, again prepared by Greenlight Environmental Consultancy. Following the receipt of an updated Preliminary Ecological Appraisal; the submission of the relevant documentation regarding the GCN district level licensing (DLL); and clarification from the Applicant's ecologist on the submitted bat surveys, the Council's Ecologist & Biodiversity Officer is content that sufficient information has been made available for the determination of the application.
- 5.43 The response from the Council's Ecologist & Biodiversity Officer raises no objections to the proposed development and concludes by recommending conditions related to mitigation in accordance with the submitted bat and GCN surveys, as well as a landscaping scheme to include planting of native species-rich, hedgerows and trees around the site.
- 5.44 The proposed development would be in accordance with Policy DM4.4 of the SNLP, as well as Policy 1 of the JCS. It would also be in accordance with the relevant policies and objectives contained within the NPPF.

Other Issues

- 5.45 Notwithstanding the conclusion set out in this report with regards to trees, it is notable that a number of other trees within the site have previously been accepted for removal in order to enable the implementation of the second dwelling proposed under application 2021/2275. Nonetheless, the trees identified and accepted for removal in that case cannot be removed at this current time, as the decision is pending until nutrient neutrality mitigation has been identified and secured for that development.

- 5.46 But, as soon as nutrient neutrality mitigation has been secured for the proposed development under application 2021/2275, the Planning Committee's resolution to grant that application will result in a planning permission being issued, which will then in turn permit the removal of the trees necessary to implement the development it approves.
- 5.47 The above is only set out insofar as to manage expectations going forward, as whilst the current application would permit the removal of three trees, it would not preclude the removal of trees identified as necessary to implement the development submitted under application 2021/2275 once the planning permission has been issued pursuant to the resolution to grant.
- 5.48 This includes the Beech tree (T3) referred to in many of the objections to the current and previous applications. Therefore, whilst the development proposed under this application would require and permit the removal of three trees, as soon as the nutrient neutrality mitigation is secured, the resolution to grant for planning application 2021/2275 will become an implementable planning permission and the removal of additional trees pursuant to that application will be permissible.
6. Equalities Impact Assessment
- 6.1 Under section 149 of the Equality Act 2010, the Council has had due regard to the impacts of this proposal, in respect of layout, design and connectivity, on those groups with protected characteristics. It is considered that the benefits of this proposal outweigh the negative impacts having regard to the Act.
7. **Local Finances**
- 7.1 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.
8. **CIL**
- 8.1 This application is liable for Community Infrastructure Levy (CIL) although it is open to the Applicant to claim self-build exemption in the event of planning permission being granted.
9. **GIRAMS**
- 9.1 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS)
10. **Conclusion**
- 10.1 To conclude, the proposed development would be acceptable in principle under Policy DM3.5 of the SNLP, moreover it has been assessed and found to be compliant with regards to the Development Plan policies relevant to the considerations.
- 10.2 Notably, the proposed development would achieve a high standard of design, layout and landscaping which responds to local distinctiveness, whilst resulting in no harm to the amenity of neighbours and providing for a high standard of amenity for future occupants. The proposed development would equally preserve the character and appearance of the Bramerton Conservation Area, as well as the significance of nearby listed buildings. And there would be no harm with regards to the character of the area, highway safety, trees and hedgerows, and ecology.

- 10.3 The proposed development would therefore comply with Policies DM1.1, DM1.3, DM3.5, DM3.8, DM3.11, DM4.4, DM4.8, DM3.12, DM3.13, and DM4.10 of the SNLP, in addition to Policies 1 and 2 of the JCS. The proposed development would also comply with the relevant policies and objectives as set out within the NPPF.
- 10.4 Additionally, given it is considered that the proposed development would preserve the character and appearance of the Bramerton Conservation Area and the significance of the nearby listed buildings, there would be no conflict with the Council's statutory duties under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.5 Therefore, for the reasons set out within this report, Officers recommend that planning permission be granted subject to conditions.

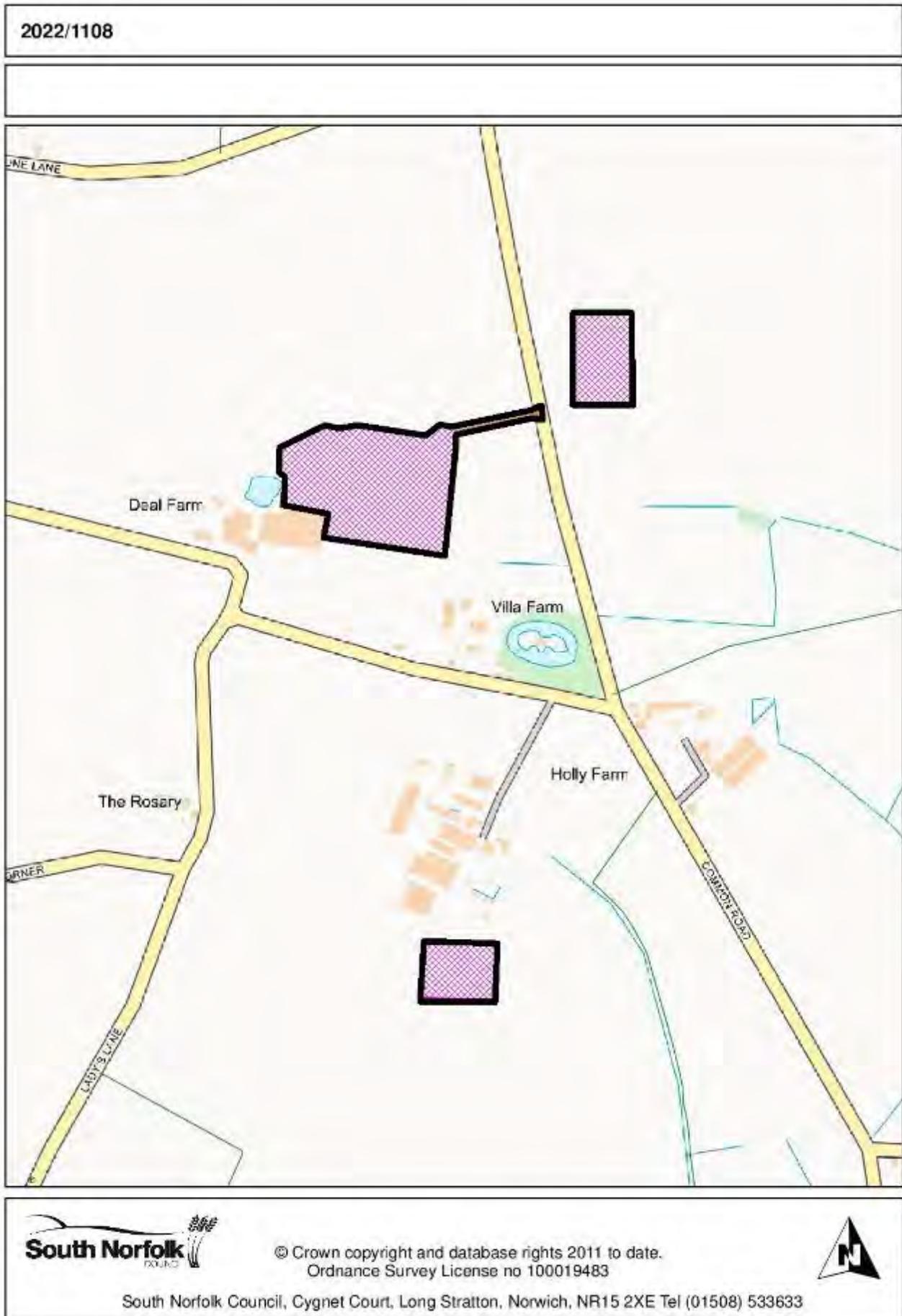
Recommendation : Approval with Conditions

- 1 Time limit – full permission
- 2 In accordance with submitted drawings
- 3 No means of obstruction within the access
- 4 Parking
- 5 No PD for fences, walls or other means of enclosure
- 6 No PD for Classes A, B, C, D & E
- 7 Water efficiency
- 8 Boundary treatments to be agreed
- 9 Landscaping scheme including tree and hedgerows
- 10 Visibility splays
- 11 Driveway
- 12 Vehicular access
- 13 External materials to be agreed
- 14 PD rights removed for roof additions and alterations
- 15 Development in accordance with AIA and tree protection
- 16 External lighting
- 17 Ecology/Biodiversity mitigation on site in accordance with Great Crested Newt and Bat Survey Report recommendations

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Major Application

Application 9



Major Application

- 9. Application No : 2022/1108/F**
Parish : BRESSINGHAM

Applicant's Name: Deal Farm Biogas Ltd
 Site Address Deal Farm, Kenninghall Road, Bressingham
 Proposal Construction of an Anaerobic Digestion facility (part retrospective), comprising: 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system; digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection; carbon capture, CHP, agricultural building; office buildings, weighbridge, 2 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds). Revised application following withdrawn planning application 2021/2788.

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4. In addition, the proposal has potential to generate employment but the recommendation is for refusal.

Recommendation summary :

Refusal

1 Proposal and site context

- 1.1 The application relates to a largely constructed anaerobic digestion plant on a site in the parish of Bressingham and Fersfield, a little under 1.5km to the north of the main part of the village of Bressingham. The site has been the subject of a series of planning applications relating to this development, dating back to 2015.
- 1.2 The first application (ref: 2015/0595) was for a farm anaerobic digestion facility for which the applicant was Aves and Partners who are the farmers based at Deal Farm. This application was approved with a section 106 agreement which withdrew previous consents on a site granted to the south of Deal Farm for AD plants (the most recent of which was planning permission ref: 2013/1887) as it would not have been considered acceptable to have both plants constructed within such close proximity. The 2015 approval scheme had a feedstock of 22,360 per annum to be mainly sourced from the applicant's farm.
- 1.3 In 2018 some minor works to construct some concrete footings were undertaken but works progressed no further than that. Works resumed in the Spring of 2021, however what was subsequently constructed was substantially different from that approved under the 2015 permission. The applicant initially sought to rectify this with a section 73 application (ref: 2021/2306) to vary condition 2 (which required the development to be constructed in accordance with the approved plans) of the 2015 consent to regularise the difference in the layout of the development. As the application was considered it became apparent that the changes were more significant than initially appreciated. Legal advice was sought which led the Council to the view that the difference from what was now being applied for and what was originally granted consent were beyond the scope of what can be considered under a section 73 application and that furthermore because what had been constructed had differed so much that it could no longer be considered that the 2015 consent had been implemented. As a consequence, none of the plant installed or structures erected benefits from planning permission and the consent granted in 2015 is no longer implementable and has now expired.

- 1.4 Following withdrawal of the section 73 application the applicant submitted a new planning application (ref: 2021/2788) for the plant. In addition this included three lagoons which were not part of the previous proposals and other features such as a bund that had been created and lighting conductors that had been installed whilst the section 73 application was being considered. The application also now stated that the feedstock for the plant would be 46,750 tonnes per annum which was significantly more than previously stated. The application received a significant number of public comments, with some 363 objecting to the application and 61 supporting it. In addition the Council received a number of concerns from technical consultees including an objection from the Highway Authority due to the impact of the traffic serving a larger plant than that previously permitted on the local highway network.
- 1.5 After attempting to address the objection from the Highway Authority without success the applicant ultimately withdrew planning application 2021/2788 and then submitted a fresh planning application which is the one that is the subject of this report.
- 1.6 The current application still seeks to retain the plant and structures that have been erected, along with those proposed under planning application 2021/2788 but not built. The key differences are that one of the three lagoons previously proposed no longer forms part of this scheme and the feedstock is now proposed to be 23,950 tonnes per annum. The two lagoons that are still proposed are 385 metres to the north-east and 640 metres to the south of the main site and both within land that is currently in arable agricultural use.
- 1.7 The site itself is on land immediately adjacent to existing agricultural buildings of Deal Farm, which consist of buildings of various ages from large modern structures to the original listed farmhouse. The farm sits in an open, relatively flat landscape albeit with some undulation and a slight fall to the south. Access to the original farm is from Kenninghall Road but a new access (which forms part of this application) has been constructed from Common Road to serve the anaerobic digestion plant.

2. Relevant planning history

2.1	2021/2788	Construction of an Anaerobic Digestion facility (part retrospective), comprising 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system, digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection, carbon capture, CHP. Agricultural building, office buildings, weighbridge; 3 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds)	Withdrawn
2.2	2021/2036	Variation of condition 2 of planning permission 2015/0595 to allow for revised plans/drawings and comparative landscape visualisations	Withdrawn
2.3	2015/0595	Construction of a farm agricultural anaerobic digestion facility.	Approved

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 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
- 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 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
 DM3.11: Road safety and the free flow of traffic
 DM3.12: Provision of vehicle parking
 DM3.13: Amenity, noise, quality of life
 DM4.1: Renewable energy
 DM4.4: Natural environmental assets – designated and locally important spaces
 DM4.5: Landscape character areas and river valleys
 DM4.9: Incorporating landscape into design
 DM4.10: Heritage Assets

Statutory duties relating to setting of Listed Buildings:

S16(2) and 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, 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.

4. Consultations

4.1 Bressingham and Fersfield Parish Council

Comments on additional documents and supporting information:

Continue to recommend refusal of this application

- There is nothing in the additional reports that negates our previous response or causes us to reconsider any part of it

- The Memorandum of Understanding submitted between the applicant and Aves and Partners is not a legally binding document and therefore it is appropriate to assume that the traffic levels generated by Aves and Partners will not be reduced. Bearing in mind that the grant of planning permission would inevitably lead to the proposed DP plant being used at full capacity, it is reasonable for us to maintain our previous estimate that up to 5475 additional vehicle movements per year i.e. 15 vehicle movements per day would be created if this application were granted.
- Oppose in the strongest terms the “haul route” with “highway improvements” that has been proposed. The proposed route leaves the A1066 at a dangerous junction with limited visibility and passes along single track lanes in its entirety, following a disjointed route incorporating 90 degree bends and blind three way junctions. It is proposed to construct 36 passing places along the 2.7 mile route illustrating clearly that the route is unsuitable.
- Equally, putting so many passing places in is essentially a road widening exercise destroying them and putting other road users in danger. It is clear that road safety and quality of life cannot be maintained for the pedestrians, cyclists and horse riders that are accustomed to using this route should this development be allowed
- This in itself is sufficient that the application should be refused

Comments on originally submitted document (with this application):

Object

- There is a duty of care to Bressingham and Fersfield parishioners to refuse this application. South Norfolk Council cannot realistically expect to monitor or enforce the traffic movements and mass of feedstocks stated if it were to approve the application. This application describes and specifies exactly the same facility to that described in application 2021/2788 which had the capacity to process 46,750 tonnes of feedstock per annum. The reduction in the number of plant access driveways, number of storage lagoons, pipelines and output draw-off points do not control the facility’s production capacity or throughput and are, therefore, irrelevant and meaningless to the capacity to the plant.
- The proposed development breaches the three key principles for the UK’s Biomass Priority Use Framework defined in HM Government BEIS Biomass Policy Statement as it does not comply with the waste hierarchy principles, it makes no consideration of feedstock availability in its proposed contribution to carbon budgets and it will not operate in a hard-to-decarbonise sector and does not use carbon capture or storage
- It is contrary to policies DM3.8 and DM4.5 as its introduction into the rural landscape, without planning consent, has changed the landscape, destroyed views across farmland and open countryside, and has already been detrimental to its character through the erosion of its open nature; the proposed development does not respect, conserve or enhance the landscape character of the immediate environment; it does not achieve a positive improvement, and it does not respect the local landscape and does not integrate into the surroundings
- The proposal undermines residents living conditions and safety as it has not been demonstrated that road safety will be maintained. Our Parishioners have told us about being intimidated and too afraid to walk on the narrow lanes around Deal Farm, due to farm and transport vehicles and previously due to construction traffic used to build the AD plant without planning consent. Bearing in mind that the grant of this application would lead directly to the proposed AD plant being used at full capacity, the volume of Aves and Partners farm traffic associated with crops will not be affected by AD traffic movements and as there is no formal commitment between Deal Farm Biogas with Aves and Partners it is appropriate to assume that the volume of Aves and Partners traffic will not be reduced. As such there will be up to 7475 additional vehicle movements per year i.e. 15 movement per day on single track, low quality, country and village lanes that are unfit for purpose.

- The development would be damaging to quality of life and the environment as our Parishioners health, well-being and livelihoods have suffered already as a direct result of this development; the proposed AD plant site, including storage lagoons, is within the protected zone of Shelfanger Meadows SSSI which Natural England identify could be put at risk, and the risk of odours and leakage from the proposed storage lagoons has not been addressed satisfactorily
- Increases the risk of flooding locally. Run-off from the fields is already significant due to the damage they have sustained through questionable use. Allowing hardstanding, constructed without planning consent, to remain will increase flooding further
- Will be a large-scale industrial gas production plant, not a local agricultural waste management initiative as suggested. Despite the repeated reference to “the Farmer” on the application no farmer plays any part in the applicant’s business and the applicant has not committed to purchase feedstocks from any source. It would be commercially and practically impossible to commit to source feedstocks from any provider, including the farmer – R. G. Aves or its connected companies. This being the case, the claims that any additional traffic generated by the proposed AD plant will be balanced out by a reduction in agricultural traffic currently generated by R. G. Aves and Partners is fundamentally flawed and without basis and so must be discounted
- Conflict with UK environmental goals as the UK is committed to reduce emissions where as there will be an increase in CO2 emissions from vehicles up to 535 tonnes of CO2 per year as a direct result of granting this planning application

4.2 Palgrave Parish Council

Object

- The development is contrary to the Local Plan as it is a large-scale industrial gas-production plant that, if allowed, will continue to be detrimental to the rural character of the surrounds that it has already damaged. It’s introduction into the rural landscape, without planning consent, has already changed the landscape, destroying views across farmland and open countryside and is already detrimental to its character through the erosion of its open nature. The proposed development does not respect, conserve or enhance the landscape character of the immediate environment.
- There is a clear public interest in enforcing planning law and regulation to refuse this application on the grounds of its significant negative impact on quality of life and our environment.
- The proposed AD plant, including storage lagoons, is within the protected zones of Shelfanger Meadows which is an SSSI and which could be at risk due to the changing of water levels and tables and water utilisation; construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying or removal of cables and pipelines; and the risk of odours and leakage from the proposed storage lagoons
- It has not been demonstrated that road safety will be maintained with villagers intimidated from walking on the narrow lanes around Deal Farm due to farm and transport vehicles. These roads are not fit for the volume of traffic using them currently, let along the additional and significant heavy traffic that would feed the proposed AD plant.
- This will not be a local agricultural waste management initiative as suggested. No farmer plays any part in the applicant’s business and the applicant has not committed to purchase feedstocks from any source

4.3 Harling Parish Council

Whilst this site is not within or near the Parish of Harling, concerns were raised at the impact on the B1111 through Harling with the increase in traffic movements. Harling Parish Council has campaigned for over 20 years to see the B1111 being removed as a preferred route for HGVs and so we do not support any applications in any form that could cause increases in vehicle movements through our village

4.4 Roydon Parish Council

Comments on additional documents and supporting information:

Reiterate our main concerns and objection to this planning application

- The main addition to the new transport statement is the inclusion of a new route from the A1066 via Halford lane and the Valley, these are some of the narrowest roads in Bressingham and are totally unsuitable for the type of traffic envisaged. The new proposed route is entirely unacceptable as it consists of little more than single track roads, along routes that are extremely favoured by walkers and cyclists from a wide area around and by visitors to the Waveney Valley, increasing our concerns of the safety of all those using the route.
- The proposed passing places appear to indicate the using of existing driveways and farm tracks in many places, which are totally unsuitable for this purpose. Ditches will be damaged and flooding will result from this. Additionally vehicle movements cannot be monitored accurately and no doubt will surreptitiously increase over time in order to ensure that the digesters are run to full capacity in order to ensure profitability. This AD plant has been constructed without the granting of appropriate planning permission in a location that is totally unsuitable for this type of operation, no amount of revisions will alter this fact.

