

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2016/1445/VAR	<b>CASE OFFICER</b>	Fiona Hunter
<b>LOCATION:</b>	LITTLE ELLINGHAM Rookery Farm Attleborough Road	<b>APPNTYPE:</b>	Variation of Cond's
<b>APPLICANT:</b>	Kerry Foods Rookery Farm Attleborough Road	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Kerry Foods Rookery Farm Attleborough Road	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Variation of conditions 10,11,12,17,18,19 & 20 on 3PL/2015/1480/F		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	Grade II
		<b>TPO:</b>	N

**REASON FOR COMMITTEE CONSIDERATION**

Ward member call in.

**KEY ISSUES**

Whether the information submitted is sufficient and appropriate to enable the conditions to be varied.

**DESCRIPTION OF DEVELOPMENT**

The application seeks permission to vary conditions 10, 11, 12, 17, 18, 19 and 20 of planning permission ref: 3PL/2015/1480/F.

Planning permission 3PL/2015/1480/F relates to an existing Kerrys Foods factory, and granted consent for "Construct an extension to existing factory, relocate entrance from the highway & additional HGV handling areas". The extension has been built and has increased the size of the factory by 37% (1,601sqm). There was also an increase in parking spaces of approx. 20. The application forms detailed an anticipated staff increase of 60, however the supporting documents for this application state there have been an increase of staff of 100.

Some of the pre-commencement condition attached to planning permission 3PL/2015/1480/F were not approved as required, and this applicant seeks to retrospectively gain approval of these conditions. The conditioned sought to be varied are as follows:

- Condition 10 - Interim Travel Plan details (for workers not deliveries)
- Condition 11 - Interim Travel Plan implementation (for workers not deliveries)
- Condition 12 - Odour Management Plan
- Condition 17 - Noise Management Plan
- Condition 18 - Surface Water disposal
- Condition 19 - Pest Control Scheme

Condition 20 - Landscaping

**SITE AND LOCATION**

The site is that of an established food processing company in a rural location near to the village of Little Ellingham. The planning history identifies the site has been in operation since at least year 2000. The site is located outside of any identified General Employment Areas. The site comprises a factory building, storage, office and staff facility buildings (of various designs and scales), and associated parking and turning areas. Views into the site are limited to those from the existing access due to extensive hedging along the highway boundary to the north.

A Grade II listed building stands within the wider site to the west. The site is bound by agricultural land. An existing operational poultry farm is located approximately 250 metres to the east, with the nearest residential property located 200 metres to the west at Little Ellingham.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2000/1032/F	Permission	30-08-00
Extension to existing factory store (east side)		
3PL/2001/1303/F	Permission	21-11-01
Replacement of fire damaged building including rebuilding existing tray store		
3PL/2012/0994/F	Permission	14-11-12
Single storey extension to toilets		
3PL/2012/1127/F	Permission	18-12-12
New boiler house		
3PL/2014/0509/F	Permission	22-07-14
Extension/modification, new office building, over roofing/ extension of high care area new workshop building		
3PL/2015/0682/F	Permission	26-10-15
Construct an extension to existing factory, relocate entrance from the highway & additional HGV handling areas		
3PL/2015/1369/F	Withdrawn	14-01-16
Variation of conditions 7, 9, 14& 21 on 3PL/2015/0682/F		
3PL/2015/1480/F	Permission	19-01-16
Variation of conditions 7, 9 14 & 21 due to submission of additional supporting information		
No relevant site history		

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, 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

CP.09	Pollution and Waste
DC.01	Protection of Amenity
DC.07	Employment Development Outside of General Employment Area
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**LITTLE ELLINGHAM P C**

Little Ellingham Parish Council have raised the following points:

- Errors in the Travel Plan relating to traffic routing
- Recommendation to changes to traffic routing and traffic management
- Car accidents in local area
- Roadside verges being badly eroded
- Complaints about behaviours of workers when driving to the work including throwing litter out of cars
- Off-site lorry parking areas should be identified in the documents
- Filters need to be cleaned and replaced as needed, and the situation monitored
- 3 months in some cases may not be frequent enough for filter changes
- Landscape details are not sufficiently clear or detailed

In respect of Noise, the Parish Council has commissioned and submitted a professional assessment of the Noise Management Plan. The comments included:

- Disagreement with noise assessment methodology
- That due to the above, the conclusion that the facility is not having a significant adverse impact upon the amenity of the closest noise sensitive receptors had not been proven

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Recommends discharge of conditions 10 and 11.

