

Growth and Localism

Swan Lane, Long Stratton, Norwich, Norfolk, NR15 2XE
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Applicant

Mr Des Aves
The Oaks
Kenninghall Road
Diss
Suffolk
IP22 2HG

Application Type :Full

Ref: 2015/0595

APPROVAL OF PLANNING PERMISSION

Location: Deal Farm , Kenninghall Road, Bressingham, Norfolk, IP22 2HG

Proposal: Construction of a farm agricultural anaerobic digestion facility.

Particulars of decision: The District Council hereby gives notice in pursuance of the Town and Country Planning Act 1990 that full planning permission **has been granted** for the carrying out of development referred to above in accordance with the application form and plans submitted subject to compliance with the following conditions:

1. The development hereby permitted must be begun before the expiration of THREE YEARS from the date of this permission.

Reason for the condition

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be constructed in accordance with drawings ref: L-AVE-001-BP-PAR and the design and access statement submitted on 13 March 2015, PL1, 2, 3, 5, 6, 7, 8, 9, 10, 11 submitted 16 March 2015 and PL04 and L-AVE-001-LP REV A submitted 16 July 2015.

Reason for the condition

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy.

3. Prior to any works above slab level taking place details, including samples and colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason for the condition

To enable the local planning authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy 2 of the Joint Core Strategy.

4. Prior to the buildings being brought into use full details of the landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - implementation programme.

If within a period of FIVE years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition

In the interests of the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and IMP2 of the South Norfolk Local Plan 2003.

5. Prior to the buildings being brought into use a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all non-domestic landscape areas shall be submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the details as agreed and the management of the landscaping shall commence immediately after planting in accordance with the agreed details.

Reason for the condition

In the interests of the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy IMP2 of the South Norfolk Local Plan 2003.

6. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason for the condition

This information is required prior to commencement as the traffic impacts need to be controlled from the outset of the development to implement a safe and maintainable access route for construction traffic in the interests of maintaining highway efficiency and safety in accordance with Policy IMP8 of the South Norfolk Local Plan.

7. For the duration of the construction period all traffic associated with the construction of the development will comply with the agreed Construction Traffic Management Plan under condition 6 of this permission and use only the Construction Traffic Access Route and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority

Reason for the condition

In the interests of maintaining highway efficiency and safety in accordance with Policy IMP8 of the South Norfolk Local Plan.

8. No works shall commence on site until the details of Wheel Cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason for the condition

This information is required prior to commencement as the impact of materials being deposited on the highway needs to be controlled from the outset of development and in order to prevent extraneous material being deposited on the highway in accordance with Policy IMP8 of the South Norfolk Local Plan.

9. For the duration of the construction period all traffic associated with the construction of the development permitted will use the Approved Wheel Cleaning facilities agreed under condition 8 of this permission.

Reason for the condition

To prevent extraneous material being deposited on the highway in accordance with Policy IMP8 of the South Norfolk Local Plan.

10. Prior to the commencement of the use hereby permitted the proposed new access drive from Common Road shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for the condition

To ensure the permanent availability of the manoeuvring area, in the interests of highway safety in accordance with Policy IMP8 of the South Norfolk Local Plan.

11. Prior to the development first being brought into use full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following: -

1. Digestate pipelines and draw off points.

The agreed details shall then be implemented as such unless otherwise agreed in writing with the local planning authority in consultation with the highway authority.

Reason for condition

In the interest of maintaining highway efficiency and safety in accordance with Policy IMP8 of the South Norfolk Plan 2003.

12. Prior to the development first being brought into use a surface water drainage strategy for the silage clamps shall be submitted to and agreed in writing with the local authority. The strategy shall be carried out in accordance with the details agreed and implemented prior to first use of the development hereby permitted.

Reason for the condition

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy.

13. No external lighting shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) have first been submitted to and agreed in writing with the local planning authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason for the condition

In the interests of the amenities of local residents and to minimise light pollution in accordance with Policies IMP9 and IMP25 of the South Norfolk Local Plan 2003.