Comments on originally submitted document (with this application):

Object

- The parish of Roydon is less than 1 mile from the Deal Farm site. Due to this proximity developments on this site will have a direct impact on the residents of the parish and our local environment. It has been noted that the applicant is no longer the farm business (application approved under 2015/0595) but a large international company and that there remain significant differences from the original approved plans
- In regard to traffic, this is an area of "Quiet Lanes" (as designated by Norfolk County Council) which as much are not designed nor are desirable for large, heavy vehicles to use them on the regular basis that the proposed AD plant would need. The road networks surrounding this site are suitable for the size of the villages only, mostly single-track narrow lanes with no footpaths. These country lanes are unsuitable for the increase in HGV and large farm vehicles that would need to use them and be dangerous to all roads users including pedestrians, dog walkers, cyclists, horse riders and the mobility impaired. Who would be responsible for ensuring agreed routes are adhered to?
- The substantive difference between the previous application and this current one is the reduction in feedstock. However, there is no planned reduction in size of the already built industrial scale facility. If this application is approved, what measures would be in place to ensure that the feedstock quantities were not gradually increased over time? Any increase in feedstock would lead to more traffic movements as the feedstock would need to be obtained from further afield, thus leading to an increase in the aforementioned dangers to the local roads, both structurally and for all users

4.5 Shelfanger Parish Council

Comments on additional documents and supporting information:

Reiterate previous objection

- If the applicant does not intend to use the in excess of 55,000 feedstock per annum capacity of the plant then why are they proposing a massive upgrade on a new route with 37 passing places over 2.7 miles?
- None of the traffic movements from application 2022/1930 which are in excess of 8- a day are taken into account even though this is an associated site operated by the same landowner
- The Stage 1 safety audit does an exceptional job of highlighting all the problems and hazards the new 2.7 mile Halford Lane route has. All the routes approaching the plant have these problems but no upgrades to other routes are being proposed
- No amount of modification will alter the fact that this was constructed without permission in an exceptionally poor location

Comments on originally submitted document (with this application):

Object

- This is for the 4th time an application has been made to try to get this industrial plant planning application accepted
- At this present time we have an unauthorised building / development that has no planning consent whatsoever and although not exactly operational there is a generator operating 24 hours a day to keep the domes inflated. The generator hums constantly and many Shelfanger residents have complained that they have been unable to sleep at night because of the noise
- It has also been reported that there have been fatal incidents of lapwings drinking the slurry which is discharging from the stack of stored digestate material which the ecology report does not include
- The numbers of proposed vehicle movements does not include the large number of extremely big vehicles that will be delivering propane to enrich the gas before its pumped into the gas main
- There is already an increased number of large vehicles on the road from the Oaks Farm and Deal Farm and narrow local roads were never designed to take the traffic they handle now let alone future increases. There is no mention of traffic movements where drain off points are located in Common Road and Stone Lane, or how split liquid and excessive smells will be dealt with

4.6 Tibenham Parish Council

Object

- The existing construction was made without planning consent and should be removed as it makes a mockery of planning legislation
- The large volume of traffic the site generates is totally unsuitable for the small roads that surrounds it
- The original application has already been turned down, and to simply reduce the proposed output does not provide grounds for reconsideration. If it were given permission, what body would be responsible for policing the output that remained at the level specified?

4.7 Winfarthing Parish Council

Object

- A major concern is the huge increase in traffic movements which will be needed to service the digester. Construction traffic has already impacted on Winfarthing, along the B1077m, and single track lane (Dog Lane) to access the plant. This road is completely unsuitable with no passing places and the road edges and verges are already being eroded. The developer should pay for this damage
- The B1077 passes through the length of Winfarthing and passes the village primary school. Parents are being encourage to walk their children to school, thus speed limits should be lowered and time restrictions placed on access to the plant which again should be paid for by the applicant
- We feel that this development is not suitable for the location due to its industrial nature and lack of suitable road infrastructure

4.8 District Councillor – Cllr James Easter

Comments on additional documents and supporting information:

- New transport statement is little different to the previous one. It is still full of holes and unanswered questions. The data supplied regarding quantities of feedstock are no different than the previous statement. The amounts suggested in the report will not allow the current set up to produce sufficient gas to make it profitable or to allow the digesters to work properly for more than a few months. Which suggests if this application was agreed then further applications will follow to increase the input which will no doubt be made to the EA and not SNC where control is lost. The probable input to maximum capacity is possibly in the region of 150k – 200k and this amount will have to come from far and wide with the numbers of HCV and tractors going along the inadequate road system running into the 1000s.
- We have now been alerted to another issue of excess vehicles in the areas from The Oaks where there are 14 units rented out with approx.. 40 employees all coming and going in their own vehicles plus customers and farm vehicles, possibly 100 vehicles per day
- The main addition in the new transport statement is the inclusion of a new route from the A1066 via Halford Lane and The Valley etc. These are some of the narrowest roads in Bressingham and are totally unsuitable for the type of traffic envisaged I have had a meeting with local inhabitants who are appalled at the suggestion to use these roads for this purpose. The roads were just cart tracks until the Second World War when they were skimmed with tarmac and no improvement has been made to them since. They will not last long with heavy traffic.
- Adding to the issues regarding the war in Ukraine and high energy costs is an insult to everyone and should be removed from the report
- This application has been flawed from the very beginning and is still so

Comments on originally submitted document (with this application):

To Committee if for approval

- At this present time we have an unauthorised building / development that has no planning consent whatsoever
- This new planning application is supposed to have everything included in it but sadly is lacking in many ways and there is lots of information missing

- This suggests to me that as consultations are returned the applicant will provide a counter argument and the whole process will be on hold for another period of time. Whilst I understand that this is normal practice, in this case it is not acceptable
- This planning application has generated hundreds of emails to myself raising serious issues e.g. noise from the generator operating 24 hours at present to keep the domes, noise which will be lot worse if it does operate normally
- There are a lot less birds and animals in the area, obviously they are also affected by noise and have moved off. Once fully operational I anticipate that those birds and animals still here will also disappear
- The traffic report is an utter nonsense, there is no way that the amount of feedstock being brought to the plant can be monitored to see if it complies.
- The number of vehicle movements that the report suggests omits a large number of extremely big vehicles that will visit e.g. vehicles delivering propane to enrich the gas
- The large number of vehicles already on the road from Oaks Farm and Deal Farm are too many
- These narrow roads were never designed to take the traffic they handle now let alone any increases
- I would be very upset as a taxpayer if any money is spent on making passing places on unsuitable country lanes for the use of a large multinational company
- Officer's time could be much better spent on the large volume of new planning applications rather than continuously repeating consultations and adding comments for this particular application

4.9 Anglian Water Services

No comments as there is no connection to Anglian Water sewers

4.10 Civil Aviation Authority

No comments received

4.11 CPRE

Object

- Much of the justification for the proposed plant comes from the assertion that it will significantly contribute towards renewable energy targets, however the proposed use of 56% bioenergy crops is of great concern as this will divert land from more environmentally preferable uses. This concern is magnified if the land being used for such crop production is of the Best and Most Versatile grades 1, 2 and 3a
- There is an assumption throughout the application documentation that biomethane is a "green gas". The view of the Climate Change Committee is that supply of AD plants from annual crops as will be the case here do not have a role in renewable energy. DEFRA figures suggest that of the 93,000 hectares used for energy crops for AD plants, 75,000 hectares is for maize. This the source of "renewable" energy that occupies the greatest area of countryside is one that is not recognised by the Climate Change Committee as making a worthwhile contribution to CO2 reduction.
- Another assumption is that none of this matters if the land is already in cultivation, however the land use and landscape are changed detrimentally and the cultivation of maize has a particularly damaging effect on soil
- Concerns that run-off / surface water would be likely to cause pollution of local water courses

- Major concerns about the location of the site in terms of the HGV and tractor / trailer access to it along the surrounding minor road network and the impact of this on pedestrians, cyclists and horse riders. The local lanes lack designated passing places and have few informal places to pass. It is therefore difficult to see how the roads can be used safely which makes the proposal contrary to NPPF paragraph 110 as this significantly impacts on highway safety which cannot be effectively mitigated against. We feel that the development would lead to an unacceptable impact on road safety and should therefore be refused permission in line with NPPF paragraph 110
- Several elements of the proposed development will have negative impacts on the landscape character of the area. In particular, the height and mass of the main domes, along with the two lagoons giving greatest cause for concern. The presence of the lagoons in this application greatly increases these negative impacts when compared to the earlier application.
- Any lighting should not be pointed upwards or outwards and dusk to dawn lighting should be avoided with motion sensor-controlled lighting more appropriate

4.12 Environment Agency

No objection

Comments from response to 2021/2788 remain relevant

4.13 Historic England

No comments

4.14 MOD Safeguarding

No objection

4.15 Natural England

Comments on additional documents and supporting information:

To be reported

Comments on originally submitted document (with this application):

Object

Further information required as the application could have potentially significant effects on:

- Blo' Norton and Theltenham Fens Site of Special Scientific Interest (SSSI)
- Breckland Forest SSSI
- Breckland Special Protection Area (SPA)
- Redgrave and Lopham Fens SSSI
- Redgrave and Lopham Fens Ramsar
- Shelfanger Meadows SSSI
- Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC)
- Wortham Lings SSSI

4.16 Norfolk Police Architectural Liaison Officer

Comments relating to design and security including:

- Hedging should contain species with sharp thorns to dissuade casual intruders and provide defensive hedging
- Security fencing should meet Government security standards for such establishments
- CCTV should be installed
- Lighting design should be coordinated with CCTV installation and is recommended for entrance gates and routes to the main entrance and doors, car parks and observable building elevations
- Temporary buildings should not be used for the storage of high value equipment
- Alarm systems should be installed

4.17 NCC Historic Environment Service

No comments received

4.18 NCC Highways

Comments on additional documents and supporting information:

Object

The Highway Authority has no choice but to continue to recommend refusal for the reasons outlined previously.

Comments on originally submitted document (with this application)

Object

As previously outlined, ultimately to robustly assess the proposals both the local planning authority and local highway authority need to be clear what traffic is currently associated with the landowner, how much additional traffic will be on the local network, at which points / roads they use, what other existing activities from the landowner will continue, and that the local highway network is suitable to cater for this.

The assessment is based upon the assumption that throughput of feedstock would be limited to around 50% of capacity, the land owner would be the primary provider of feedstock (both waste and non-waste) and also recipient of the digestate (solid / liquid). However, the absence of a legal agreement, there is no guarantee that this will be the case.

We would need to have confidence that the capacity would be limited and that the feedstock and digestate output will be from the immediate local catchment as suggested and that this arrangement can be secured in perpetuity. If it cannot be guaranteed that this will be the case then clearly the concerns we have previously outlined, at length, in our two responses to relation to application 2021/2788 remain.

Furthermore, even if this were the case, there are a number of reductions that have been applied which cast the applicants own traffic figures in doubt. For example, a significant 'saving' is applied for the lack of double handling should the AD facility be approved particularly in relation to moving of crops / muck from stores to the final destination. However it is not clear how this had been calculated. As this relates to over 1,000 in and out movements per annum it is essential that this is understood. Likewise, the applicant has not confirmed which of the 'existing' movements they have outlined would continue.

Given that the applicant's Transport Statement relies on the assertion that the proposals will not increase traffic on the local road network, and will in fact decrease traffic, clearly these factors need to be considered and understood now.

4.19 NCC Lead Local Flood Authority

No objection following the receipt of updated information

4.20 NCC Public Rights of Way Officer

Object

- The route of the proposed pipeline to the west of Folly Farm will cross the alignment of Bressingham Footpath 13. We would expect that the footpath remain unaffected by using the 'burrowing under' method of installation of the proposed pipework routes and require confirmation of this

4.21 Norfolk Wildlife Trust

Object

- Support Natural England's request for further information to inform a sufficiently rigorous and robust Appropriate Assessment
- Support the comments by Suffolk Wildlife Trust in regard to the additional sites that should be assessed

4.22 Old Buckenham Aerodrome

No comments

4.23 SNC Environmental Quality Team

Conditional Support

- No external lighting other than that proposed
- Boundary noise level limit
- No reversing alarms on site
- No external storage

4.24 SNC Senior Conservation and Design Officer

No objection

- The proposals will not result in having a harmful impact on heritage assets

4.25 Suffolk Wildlife Trust

Object

- Inadequate assessment of impact on air quality where background levels of air pollution are already exceeding critical levels
- Inadequate assessment on statutory sites identified by Natural England
- Also consider that same consideration should be given to Bugg's Hole Fen, Thelnetham SSSI, Hopton Fen SSSI, Kenninghall and Banham Fens with Quidenham Mere SSSI and Roydon Fen Local Nature Reserve (LNR)

- Assessment should also be made of impact on County Wildlife Sites such as Bressingham Fen, Horse Fen, Horse Fen Carr and Garboldisham Old Fen
- Inadequate ecological assessment and water quality assessment

4.26 The Ramblers

No comments received

4.27 Other Representations

Comments on additional documents and supporting information:

Richard Bacon MP

I would like to take this opportunity to reiterate the strength of feeling of my constituents in respect of this application.

The new transport statement introduces yet another unsuitable 'haul route' for the biodigester with a suggested 37 passing places on the 2.8 mile route – equivalent to one every 211 metres. This clearly suggests that the route is unsuitable and unacceptable. I am told that the subsequent road safety audit highlights issues concerning the proximity of the passing places to deep drainage ditches, earth banks, trees, road signs and telegraph poles along with service chambers along the route – this further exacerbates concerns relating to the safety of those using the route on foot, cycle and horse given that the route is a very narrow country lane.

I am further concerned that it is proposed measures to ensure that all commercial vehicles adhere to the unsuitable route suggested and advises that the biodigester operator will check GPS tracking devices to ensure this happens which can then be audited by the Council. This is not a role that the Council should have to fulfil and it indicates that the majority of the traffic, which will be agricultural in nature, will not have their journeys monitored and audited and could therefore use other unsuitable routes through surrounding villages to access the plant.

It appears that the applicant is able to make changes to their plans in an attempt to justify the development and protect the substantial investment already made. The local community is angry that this blatant disregard for the planning process is allowed to continue.

I remain firmly of the opinion that this development is not in a suitable location.

Elizabeth Truss MP

I remain opposed.

Plans for a new 'haul' road still overlook the infrastructural problems which exist in this location. 2.7 miles of 37 new passing places along a rural road network will be chaotic and dangerous for road users.

A planned reduction in two-way vehicle movements per annum from 5,128 to 4,142 is minimal, amounting to just 3 two-way vehicle trips per day. Any perceived benefit is also cancelled out, as the number of heavy commercial vehicles under these new plans will increase by 142 two way movements per annum. The weight and size of these vehicles will put too much physical pressure on the network, as well as maintaining a considerable risk to cyclists, horse riders, runners, and walkers. The absence of hedgerows and trees along this 'haul' road increases the chance of the network becoming a quagmire under heavy and extensive traffic flows, rather than allowing for easier movement. Taken together, this still results in an unacceptable impact to highway safety.

Plans for a tracking system which can be audited are problematic. The addendum gives no indication of how and when non-compliance will be dealt with. Checking route compliance upon arrival will also be time consuming and costly for the company. These issues put into question the feasibility of this plan.

Limiting the throughput of feedstock to 23,950 tonnes per annum when the plant can handle up to 46,750 tonnes raises questions about the company's ability to operate at such a reduced level. This reality could lay the foundations for future application amendments, and so putting my constituents through further stress.

