

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/0308/VAR	CASE OFFICER	Fiona Hunter
LOCATION:	GARBOLDISHAM Land South of A1066 Diss Road Garboldisham Norfolk	APPNTYPE:	Variation of Cond's
APPLICANT:	BJ & PM Gooderham Chestnut Tree Farm Kenninghall	POLICY:	Out Settlemnt Bndry
AGENT:	Ian Pick Associates Ltd Station Farm Offices Wansford Road	CONS AREA:	N
PROPOSAL:	Removal of Condition No 17 on 3PL/2020/0647/F	LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

This application has been referred by Chairman's Panel due to the original application being a Planning Committee item and this variation raising significant local concern.

KEY ISSUES

- Whether a new or addendum Environmental Statement is required?
- Whether the variation is acceptable?

DESCRIPTION OF DEVELOPMENT

The planning application is to remove condition 17 of planning permission 3PL/2020/0647/F granted on 26.01.2021.

Wording of condition:

"No works shall commence on the site until the Traffic Regulation Order for the reduction in speed on A1066 to 50mph has been secured by the Local Highway Authority.

Reason for condition:-

In the interests of highway safety. Condition compliance and fulfilment needs to be a precommencement as the impact applies to traffic associated with both the construction phase and also daily running of the site having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019."

Approved description of development:

"Erection of four poultry buildings and associated infrastructure. (the application is also accompanied by an Environmental Impact Statement The Town and Country Planning (Environmental Impact Assessment Regulations 2017)."

SITE AND LOCATION

The site is roughly rectangular in shape extending to 6ha with access to the north off the A1066, Diss Road, Garboldisham. It's current use is agricultural field.

Beyond the northern boundary is a mixed plantation woodland/ tree belt. The east, south and west boundaries are defined by mature hedgerows with interspered matures trees and with dry ditches on the western and eastern boundaries.

A Public Right of Way (PRoW) Garboldisham RB18 is 235m to the west of the application site running parallel.

Some of the closest residential properties to the application site are:

- Three Wells Farm 198m to the south
- Willow Farm and Willow Farm Bungalow 280m to the south
- Puddleduck is 294m to the west
- Clay Hall is 380m to the south-east
- Mill Pond Farm, Mill Pond Cottages and Care Takers Cottages 380 to 400m to the north-west

It is noted that the application documents has different measurements from those detailed above, however, this discrepancy is from the above being taken from the application redline boundary and the applicant's being taken from the proposed poultry units and hard standing areas where the emissions (noise, dust, odour, ammonia) will arise from.

There are no Listed Building or Conservation Area's in proximity of the application site.

Waveney & Little Ouse Fens Special Area of Conservation (SAC) is 2,500m to the south-east and 1,725m to the south-south-west of of the application site (it forms two separated land masses).

Blo' Norton & Thelnetham Site of Special Scientific Interest (SSSI) is 1,725m to the south-south-west of the application site and covers part of the same land as the SAC.

EIA REQUIRED

The full planning application was accompanied by a Environmental Statement due to the development falling within Schedule 1 article 17(b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended due to falling within Schedule 1 article 17(b). More specifically, the application exceeds the threshold of 85,000 places for broilers. The Enviroment Statement (ES) scope was:

- Landscape and Visual Impact
- Highways and Transportation
- Noise, Odour and Dust
- Ecological Issues
- Drainage and Flood Risk

RELEVANT SITE HISTORY

3DC/2021/0121/DOC

Discharge of Condition No's 5, 8, 9 & 10 on 3PL/2020/0647/F

3DC/2021/0135/DOC

Discharge of Condition No's 4 & 7 on 3PL/2020/0647/F

3PL/2020/0647/F Permission 26-01-21

Erection of four poultry buildings and associated infrastructure. (the application is also accompanied by an Environmental Impact Statement The Town and Country Planning (Environmental Impact Assessment Regulations 2017).

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
GEN02	Promoting High Quality Design
INF02	Developer Contributions
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

No S106 associated with planning permission 3PL/2020/0647/F.

CONSULTATIONS

GARBOLDISHAM P C

This matter was discussed at length at the Parish Council Meeting of April 12th 2021. Following conflicting statements from a number of parishioners and the applicant, a Freedom of Information Request was sought by the Parish Council to ascertain the exact nature, severity of past accidents etc. over the last five year period, which unfortunately had not been received in time for this meeting.

However, Councillors noted that the condition of a 50 mph speed limit was not placed by the Highways Authority, but by the Planning Authority itself who, we trust, had ascertained all the facts before coming to this decision. Therefore, as no new corroborated evidence has been received, eg. checking the veracity of the traffic survey undertaken by the applicant, the Parish Council feel that Breckland District Council's insistence on a 50 mph limit should be upheld.