14. The development shall not be brought into use until details of the position of the proposed pipeline to be connected to the main gas pipeline has been submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the details agreed.

Reason for condition

For the avoidance of doubt and to safe guard the amenity of the surrounding area in accordance with Policy 2 of the Joint Core Strategy.

15. No development shall commence on site until the following have been submitted to and agreed in writing with the Local Planning Authority:-
 - a) A method statement for construction works. This shall include all ecological mitigation details and timings including one site worker or project staff member who is responsible for ecology and also a contingency plan if protected species are found.
 - b) An ecological management plan for the application site's habitats, including management responsibilities.

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.

Reason for condition

This condition requires information to be submitted prior to the commencement of development in order to prevent potential irreparable harm being committed to protected species and to safeguard the ongoing ecological interests of the site in accordance with Policy ENV14 of the South Norfolk Local Plan.

1. NOTE : The authority can confirm it has worked in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with this planning application, in accordance with the National Planning Policy Framework.
2. NOTE: The applicant is advised that they are responsible for obtaining and complying with an Environmental permit.

3. NOTE: It is recommended that the applicant provides passing bays to alleviate concerns regarding traffic conflicts. These must be agreed with Norfolk County Council in their capacity as Highways Authority.
0. NOTE: This permission is subject to a planning obligation entered into under legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 as amended to retract previous planning applications 2013/1887/F The Oaks, Kenninghall Road, Bressingham and C/7/2013/7006 The Oaks, Kenninghall Road, Bressingham.

This permission refers only to that required under the Town and Country Planning Act 1990 and does not include any consent or approval under any other enactment, bylaw, order or regulation and specifically any consent required under the Building Regulations 1991. The attached notes for applicants are also part of this decision notice.



On behalf of the Council

Date of Application: 30 March 2015
Date of Decision: 22 October 2015

Growth and Localism

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Decision Notice & Notes Attached

Approved Plans:

The Council's approval is only for the details shown on the plans originally submitted or, if amended, as listed on the decision notice. If you wish to change the approved plans in any way, please contact Planning Services quoting the application reference number to check if the changes would be acceptable. In some case/s, a fresh application for approval will be required for the proposed changes. You should not change the approved plans and start work until the proposed changes are approved by the Council.

Conditions of Approval:

If the Council's approval is subject to conditions, you must ensure that any action required, including the need to obtain the Council's further approval for items such as landscaping details or materials to be used, is taken before work commences.

The Council has the power to take action to force compliance with the approved plans and/or the requirements of any conditions attached to the decision notice. Any failure to carry out work strictly in accordance with the approved plans and/or any conditions may result in the work having to be removed or changed.

Notice of Commencement of Work

Before work starts on the proposal, please complete and return the notice below to the Council at the address given. If the development is liable for the Community Infrastructure Levy (you should have received a Liability Notice), it is essential that you submit the following Commencement Notice and Assumption of Liability Notice. Failure to do so could result in the loss of any exemptions which have been granted and result in payment being due immediately and subject to a 20% surcharge.

Completion of this form will also help us to check that the approved plans and conditions are being complied with. Please note this is not a formal notice of commencement for the purposes of the Building Regulations.

Commencement Notice

Return to: Growth & Localism, South Norfolk Council, Swan Lane, Long Stratton, Norwich, Norfolk, NR15 2XE

Application Reference Number: 2015/0595

Community Infrastructure Levy :
(CIL) Liability Notice Reference

Description of Development: Construction of a farm agricultural anaerobic digestion facility.