2 letters of support

- Further comments supporting the development in regard to reducing UK dependence upon imported gas and for the principle of this form of development
- Other such plants such as at Kenninghall operate without any harm to local residents
- Concerns about additional use of road are unfounded as the majority of the crops are grown within a 2 mile radius and harvested with tractors and trailers for a 10 day period once a year for ensiling
- If the revised access numbers in the new Transport Statement can be verified and enforced then the application should be supported

114 letters of objection

- Earlier objections remain
- Revised application does not alter the vehement opposition to this project
- Further comments made repeating concerns about possible odour, use of farmland for growing crops for fuel rather than food, soil degradation, methane emissions, industrial lighting in a rural environment and disruption to local residents and wildlife
- Also note that permission is still sought for the two digester tanks with a feedstock over twice than the feedstock they are proposing to be limited to with no proposal to physically restrict the capacity such as by demolishing one of the tanks
- Remains in an entirely unsuitable location
- No substantial difference
- Although the addendum to the Transport Statement indicates that R G Aves & Partners would contribute 67.4% of the plant's feedstock there is no indication that they would do so for the full life of the plant. If they were to pull out, then up to 100% would be imported by road from further afield
- A section 106 agreement would be required to tie Aves to the project. However, neither a draft 106 nor a copy of the Feedstock Supply Agreement allegedly entered into by Aves has been provided. Therefore, the terms and extent of Aves' involvement remain unverified and, in many respects, completely unknown. It is likely that the document is withheld as its terms do not meet the Council's requirements
- The addendum indicates that 32.6% of feedstock would be sourced from suppliers other than Aves. However, there is no detail whatsoever of who they might be, where they are based, how much they would contribute or how long they would be contracted for. Again, no contractual details have been provided
- The applicants depend heavily on the use of conditions as a means of restricting the extent of feedstock throughput and vehicular activity at the plant. However, these are all framed in such a way that they could not effectively be monitored and enforced by the Council – their use would therefore be contrary to national tests set out in the NPPF
- A development should never be larger than it needs to be. The activity at the plant should be restricted by its physical limitations, not by unenforceable conditions
- The addendum contains a great deal of new statistical analysis concerning crop tonnages and vehicle movements. However, none of this is backed up by source data which would enable the authorities to double-check that the claims being made are accurate and authentic. Without that backup the figures seem to have been plucked from the air in order to retrofit the applicant's case to achieve the desired outcome. The stakes are too high in this case to take a leap of faith and accept the figures at face value

- There are many inconsistencies, discrepancies, omissions and unexplained references in the data in the addendum which, until clarified, will continue to further undermine its credibility. The case now presented is also at odds with that made by previous consultants which undermines the credibility of both sets of data
- The addendum indicates that during the maize harvest up to 60 heavy goods vehicle movements per day would be generated which is far in excess of anything that happens at present
- The addendum contains no month-by-month breakdown of vehicle movements throughout the year, this being something that the Highway Authority has specifically asked for
- The current production level of Maize at Deal Farm is advised at 7,000 tons but in the 'revised statement' submitted by Storengy not Deal Farm Biogas Ltd and as before advises that only 3,500 will be used in feedstock to the digester if approved?
- The traffic statement only refers to the digester feedstock surely the additional potential 584 movements for collection and 'export' of the maize elsewhere should be considered especially as these would presumably be exported by the newly advised route via Halford Road etc at best C level roads to the A1066. Other movements along this route would include the propane deliveries at 52 movements and the fertiliser deliveries at 6 and CO2 removal at 402 which total 1,044.
- The revised statement advises a figure of 5,128 vehicle movements less manure movements at minus 2,182, less straw at minus 114 but plus digestate at 1,326 giving a total of 4,158. But there is no information advising the crossing of roads as the applicants land is not an whole unit but is bisected by local roads. It is not possible to give such an accurate estimate and as such the claim should be treated with utmost caution. Consequently erring on the side of caution the figure of 5,128 should remain unchallenged. To which the additional 584 maize movements exported from the farm should be added resulting in an overall total of 5,712.
- Figures given overestimate amount of muck produced by pigs at Deal Farm therefore furthermore imported manure will be required
- No reference to water needed for AD process which as consequence the feedstock required is much greater than stated at 64,900 tonnes per annum
- The applicants' plan to require suppliers' drivers to adhere to one particular haul route is ill-conceived. Firstly, the Council would not be in a position to enforce compliance with any contracts to that effect and secondly, as there is no indication of where suppliers are based, it is not clear if the haul route will be convenient for their drivers as if it isn't they will not use and it is unlikely that any penalty will be sufficiently harsh to make them do so
- Halford Lane, The Valley, Nordle Corner and Lady's Lane which form parts of the haul route are all designated Quiet Lanes and used by parents collecting children attending the village school
- Roads are essentially cart tracks covered in tarmac that are not suitable for current use let alone what this scheme would create
- One section, Nordles Corner, has grass growing in the centre of the road
- Lady's Lane is extremely narrow with a blind corner at The Rosary
- Part of Lady's Lane is showing signs of subsidence
- Algar Road is lined with trees
- The Valley is one of the loveliest unspoilt lanes in the village
- The Valley bisects Valley Farm which are listed buildings including the listed farmhouse built in 1480 and a fragile traditional flint garden wall
- Halford Lane has a tight double bend with high banks either side
- Poor visibility onto A1066 from Halford Lane
- Halford Lane is much narrower where it meets the A1066 compared to other routes
- Halford Lane has high bank at its southern end and deep ditches at the northern end, neither of which would accommodate passing places
- Passing places proposed will be useless with the size of traffic proposed
- The fact that so many passing places is proposed just shows how unsuitable the site is
- Question economic viability of providing so many passing places
- Who would pay for the maintenance of all these passing places?
- No details of size of passing places

- Objections from local residents to proposed passing places outside their properties
- Passing places proposed to be constructed over water courses
- Just because there are no accidents in the latest five year period does not mean it is suitable for HGV traffic, it is because it is not much used due to its winding narrow unspoilt nature
- Crash map data doesn't include too serious tanker accidents
- More likely is that traffic will stay on the A1066 and use School Road
- Stage 1 Road Safety Audit submitted highlights 20 problems with the route
- Four months into the application we have a revised Transport Statement from a different consultant
- Revisions and substitutions by different traffic experts remote from the area cast doubt on both the accuracy and legitimacy of these continually modified traffic figures and routes
- Completely ignores traffic movements from The Oaks industrial park
- Since the application has been submitted, a recycling centre has started operating on Fersfield Airfield. This has increased traffic levels substantially and should be taken into account.
- This consists of 18 industrial units employing 35 full time staff and five part time staff with parking for 40 vehicles
- If 200,000 tons per year of digestible waste there will be 200,000 vehicle movements per year
- Probably only way to reduce road damage is to kerbstone both sides of all approaches
- Part of Diss Beacon Cycle Route but not physically possible to allow legal requirement of 1.5 metres for passing cyclists
- Some traffic will go through Palgrave violating the conservation area
- What guarantees have been made as to the volume of gas that will be unavoidably discharged during the process
- Revised Air Quality Assessment makes much of the material covering the lagoons being 80% effective, which means that they are 20% ineffective!
- The report acknowledges that there are 18 days when for one hour air quality will exceed normal limits. That is 18 days when local residents won't be able to enjoy their gardens and when horse riders, cyclists and pedestrians won't be able to enjoy our rural landscape
- What do they say about the possibility of odour emanating from the plant and spreading across the area
- Reference to war in Ukraine in professional reports is inappropriate
- How much longer are people going to have to suffer all these re-applications?
- Such documents should be ignored having been submitted after many deadlines
- Waste of taxpayers money
- Some of the supporting representations have a financial interest in the development; for example there is a representation by the Association for Renewable Energy and Clean Technology of which the applicant (Storengy Ltd) is a member
- Would severely undermine public confidence in the local authority if this were to be approved

Comments on originally submitted document (with this application):

Richard Bacon MP

- A substantial response to the first planning application from more than 340 South Norfolk residents resulted in two robustly worded objections for Norfolk County Council Highways, a Flood Report objection, a Waveney Trust objection, together with due concerns from Natural England, Environmental Health and many more

- It therefore seems acutely unfair that by simply adjusting one obvious factor (that is, a reduction of feedstock going into the plant), the applicant is now allowed to resubmit a free full planning application and that as a result my constituents have to go through the whole process again – and this for a very big AD plant which has already been substantially constructed, without planning permission. I believe this take “gaming of the planning process” to a new level and will add to the administrative burdens and costs for South Norfolk Council Taxpayers
- This unauthorised AD plant – which I understand is twice the size of the original 2015 consented application, - is having a detrimental and unacceptable impact on the local landscape and environment and the rural communities that surround it. The local roads, many of which are very narrow, poorly constructed and which are designate as “Quiet Lanes”, will not cope with the increased traffic, given that there would be large heavy vehicles presenting serious hazards for pedestrians, cyclists and other road users
- My understanding that on the 2nd March 2022 NCC Highways objected to the application and recommended “refusal without hesitation”, stating serious concerns for “other road users, including vulnerable users”. This was reiterated on the 5th May
- Reducing the feedstock in order to reduce traffic movements without enforcing the reduction in size of this construction does not make sense; and if planning consent were granted, it would open up the possibility of “development creep” and a gradual uplift in the throughput of feedstock later on. The consequential growth in traffic movements would this intensify and exacerbate the current situation on these lanes, potentially leading to hazardous manoeuvres and becoming even more dangerous for local residents. I am sure that maintaining the reduced feedstock limit would also be very difficult and costly for the council to monitor accurately
- My constituents express a genuine sense of unfairness and anger over the roughshod manner in which they feel they have been treated. I believe a people-centred approach to alternative energy development would make far more sense. ‘If you want development to be a good word, then you have to have good development’. This construction is clearly not that.
- Given the scale of objection and local strength of feeling over this unapproved construction I would request the Council to refuse this application.

Elizabeth Truss MP

Object

- The location of this plant falls outside of my constituency, but it nevertheless concerns residents in South West Norfolk. Villages like Kenninghall, North Lopham and South Lopham function with rural roads unfit for excessive traffic flows or heavy vehicle movements. The plant is a hazard to cyclists, dog walkers, horse riders, runners, and general pedestrians wanting to enjoy Norfolk’s rural beauty. Not to mention local road users who will face constant disruption in their day to day lives from heavy transport on single track roads. Suggestions that more signs, a reporting system and more pull ins can offset these concerns fails to seriously acknowledge the innate infrastructural problems surrounding this plant
- The original planning in 2015 was also not followed, and the most recent application was withdrawn. It therefore seems unfair that a resubmission can be allowed for a new application which has made minimal changes. When scrutinised, these changes are also inadequate. Reducing feedstock is going to be very time consuming and costly to oversee, whilst the plant’s size will remain as it is and so could encourage an increase in output later on
- In conclusion, I ask that South Norfolk Council refuse this application

13 letters of support

- The local community will benefit from the production of renewable bio-methane to provide a valuable supply of gas to approximately 4000 homes.
- We are now in a critical situation across Europe where the supply of renewable energy, or indeed any energy, is jeopardised by the crippling actions of the Russian government to restrict the supply of natural gas
- Generation of reliable and sustainable power
- The local council will receive approximately £100,000 in business rates and other benefits including carbon capture and reduction of Heavy Goods Vehicles going through local villages
- Footage recently shown on Anglia TV shows how the soil bund, swale and planting 15km of new hedging and treeline will significantly reduce the visual impact
- The plant will receive manure instead of it being stored on muck pads where ammonia leaks into the atmosphere
- The bi-products which is solid and liquid digestate when put back on the land will improve soil quality and significantly reduce the need for artificial fertilisers
- Crops affected by black grass can be converted into renewable gas and fertiliser
- Whilst traditional arable crops including winter cereals, oilseeds and sugar beet are grown in the local area, the addition of an Anaerobic Digestion facility gives other growing options such as winter forage rye and forage maize. These crops also have agronomic benefits in managing grass weed issues so reducing the need for additional pesticides. Additional cropping options allow the spreading of risk and workload throughout the growing season
- Letter from the National Farmers Union supporting the application, stating that AD plants have a positive impact on the environment, rural businesses and the local economy by helping to create a circular process which makes better use of slurries / manures and creates a valuable organic fertiliser in the form of digestate which helps reduce the need for high carbon production artificial fertilisers. Furthermore loss of ammonia into the environment is reduced, this helping the industry's 2040 net zero target. The planning application was well considered the first time around, and the variations to reduce feedstock and the number of lagoons has further reduced any perceived negative effect. The location is ideal as a significant distance from the nearest residents, close to grid gas, based on a farm with high output of manures and slurries from pig and poultry production and based in one of the most productive areas in the country for pig and poultry production
- Farmers need to be diverse and yes farmers should grow food however without energy and fuel this will not be able to be processed to use within the food industry
- Support from business connected to the applicant and farmer
- Do hope the decision makers do their own research

1 letter from the River Waveney Trust not objecting to the application but considers there is still further scope to limit potentially adverse environmental impacts

- Ratio of feedstock input is currently 44% muck to 56% crops but the Trust believes much higher priority should be given to waste products not crops grown specifically for the biodigester
- Although maize is only proposed to provide 23% of the crop input we would like to see further progress on growing this crop to protect water
- Visual and olfactory testing of liquid in the drainage sump is not sufficiently rigorous or objective and qualitative measures should be used instead
- Where overflow is discharged from the fire-water lagoon a wetland treatment system should be considered to enhance safety and biodiversity
- The Maintenance Regime Schedule for the plant should be extended to cover the digestate pipelines and storage lagoons
- The Trust would like to see enhanced buffers next to all watercourses
- There should be a formal Nutrient Management Plan to ensure digestate is only spread where crops need it and the soil conditions are right
- The Trust is reassured that the applicants intend removing existing manure heaps, clamps and tanks at Deal Farm and would like to see this enforced by condition

257 letters of objection

- Plant has been erected without planning permission
- The works undertaken in 2018 were not pursuant to the 2015 permission and therefore there is no fall back position
- Repeated applications has resulted in members of the public and consultees having to write repeated objections
- Another application designed to manipulate a system demonstrably unfit for purpose
- The underhand, unauthorised manner in which this site has been developed means that the applicants have completely circumvented the usual site selection process which would have ruled out this location
- The whole process by which this has come about demonstrates that there can be no trust in the applicants remaining within whatever consents are given
- They refused to stop work when instructed to do so by the Council showing contempt for the authority
- Fail by SNC to limit capacity in the 2015 permission was a serious error
- Road infrastructure inadequate with roads such as Dog Lane and Common Road being far too narrow, twisty and full of blind bends
- Particularly the case now that the Highway Code has been amended to give 1.5 metres clearance to cyclists
- Won't feel safe commuting as a cyclist any more
- People less likely to use sustainable means of transport
- The majority of roads are limited to 7.5 ton and not suitable for HGVs
- They are also officially designated 'Quiet Lanes' and form part of the brown-signposted Diss Beacon Cycle Route
- Surely whole point of quiet lanes is to provide quiet space for wellbeing and Covid 19 has made us need these quiet lanes even more
- They are well-used by cyclists, horse-riders, walkers and joggers, as well as on the school run for Bressingham and Winfarthing
- Verges of roads are already damaged
- It has been proved that damage to roads is not just due to weight but to the size of the vehicle as well
- Roads through Kenninghall and North Lopham already suffer too much lorry traffic from Crown Mill in Heath Road, Kenninghall without lorries serving this site
- Access from the A1066 to Common Road is already fraught with danger with blind corners, narrow lanes and restricted visibility on junction with A1066
- Access from A1066 via School Road also suffers from being narrow and with the position of the primary school making travel along here further problematic
- How will traffic get to access route along Dog Lane? Assume it will have to come through Diss which is already heavily congested
- No width enhancements possible on approach routes
- It would not be possible to upgrade the road network merely by providing passing bays as there are many other deficiencies
- In any event, passing bays of the size and solidity required would be severely detrimental to the appearance of the local lanes
- Who would provide the land for any passing places and how would they be funded?
- No street lighting
- No on-site parking area for delivery vehicles and given that the new access drive onto Common Road would have to be two way given that the Kenninghall Road access has now been excluded from the access, no queueing would be possible here either. This would result in heavy goods vehicles waiting on the public highway
- Lorries parked on the public highway could block emergency services
- Only way to remedy this would be an enormous lorry park
- Additional heavy vehicle traffic will result in serious problems of residential amenity for those living alongside the routes to and from the site

- Amended Transport Statement suggests using the A1066 as a route to and from Deal Farm. I have lived beside the A1066 for over 20 years and little agricultural traffic uses this route, choosing to use the narrow lanes as a more direct route between fields and farms. How can this be enforced?
- It is notable that, whereas the current applicant claims that their 23,950 tonners per annum of feedstock scheme would result in an overall reduction in traffic on local roads, the 2015 application envisaged an increase in traffic as a result of their smaller 22,360 tonnes per annum of feedstock scheme which casts doubt on the current claims
- The actual maximum feedstock capacity of the plant remains unclear. In the previous application it was claimed to be 46,750 per annum, however BioWatt have claimed it is 55,000 per annum
- Applicant now asserts that the annual feedstock would be limited to 23,950 tonnes but are silent as to how this restriction will be secured
- no reference to washings within the feedstock but information elsewhere suggests this can be calculated at 8826 tonnes which are apparently sourced from chicken sheds as far as Newton Flotman which would increase the overall annual feedstock tonnage to 32,776 tonnes per annum
- This is half the capacity of the plant as built
- The two digester tanks have sufficient capacity to handle 55,000 tonnes per year
- If the intention is to limit feedstock throughput to this extent is genuine then they should demolish one of the tanks but this is not proposed
- If not, sooner or later they will be fully brought back into play as common sense dictates that having incurred such a massive financial outlay they will seek to operate the plant at full capacity
- Is the planning authority able to reliably monitor compliance with a condition that sought to limit annual feedstock throughput to 23,950 tonnes and enforce this?
- Is the local planning authority able to ensure that the adjacent agricultural landowner, RG Aves & Partners, would remain the principal provider of feedstock and principal recipients of digestate without a section 106 agreement to that effect?
- Conditions to enforce this do not satisfy the test of 'enforceability' set out in the NPPF, which all conditions must meet. This is because the planning authority would be entirely reliant upon records kept by the plant operators which can easily be falsified or hidden from investigators
- Such conditions also fail the NPPF test of being 'reasonable in all other respects' in circumstances where, as in this case, the envisaged throughput limit is only 50% of the plant's capacity and the availability of sufficient feedstock within the specified catchment area has not been proven – they would therefore be removed by any competent Inspector at appeal
- Accordingly, the planning authority would be unable to enforce compliance with either a throughput limitation or a geographic restriction, thus enabling the plant to operate at full capacity and draw feedstock from far further afield than 5km - without an independent means of monitoring, the Authority could never be in a position to confirm a breach of planning control, irrespective of whether complaints were received
- There is no documentation that confirms how much feedstock R G Aves and Partners would supply, how much land it would devote for that purpose and how much of its conventional farming activity and how much of its conventional farming activity would continue
- Nor is there any documentation demonstrating how many farmers have been signed up to supply feedstock and receive digestate; how much feedstock / digestate each would supply / receive per annum; how much land would be devoted to that purpose; where that land is; or that any agreements to that effect would run for the life of the plant
- The consequences of this is that in the absence of 20-year legal agreements, the plant could run as a regional industrial hub unrelated to its locality, with all the region's farm traffic funnelled down not Dog's Lane, Kenninghall Road and Common Road
- On the applicant's own figures, with a restriction of feedstock in place, the plant would still generate 1,636 heavy goods vehicle movements per year on local roads, with 357 of these taking place in September. Without a restriction on feedstock this becomes 2,017 heavy goods vehicle movements per year