NORFOLK COUNTY COUNCIL HIGHWAYS

You will be aware that this Authority did not originally request that a condition be imposed to reduce the speed limit on A1066 but did so subsequently in response to concern raised by local residents.

The applicant has provided details of the agricultural traffic currently generated at the site access and has reiterated the potential peak movements at the end of the poultry rearing cycle. They have also provided a speed survey which demonstrates that visibility from the site access is acceptable for the 85 percentile traffic speed.

It is disappointing that the applicant does not wish to support the local community in this way however, whilst the reduction in the speed limit from 60mph to 50mph would be considered highly desirable, it would not be essential to make the development acceptable in highway terms. I will therefore leave it for you to determine whether the condition meets the tests of the NPPF.

REPRESENTATIONS

A site notice was erected on 18-03-21 and the application was advertised in the press on 15-03-21. 21 local representations have been received raising the following:

- Would be unsafe to allow the development without the speed reduction including to near by residential properties
- Serious accidents have occurred on the 1066 at Garboldisham
- The default position is to reject the amendment as this was conditional to the applications being approved
- If this condition had not been required/ applied objections to the original application may have been much greater
- Applicant could have used time since permission to seek the speed reduction with Highways
- Report survey inadequate and reasoning incorrect

Councillor Stephen Askew, NCC Member for Guiltcross Division has written in stating:

Notwithstanding that the data provided at the time the application was submitted and with the application to remove the requirement to reduce the speed limit on A1066, apparently demonstrating that the access is suitable for current traffic speed, I am disappointed that despite the Highway's desire to reduce the speed limit to 50mph here, the applicant has decided to apply for a removal of the condition.

Given the modest cost to the project to provide this desirable feature and the groundswell of public concern at it's potential removal from the scheme, it is disappointing that the applicant doesn't wish to reassure the local community by concurring with their concerns and experience of this difficult stretch of highway.

I have never been opposed to the development and was content with the addition of the 50mph condition to assist with safety at this site entrance. I am somewhat troubled that any suitable measure to promote safer highways is deemed as unnecessary!

I therefore request that the planning department uphold their original decision in the interests of road and public safety.

ASSESSMENT NOTES

1.0 Whether a Environmental Statement is required?

1.1 The Environment Statement (ES) for 3PL/2020/0647/F included Highways and Transportation as a topic. The speed reduction from 60mph to 50mph was not included as mitigation to prevent a significant environmental impact, and as such a ES or ES Addendum is not required with this variation application and the original ES can be relied on.

2.0 Whether the variation is acceptable?

2.1 The application seeks to remove the requirement for promoting and securing a speed reduction via a Traffic Regulation Order for A1066 from 60mph to 50mph.

2.2 Paragraph 109 of the NPPF sets out that 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. Policy GEN 02 requires all new developments create safe places and streets. Policy COM 01 requires all new development to not compromise highway safety, enabling safe access for vehicles and for walking and cycling.

2.3 In support of this removal of condition a statement from David Tucker Associates has been submitted. The statement includes the results of a Automatic Traffic Count between Friday 29th January and Thursday 4th February 2021. Whilst this was taken during Covid-19 government restrictions including travel movements, the author has verified the amount of vehicle movements against those taken by the Department for Transport in 2018 for a site to the west, which found a similar amount of movements. Whilst the traffic account may increase when Covid-19 restrictions lift, it is not likely to be such an amount that is renders the average speeds and 85th Percentile Speeds inaccurate. A further concern raised was whether there was very poor weather conditions when the survey was undertaken which would affect the results. The agent has advised there was no significant rain, snow or ice. The survey found that average speed was 53.4mph eastbound and 50.6mph westbound. The 85th Percentile was 60.6mph eastbound and 57.5mph westbound.

2.4 The statement sets out the following points which are considered key to the assessment:

- The access is existing with some associated traffic movements
- The access and visibility has been designed to the standards recommended by the Design Manual for Roads and Bridges using the speed survey results and 60mph speed limit. It will allow for large HGVs to leave the highway at the same time as one is leaving the site.
- 4 accidents on the A1066 between Garboldisham and South Lopham have occurred between 2016- 2020, none of which were attributed to speed. Of these one was recorded as a fatal accident due to slowing for turning and failure to look properly; one serious due to drunk driving; and two resulted in slight injuries from following to close and slippery conditions on a corner.
- There are no accidents immediately outside the site access to A1066 or attributed to the existing access
- DoT Circular 01/2013 advises that inappropriate speed at levels below the legal limit but above those appropriate for the road at the time (for example, because of the weather conditions or because vulnerable road users are present), accounts for 16% of collisions and is a contributory factor in 20% of crashes for

60mph rural roads (paragraph 113). Speed limit changes are therefore unlikely to fully address this problem and should therefore be considered only as one part of rural safety management. Where collision and casualty rates are high, traffic authorities should first seek to understand the particular types of crashes taking place and their causes, to allow them to choose effective solutions to reduce the risk (paragraph 114).