Location/address of Development: Deal Farm Kenninghall Road Bressingham Norfolk IP22 2HG

Details of person sending this notice

| | | | | | |
|------------------|--|------------|--|-----------|--|
| Title | | First Name | | Last Name | |
| Address 1 | | | | | |
| Address 2 | | | | | |
| Address 3 | | | | | |
| Town | | | | | |
| Country | | | | | |
| Post Code | | | | | |
| Telephone Number | | | | | |
| E mail Address | | | | | |

Please state your interest in the site :

| | | | |
|------------------|--|-----------|--|
| CIL Liable Party | | Applicant | |
| Landowner | | Agent | |

Work on the above proposal is to commence on: Date: _____
(The commencement of work will trigger the CIL liability set out in the Liability Notice)

Building Regulation approval Reference no: _____

Community Infrastructure Levy (CIL) Declaration

By signing this I acknowledge that if the intended date of commencement changes, failure to notify the CIL collecting authority before the development commences of this date with a new commencement notice will result in the CIL amount being due for payment in full on the date of commencement. I also acknowledge that failure to notify the CIL collecting authority of the intended date of commencement by submitting a commencement notice in advance of this date may result in the CIL collecting authority imposing a surcharge of 20% of the amount of CIL due for payment, up to a maximum of £2,500. I confirm that a copy of this notice has been served on all persons known to me as an owner of the land on which the chargeable development will be built.

For the purpose of CIL, an owner is an owner of a freehold interest in the relevant land or a leasehold interest in the relevant land of 7 years or more from the date planning permission first permits the chargeable development.

Signed: _____ Date : _____

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110 SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

Community Infrastructure Collecting Authority : South Norfolk Council,
Swan Lane, Long Stratton, Norwich, Norfolk, NR15 2XE

**Please ensure that your expired
Site Notice is removed**



Notes relating to decisions on Applications for Planning Permission or Listed Building Consent under the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990

Important

Any permission granted relates only to that required under the relevant Town and Country Planning or Listed Buildings and Conservation Areas Acts and does not include any other consent or approval required under any other enactment, bylaw, order or requisition.

Consent under the Building Regulations may be required for the proposal and work should not proceed until any necessary consent has been obtained. Please contact CNC Building Control on (0808 1685041), or enquiries@cncbuildingcontrol.gov.uk for more information.

1. Demolition of Listed Building

Attention is drawn to Section 8(1)-(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that total or significant demolition may not be undertaken (despite the terms of any consent granted by the Council) until notice of the proposed demolition has been given to English Heritage, Architectural Investigation Section, Brooklands Avenue, Cambridge CB2 2BU. English Heritage must be given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. The relevant form is available on request from the Council.

2. The needs of Disabled People

The Council must draw your attention to certain requirements for the needs of disabled people. Facilities including the means of access, parking, the provision of toilets and notices indicating such facilities, have to be provided in:

- a. any premises to which the public are to be admitted, whether or not on payment;
- b. office, shop, railway or factory premises in which people are employed;
- c. schools, universities and colleges.

Further information can be obtained by contacting the Council's Building Control section.

For detailed guidance you are also recommended to refer to:

- i) *The Chronically Sick and Disabled Persons Act 1970 (as amended by The Disabled Persons Act 1981, Sections 4, 7, 8 and 8a);*
- ii) *The British Standard Code of Practice on access for the disabled to buildings (BS 5810, 1979);*
- iii) *Design Note 18, 'Access for the Physically Disabled to Educational Buildings' published on behalf of the Secretary of State.*
- iv) *BS 5588, Part 8, 1988 Code of Practice for Means of Escape for Disabled People.*

3. Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse consent, permission or approval for the proposed development or works or to grant it subject to conditions, you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. If the application relates to minor commercial development (as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) this should be submitted with 12 weeks of the date of this notice and in other cases within six months of the date of this notice. **Appeal forms and information on Appeal procedures can be obtained from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (0303 444 5000) or online at www.planningportal.gov.uk/pcs.**

The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that permission for the proposed development could not have been given by the Council or could not have been given without the conditions imposed having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order and to any directions given under a development order.

4. Purchase Notices

If permission or Listed Building Consent to develop land or carry out works is refused or granted subject to conditions, whether by the Council or by the Secretary of State for the Environment, the owners of the land may claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of either Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Compensation

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These are set out in Section 120 of the Town and Country Planning Act 1990.