**ENVIRONMENTAL HEALTH OFFICERS**

Following revisions to the Odour and Noise Management documents, no objection.

**TREE AND COUNTRYSIDE CONSULTANT**

Satisfied with submitted landscape information.

**SOUTH NORFOLK DISTRICT COUNCIL**

No objection.

**GREAT ELLINGHAM P C**

Great Ellingham Parish Council have raised the following points:

- Concern about Kerry Foods complying with any of their commitments
- Have asked all associated vehicles to come via the B1077/ A11 junction

**ROCKLANDS P C**

"I would like to add my support of Gt Ellingham Parish Council concerns about Kerry Foods. The Travel Plan that still seems to be promulgated is totally unsuitable. Dangerous for the residents and other local traffic and no doubt it would be very irritating to these large vehicles as they try to pick their way through a rural village.

It is so simple to change the route so that they exit at the Attleborough slip road turning left onto the B1077 towards Gt Ellingham, and thus they stay on more suitable roads towards the end of their journey."

**ROCKLANDS PARISH COUNCIL**

No Comments Received

**HINGHAM TOWN COUNCIL**

No Comments Received

**REPRESENTATIONS**

The application was advertised in the local press, site notice displayed at the site and letters sent to neighbouring residents. 7 local representations were received and are summarised below:

- Lorries around site entrance blocking the road
- Suggestion of fines for parking in the road with monies allocated to Parish Council
- Concern that the odour and noise assessments were not taken on a suitable day/s due to wind direction
- Noise from the factory is 24/7 and likely in excess of noise levels if the factory was not there
- Noise emitting from the factory in the evening/ night time from the factory
- Raise doubt about the accuracy of the Noise Report and Odour Report
- Contradiction in Travel Plans
- Lorries cause considerable congestion to local roads, particularly through village of Little Ellingham
- HGV use passing places as parking
- Signage should be erected
- No complaints procedure for traffic problems
- Factory causing light pollution
- Kerry Foods have not complied with condition requiring double decker lorries to reduce vehicle traffic
- Concern that new trees have not been planted on south side of plant
- Road outside factory in poor state of repair with potholes

**ASSESSMENT NOTES**

1. Mechanism to Vary the Consent

1.1 The Council are able to grant retrospective variation of conditions via the Section 73a of the Town and County Planning Act, 1990 where the consent has not lapsed.

1.2 Some of the conditions sought to be varied are condition precedents, i.e. a pre-commencement condition precisely worded which goes to the heart of the consent. However, various case law has established that this does not cause a consent to lapse in either of the following two circumstances:

- a. That the condition precedents are approved or varied prior to when the consent would have otherwise lapsed. The permission being varied does not have a commencement condition time limit. On this basis, the Council are able to accept, consider and grant retrospective permission if the details are considered acceptable.
- b. Where it would be unreasonable (in the Wednesbury sense) to enforce against the entire development. The Council has granted consent first in October 2015 and then again in January 2016, less than 25 months ago. In the intervening time, the adopted development plan and NPPF have not changed. On this basis, a new Full Application is highly likely to be found acceptable and approved. It is therefore considered that enforcement of the full development would be unreasonable. The development therefore also meets this test, resulting in an extant planning permission.

1.3 The above has been established by case law, of which the following two are of particular relevance:

- FG Whitley & Sons v SoS for Wales, 1992 by the Court of Appeal
- Hart Aggregates Lt vs. Hartlepool BC, 2005 by the High Court

## 2. Conditions 10 & 11- Interim Travel Plan details and implementation (for workers not deliveries)

2.1 Conditions 10 and 11 require details of a workers Interim Travel Plan to be submitted to the Council and approved. This does not relate to HGV / lorries deliveries and collections.

2.2 The applicant has submitted a 'Travel Plan' (November 2016) prepared by Kerry Foods. The document includes provisions for reducing car movements for site employees including: a lift share work scheme, cycle to work scheme and details of alternative methods to get to site.

2.3 The Norfolk County Council Sustainable Travel Plan Officer did not agree a Travel Plan was appropriate for this business and location. Instead, a Travel Information Plan was prepared by the County Council and it is proposed this is instead approved.

Following amendments, the Norfolk County Council Sustainable Travel Plan Officer has confirmed he is satisfied with the Plan, and recommends discharge of condition. Due to the location and limited travel options, this is concurred with.