2.5 Of relevance to whether to remove the requirement for the speed reduction from 60mph to 50mph is the predicted traffic movements associated with the approved development. The Environment Statement for 3PL/2020/0647/F detailed that that the development would generate 170 HGV/ Mini Bus/ Tanker/ Box Van movements every 48 days, equating to 1,292 movements per annum. This results in an average of 3.5 movements per day. However, the development operates such that some days having much higher movements than others. More specifically, on days 30, 37 and 38 bird removal takes place and there would be 10 HGV movements. Whereas on 13 days there would be no larger vehicle movements.

2.6 Highways have advised that whilst the reduction in the speed limit from 60mph to 50mph would be considered highly desirable, it would not be essential to make the development acceptable in highway terms.

3.0 Conclusion

3.1 The evidence submitted in support of this application demonstrates that the speed reduction is not required to make the development safe in highways terms and is thus compliant with Policies COM 01 and GEN 02 together with the guidance provided at paragraph 109 of the NPPF. Whilst a significant level of objection has been received in respect to this removal of condition application, it has not been found that the condition is necessary, in accordance with the tests for applying a condition, as set out in the NPPF and Planning Law. Therefore, the proposal is recommended for approval and it is recommended the condition be removed.

3.2 It is also recommended that the conditions are updated prior to the decision being issued in the event that associated approval of details application reference 3DC/2021/0135/DOC is been approved.

RECOMMENDATION

The application is recommended for approval, subject to updated planning conditions.

CONDITIONS

- 1 Full permission 3 year time limit**

This permission seeks a material amendment to planning permission 3PL/2020/0647/F. The development must commence in accordance with the time scale set out in the original permission.

Reason for condition:-
To comply with section 92 of the Town & Country Planning Act 1999 (as amended)
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice including the external materials and colours for the approved buildings. The approved external buildings materials once erected must be retained in perpetuity or replaced like for like unless otherwise first agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).

3

Stocking Density

No more than 182,750 broilers shall be stocked/ reared at any one time at the development hereby approved.

Reason for condition:-

To prevent harm to Waveney & Little Ouse Fens Special Area of Conservation (SAC) from Ammonia Emissions having regard to The Conservation of Habitats and Species Regulations 2017 (as amended), Policies ENV 02 and ENV 03 together with Section 15 of the National Planning Policy Framework 2019. Increasing the stocking density would require a re-assessment by the Local Planning Authority.

4

Land level and finished floor levels

Prior to commencement of development details of existing and finished land levels and finished ground floor levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement to ensure that the land levels are not built above that needed to prevent internal flooding for the visual benefit of the character and appearance of countryside and local vistas including from the Public Right of Way to the west of the application site having regard to Policy ENV 05 and paragraph 170 of the National Planning Policy Framework 2019.

This condition will require to be discharged

5

Archaeology

No development shall take place other than in accordance with the written scheme of investigation approved under Approval of Details Permission reference 3DC/2021/0121/DOC including the embedded programme.

The development hereby approved shall not be occupied/ first used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Approval of Details Permission reference 3DC/2021/0121/DOC and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

For the preservation and recording of archaeological remains at the application site having regard to Section 16 of the National Planning Policy Framework 2019 and Policy ENV 08 of the Breckland Local Plan (adopted 2019).

6

Access Improvements

Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on Drawing No.IP/GG/06 shall be upgraded/widened to a minimum width of 7.3 metres and provided with kerb radii of 15 metres in accordance with the Norfolk County Council industrial access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway in accordance with details to be first agreed in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-

Details are required prior to the commencement of the development to ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement having regard to paragraph 108 of the National Planning Policy Framework 2019 and Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

7

Non-standard drainage condition

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment & Surface Water Drainage Strategy (Proposed Poultry Units, Land to the South of Thetford Road (A1066), Garboldisham, Norfolk Job No.: 26046 Revision 0 dated June 2020) and drawing number 26046/805 Rev:0 (Proposed Site Plan Showing Schematic Drainage Layout May 2020), detailed designs of a surface water drainage scheme incorporating the following measures shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall address the following matters:

I. Land Drainage Consent from Water management at the Lead Local Flood Authority may be required for the outfall to the ordinary watercourse at the South West corner of the site. If consent is required by the Lead Local Flood Authority, evidence that consent has been obtained must be provided.