- R G Aves and Partners have 436 hectares of available land. In 2015 they were prepared to devote just half of this to the smaller plant then proposed. Nothing suggests that they would devote any more land this time around
- If other farms further afield have to supply the plant then rather than replacing local farm traffic that already uses the local roads at present this would be additional traffic with existing traffic still being generated by R G Aves' conventional farming practice continuing to take place
- The highway authority has already made it clear when objecting to application 2021/2278 that the existing network of narrow roads and lanes is incapable of accommodating any significant additional heavy traffic safely
- Several other concerns raised by the highway authority relating to the applicants' unfounded claims concerning a reduction in the double-handling of manure, a highly questionable reliance on lorries delivering feedstock and then taking digestate from the site and the dubious benefits of a Traffic Management Plan have still not been addressed
- No mention of vehicle movements associated with staffing of the plant
- Bulk crops such as maize are less dense than corn and sugar beet and therefore require more vehicle movements which is not reflected in the methodology of the Transport Statement
- Additional traffic movements from excess surface water run-off being piped to the digestate lagoons as it is likely they will need emptying far more frequently throughout the winter and in periods of high rainfall
- Since the plant and lagoons are surrounded by a Nitrate Vulnerable Zone this excess water will need to be transported off site by tankers most of the year as it cannot be spread during the autumn and winter months
- Have other business activities by R G Aves at The Oaks been considered in the Transport Statement?
- Some crops for fuel can be harvested three times a year so this would be threefold increase in traffic movements
- Very little information about how off-stake points would function
- Vehicle movements have been stated as one for a vehicle from their start point to the site and then from the site on their onward journey when this should be classed as two movements
- Visual impact
- The domes of the tanks and lighting conductors are very prominent alien features in the local landscape and can be seen from more than a mile away
- Sits in large open landscape of which expansive Norfolk skies are a feature
- No amount of landscaping will mitigate their impact
- They are much closer to Common Road and much larger than those approved in 2015
- Domes on previous application were 12 metres in height, these are more like 15 metres which is a considerable increase
- Size area of site has been increased from 2.5 hectares to 6.9 hectares
- Development is an eyesore
- The lagoons would also be obtrusive structures in an otherwise flat landscape due to the high, unscreened banks that would surround them
- Landscaping proposals around the lagoons are just suggestions as they are on land outside of the applicant's control
- It spoils our local heritage
- Lighting plan will completely destroy the precious dark skies environment that exist in the locality
- Lighting proposals suggest this plant may consume almost an equivalent amount of energy in electrical form as it will produce in gas form
- Effect on wildlife
- The site is located just 1.8km from a designated SSSI natural meadow which we are fearful of the impact it will have on it and its wildlife
- A full ecological survey at key times of the year for breeding and plant growth has not been conducted with the only field survey appears to be one day in November 2021
- Barn owls live close to the site; will they still be there when it is up and running?
- The effect ammonia has on protected species and habitats is profound

- We have a diverse flora and fauna which must be protected
- Impact on local residents
- Planning statement states the development is 2km from the village but doesn't mention that it is sprawling parish with homes dotted throughout including very close to the site
- Associate clumps of rotting vegetation and manure are bound to create odour and air pollution
- The submitted odour assessment is not fit for purposes insofar as it relates to the lagoons as it is predicated on 2mm thick floating covers being used whereas the applicants' drawings indicate that these would only be 1mm thick. Nor has it been demonstrated that floating covers of such limited thickness would be sufficient to contain noxious odours
- Thinly protected lagoons are in reality noxious slurry pits equal in size to half of Diss Mere
- Lagoons are too close to residential properties
- Properties close to lagoons not covered in the assessment
- Applicant has already shown disregard for local residents by pumping chicken washout over nearby fields resulting foul smells
- Noise from the development
- Plant will operate 24/7
- Overshadows a neighbour 50 metres from the site
- Impact of ammonia on health of local residents, particularly when mixed with pollution coming from additional vehicles delivering to the site
- Little mention of the well documented amount of deadly gases that are lost on a continuous basis from these AD plants and which are silent killers by nature
- Flood risk has increased in the area over last few years
- The area around Deal Farm and the Oaks flooded recently including the farms own poultry sheds resulting in the death of many chickens
- Pollution to water courses
- If the lagoons discharge into the watercourse this will increase flooding problems that already exist in Common Road and elsewhere
- Information does not look at annual rainfall predictions or provide estimated calculations of cubic metre volumes of water run-off from the AD plant itself
- Questioning need for AD plant
- Anaerobic digestion plants in Germany that are being closed down
- There are a number of biogas facilities in Norfolk in locations that are infinitely more suitable and where capacity can be increased
- Not an agricultural development, but an industrial enterprise which creates no benefits whatsoever for the local community
- The need for gas production is being reviewed and Britain will follow the European lead within the next 10 to 15 years
- Development is not green and is a classic example of greenwashing
- The carbon footprint to develop and operate this site far outweighs any benefits
- Making methane on this scale does not make sense as methane is four times more sensitive to global warming than previously thought
- The claim that the plant will use waste products is erroneous. A small amount of animal waste is used but crops, predominantly Maize, will be grown specifically to feed the AD plant
- This will severely reduce the acreage put down to the growing of food
- The Prime Minister has recently declared that this country needs to grow more food and less biofuel
- A recent report in the national press stated that "It has been found that by stopping the use of biofuel, the UK could free up enough food to feed 3.5 million people around the world and even slash food prices"
- Current global situation is likely to last for many years and therefore the UK should be doing as much as it can to become self-sufficient in crops for food
- The monoculture will destroy the health of the soil, cause run-off and necessitate the importing of food
- Need to maintain Norfolk's status as the 'bread basket of Great Britain'

- The current headlong pursuit of 'Net Zero by 2050' is a misguided aim that will have dire consequences
- We should be encouraging traditional farming methods on this and other land with smaller breeds of cattle, pigs and goats
- Small scale digesters can create viable energy and digester
- When it is on so large a scale that crops are grown specifically for the digester then more energy goes into them than is produced
- An existing AD plant is already operating locally in a much more suitable location
- This should be visited (to the south-west of Kenninghall, off Garboldisham Road) where you will see it is set well away from the village and with good road access unlike this development
- Local farmers can use the digestate produced by that plant rather than needing this plant
- Other locations that would be suitable are places such as Eye Airfield Industrial Park or Snetterton
- Total amount of digestate produced will not be 23,950 tonnes as 10-20% of this will be lost to gas production so it will actually be around 20,350 tonnes
- If the plant does produce 23,950 tonnes of digestate then with the 8826 tonnes of washings the potential total feedstock would be 39,331 tonnes per annum
- Would the actual AD plant even be capable of operating with a limit on feedstock well below its capacity?
- Dimensions could allow for feedstock of 119,750 tonnes per annum
- There are omissions and discrepancies within the validated application which should have been resolved prior to validation
- No information about decommissioning
- In certain circumstances biogas in combination with air can form an explosive gas mixture
- Bunding too low to negate blast potential
- Pest control issues with rats and other vermin
- No attempt to move pipe line away from fishing lake that it threatens
- Potential safety issue for children with lagoons
- Impact on local business such as hotels and B&Bs from loss of tourism
- Local B&B business had to close due to all the disturbance during the unauthorised construction
- Archaeological report identifies that there are potential for archaeological remains from some periods but then concludes that the overall potential for archaeological remains is low
- No archaeological surveys were carried out before construction was commenced so we will never know what damage has already been caused
- Application considers the impact on the setting of the listed Deal Farmhouse, which has already been compromised, but not by other listed buildings nearby whose settings have not been damaged by previous development
- "supporters" of the application appear to be either friends or family, have a vested interest in the development of such a plant or live far away from the site
- The developer has consistently refused to engage with the local community and most recently declined an invitation to attend a public meeting to hear of the significant concern over their actions to date and proposed future activities
- Concern about cumulative impact with proposed new pylons
- No revised s106 agreements produced despite this being an integral part of the original permission
- Please refuse this application once and for all
- Precedent set in West Sussex when refusing to grant retrospective planning permission to Crouchland Biogas which South Norfolk Council needs to follow. They also tried to substantially increase the size of their plant without planning permission
- Enforcement Notice needed to require the plant to be removed

5 Assessment

Key considerations

- 5.1 The main issues are as follows:
- the principle of development
 - visual impact and the impact of the development on the landscape
 - highway safety
 - the impact on nearby residential properties
 - impact on heritage assets
 - flood risk and drainage
 - ecology
 - lighting

Principle

- 5.2 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.
- 5.3 The UK is legally bound by the Climate Change Act (2008) to cut greenhouse gas emissions by 2050 compared to 1990 levels. On 27th June 2019, the Government formally amended that target as follows: *“It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.”*
- 5.4 In terms of national planning policy, the NPPF stated in paragraph 155 that plans should provide a positive strategy for energy from renewable sources, that maximises the potential for suitable development, whilst ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- 5.5 In paragraph 158 of the NPPF goes onto to set out that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*
- 5.6 Within the Local Plan, policy DM4.1 is the primary policy for considering renewable energy proposals. It states the following:
- Proposals for renewable energy generating development requiring planning permission other than proposals for wind energy development will be supported and considered (taking into account of the impact of relevant ancillary equipment) in the context of sustainable development and climate change on the wider environment, social and economic benefits of maximising use of renewable energy. The Council will encourage the use of on-site communal energy generation measures.*

(1) The effect of the proposal will be considered on:

- a) The effect on the character and appearance of the landscape;*
- b) Designated and undesignated heritage assets;*
- c) The amenities and living conditions of nearby residents by way of noise, outlook, and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour*

Permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits. When attributing weight to any harm, including heritage assets regard will be given to national policy and guidance, statutory duty and legislation, and other policies in the Local Plan including Policy DM4.10;

(2) Where appropriate planning conditions will be imposed requiring the decommissioning and removal / dismantling of all plant and ancillary equipment, and if necessary the restoration of land, on the cessation of use.

- 5.7 The Anaerobic Digestion (AD) process is the biological treatment of biodegradable organic food wastes in the absence of oxygen. The process allows microbial activity to break down the waste in a sealed and controlled environment. The two main products from the process are a nutrient-rich bio-fertiliser and 'bio-gas', which is rich in methane and can be used to generate electricity and heat. During the process most of the pathogens and odours are neutralised by pasteurisation. It is recognised as a form of renewable energy.
- 5.8 In this case, the development would produce up to 39,000MWh of renewable energy (biomethane) from local biomass, which is sufficient energy based on an average household consumption of 12 MWh/annum to serve around 3,250 homes. In addition digestate proposed will replace the use of chemical fertilisers, whilst the applicant contends that there will also be a reduction in carbon emissions from reduced road movements. Overall the application contends that the total carbon dioxide savings will be 7,215,000 kilograms of carbon dioxide per annum, although full details of how that figure has been reached and whether it factors in HGV emissions from vehicles supplying the plant have not been provided.
- 5.9 Consideration of whether the proposed development complies with policy DM4.1 and paragraph 158 of the NPPF taking into account the amount of renewable energy to be created is considered in the conclusion of this report.
- 5.10 It is noted that some comments question whether anaerobic digestion plants such as that proposed should be considered as a "green" form of development, whilst others have raised concerns about the principle of growing crops for food is appropriate. Some comments have also questioned the principle of the Government's commitment to reduce carbon emissions to zero by 2050. These are all issues which are outside the scope of this planning application which as noted above is recognised as a form of renewable energy and is being considered in the context of national and local planning policies which are seeking to reduce carbon emissions.

Visual Impact and the Impact of the Development on the Landscape

- 5.11 As noted when setting out the site context, the development sits in an open agricultural landscape. The development as a whole sits across the boundary of two landscape character areas as identified in South Norfolk Landscape Review 2001 (updated in 2012), with the majority of the main site and one of the lagoons (to the north-east of the site and the east of Common Road and referred to in the application documentation as the "North Lagoon") falling in E2: Great Moulton Plateau Farmland and with part of the access to the main site and the lagoon to the south of The Oaks (referred to the application documentation as the "West Lagoon") falling within B4 Waveney Tributary Farmland.

- 5.12 Landscape character area E2 is characterised as a flat, elevated plateau farmland with a large scale landscape of openness and exposure. It provides distant views and farm buildings, some of large scale, exposed and visible in the open landscape. It is also sparsely settled with scattered farmhouses and farm buildings, some linear settlement with absence of a centre / core. The character assessment also notes that there are a number of greens and commons; timber framed houses and associated moats, and a distinct absence of churches within the landscape. When considering new development, key design principles to be considered and that are relevant to this application are to ensure that the essentially open, unsettled character of the area is maintained; ensure the setting of historic halls and moats is conserved; ensure that important long and open views are maintained, and preserve the flat character of the plateau by avoiding the use of intrusive landscape features.
- 5.13 Landscape character area B4 also includes large scale open landscape on higher ground with some distant views amongst its key characteristics and also identifies round tower and isolated churches as distinctive and often significant landmarks within the area, along with historic parkland, moats and earthworks usually associated with old halls and farms, a mix of villages that are linear and those that are more compact, large farm and processing units along with older farm buildings and a mix of building styles. Key design principles to be considered that are relevant here are to ensure that the rural character is conserved and protect views to landmark churches.
- 5.14 The main policy when considering how development will impact on these landscape character areas is policy DM4.5. It states that:
- All development should respect, conserve and where possible enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.*
- All development proposals will be expected to demonstrate how they have taken the following elements (from the 2001 South Norfolk Landscape Assessment as updated by the 2012 review) into account:*
- *The key characteristics, assets, sensitivities and vulnerabilities;*
 - *The landscape strategy; and*
 - *Development considerations.*
- Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.*
- 5.15 The application has been accompanied by a Landscape and Visual Appraisal. This identifies landscape mitigation measures in the form of new hedgerow planting along the northern, eastern and part of the southern boundaries of the site as well as immediately to the west and alongside the western verge of Common Road and the northern verge of Kenninghall Road. Visualisations of how the development will sit in the landscape as this planting matures are then provided within the Appraisal. This concludes that the measures will mitigate for the impact of the development in the landscape and additionally reinstate some of the landscape structure that has been lost over the past century.
- 5.16 The Council has sought the views of a landscape consultant to assess the supporting documentation submitted along with the mitigation measures proposed as part of the application. This identified some deficiencies within the Landscape and Visual Appraisal including a failing to identify all sensitive receptors when selecting the viewpoints to assess the development.

- 5.17 In terms of the conclusion and findings of the Appraisal the Council's landscape consultant agrees that the proposed development sits within the existing cluster of Deal Farm and will result in 'prominent' and 'bold' features in many of the assessed views. However, notwithstanding the weather's influence whereby the domes appear more recessive in overcast conditions, the proposed materiality is not considered sufficient to mitigate visual effects in the initial operational phase (i.e. year 1), such that the visual amenity of sensitive receptors (namely ramblers on local public footpaths and road users on secondary rural roads) will be adversely affected by the introduction of an alien, large scale structure.
- 5.18 The Council's consultant goes on to advise that by year 15 it is agreed that the proposed planting strategy will provide screening of the development in local views, namely along Common Road and Bressingham FP3, preserving the visual amenity of the associated receptors. However, our consultant does not believe that in more distant views there would be a successful screening of the development, which will still appear as a detracting feature in a substantially rural landscape including from sensitive receptors such as users of public footpaths to the south and north-east.
- 5.19 Overall it is accepted that the proposal is consistent with the rural activity of the existing farm. However, its architectural qualities are not considered to be consistent with the rural context. Both the scale and shape are atypical to the agricultural built form qualities that emphasise the largely rural character of the local landscape. The proposal would therefore be inconsistent with the local landscape character identified above resulting in significant adverse effects on these characteristics and the consequent visual amenity experienced by sensitive receptors such users of the public rights of way at some distance.
- 5.20 The application was also accompanied by a Supplementary Landscape and Visual Assessment which was primarily focused on the landscape impact of the proposed lagoons. This accepts that the proposed lagoons are relatively highly visible due to the undulating open landscape with a relative lack of trees and hedging. However, it notes that they are relatively low-key features, and of a type where landscape mitigation would be highly effective and beneficial to the overall landscape strategy for the area. Mitigation is therefore proposed in the form of hedge planting around the perimeter of the lagoons which the Assessment contends would be successfully accommodate and assimilate the lagoons into the landscape.
- 5.21 Our landscape consultant has also considered these findings and has advised that the Assessment has again not fully considered all views available where there are sensitive receptors including views from a number of public footpaths.
- 5.22 In terms of the mitigation proposed, our consultant does not accept that these will mitigate the adverse features associated with the West Lagoon. Conversely, the proposed planting will accentuate the introduction of an engineered landscape feature and as it would not link to existing vegetation it would thereby emphasise an isolated landscape feature within the open land. This would also have a significant adverse effect on the local landscape character.
- 5.23 As noted above policy DM4.5 is clear that development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused. This development would result in such impacts both in terms of the views of the domes in the wider landscape and the positioning of the West Lagoon.
- 5.24 As such it is not considered the development is considered to be appropriate to the local landscape character and therefore the development conflicts with policy DM4.5 of the Local Plan.