2.4 On the aforementioned basis, it is recommended the conditions are combined and turned into a compliance only condition.

## 3. Condition 12 - Odour Management Plan

3.1 Condition 12 requires submission of an odour management plan including a complaints recording system. A number of local representations together with Parish Council comments have been received for this application raising the current odour situation as an issue.

3.2 Following initial Environmental Protection comments, a revised 'Environmental Odour Management Plan' (18/01/2018) has been submitted. The document sets out:

- Sources of odour causing operations and materials

- A complaints record system
- A Odour Management Action Plan including mitigation and prevention
- A Template Odour Survey Report

3.3 The Environmental Protection has reviewed the revised document and has raised no objection.

3.4 On the aforementioned basis, it is recommended the condition is varied to be compliance only, together with a requirement to submit a Documented Odour Management Plan on request to the Local Planning Authority within 14 days. This is to cover a period of no less than 24 months.

#### 4. Condition 17 - Noise Management Plan

4.1 Condition 17 requires submission of a noise management plan including a complaints recording system. A number of local representations together with Parish Council comments have been received for this application raising the current noise situation as an issue.

4.2 Following initial Environmental Protection comments, a revised 'Environmental Noise Management Plan' (18/01/2018) has been submitted. The document sets out:

- Sources of noise causing operations
- A complaints procedure
- A Noise Management Plan including mitigation and prevention

4.3 The Environmental Protection has reviewed the revised document and has raised no objection.

4.4 On the aforementioned basis, it is recommended the condition is varied to be compliance only, together with a requirement to submit a Documented Noise Management Plan on request to the Local Planning Authority within 14 days. This is to cover a period of no less than 24 months.

4.5 In addition, a new condition is recommended requiring a Noise Survey to be undertaken and submitted to the Local Planning Authority within 6 months of the decision. The methodology of this survey to be agreed with the Council in advance. This will allow the Council to assess whether the existing and reapplied noise restriction conditions are being complied with.

#### 5. Condition 18 - Surface Water disposal

5.1 Condition 18 requires details of surface water disposal to be submitted.

5.2 The applicant has submitted a 'Surface Water Disposal Details' document (November 2016). This details the installation of new buried drains, and a lagoon to deal with overflow to the existing drainage ditch system.

5.3 The system appears to be acceptable and it is recommended this condition is changed to compliance only.

#### 6. Condition 19 - Pest Control Scheme

6.1 Condition 18 requires details of a Pest Control Scheme to be submitted and complied with.

6.2 A 'Pest Control Scheme' (November 2016) was submitted by the applicant. The Environmental Protection has reviewed the document and has raised no objection.

6.3 The system appears to be acceptable and it is recommended this condition is changed to compliance only.

#### 7. Condition 20 - Landscaping

7.1 Condition 20 requires details of a Landscaping scheme, together with delivery of the approved scheme.

7.2 The applicant has submitted a 'Landscaping Scheme' (November 2016), a 'Site Extension Landscape Plan and Specification' (no date) and a 'Landscaping Plan' (no date).

7.3 The details included the planting of trees and shrubs along the southern boundary.

7.4 The Tree Officer advised he was satisfied with the Extension Landscape Plan and Specification and this is recommended to be one of the approved documents.

7.5 On the aforementioned basis, it is recommended the condition is varied to be compliance only.

#### 8. Other Matters - HGV and Lorries

8.1 The conditions to be varied include condition 10 (interim travel plan) and condition 11 (travel plan). These relate to the movement of the workers to and from site, seeking to promote sustainable means of travel to and from work. The conditions do not relate to movement of HGVs to and from site.

8.2 During the course of the extension applications, it was considered whether the Council could apply a condition controlling the movement of HGV, specifically, the route they use to get to and away from the factory. It was concluded that this would not be enforceable due to:

- Which HGVs relate to the extension and which relate to the original factory
- Breckland District Council are not the Highways Authority
- It would be extremely difficult to monitor and enforce

8.3 Due to the above, it is not considered that controlled HGV routes is an enforceable condition, and therefore fails 1 of the 6 tests for any planning condition as set out by the NPPF (paragraph 206).

8.4 As part of the application the applicant has submitted a "Traffic Management Plan" November 2016 for HGV movements. However, due to the reasons above, this is not something Breckland Council can condition or approve.