II. Finished ground floor levels of the poultry buildings will be a minimum of 300mm above expected flood levels of all sources of flooding or 150mm above ground level, whichever is the more precautionary

The approved scheme will be implemented and delivered in full prior to the first occupation of the development hereby approved and thereafter retained in perpetuity.

Reason for condition:-

This condition is required to be pre-commencement to prevent flooding to ensure that the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development having regard to Policy ENV 09 of the Breckland Local Plan (adopted 2019) and Section 14 of the National Planning Policy Framework 2019.

This condition will require to be discharged

8

Biodiversity enhancement plan

The development shall be carried out in complete accordance with the approved Biodiversity Net Gain scheme approved under Approval of Details Permission reference 3DC/2021/0121/DOC and the approved scheme shall be delivered in full prior to first use of the building and thereafter retained in perpetuity.

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV02 of the Breckland Local Plan (adopted 2019).

9

Southern Tree Belt Planting

The development shall take place in complete accordance with the southern boundary tree belt planting plan and scheme approved under Approval of Details Permission reference 3DC/2021/0121/DOC and shall be planted in the next planting season unless an alternative

timetable has first been approved in writing by the Local Planning Authority. Once planted the tree belt shall be maintained in accordance with the approved maintenance plan any trees which die or becomes diseased within 5 years of planting shall be replaced in the next planting season.

Reason for condition:-

To provide visual screening to the development reducing harm to the character and appearance of the landscape and local vistas by the introduction of built development, together with providing planning benefit to mitigate against the loss of agricultural grade 2 land. This condition is imposed Policy ENV 05 of the Breckland Local Plan (adopted 2019) and Section 15 of the NPPF.

This condition will require to be discharged

10

Western boundary tree planting

The development shall take place in complete accordance with western boundary tree planting plan and scheme approved under Approval of Details Permission reference 3DC/2021/0121/DOC and shall be planted in the next planting season unless an alternative timetable has first been approved in writing by the Local Planning Authority. Once planted the trees shall be maintained in accordance with the approved maintenance plan any trees which die or becomes diseased within 5 years of planting shall be replaced in the next planting season.

Reason for condition:-

To provide visual screening to the development reducing harm to the character and appearance of the landscape and local vistas particularly from Public Right of Way Garboldisham RB18 by the introduction of built development. This condition is imposed Policy ENV 05 of the Breckland Local Plan (adopted 2019) and Section 15 of the NPPF.

This condition will require to be discharged

11

Full details of external lighting

No external lighting shall be erected unless full details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting plan indicating luminance levels both on the site and beyond, and a schedule of equipment including mounting heights. 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 be installed, maintained and operated in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

In the interests of the amenities of the area and local residents and to minimise light pollution in accordance with Policy COM3 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

12

Ecology Report Compliance

The proposed development shall proceed in accordance with the recommendations outlined in the Preliminary Ecological Appraisal (Craig Emms and Linda Barnett; September 2020) including with regards to choosing luminaires. In addition, during construction works, all trenches should be left covered at night. They must be checked in the morning before they are filled in.

Reason for condition:-

To ensure wildlife on site is not harmed during construction works and to enable a net gain in biodiversity to be achieved in conjunction with Condition 8 having regard to Policy ENV02

of the Breckland Local Plan (adopted 2019).

13 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority prior to first occupation/ use of the development hereby approved. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority prior to first occupation/ use of the development hereby approved. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation/ use of the development hereby approved.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019.

14 No gates/bollard/chain

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason for condition:-

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

15 visibility splays

Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan IP/GG/07. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interest of highway safety having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

16 parking and access delivery

Prior to the first use of the development hereby permitted the proposed access parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety having regard to Policy COM 03 of the

Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019.

17 Traffic Regulation Order

No works shall commence on the site until the Traffic Regulation Order for the reduction in speed on A1066 to 50mph has been secured by the Local Highway Authority.

Reason for condition:-

In the interests of highway safety. Condition compliance and fulfilment needs to be a pre-commencement as the impact applies to traffic associated with both the construction phase and also daily running of the site having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019.

18 Manure Disposal

Manure disposal and removal shall be undertaken by agricultural loaders and removed from the site for disposal via biomass power stations in perpetuity unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

To prevent unacceptable levels of odour to residential properties in the local area and pollution of ecological systems and water systems in line with the details submitted in the Environmental Impact Assessment and which operation is not controlled by the Environmental Permit which does not control off-site disposal. This condition is applied having regard to Policies COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the National Planning Policy Framework 2019.

19 Manure Storage

The manure stored at the concrete pad to the north of the existing tree belt shall be removed prior to first use of the development hereby permitted and thereafter no manure shall be stored on the concrete pad in perpetuity.

Reason for condition:-

To prevent unacceptable levels of odour to residential properties in the local area. This condition is applied having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the National Planning Policy Framework 2019.