Highway Safety

- 5.25 One of the main concerns raised by many parties is the nature of the local highway network and its ability to accommodate traffic generated by the development. Policy DM3.11 considers the impact of new development on the highway network and its potential for resulting a danger to highway safety. It states that:
- (1) *On all sites development will not be permitted that endangers highway safety or the satisfactory function of the highway network.*
 - (2) *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.*
- 5.26 In terms of the immediate access to the site, this is to be from a new access that has been constructed off Common Road. The site was previously also to be accessed from Kenninghall Road which is historically where Deal Farm is accessed from, however this access is now only to be used for Deal Farm itself and not by any vehicles serving the anaerobic digestion plant. No objection has been raised by the Highway Authority in regard to the access itself in terms of its specification and in terms of visibility onto Common Road.
- 5.27 Common Road and the local highway network of which it forms part of consist of narrow rural lanes that are predominantly single track with no or limited formal passing provision and no designated pedestrian facilities. This includes all routes connecting to the major road network where it is to the A1066 to the south (via Bressingham or Fersfield), the B1077 to the north and east (via Dog Lane, Lodge Lane or Common Road) to the west towards Kenninghall and then onto the B1111. Many of the lanes are also designated as quiet lanes.
- 5.28 Norfolk County Council's Highways Officer has objected to both the previous application and the current one primarily due to the concern about the impact of vehicles accessing the plant on these lanes. They note such routes are not suitable for a significant increase in HGV traffic, as by their very nature they are single track, so the ability for any vehicle to pass an HGV, let alone another HGV, is limited.
- 5.29 In response to the objections to the previous application, the applicant has, as noted in the introduction, reduced the maximum level of feedstock significantly so that it is much closer to what was proposed in the original application in 2015 to which the Highway Authority did not object. They have also submitted a Transport Statement with a subsequent Addendum in response to the concerns of the Highway Authority that concludes:
- A review of the local highway network indicates that the roads in the vicinity of the site are predominantly rural in character with narrow lanes. A review of the Personal Injury Collision data indicates that there is no clustering of incidents nor a pattern relating to vulnerable road users or goods vehicles. On this basis, it is considered that there are no existing road safety trends that could be exacerbated as a result of the proposed development.
 - Currently the application site handles around 13,253 tonnes of plant crops and 6,600 tonnes of manures annually associated with the wider farm. The proposed AD plant would require 14,950 tonnes of plant crops and 9,000 tonnes of manures annually

- Whilst there would be an increase of tonnage in feedstocks and manures as a result of the proposed AD plant, there would be a substantial net reduction of 984 two-way vehicle movements per annum. This would offset the modest increase of 142 two-way heavy commercial vehicle movements per annum. The Addendum therefore concludes that overall the proposal would have a net positive traffic impact.

- 5.30 The applicant has also proposed, notwithstanding they do not consider it necessary given the above conclusion that the development would reduce traffic movements, a series of highways improvement to one of the routes south from the site to the A1066 to create a haul route to the site. This comprises the provision of passing places along a route comprised of Common Road south from the access, Kenninghall Road heading west, and then south along Lady's Lane, Nordle Corner, Algar Road, Fersfield Road, The Valley and finally Halford Road which connects to the A1066 at a crossroads in around 700 metres west of Bressingham St John the Baptist's Church. These lanes are all narrow country lanes and as such numerous passing places are proposed.
- 5.31 The Addendum also proposes a number of conditions that the applicant contends could be included in any planning permission to ensure that the development does not result in an adverse impact on the highway network. These conditions include limiting the level of feedstock to a maximum of 23,950 tonnes per annum with records kept for inspection; limits of the hours HGVs shall enter or leave the site; limits of the numbers of HGVs that can enter the site on each working day, and adherence to the haul route along the roads noted above to be improved.
- 5.32 The applicant notes that paragraph 111 of the NPPF sets out that "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". With the net reduction in vehicle movements suggested, the applicant contends that they have demonstrated the development would not result in a 'severe' impact on the local highway network.
- 5.33 There are a number of concerns that the Highway Authority have with the findings of both the Transport Statement originally submitted with the application and the subsequent Addendum and its conclusions. Primarily this relates to how the level of feedstock and where it is sourced can realistically be controlled, concerns with some of the assumptions and conclusions made within the Addendum, and with the proposed haul route.
- 5.34 It is clearly the case that the most appropriate means of controlling the level of feedstock would be to design the plant to have a capacity matching what the applicant states is the intended maximum annual feedstock. In this case the only reason that it is not possible to amend the design so that the capacity matches the maximum annual feedstock is because the tanks have already been installed and there is no proposal to alter the number or size of the tanks to reduce the capacity. As such the applicant is proposing that the Council relies upon on a condition to limit the level of feedstock whilst approving plant that we know has much greater capacity.
- 5.35 In accordance with the NPPF any condition that the Council imposes on a planning permission must meet the following six tests:
- 1) Where they are necessary

Will it be appropriate to refuse the planning application without the requirements imposed by the condition?
 - 2) Where they are relevant to planning

Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?

- 3) Where they are relevant to the development to be permitted

Does the condition fairly and reasonably relate to the development to be permitted?

- 4) Where they are enforceable

Would it be practicably possible to enforce the condition?

- 5) Where they are precise

Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?

- 6) Where they are reasonable in all other respects

Is the condition reasonable?

- 5.36 Of particular concern in this instance is how the Council would enforce such conditions. In terms of how we would monitor the feedstock entering the plant one possible way would be to have access to the records held by the operator which would be required as part of the Environmental Permit they would need to secure from the Environment Agency. Notwithstanding the concern over approving plant with significant capacity that cannot be used it is possible that an enforceable condition could be created on this basis.
- 5.37 Turning to where the feedstock would be supplied from very limited information has been provided in the Addendum with regard to previously raised concerns in relation to the 'local' catchments for both feedstock and digestate. Previously it was outlined that the site will (i) use energy crops grown within a five kilometre radius of the plant, (ii) that the waste feedstock will come from immediate farms and (iii) the local farms would accept the digestate. Concern however was raised as to how this would be secured and whether a condition limiting the distance from which the feedstock would be sourced could be enforced.
- 5.38 The revised proposals in the Addendum do not reference a five kilometre catchment but does include a Memorandum of Understanding between the applicant and suppliers for the plant for a ten year period. However, whilst the Memorandum of Understanding may provide guidance and information as to the sourcing of feedstock it has no legal force unlike a section 106 agreement and as such cannot be relied on. In addition, it does not include all proposed supplies of feedstock or even take account of the digestate output material.
- 5.39 Given that the source of feedstock is critical to the assumptions and claims within the Addendum this would need to be secured by condition or an agreement that would need to be both legally binding and in place for the life of the AD plant to ensure both the timeframe and quantity of material is from a 'local' catchment as outlined.
- 5.40 Taking onto account the six tests referenced in paragraph 5.33 it is not considered that a condition that relied on the farmer at Deal Farm (R. G. Aves) to manage other aspects of his farming business in order that there is a net decrease in movements is enforceable given that they are a third party in this application. The conditions suggested by the applicant in relation to controlling vehicle numbers would be similarly difficult to enforce given the difficulty in differentiating vehicles solely accessing the AD plant and those serving other agricultural activities at Deal Farm. This is likely to be extremely difficult to monitor. Furthermore, the drivers of the HGVs would still have the legal right to use the public highway which the Council is unable to prevent.

- 5.41 In the absence of the ability to control the distance and source of supply there remains a possibility that a significant level (if not all) of the feedstock would be sourced, and the digestate transported, further afield than the five kilometre 'local' catchment. In this scenario, all traffic would be 'new' and in addition to the existing traffic on the network, as the landowners permitted operations and associated traffic would continue on the network.
- 5.42 Notwithstanding the above, the Highway Authority still have concerns and queries with some of the other elements of the Transport Statement and its Addendum.
- 5.43 Within the Addendum, it is outlined that, if permitted, the AD plant would result in a reduction in traffic movements on the network. However there are a number of points within the Addendum where there are doubts about the assumptions made which undermine this conclusion.
- 5.44 For example with regard to existing traffic movements, within the original Transport Statement it was outlined that there were typically 4,141 two way vehicle movements per annum based on data from the past five years, where as in the Addendum this figure has been increased to 5,128 per annum which raises doubts as to the baseline figure for the assessment. There is also an absence of any detailed breakdown of this figure, nor is it clear as to whether it is specific to this site or the wider farm.
- 5.45 Firstly, it is outlined that 6,450 tonnes of straw would be required, of which 5,650 tonnes would be imported. It is claimed that this activity would actually reduce traffic movements (from 820 to 706 two way movements) as the present farm imports 3,720 tonnes of straw and then exports it to other AD plants. For the reasons outlined in paragraph 5.38 we cannot be certain that activity would cease and that it would not continue in addition to the new facility. If it is the case that all 5,650 tonnes of straw could be imported in addition to the existing import / export operation then this clearly undermines the conclusions in the Addendum.
- 5.46 Despite the above increase in tonnage, the applicant is suggesting that there would be a decrease in traffic movements associated with straw as it would no longer be imported then subsequently exported from the site but merely retained for use in the plant. However it not clarified how this been calculated and whether other straw would be required for use by the farmer in regard to his livestock operations.
- 5.47 Similarly it is outlined that 9,000 tonnes of farm waste would be imported, however the majority (consisting of 500 tonnes of chicken manure and 5,500 tonnes of pig manure) would be sourced from the immediate farms without need to enter the public highway, although no evidence has been submitted to confirm that this level of manure is in fact generated at present by the landowner. The remaining 3,000 tonnes of cattle / duck manure would be imported to the site from a third party. It is suggested that this would be sourced from local farms, albeit with no detail provided. The Addendum outlines that the additional waste material alone would increase two way traffic movements by 230 (115 in and 115 out), however this is based upon movements with a 26 tonne payload vehicle and as a consequence the Highway Authority suspect that the figure would be higher.
- 5.48 Despite the above increase in waste importation, the applicant suggests that there would be a decrease in traffic movements associated with animal waste due to a reduction in double handling of pig manure. There is little evidence to verify this claim and it would be reasonable to assume that it would be in the applicant's benefit to spread directly to the field. There is also little evidence to confirm if such 'existing' movements are actually on the highway network at present. This has previously been requested to be clarified as it is critical as the Addendum concludes that by diverting manure to the AD plant will reduce two way traffic movements by 2,182 per annum.

- 5.49 Potential traffic movements relating to the digestate produced as a result of the anaerobic digestion process also need to be considered. The Highway's Officer notes the Transport Statement suggests that only 40% of the solid digestate will be transported via the highway networks as an independent trip, with the remaining 60% back hauled from the site. Whilst it is accepted that some of the solid digestate could be backhauled in the empty trailers as suggested, the Highway's Officer notes that from experience of these sites elsewhere it is abundantly clear that the digestate is sent to different sources from that of the delivery stock and the digestate goes back out on separate vehicles at different times. Any backhauling would be limited and outgoing movements would take place throughout the year at a steady rate, usually by fast track tractor and trailer combinations which increase the number of vehicle movements over and above the figures quoted. As such the Highway's Officer strongly questions that such a high percentage of digestate is capable of being backhauled from the site. Unless backhauling can be guaranteed the assessment should be made upon the worst case scenario where all trips on the highway network are considered as 'new'.
- 5.50 The final concern of the Highway's Officer with the traffic movement figures relate to liquid digestate. It is suggested by the applicant that the 10,309 tonnes of liquid digestate, which will all be pumped from the site to lagoons or pumped directly onto fields by umbilical, will only result in 94 vehicle movements per annum of which 1,031 tonnes will be tankered away to growers on the highway network. This will result in just 94 two way movements. However the Highway's Officer is concerned that there is very little information in support of this claim to demonstrate this is realistic. Given that the lagoons are still proposed, with off-take points, would suggest that in fact considerably more digestate would now be produced than is required locally and therefore it is likely that new independent tanker traffic would be generated to transport the digestate to other locations further afield.
- 5.51 For the reasons set out above the Highway Authority continues to be of the view that the traffic generation associated with the AD plant would be higher for the reasons outlined above and that the 'existing' scenario outlined is lower in reality. The conclusions in the Addendum rely upon the assertion that the proposals will not increase traffic on the local road network and will in fact decrease traffic which is brought into question given the above issues.
- 5.52 In addition to these issues raised by the Highway Authority no details have been submitted of any glycerin or water to be used in the process. If either or both of these are required and the storage in the lagoons is not sufficient then this would have further implications for the number of vehicle movements.
- 5.53 As noted above, the Addendum now includes a haul route to the A1066 to the south despite the suggestion that there would be no additional traffic generated. This route is considered by the Highway Authority to be wholly inadequate to cater for any significant increase in traffic. The route is typically single track ranging from 2.4 metres to 3.7 metres in width and flanked by narrow / banked verges and ditches, sinuous in nature and designated as a Quiet Lane. The Highway Authority note that the fact that the Addendum has identified more than 37 areas of widening / passing places only acts to demonstrate the inadequacy of the route.
- 5.54 As noted in some of the concerns raised by local residents, such improvement works could also have an impact on the character of the area which would also need to be considered, as well as amenity concerns from the impact of HGV traffic for those living along the routes. However even if they were considered appropriate there are doubts as to whether they could be implemented. No detail of the extent of highway boundary or land ownership has been submitted, and the Highway Authority have commented that given the narrow / banked verges and presence of road side third party ditches it is likely that many of the improvements suggested could not be provided within the extent of the public highway.

- 5.55 As with any mitigation, the Highway Authority would need to understand what is being proposed and be satisfied that there is a reasonable expectation that it can be safely provided on the ground and within land under the applicant's control or the public highway. It is not acceptable to suggest that this cannot be provided prior to determination due to highway boundary verification requests taking up to 12 weeks to process given that this issue was first highlighted to the applicant nearly a year ago.
- 5.56 Notwithstanding the above, even if the haul route were acceptable it would be extremely difficult to enforce a condition requiring all vehicles serving the AD plant for reasons similar to that in paragraph 5.40 in terms of differentiating between vehicles serving the AD plant and other agricultural uses exacerbated by the number of alternative routes on other lanes which are more likely to be attractive to drivers. The reality is therefore that it would be almost impossible to monitor to ensure all the vehicles related to the proposed use are using the haul route exclusively.
- 5.57 In regard to the parking and servicing provision within the site, this is considered to be adequate for the site and no objection has been received in regard to the internal layout from the Highway Authority. It is noted that some concerns have been raised by local residents in regard to the amount of space for delivery vehicles on the site and that this could result in vehicles waiting on the public highway however this can be mitigated by good management of the site and logistics planning.
- 5.58 It is therefore the view of the Highway Authority that a concentration of further HGV activity is likely to occur on parts of the highway network which, by virtue of the widths of the roads in question, are not suitable. It is acknowledged that in this highly agricultural area some movement of crops in large vehicles is 'normal' and be expected by other road users. Nevertheless, the traffic movements generated by this proposal would be problematic for the following reasons:
- They would be very frequent and concentrated on this particular stretch of road over a concentrated time period each year
 - During that time the movements would continue at high frequency over a very long working day extending from early morning until late evening, and into periods of dusk and darkness
 - The existing mix of traffic on the road includes domestic cars, agricultural vehicles, tankers and other HGVs leading to conflict with the applicant's traffic
 - On many narrow sections of the routes the only option would be to reverse the length of the previous stretch to gain refuge in an informal passing place or access. This would be a difficult manoeuvre for some drivers and for the drivers of some large vehicles, including tractor-trailers, and particularly in conditions of poor light, dusk and darkness. The consequences of a mistake could be especially severe.
- 5.59 There is already concern with regard to the ability of the highway network to cater for current permitted traffic movements. In the absence of an ability to realistically control traffic movements for the reasons outlined above this proposal would markedly intensify and exacerbate the difficulties currently experienced and likely lead to considerable verge erosion, the undertaking of dangerous manoeuvres and increase the conflict between HGVs and other users of the highway, including vulnerable users. Even noting that it may be possible to condition a maximum level of the feedstock to that similar to that permitted under the now defunct permission granted in 2015, this applicant is no longer R G Aves as was the case with the previous approval but a different operator to which the agricultural activities of R G Aves would be a third party which render traffic movements far more difficult to predict and control for the reasons set out above. Therefore, notwithstanding that the previous consent has expired, it is not considered that there is an inconsistency in finding this proposal unacceptable when the proposal in 2015 was permitted. The proposal would clearly conflict with criteria (1) of policy DM3.11 of the Local Plan as it would endanger highway safety and compromise the satisfactory function of the highway network. Furthermore, it would conflict with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.

Impact on Nearby Residential Properties

- 5.60 The development has the potential to have adverse impacts on local residents both from the physical presence of the structures, plant and lagoons themselves but also from noise and odour.
- 5.61 The nearest residential property not connected to the site is Villa Farm, the outer boundary of which is 60 metres to the south-east of the site although the dwelling itself is a little further away. There are also other residential properties nearby including properties on Common Lane from 300 metres to the south-east of the site, a property 400 metres to the south on Lady's Lane and properties from nearly 500 metres to the north-west on Stone Lane.
- 5.62 In terms of the physical presence of what has been constructed and what has been proposed it is appreciated that what has been constructed is visible from some properties and that has caused some distress. However, this is mainly due to the impact of countryside views and also that they form a visual reminder of the other concerns that local residents have with the development. They are not so close as to be directly overbearing or result in overshadowing of any residential property and as such it is not considered that this harm would warrant refusal under policy DM3.13 of the Local Plan.
- 5.63 In regard to the issue of noise disturbance, a Noise Impact Assessment has been submitted with the application. This Assessment includes a background sound survey which it proposes is representative of the sound climate at the closest residential dwelling to the facility, as well as the manufacture supplied noise data for the fixed plant items and library data at a similar site. This found that the predicted level of noise from the site is sufficiently low at the closest residential dwellings to accord with the 'No Observed Adverse Effect Level' as detailed in the national planning guidance which means that whilst noise can be heard it would not result in a change to the quality of life of receptors.
- 5.64 The Council's Environmental Quality officer has considered the assessment and not raised an objection but recommended that if planning permission is to be granted there should be a condition to ensure that noise levels are as the assessment predicts. Such a condition would require monitoring of noise levels at specified locations on the boundaries. This would therefore ensure that noise levels away from the site do not result in an adverse impact as the Noise Impact Assessment states.
- 5.65 It is noted that some other specific concerns about noise pollution have been raised during the consultation on this application, including the current operation of a generator currently operating 24 hours a day. These specific concerns would be addressed by the measures within the Noise Impact Assessment and enforced through the condition proposed by the Environmental Quality Officer.
- 5.66 In regard to the lagoons, it is not considered that there will be any significant noise disturbance from this element of the development given the distance to the nearest properties and as there will be no road traffic accessing them.
- 5.67 There is also potential for impacts on sensitive locations for odour emissions from operation of the plant. An Odour Assessment has been submitted with the application. It concluded that predicted odour concentrations were below the relevant benchmark level at all sensitive receptors in the vicinity of the site for all modelling years. It also found that the worst case impacts were slight at two receptors and negligible at all other representative sensitive receptors.
- 5.68 It should be noted that the plant will also require a permit from the Environment Agency under the Environmental Permitting Regulations 2010. The permit will require that Best Available Techniques are taken to minimise all emissions to air, land and water from the installation. This includes operational, noise, dust and odour.

- 5.69 Whilst it is acknowledged that there is clearly a strong level of opposition from residents living close to the site, in terms of residential amenity the impacts are such that they can be controlled to ensure compliance with policy DM3.13 of the Local Plan and there are therefore no grounds to warrant refusal of the application on this basis.