8.5 Due to the level of local concern raised, Officers recommend a community liaison condition. It is suggested that a condition is applied to the planning permission requiring details of community liaison strategy to be submitted to the Council within 6 months of the decision. This could include a quarterly year resident meetings and comprehensive register of any complaints and actions to be submitted to the Parish Council on request by the Parish Council.

8.6 The application as submitted (Section 73) to vary the original permission effectively issues a new consent. On this basis, it is appropriate to alter Conditions 3,4 and 5 to reflect this. These conditions required the provision of the site access, visibility splays and parking and turning on site and required that the works were undertaken prior to the commencement of the development. It is important to ensure that these conditions remain in force and by removing the requirement to provide but replacing with the requirement to retain and maintain in their place will enable on going provision and maintenance going forward.

9. Conclusion

9.1 The conditions can be satisfactorily addressed, and therefore approval is recommended subject to conditions.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

**HA08**

**New access - construction over verge**

The vehicular access shall be retained at the position shown on the approved plan in accordance with highway industrial access specification. Arrangements shall be made for surface water drainage to be maintained and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-

To ensure satisfactory access into the site and avoid carriage of extraneous material of surface water from or onto the highway.

**This condition will require to be discharged**

**HA20**

**Provision of visibility splays - conditioned**

The visibility splay measuring 120 X 2.4 metres shall be retained to each side of the access where it meets the highway and such 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.

**This condition will require to be discharged**

**HA24**

**Provision of parking and servicing - when shown on plan**

The access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be retained 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 area, in the interests of highway safety.

**This condition will require to be discharged**

**HA39A**

**Highway improvements-offsite A**

Within 6 months of the date of this decision notice a detailed scheme for the off-site highway improvement works as indicated on submitted plans N15195/100/D, dated 23-11-2015 and N15195/101/A, dated 24-12-2015, shall be submitted and approved in writing to the Local Planning Authority.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in



the interest of highway safety and to protect the environment of the local highway corridor.

**This condition will require to be discharged**

**HA43A**

**Travel Information Plan**

The development will comply with the approved Travel Information Plan, dated 11th January 2016.

Reason for condition:-

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

**This condition will require to be discharged**

**3944**

**Contaminated Land**

The development hereby approved shall be carried out strictly in accordance with the submitted Phase I Desk Study report dated 2 July 2015, and Phase II Geo-Environmental and Goe-Technical report dated 10 August 2015.

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 will require to be discharged**

**3802**

**Precise details of surface water disposal**

Surface water drainage will be dealt with in accordance with the approved Surface Water Disposal Details document dated November 2016, unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development. This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**3408**

**Landscaping - details and implementation**

The approved landscaping scheme, detailed by the approved Site Extension Landscape Plan and Specification document, prepared by Broadland Tree Services, will be delivered within 6 months from the date of this decision, or within such longer period as may be agreed in writing with the Local Planning Authority.

Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan

Document 2009.

**This condition will require to be discharged**

**3548**

**Full details of external lighting**

The development hereby approved shall be carried out in accordance with drawing number TR151-031 Rev B received dated 5 January 2016. The proposed lighting shall be high power LED flood lights not exceeding 100 Watts.

Reason for condition:-

In the interests of amenity.

**This condition will require to be discharged**

**3047A**

**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.

Reason for condition:-

To ensure the satisfactory development of the site.

**3110**

**External materials to match existing**

All external facing materials shall precisely match in colour, form, texture and bond those of the existing building.

Reason for condition:-

In the interest of the satisfactory appearance of the development.

This condition is imposed in accordance with Policies DC1 and DC16 of the Breckland Adopted Core Strategy.

**HA39B**

**Highway improvements off-site B**

Within 12 months of the date of this decision notice the off-site highway improvement works referred to in condition 8 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority, unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed.

**3920**

**Odour management**

The development hereby permitted will be operated in accordance with the approved Environmental Odour Management Plan dated 18/01/2018. The Documented Odour Management Plan, detailed by the approved Environmental Odour Management Plan together with all associated documentation listed below, shall be kept for a period no less than 24 months and will be made available to the Local Planning Authority on request, within 14 days.

- Environmental Complaint Forms
- Odour Survey Report Sheets
- Environmental Corrective and Preventive Action Reports
- Odour Complaints/Non-Conformance / Odour-Monitoring-Report Log
- Carbon Filter Replacement Log

Reason for condition:-

In order to protect the amenities of nearby properties.