Impact on Heritage Assets

- 5.70 The only heritage site within immediate proximity of the main part of the development is Deal Farmhouse which is a grade II listed timber-framed house dating from the 17th century. This lies to the south-west of where the plant has been constructed and is amongst a cluster of existing farm buildings, some of which are already large in scale and modern in terms of materials. This is to be expected with the setting of a farmhouse in a modern working farm. The views between the farmhouse and the plant are limited due to presence of mature trees and overall it is accepted that there will be no harm to its setting.
- 5.71 The proposed lagoons are not adjacent to any designated heritage asset and by the nature are not considered to have the same potential for impact on the setting of listed buildings over a wider distance.
- 5.72 In the wider vicinity of the site, there are two Grade II listed buildings on Stone Lane – Stone Lane Farmhouse 500 metres to the north west and Poplar Farmhouse some 600 metres north-west of the main part of the site. These properties have well vegetated boundaries which combined with the distance to the site results in no impact on their setting. The Grade II listed Old Boyland Hall is around 800 metres to the north of the site however this again has well vegetated boundaries and also sits amongst other agricultural buildings with modern structures to the south of the Hall and as such there is no impact on its setting. At 1km to the south-west of the site is Lodge Farmhouse on Algar Lane which is also Grade II listed. Again this building is set amongst farm buildings and mature vegetation and therefore its setting is not adversely affected by the development. Also 1km from the site on Algar Lane is Algar House which is set in a small area of dense woodland and therefore will not have its setting affected.
- 5.73 The Council's Senior Heritage and Design Officer and Historic England have both been consulted. The Senior Heritage and Design Officer has commented that he does not consider the proposal will have any adverse or harmful effects on the setting of the listed building for the reasons set out above. Historic England have advised that they do not have any comments to make on these proposals.
- 5.74 The wider area is known to be of interest in regard to archaeology. An Archaeological Desk-based assessment has been undertaken on behalf of the applicant and submitted with the application covering both the main site and the sites of the two proposed lagoons. It concludes that the three sites have only a low archaeological potential for all periods, with no evidence to suggest that any of the sites have been previously developed. The northern lagoon site has moderate potential for further Roman artefactual evidence consistent with existing metal detector finds in the area, whilst the main site has moderate potential for medieval artefactual evidence. This can be addressed through conditions requiring further archaeological investigation in the event that planning permission was granted.
- 5.75 The proposal is therefore considered to accord with policy DM4.10 and is acceptable in regard to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Flood Risk and Drainage

- 5.76 The site is within Flood Risk Zone 1 and therefore is not at risk from fluvial flooding. Part of the site is however identified at risk on the Environment Agency's flood mapping as at risk from surface water flooding, with the eastern portion of the site shown to be at risk of a flow path during some flood events, including where the bund has been created on the eastern boundary of the site. A number of concerns have been raised by local residents in regard to increased flood risk, with some representations noting that there has been increased flooding problems along Common Road.
- 5.77 A Flood Risk Assessment has been submitted with the application. It notes that presence of the bund will divert flood water around the site, which accompanied by other measures to the design of structures within the site to prevent water ingress should protect the site itself from flooding. In order to prevent the potential to increase flood risk elsewhere it is proposed to create a swale around the bund to help capture the flood water and through the provision of a sustainable surface water drainage system so that the surface water runoff is contained in an attenuation drainage system and then discharged at a controlled rate to an off-site watercourse.
- 5.78 The Lead Local Flood Authority have assessed the findings and initially objected to the application as they required further evidence that the diversion of surface water from the development within the surface water flow path would not increase flood risk elsewhere along with other further details relating to how surface water is managed within the site.
- 5.79 A hydraulic modelling report has now been submitted which demonstrates that the surface water flow path is further east than indicated on the Environment Agency mapping. As a result, the Lead Local Flood Authority are satisfied that the development footprint is not likely to have a significant impact on off-site flood risk.
- 5.80 Clarification has also been received that all surface water is to re-used within the site and that there is no overflow to external watercourses. As such the Lead Local Flood Authority are now satisfied with how surface water will be managed within the site.
- 5.81 Concerns have also been raised about the potential for pollution from the site to affect water courses, however measures that can be incorporated to prevent this can be secured by condition.
- 5.82 The proposed drainage strategy is therefore considered to accord with policy DM4.2 of the Local Plan.

Ecology

- 5.83 The site itself is not subject to any statutory designations. The nearest site that is subject to a statutory designation is Shelfanger Meadows SSSI which is 2km to the east of the site. In terms of sites with international designations, the Waveney and Little Ouse Valley Fens Special Area of Conservation is 4km to the south-west. In terms habitat nearby to the site, there is a pond within the wider farm site and some woodland area around 2km to the north and west. There are an additional six ponds in the immediate surrounding area.
- 5.84 An Ecological Impact Assessment has been submitted with the application. This identified that mitigation measures such as a sensitive lighting strategy (given that there is suitable habitat for bats in the surrounding area); an appropriate buffer around the pond (given that water voles are recorded in the area); any clearance of vegetation to be done outside of nesting period for birds and under supervision where priority species such as hedgehogs and brown hares could be affected. Enhancement measures are proposed in the form of bird nesting boxes and additional hedgerow planting which is included in the proposed landscaping scheme. The Assessment concludes that if the mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity' whilst providing opportunities for 'biodiversity net gain'.

- 5.85 We have received considerable concern on this issue, including responses from both Norfolk Wildlife Trust and Suffolk Wildlife Trust as well as a requirement for further information from Natural England. Particular concern was raised that insufficient information has been provided in regard to the impact of the development on air quality and subsequent impact on the above designated sites, with other sites also identified by Suffolk Wildlife Trust. The applicant has since submitted a further Air Quality Assessment and a Habitat Regulations Assessment Screening Report which concluded that the Air Quality Assessment provides the necessary evidence that there are no likely significant effects of the proposals on these designated sites and that this should allow the competent authority to undertake an HRA Screening exercise to reach the same conclusion. Further clarification has subsequently been provided in regard to specific issues raised by Natural England as to the reasoning that has led to this conclusion.
- 5.86 This is currently being considered by Natural England and their comments will be provided as an update to this report before the meeting. In the event that Natural England advise that the additional information is not satisfactory to conclude that the development would have the potential for having an adverse effect on these designated sites due to the impact on air quality then we would have to conclude that there are likely significant adverse effects on these designated sites which would be grounds to refuse the application as contrary to policies DM1.4 and DM4.4 of the Local Plan.
- 5.87 In addition to the above, this application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located outside of the catchment area of the sites identified by Natural England. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Lighting

- 5.88 The application has been accompanied by a lighting scheme with full specifications and plans showing the extent of the illuminated area. The lighting will normally be off at night other than when the site needs to be accessed outside normal working hours.
- 5.89 The scheme has been considered by our Environmental Quality team who raise no objections to it but do request that should planning permission be granted a condition is imposed to prevent any further lighting without further consent.
- 5.90 As such the proposed lighting scheme is considered to accord with policy DM3.13 of the Local Plan.

Other Issues

- 5.91 Norfolk County Council's Public Rights of Way Officer has raised a holding objection to the proposed pipeline to the west of Folly Farm which crosses the alignment of Bressingham Footpath 13 pending confirmation that the footpath will remain unaffected by using the 'burrowing under' method of installation. It is understood that this will be the case and therefore this is not considered to be an issue that would warrant refusal of the application.

- 5.92 A number of concerns have been raised about the potential danger from an explosion on the site. However the safe running of the site is covered by other legislation which seeks to ensure the safety of the site and the surrounding area. As such this issue falls outside what can be considered in the determination of this application.
- 5.93 Equally concerns raised about the potential for rats or other vermin within materials being stored on the site should be addressed by good management of the site but again can be controlled through other legislation.
- 5.94 The issue of how the plant will be decommissioned at the end of its design life has been raised. However the applicant is applying for a full planning permission and unless the Council were minded to grant a temporary consent it is not considered appropriate to require such details.
- 5.95 It is noted that in addition to the benefits from the generation of renewable energy, there some other economic benefits from the proposal. There will be three on-site permanent employees and there will also be further employment should permission be granted in constructing the remaining elements of the plant and the lagoons, as well as ongoing maintenance.
- 5.96 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.
- 5.97 This application is liable for Community Infrastructure Levy (CIL).

Conclusion

- 5.98 The proposal provides 39,000 MWh of renewable energy (biomethane) from local biomass as well as digestate to reduce the need for chemical fertilisers. Furthermore there are some small economic benefits from the scheme in terms of employment and further construction activity.
- 5.99 The development is not considered acceptable as it is not accepted that the quantity, source and means of delivery of the feedstock could be controlled in a manner that would not have an unacceptable impact on the local highway network which is highly constrained in character.
- 5.100 It is also not accepted that the development would be appropriate to the identified features of the local landscape character area, even when taking into account the mitigation measures proposed, and result in significant adverse impacts on its distinctive landscape characteristics.
- 5.101 As a consequence it is considered that there are significant adverse impacts which outweigh the benefits of the renewable energy provided along with the other benefits of the scheme, therefore the proposal conflicts with policy DM4.1 of the Local Plan. Furthermore, for the reasons set out in the report it is not considered that these impacts can be made acceptable and therefore paragraph 158 of the NPPF does not require the application to be approved.
- 5.102 Given that much of the development has already been carried out, should members be minded to refuse the application, officers consideration to appropriate enforcement action and timing of this will be given.

Recommendation: Refusal

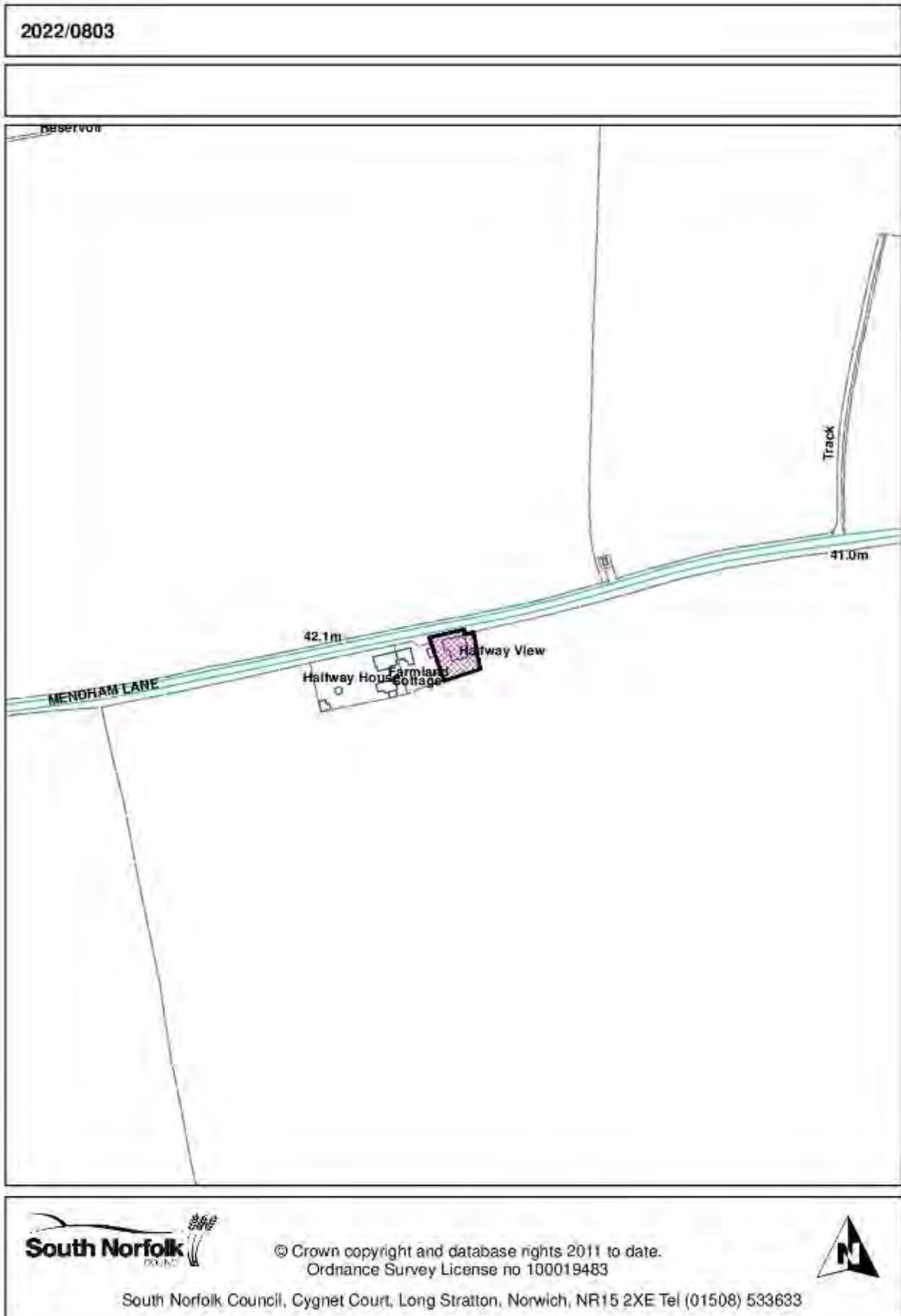
- 1 Inadequate highway network
 - 2 Insufficient transport information
 - 3 Impact on landscape
 - 4 Thereby contrary to DM4.1
- In addition to any further refusal if necessary relating to impacts on Protected Sites from air quality.

Reasons for Refusal

- 1 The highway network serving the site is considered to be inadequate to serve the development proposed, by reasons of its poor alignment, restricted width, lack of passing provision, substandard construction and restricted forward visibility. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policy DM3.11 of the Local Plan. Furthermore, the development would not accord with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety.
- 2 The application is not supported by sufficient transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway and highway safety also contrary to policy DM3.11 of the Local Plan.
- 3 The proposed development would result in significant adverse impacts on the distinctive landscape characteristics of the area as even after the proposed mitigation planting has matured the digestion plant domes will still be a detracting feature on longer distance views and are of a scale and shape that are atypical of the architectural built form qualities that emphasise the largely rural character of the landscape whilst the West Lagoon will appear as an engineered landscape feature in the landscape which will be accentuated by the proposed mitigation measures. As a consequence the proposed development will be contrary to policy DM4.5 of the Local Plan.
- 4 As a consequence it is considered that the development would result in significant adverse effects that outweigh the benefits of the renewable energy generated by the development and therefore the development does not comply with policy DM4.1 of the Local Plan.

Contact Officer	Tim Barker
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Application 10



Other Application

- 10. Application No: 2022/0803/F**
Parish: REDENHALL WITH HARLESTON

Applicant's Name: Mr Robert Vincent
 Site Address: Halfway Garage, Mendham Lane, Harleston, IP20 9DW
 Proposal: Proposed extension and alterations to form holiday let accommodation (Part retrospective)"

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary

Approval with Conditions

1 Proposal and site context

- 1.1 The application site is located approximately 2.5 km outside built-up area of Harleston on the south side of Mendham Lane, in the open countryside. It lies immediately to the east of a pair of semi-detached dwellinghouses, Farmland Cottage and Halfway House, and is otherwise surrounded by agricultural land. It is set back slightly from the road with an access and driveway to the side and a modest rear garden.
- 1.2 The site boundaries to the west and east are a mix of fencing and hedges and the south boundary is currently open.
- 1.3 This was the site of a vacant vehicle repair premises which was a two-storey building which was in a poor state of repair. Most recently it has been used to store plant and equipment. In March 2020 it was granted permission to be extended and converted to be used as an internet car sales showroom with associated office space above. The physical alterations and extensions to implement this are underway and at an advanced stage, although internal fitout has recently (within this applications timescale) progressed for the proposed use rather than that previously granted permission.
- 1.4 This application was originally to retain the internet car sales showroom at ground floor level and change the use of the two floors above to holiday let, however this has been altered to change the whole building to holiday let following concerns relating to the interaction between the two uses.

2. Relevant planning history

- | | | | |
|-----|-----------|--|----------|
| 2.1 | 2019/1842 | Extension and alterations to form car sales showroom on ground floor, with living accommodation | Refused |
| 2.2 | 2019/2462 | Extension and alteration to form internet car sales showroom on ground floor with associated office accommodation; change of use from vehicle repair shop to internet car sales showroom | Approved |

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 11: Making effective use of land
 NPPF 12: Achieving well-designed places
- 3.2 Joint Core Strategy (JCS)
 Policy 1: Addressing climate change and protecting environmental assets
 Policy 2: Promoting good design
 Policy 5: The Economy
 Policy 6: Access and Transportation
 Policy 17: Small rural communities and the countryside
- 3.3 South Norfolk Local Plan Development Management Policies
 DM1.3: The sustainable location of new development
 DM1.4: Environmental Quality and local distinctiveness
 DM2.1: Employment and business development
 DM 2.2: Protection of employment sites
 DM2.10: Conversion and re-use of buildings in the Countryside for non-agricultural use
 DM3.8: Design Principles applying to all development
 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
 DM4.5: Landscape Character Areas and River Valleys
- 3.4 Redenhall with Harleston Neighbourhood Plan (Oct 2022)
 RWH2: High quality design
 RWH13 Existing employment sites

4. Consultations

4.1 Harleston Town Council

Consultation 1

- In light of the emerging Neighbourhood plan it objects to this application on the grounds given in the refusal 2019/1842. If they are minded granting permission and the use of the residential unit for holiday letting ceases, then the use should revert to that was granted on 2019/2462. The residential element of the building should not be sold separately.

Consultation 2 (following amendment)

- Assuming the Games Room is linked to the proposed holiday let accommodation, the Town Council continue to object to the application as previously indicated. If the Case Officer can supply further details of the description of the 'Games Room' this may lead to further objections.

4.2 District Councillor: Jeremy Savage

- Should be considered by committee in view of the Town Council's reasonable objections.

4.3 Community Services - Environmental Quality Team

- No objections subject to conditions and notes relating to contamination.

4.4 NCC Highways

Consultation 1:

- My comments re this proposal are the same as for the last application for the same building 2019/2462 Can I suggest that if the application for the car sales is approved that a condition be imposed that all cars for sale be stored inside the building, which is what the applicant appears to be intending. I would have no particular issues with a small number of vehicles being stored outside. However, the plan does not show any provision for that. Therefore, inside only. In addition, condition SHC20 please regarding parking and turning.

Comments for 2019/2462

- No objection subject to a condition imposed restricting cars for sale to be kept indoors.

Consultation 2:

- No Response Received

4.5 Other Representations

1 letter of objection;

- Parking on the road outside creating an obstruction
- Overlooking from second floor window and a balcony on first floor
- Noise and disturbance from holiday-makers

8 letters of support:

- Impressed by the attractive modern building
- A beautiful location for a holiday property
- Improvement on previous scruffy building
- There is demand in South Norfolk for holiday accommodation
- Best use of the premises will bring trade to the area
- Has never been a problem with parking, there is ample space
- The applicant is a local man with a garage in Rushall and keeps it well maintained

5 AssessmentKey considerations

- 5.1 Principle of development
Impact on the character and appearance of the area
Impact on residential amenity
Highway safety

Principle of the development

- 5.2 Planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan unless material considerations dictate otherwise. The NPPF is one such material consideration.

- 5.3 The property is located outside of the development boundary in the countryside. Policy DM1.3 states that development will be restricted unless it complies with either criterion (c) (a specific policy of the Local Plan) or criterion (d) (demonstrates overriding benefits in relation to the economic, social and environmental themes of sustainable development). In this case, in relation to criterion (c) Policy DM2.10 is relevant as it deals with the conversion of buildings in the countryside. Policy DM2.2 is also relevant as it deals with the protection of employment sites whereby criterion 2 states that 'the Council will safeguard all other land and buildings currently in or last used for an Employment Use (both inside and outside Development Boundaries)'.
- 5.4 Both the previous use as a garage and the approved use for internet sales and showroom are employment generating and for the purposes of planning policy a holiday let is also an employment (or commercial) use.
- 5.5 In relation to policy DM2.10, criteria (a) though (d) are relevant. In relation to criterion (a) the existing building was a garage so the proposal will not result in a loss of a farm building. In relation to criterion (d), the proposal is not for retail or leisure so will not undermine the town centre uses within Harleston in this respect.
- 5.6 In relation to criterion (b), there is a balanced consideration whether the pre-extension building should be the one to assess in consideration of being standing and of adequate dimensions considering the use for the extension has never been enacted. Notwithstanding this, the size of the building with the extension is large and based on the internal layouts it would have been possible to convert the original structure to a smaller holiday let. It is therefore considered to meet this criterion. In relation to the extension, this was started before the current application was submitted and therefore it would be unreasonable to require it to be reversed.
- 5.7 In relation to criterion (c), there are residential dwelling next door so while the holiday let will remain technically a commercial use, its character will become more residential in nature which will not look out of place given its setting.
- 5.8 Furthermore, in consideration of Policy DM2.2 the proposal would retain an employment use and comply with the requirements of this policy.
- 5.9 Overall therefore, it is considered that the proposal is acceptable in principle subject to a condition tying the use to holiday let and to a consideration of the impacts on the character of the surrounding area, highway safety or the amenities of neighbours. These are discussed below.

Design

- 5.10 Policy DM3.8 of the SNLP along with policy 2 of the JCS and section 12 of the NPPF require good design. The building has the benefit of planning permission for extensions and alterations. Externally, changes to the previously approved character are limited primarily to fenestration, design details, external plant and the balcony. The overall form of the building will remain the same. These works are being undertaken and as a result the property will be brought back into productive use and is greatly improved visually.
- 5.11 As discussed in relation to principle, the proposed use is for holiday accommodation. It is adjacent to a pair of semi-detached houses and is surrounded by fields in an attractive river valley landscape. It is considered that the location for this use is appropriate, and it will not have a negative impact on the character and appearance of the area. The proposal therefore complies with Policy and DM3.8 of the SNLP, policy 2 of the JCS and the NPPF.

Landscape

- 5.12 Policy DM4.5 relates to incorporating landscape into proposals for new development. The land around the building was functional given the nature of the business, but there is some existing vegetation to the east. The proposal will create a more garden-like landscaped area to the rear, similar to those of the adjacent residential properties. There are indicative proposals for a post and rail fence with native hedging to the rear with grass/low level planting to the front. This is appropriate within the rural setting and result in a softer appearance in the landscape than under the previous use. The level of detail provides sufficient confidence in an appropriate landscape proposal to enable a condition requiring the final planting details later. I therefore consider the proposal to comply with Policy DM4.5 in this regard.

Residential Amenity

- 5.13 Policy DM3.13 of the SNLP relates to the amenity of neighbouring residents in relation to overlooking, overshadowing and noise. An objection has been received from the Town council and a neighbouring residential in relation to noise and overlooking. A further concern has been raised by the town council in relation to the use of the ground floor as a games room.
- 5.14 The ground floor layout and position of windows remains largely the same as approved. The only difference being the entrance to the west side which is shown reconfigured to allow two accesses. The first and second floors are also similar to the approved. However there have been alterations to the windows which must be considered given the change of use proposed. The windows in the north and east elevations have changed but these look towards open fields. An additional bedroom window has been added in the west elevation at second floor level which looks towards the existing properties and the first-floor window will serve the landing. In addition, the balcony on the south (rear) elevation is now serving the living area of the holiday accommodation and needs to be considered. A screen can be required by condition to be added to the west end of the balcony to prevent any direct overlooking which would be to the rear garden of the adjoining property. In this situation it is also reasonable to require both windows in the west elevation to be obscure glazed given that they are for light only as the countryside views can be appreciated from the other elevations which do not impinge on the neighbours' privacy.
- 5.15 The application has been amended to incorporate the ground floor into the holiday let use. This will significantly reduce the intensity of the use of the site and associated vehicle movements. I note the concern raised by the Town Council, however, the games room is proposed as additional leisure/recreation space for users of the holiday let and is a feature that many lettings and residential properties have either within the dwelling or within outbuildings. For clarity, this is not for use separate to the holiday let and for the avoidance of doubt a condition has been included accordingly.
- 5.16 With the proposed measures and conditions in place it is considered that the amenity of the adjoining properties is protected and there will be no loss of privacy from overlooking. The proposal therefore complies with Policy DM3.13 of the SNLP.

Highways

- 5.17 Policy DM3.11 of the SNLP states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network while Policy DM3.12 of the SNLP relates to adequate parking and turning provision for new developments.
- 5.18 This is a rural road, and it is narrow, and concerns have been raised regarding additional traffic and parking causing congestion. The application property is around 3m back from road and has a side driveway. Both the existing houses have driveways with more than adequate parking off the road and in addition there is a passing place in front of all three which allows vehicles to safely pass.

- 5.19 Whilst concerns have been raised relating to congestion on the original proposal, the Highway Authority considered this as acceptable subject to standard conditions and also a condition imposed restricting cars for sale to be kept indoors to ensure the parking and turning remains available for the two uses.
- 5.20 With the sales element removed, the potential conflict is also removed, and sufficient space is present for the holiday let. The Highway Authority have not responded to the second consultation, however based on the response to the first, the proposal remains acceptable.
- 5.21 In relation to the rural location, the principle set out through DM2.10 allows conversions in rural locations where development would otherwise be considered unsustainable.
- 5.22 The proposal is considered to meet the aims and requirements of Policies DM3.11 and DM3.12 of the SNLP subject to conditions.

Other Issues

- 5.23 Environmental Services have no objection subject to a condition relating to unexpected contamination as a result of the conversion. The proposal therefore accords with policy DM3.14.
- 5.24 In relation to drainage in relation to DM4.2, no additional extensions are proposed in this application so the drainage will remain in accordance with previous permissions.
- 5.25 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation; however, it is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, and does not involve foul or surface water drainage into those catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.26 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.
- 5.27 This application is not liable for Community Infrastructure Levy (CIL). This has already been triggered by the previous permission and payment has been received.
- 5.28 This application is liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS).

Conclusion

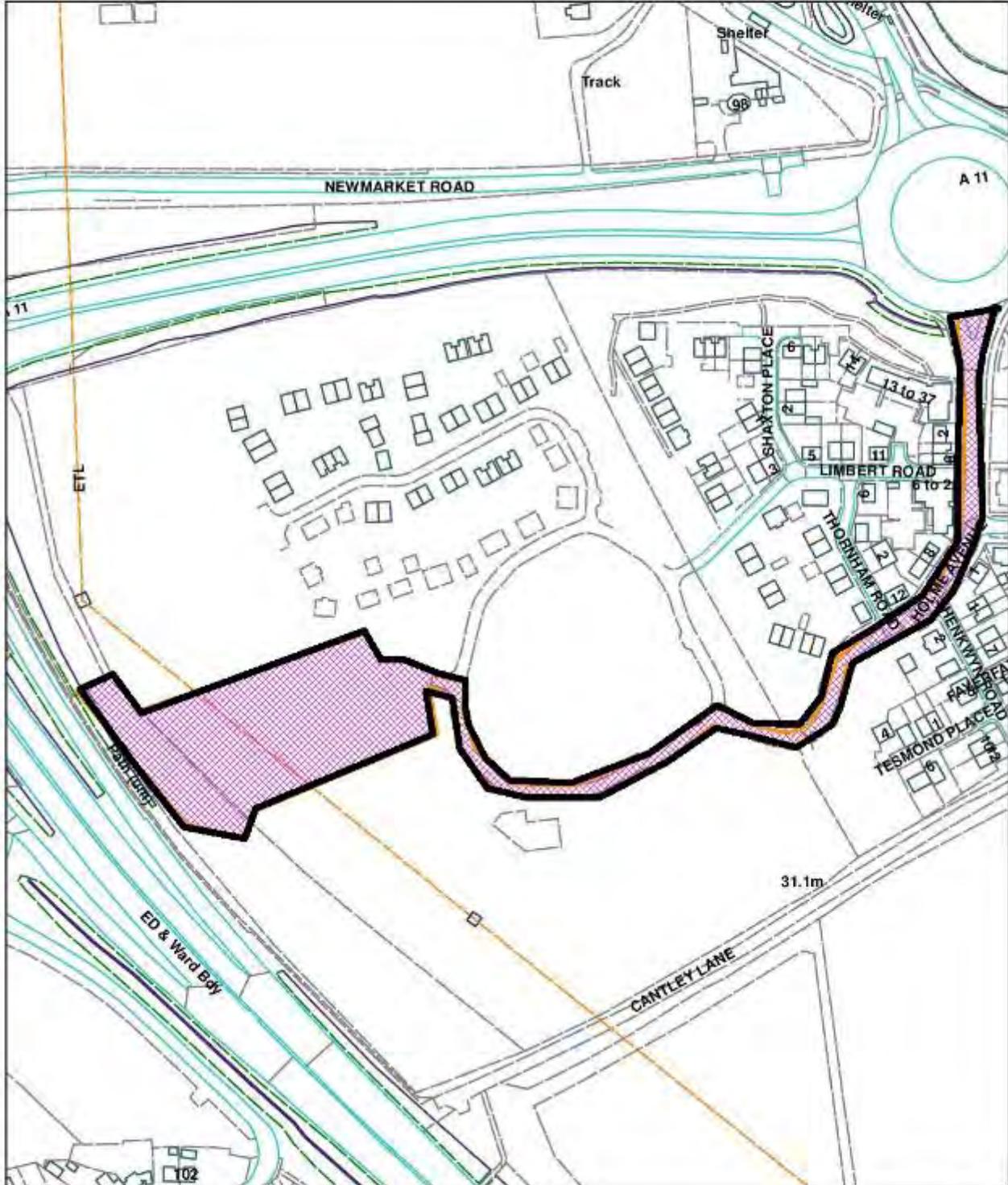
- 5.29 The proposal for the creation of a holiday let is acceptable in principle in accordance with policy DM2.10 and DM2.2. It has acceptable impacts in relation to design, landscape, amenity and highways and as such is acceptable in relation to policies DM3.8, DM3.11, DM3.12, DM3.13 and DM4.5. A unilateral undertaking and habitat regulation assessment will be required and will be sought prior to the decision being issued to meet GIRAMS requirements. As a result of the above, the recommendation is for approval with the following conditions.

Recommendation: To approve with conditions

- 1 - Time Limit - Full Permission
- 2 - In accordance with submitted drawings
- 3 - Holiday use only
- 4 - Ground floor to be ancillary to holiday let
- 5 - SHC20 Parking and turning
- 6 - Access gates to open inward
- 7 - Balcony Screen to be installed and Retained
- 8 - Obscure glazing to first and second floor windows in west elevation
- 9 - Boundary treatments/landscaping

Contact Officer Peter Kerrison
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2022/1532



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

Application Submitted by South Norfolk Council

11. Application No: 2022/1532/F
Parish: CRINGLEFORD

Applicant's Name: Big Sky Developments Ltd & CPC
 Site Address Land South Of Newmarket Road And North Of Colney Lane Cringleford Norfolk
 Proposal Erection of a Community Sports Hall, with integrated Children's Nursery, a Groundsman's Store and associated parking

Reason for reporting to committee

One of the applicants listed on the application is Big Sky Developments which is owned by South Norfolk Council.

Recommendation summary:

Delegated Authority to approve subject to agreement of drainage details with the LLFA and receipt of no objection from the Local Highway Authority.

1 Proposal and site context

- 1.1 The application site is located to the west of Cantley Lane, North of the A47 and East of the A11 in Cringleford. It is located within development limits and within the area covered by Cringleford Neighbourhood plan; adjacent to the A47 safeguarding zone.
- 1.2 The proposal is for Erection of a Community Sports Hall, with integrated Children's Nursery, a Groundsman's Store and associated parking to sit within the previously approved landscaping area associated with the wider development of the surrounding land.
- 1.3 This application is a stand-alone full proposal; however, it is located within the wider development of 350 dwellings, commercial up to 2,500 sq meters of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highway works, landscaping, public realm, car parking and other associated works. This wider area is, in itself, part of two distinct parcels separated by the A11 Newmarket Road and benefits from outline planning permission for a large mixed-use development including up to 650 dwellings granted consent at appeal on 7 January 2016 (2013/1494) and a subsequent variation of conditions application (2017/2120). The full development is subject to a design code approved under reference 2018/2303.
- 1.4 Within the 350 Dwelling parcel now know as St Giles Park, on the East side of the A11, the site has come forward in 9 separate reserved matters applications. 4 of these are approved, one has resolution to approve subject to nutrient neutrality and 4 are still live applications within the planning system. All approved RM sites are either under construction or occupied. The application site for this application sits within the area covered by RM9 which has approval under reference 2018/2791 which set out the structural landscaping including football pitches as part of the formal recreation provision. This site currently significantly overdelivers open space in comparison to policy requirement.
- 1.5 In relation to the RM9 area, a further consideration is the approved National Highways Development Consent Order (DCO) for significant works to the Thickthorn interchange and A47 and the associated variation of condition to the open space design contained within RM9. The DCO is dealt with by the National Planning inspectorate, however the variation of condition on RM9 is a live planning application with reference 2021/2779. This application is also accompanied by a deed of variation on the S106 agreement in relation to the same changes.

1.6 All of the above are of material consideration insofar as they relate to the setting, access and landscaping surrounding the development. Along with the location of a pavilion for use in association of the adjoining football pitches which was indicated in the exact location of this proposal. This application therefore diverges from previously approved or proposed development only insofar as it relates to the addition of a sports hall, nursery and groundman's store over and above the pavilion with changing facilities.

2. Relevant planning history

2.1	2013/0552	Request for Scoping Opinion for proposed residential development for up to 700 residential units, green infrastructure land, up to 2500 square metres of Class A1-A5 and D1 floorspace and access from the A11 roundabout	EIA Required
2.2	2013/1494	Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.	Refused
2.3	2017/0196	Variation of conditions 5, 6, 11, 28, 35, 36, 37 and 38 of permission 2013/1494 (Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.) - to facilitate greater flexibility in the delivery of the scheme	Approved
2.4	2017/2120	Variation of conditions 1, 3, 4, 7, 10, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 33, 36, 38, and 39 following application 2017/0196 which relates to - (Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.) - to facilitate the development coming forward on a phased basis.	Approved
2.5	2018/2303	Discharge of condition 6 following planning permission 2017/2120 - Design Code	Approved

2.6	2018/2783	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-1 comprising 67 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	Approved
2.7	2018/2785	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-3 comprising 62 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	Approved
2.8	2018/2787	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-4 comprising 55 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	Delegated Authority to Approve subject to NN
2.9	2018/2787	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-5 comprising 23 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	under consideration
2.10	2018/2788	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-6 comprising 21 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	under consideration
2.11	2018/2789	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-7 comprising 42 dwellings and approximately 500 sq metres of commercial floorspace, together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	under consideration
2.12	2018/2790	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-8 comprising 765 sq metres of commercial floorspace (Use classes A1,A2,A3,A4,A5,D1) together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement)	under consideration

2.13	2018/2784	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-2 comprising 79 dwellings together with associated landscaping and infrastructure. (The outline submission included an Environmental Statement).	Approved
2.14	2018/2791	Reserved Matters details of appearance, layout, scale and landscaping following outline permission 2017/2120, for RM-APP-9 comprising of the formal and informal landscaping areas, including areas for formal sport pitches and a sports pavilion, and associated infrastructure. (The outline submission included an Environmental Statement)	Approved
2.15	2019/2067	Proposed signage advertising the adjacent housing development (St Giles Park)	Approved
2.16	2019/2343	Erection of gas governor enclosure and associated works	Approved
2.17	2020/1142	Erection of a substation and associated development	Approved
2.18	2021/2779	Variation of Condition 2 of reserved matters approval 2018/2791 (relating to area RM-APP-9 of Site B only) pursuant to Condition 1 of outline planning permission 2017/2120, amendments to the open space layout to accommodate the A47 upgrades (The outline submission included an Environmental Statement)	Approved

Appeal History

2.19	14/00025/AGREFU	Outline planning application with all matters reserved (save access) for the creation of up to 650 residential dwellings (use class C3), up to 2,500 sq mtrs of use class A1, A2, A3, A4, A5 and D1 floorspace, together with highways works, landscaping, public realm, car parking and other associated works.	Appeal Allowed
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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 07: Ensuring the vitality of town centres
 NPPF 08: Promoting healthy and safe communities
 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

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 8: Culture, leisure and entertainment
 Policy 12: The remainder of the Norwich Urban area, including the fringe parishes

3.3 South Norfolk Local Plan Development Management Policies

DM1.3: The sustainable location of new development
 DM2.1: Employment and business development
 DM2.4: Location of main town centre uses
 DM3.8: Design Principles applying to all development
 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
 DM3.15: Outdoor play facilities and recreational space
 DM3.16: Improving the level of local community facilities
 DM4.2: Sustainable drainage and water management
 DM4.4: Natural Environmental assets - designated and locally important open space
 DM4.5: Landscape Character Areas and River Valleys
 DM4.8: Protection of Trees and Hedgerows
 DM4.10: Heritage Assets

3.4 Cringleford Neighbourhood Plan

GEN1: Co-ordinated approach for delivering overall growth
 GEN2: Protection of heritage assets
 GEN3: Protection of significant buildings
 GEN4: Provision of infrastructure
 ENV1: Provision of landscape corridors
 ENV3: Protection of hedgerows
 ENV5: Provision of sustainable drainage
 ENV6: Provision of open space and community woodlands
 HOU2: Design Standards
 ECN1: Provision of business accommodation
 SCC3: Provision of walking/cycling routes
 SCC4: Energy efficient community buildings
 SCC5: Provision of playing field and play areas

4. Consultations

4.1 Cringleford Parish Council

No comments received – (I note also the applicant so likely reason for no response)

4.2 District Councillors

To be reported if appropriate

4.3 NCC Lead Local Flood Authority

Consultation 1:

- Need additional information

Consultation 2:

- Awaiting response

4.4 NCC Highways

Consultation 1

No comments received

Consultation 2 (sent to chase lack of response)

Awaiting response

4.5 Sport England

Consultation 1:

Holding objection

- no dimensions for changing rooms
- no second officials changing room in case of male and female official
- it is noted that the use of the changing rooms may be limited initially given the intended use as a junior facility; but match officials would regularly use it along with other sports using the hall
- Please confirm pitch sizes
- The carpark looks small to be able to accommodate participants

Consultation 2:

Awaiting Response

4.6 Ecologist

No comments received

4.7 SNC Senior Heritage & Design Officer

- Proposal fits in contextually with the adjacent residential development in terms of materials and linkages
- The hall requires size and height to accommodate badminton which results in a blocky form. The approach to wrap this with a ground floor element will help to alleviate this. The brick detailing is similar to the houses in the residential area. The cladding adds distinctiveness but is not overwhelming.
- There is good pedestrian and cycle access off the main loop road. A rumble strip would be useful on the access to slow traffic. Cycle parking is well located in prominent position. Car parking is well located and has planting to soften it. Secure cycle parking may be underprovided so it may be useful to indicate other potential areas.
- In the car park, the central path could be extended to meet the edges to prevent people walking on the grass. Alterations suggested to give clearer pedestrian priority.
- ASHP details required in relation to appearance.