**3536 Hours restriction and no weekend working**

The development hereby approved shall not operate between the following hours:

Cooking facility - 6pm and 6am Monday to Sunday,

Packing facility - 6pm and 6am Monday to Saturday.

Reason for condition:-

In the interests of the amenities of the occupants of the nearby dwellings.

**3518 Noise level restriction**

The development hereby approved shall not generate a noise level measured or calculated at the boundary of the nearest noise sensitive premises greater than; 3 dBA above the existing average level of 37 dbBA, LA90(60mins) during day time hours (07.00-23.00) and 5 dBA above the existing background level of 32 dbBA, LA90(15mins) during night time hours (23.00-07.00).

All measurements to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason for condition:-

In the interests of the amenities of nearby residents.

**3524 Noise level restriction**

The development hereby permitted shall not generate noise measured as a 5 minute LA10 which exceeds the representative background noise level LA90 by more than 5dB in each 1/3 octave band between 40Hz and 160Hz.

All measurements to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason for condition:-

In the interests of the amenities of nearby residents.

**3518 Noise level restriction**

A Noise Survey will be carried out and submitted to the Local Planning Authority within 6 months from the date of this decision, unless otherwise agreed in writing with the Local Planning Authority. The methodology for the Noise Survey shall be agreed in writing by the Local Planning Authority prior to the survey taking place.

The Noise Survey is to ascertain whether noise restrictions conditions 12 and 13 above are being complied with.

Reason for condition:-

In the interests of the amenities of the adjoining residents.

**3526**

**Noise level restriction**

The development hereby permitted will be operated in accordance with the approved Environmental Noise Management Plan dated 18/01/2018.

The Documented Noise Management Plan, detailed by the approved Environmental Noise Management Plan together with all associated documentation listed below, shall be kept for a period no less than 24 months and will be made available to the Local Planning Authority on request, within 14 days.

- Environmental Complaint Forms
- Environmental Corrective and Preventive Action Reports

Reason for condition:-

In order to protect the amenities of nearby properties.

**3920**

**Pest control**

The development hereby permitted will be operated in accordance with the approved Pest Control Scheme dated November 2016.

The scheme shall be made available within 14 days, together with associated documentation, to the Local Planning Authority on request.

Reason for condition:-

In order to protect the amenities of nearby properties.

**3508**

**No external storage**

No external storage of goods or materials shall at any time take place outside the buildings, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason for condition:-

In the interest of the amenities of adjoining residents.

**3940**

**Community Liaison Strategy**

Within 6 months of the date of this decision, a scheme for liaison and reporting to the local community together with a procedure for submission of complaints from local residents, businesses and other groups in respect of site operations including: noise, odour, pest control, light and traffic will be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented in full in accordance with the approved details.

Reason for condition:-

In the interests of amenity and community involvement.

**AN60**

**NOTE NCC Inf 1 When off-site road improvements are required**

NOTE:

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the

applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Graham Worsfold tel: 01362 656211.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicants own expense.

**AN65**

**NOTE NCC Inf 6 When travel plan provided or required**

This development involves a Travel Plan to be implemented within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Town and Country Planning Act 1990 or Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Management Group based at County Hall in Norwich. Please contact Graham Worsfold tel: 01362 656211.

**Commuted Sum for Travel Plans**

The Highways Authority levies a charge to cover the on-going costs of reviewing and monitoring a Travel Plan annually. The Highways Authority also requires a Bond to ensure that the Travel plan targets are met. Both the Bond and the monitoring charge are secured by a Section 106 Legal Agreement. This is in addition to the sum payable for Planning Obligations covering infrastructure, services and amenities requirements.

An online survey tool is available to assist with annual monitoring. For further information on the survey tool, (insert appropriate contact details).

For residential development, Norfolk County Council offers a fully inclusive package covering the writing, implementation, on-going management and annual monitoring of a Travel Plan for 5 years post completion of the development. Up to date costs can be obtained by contacting (insert appropriate contact details). Developers are expected to enter into a Section 106 Agreement to secure the necessary funding before planning permission is granted.

**2001**

**Application Approved Following Revisions**

The Local Planning Authority has acted positively and proactively in determining this application, and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal within as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

**3996**

**Note - Discharge of Conditions**

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

**4000**

**Variation of approved plans**

**NOTES:**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

**2014**

**Criterion E - Planning Apps Where Approved**

**Appeals against planning decisions**

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.