4.8 SNC Community Services - Environmental Quality Team

- Object to proposals until ASHP information is provided.

4.9 SNC Water Management Officer

No comments received

4.10 NCC - Children's Services

No comments received

4.11 NCC Public Rights Of Way Officer

Consultation 1:

- Objection due to PROW

Consultation 2:

- Objection removed following clarification

4.12 The Ramblers

No comments received

4.13 Highways England

No Objection

4.14 Other Representations

2 Responses from two Addresses and 2 responses from Cringleford Football Club:

Support:

Provision of sports hall will be welcome for families and allows for different sports in addition to football, tennis and gym classes

Childcare will be a welcome additional capacity - noting that schools are already over capacity

Second comment - general support

Cringleford Football Club:

1st Response

Supports planning application

Pleased that FA standards are met for male and female facilities and referee's room.

Suitable for both junior and adults' teams

Quality venue with the potential to hire

Unfortunate some of the area for pitches adjacent are to be lost for the A47 DCO scheme from Highways England

2nd Response

Supports application - confirm it is more than adequate to meet the needs of small, sided soccer within the village

Notes the Sport England response in respect of the changing rooms;

If the changing rooms were tweaked it would future proof the provision with regard to future expansion of adult men's and women's teams even if that is not what takes place initially

5 Assessment

Key considerations

- 5.1 The key considerations are the principle of development, its interaction with surrounding proposals, design, heritage landscape, parking, drainage, Trees/Hedges, amenity and highways.

Principle

- 5.2 The proposal site sits within the consented residential development and associated landscaping. The principle of a pavilion building in this location has been established through the outline and reserved matters permissions. While this building provides increased service and facility provision, it is in the same location of the proposed pavilion/changing facilities original envisaged in the outline planning permission.
- 5.3 Furthermore, in terms of Local plan there is support in principle, Policy DM3.15 supports the provision for outdoor sports facilities, Policy DM3.16 supports the provision of community facilities in general. This application facilitates the outdoor formal recreation through the provision of changing facilities and a maintenance building and directly provides new community facilities, thereby being supported in principle by both of these policies.
- 5.4 Finally, in relation to the Cringleford Neighbourhood Plan, there are consistent themes within the plan relating to the provision of services within the new developments. This proposal accords with that overall aim.
- 5.5 In order to remain consistent with the above policies and for the avoidance of doubt now the building is proposed as a sui Generis mixed use; (which includes a Class E use in the form of a nursery) a specific use condition has been included to limit the proposal to that presented in the description to avoid any ambiguity in relation to other town centre uses on this site which would be less appropriate and potentially contrary to SNLP and neighbourhood plan policies.

Design

- 5.6 Policy DM3.8 of the SNLP and Policy 2 of the JCS requires new development to have good design and section 12 of the NPPF 2021 strongly emphasises the importance of good design in new developments. Furthermore, Cringleford Neighbourhood plan policy SCC4 requires construction and furnishing of new community buildings to minimise energy and water use and promote alternative energy sources. Finally, the surrounding development incorporates a design guide (approved under application reference 2018/2303).
- 5.7 The building is designed around its function, with a central taller section to house the appropriate height for a sports hall that can accommodate badminton. This is surrounded by lower levels accommodating the changing, ancillary and nursery functions. The Senior Design and Conservation Officer was consulted on the applications and notes the benefit of the lower section in breaking up the bulk of the higher section resulting in a well-formed building. The materials palette follows a similar theme to that set out in the design code for the wider development. While it is appropriate and inevitable there will be a difference in appearance when compared to nearby dwellings due to the size and function of the building, the materials choice enables it to relate well to its existing and future surroundings tying it into the overall character of this developing area. The separation of the building (necessary to facilitate safeguarding of the nursery element) has been done subtly and without impact on the overall design. Both entrances are located in close proximity to the main pedestrian, and cycle access and with simple, level and lit access to the car park.

- 5.8 With regard to the groundsman's building, the size of the open space and football pitch inevitably results in the need for maintenance and the positioning of the building keeps it as close to existing built form as possible, also utilising existing vehicle access. Its size and appearance if proportionate to the need and although functional in appearance, colouring and materials should minimise the impact on landscape as far as is practical.
- 5.9 In relation to the layout, this is largely dictated by the previously approved road and landscaping layout surrounding the site. The majority of the surrounding infrastructure and much of the planting is already in place. The building primary community building sits comfortably within this layout using the originally proposed pavilion location. The existing carpark is well related and items such as cycle parking have been relocated and enlarged to enable a closer relationship with both entrances to the building. The groundman's building is situated closely, minimising landscape impact.
- 5.10 In relation to the provision of renewable energy and the emphasis within Cringleford Neighbourhood Plan Policy SCC4, the proposal has solar panels and Air Source Heat Pumps (ASHP) located on the roof of the sports hall behind a parapet wall. Some concern has been raised by the Senior Conservation and Design Officer in relation to their appearance and dimensions, however the solar panels will be hidden and the specification of the ASHPs will not be known until close to installation when they are procured. Given the opportunity to locate them behind the parapet and to seek a design and position that minimises impact, it is considered reasonable to condition the ASHP specification in this instance.
- 5.11 Overall, in consideration of all elements of this proposal, it is considered to meet the aims of DM3.8 of the SNLP, Policy 2 of the JCS, the NPPF and Cringleford Neighbourhood Plan policies in relation to design.

Heritage

- 5.12 Policy DM4.10 of the SNLP and Policies GEN2 and GEN3 consider Historic buildings and heritage assets in general. Furthermore, Policy 16 of the NPPF requires Local Planning Authorities to assess the impact of any development on the significance of heritage assets and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities must 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.
- 5.13 The closest heritage asset is The Roundhouse, which is a grade II listed structure to the northwest of the proposal. This was a significant consideration in the wider surrounding development due to its location adjacent to the A11 which places the closest new residential properties in its wider setting. However, this residential development now separates The Roundhouse from this application site and as a result, no negative impacts to the significance of the asset or its setting result from this proposal.

Landscape, trees and hedges

- 5.14 Policy DM4.5 of the SNLP relates to the incorporation of landscape in design while DM4.8 of the SNLP requires the protection of tree and hedgerows. ENV1 of the Cringleford Neighbourhood plan relates to the landscape bounding the A47 adjacent to this proposal and ENV3 requires protection and enhancement of hedgerows. The wider development and in particular RM9 has covered the majority of the landscaping needs around this building, however there are a few areas with some amendment, particularly in relation to the carpark. Some proposed trees have been relocated to the edge rather than the centre of the carpark to facilitate electric Vehicle charging points. While the comments from the Senior Conservation and Design Officer were positive in relation to these trees in the centre, given they are still being provided in close proximity to the car park this is considered an acceptable compromise to ensure sufficient EV charging is provided along with its associated sustainability benefits and in accordance with the aims of the Cringleford Neighbourhood plan.

- 5.15 The groundsman's building is located adjacent to some existing mature hedge and a large tree. The hedge has been enhanced through RM 9 with gap filling which will fill out to give a vegetated backdrop when viewed across the football pitches. While it has been considered whether further mitigatory planting may be required, it is acknowledged that this would likely compromise the playing area of the pitch so on balance, given the application would not be refused without it; the current plan is considered acceptable. In relation to secure by design, some visibility of the building would be beneficial for security purposes.
- 5.16 In relation to the protection of trees and hedges, only the groundsman's building has the potential to impact existing features and a condition has been included to provide and maintain protective fencing around these items for the duration of the construction period. The building is sufficient distance from the nearest significant tree and its root protection area. This will enable the proposal to comply with policy DM4.8 of the SNLP and policy EN3 of the Cringleford Neighbourhood Plan.
- 5.17 Street lighting is shown on the site plans, and this is proposed to follow the same style, design and layout as on the wider development for consistency. This also maintains continuity when considering this development in the context of the wider landscape. It is proportionate to the need and is considered acceptable for these reasons.
- 5.18 Overall, the proposal is considered to accord with the aims and requirements of Policies DM4.5 and DM4.8 of the SNLP and policy EN3 of the Cringleford Neighbourhood Plan.

Amenity

- 5.19 Policy DM3.13 of the SNLP relates to the amenities of neighbouring residents and businesses. The proposal is located on the edge of a new residential development and none of the new residents in the closest part have moved in at the time of writing (although many units are occupied in earlier phases to the north). The presence of a building in this location along with the associated car parking was factored into the original masterplan for the site.
- 5.20 There is sufficient distance and existing landscaping between both buildings and the nearest dwellings to avoid impacts from overshadowing; furthermore, there is no first floor within either building which reduces overlooking potential to be negligible. All nearby dwelling face front or side on to the open space so will relate to the buildings proposed here by their principal or significant side elevation, further reducing their sensitivity to the plans. Street lighting is proposed (as referenced in the landscape section) however it is proportionate and follows the same design and layout as the highways on the wider development and will not pose a risk to amenity.
- 5.21 I note the objection from the environmental services team, but similarly to the design assessment, it is considered reasonable to condition the ASHP specification to be supplied at a more appropriate point in the development. The appropriate scrutiny can be completed once the details are submitted in accordance with that condition.
- 5.22 The external spaces (such as football pitches) are not proposed in this application and their impact on amenity was assessed in the overall outline and reserved matters applications for the wider development.
- 5.23 Overall, it is considered that, subject to conditions, the proposal accords with the requirements and aims of Policy DM3.13 of the SNLP.

Highways

- 5.24 Policy DM3.11 of the SNLP relates to highway safety and Policy DM3.12 relates to provision of parking and turning. National Highways have confirmed no objection to the proposal which has significance due to the close proximity of the consented DCO for Thickthorn junction improvements.

- 5.25 The proposal utilises the access road and car park approved under RM9 (application 2018/1791) with only minor tweaks relating to the inclusion of electric charging bays, parent and child spaces for the nursery and relocation of the cycle bays to be adjacent to the main building. The current variation of condition to RM9 to accommodate the Thickthorn improvement scheme leaves this area untouched (with the route of the new slip road being to the southeast of this site). The only impact on this proposal is that it removes a football pitch, which may reduce the level of use the car park will need to accommodate slightly.
- 5.26 The introduction of nursery and sports hall uses has been considered in the context that the parking provision remains the same as before. However, considering the usual timing and intensity of the new uses, with the nursery being morning, lunchtime and evenings on weekdays and the sports hall being low level and fairly consistent; it is not anticipated that this will clash with the primarily weekend use of junior football pitches. Football uses for junior is unlikely on weekdays due to clashes with school times and unlikely in evenings due to lack of pitch floodlights on the adjacent pitches. As such, the current parking provision is considered acceptable in a planning context. The provision of additional cycling and electric vehicle charging (with capacity for expansion of the later) are considered benefits of the new proposal. Due to the tweaks required to car park layout, a condition requiring this to be provided in advance of the first use of the building has been included in the list.
- 5.27 It is noted that no response has been received from the Local Highway Authority at the time of writing. An additional consultation has been sent to chase a response and it is proposed to request delegated authority to approve subject to a response with no objection and to add any requested conditions that go over and above those already added to the list on this report.
- 5.28 Subject to a Local Highway Authority response, based on the assessment above and National Highways guidance, the proposal is currently considered to accord with policies DM3.11 and DM3.12 of the SNLP.

Sport and Recreation Provision

- 5.29 Policy DM3.15 relates to the provision of outdoor sport and recreation and Sports England were consulted on the proposal for additional guidance. It is noted, in relation to the Sport England response that this application is for the building only; with the pitches previously approved under both outline and reserved matters permission (specifically reserved matters 9 under reference 2018/2791. While these are being altered via reference 2021/2779, that application is separate to this one and is being dealt with on its own merits.
- 5.30 The changing rooms have been designed to meet the needs of this particular site in relation to overall provision within Cringleford and run by Cringleford FC. It is therefore accepted that all sites within this cluster can be read as a whole, and that each individual location doesn't necessarily have to accommodate all needs as that may result in duplication. Clarification has been provided to Sport England (albeit no further response has been received so far) and the comments from the football club in relation to future proofing this venue are noted, however at this stage, this matter is not considered to be significance enough to refuse or request amendment on the application. If however, the future users and site operators wish to make further changes following this application, an application for alterations to the building could be made and would be assessed on its own merits.

Drainage and flood risk

- 5.31 Policy DM4.2 of the SNLP and Policy ENV5 of the Cringleford Neighbourhood Plan consider site drainage and provision of Sustainable Drainage Systems (SuDS). The site is in flood zone 1 and is not at risk of surface water flooding. While the wider development adjacent has a drainage masterplan which is largely implemented for the commercial and residential elements, this proposal requires a specific additional element due to its increase in floorspace in comparison to the pavilion containing changing rooms only in the original outline application. A proposal is submitted and is currently being assessed by the LLFA. It is proposed to request delegated authority to approve the application once a satisfactory response from the LLFA regarding the drainage design is received.
- 5.32 This will enable the proposal to accord with the aims and requirements of Policy DM4.2 of the SNLP and Policy ENV5 of the Cringleford Neighbourhood Plan.

Ecology

- 5.33 Policy DM4.4 of the SNLP relates to environmental assets, including protected species and ecology. The areas covered as part of this application was included in the site wide ecology assessment and mitigation strategy included within the surrounding development. As a result of its position within the area designated for a building and the level of completion of the surrounding infrastructure and landscape planting, further information is not considered necessary in this instance beyond the tree and hedge protection measures already highlighted above. The proposal is considered to accord with policy DM4.4 of SNLP in terms of its aims and requirements in this instance.

Other Issues

- 5.34 The wider outline site was subject to an Environmental Impact Assessment (EIA); however, this is submitted as a separate standalone proposal that is minor in planning terms. As such an EIA is not required to support this application.
- 5.35 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high-water use development. This application has been screened, using a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).
- 5.36 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.
- 5.37 This application is liable for Community Infrastructure Levy (CIL).

- 5.38 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) – there is no new overnight accommodation proposed.

Conclusion

- 5.39 The application is acceptable in principle as a result of the active development masterplan and reserved matters applications for the surrounding under construction development. This is further enhanced by policies DM3.16 and DM3.15 promoting community facilities and outdoor recreation.
- 5.40 The proposal is acceptable in relation to design, heritage landscape, amenity, trees, ecology and sport and recreation and as such meet the relevant policy criteria set out in the sections of the assessment above.
- 5.41 There is sufficient opportunity to confirm to highways and drainage requirements subject to consultee responses to request delegated authority to approve subject to satisfactory responses being received from both the Local Highway Authority and the LLFA. The list of proposed condition is below and includes surface water and highways conditions in anticipation of the outstanding responses.

Recommendation: Delegated Authority to Approved subject to satisfactory Highways and LLFA responses.

- 1 - Time Limit - Full Permission
- 2 - In accordance with submitted drawings
- 3 - Materials
- 4 - Specific Use
- 5 - Surface water
- 6 - Foul drainage to main sewer
- 7 - SHC21 Provision of parking, service
- 8 - Landscape
- 9 - Cycle Parking
- 10 - EV Charging Infrastructure
- 11 - No generators/air plant without consent
- 12 - Tree protection

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Planning Appeals**Appeals received from 3 November 2022 to 1 December 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
2021/2546	Shotesham Glenview, The Common Shotesham NR15 1YD	Mr J Carver	Change of use for outbuilding to office (Class E)	Development Management Committee	Refusal
2021/2510	Land South Of Greenhill The Common Shotesham Norfolk	Mr Richard Martin	Demolition of redundant stable and construction of new single storey dwelling.	Development Management Committee	Refusal

Planning Appeals**Appeals decisions from 3 November 2022 to 1 December 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2022/0377	Old Railway Station Yard Station Lane Ketteringham Norfolk NR9 3AZ	Mr Nathan Riches	Retrospective application for Display Board on trailer	Delegated	Refusal	Appeal Allowed