

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/1556/F	CASE OFFICER	Rebecca Collins
LOCATION:	DEREHAM Yaxham Road Dereham	APPNTYPE:	Full
APPLICANT:	Norfolk Land Development Trafalgar House Trafalgar Business Park	POLICY:	In Settlemnt Bndry
AGENT:	Plandescil Ltd 42-44 Connaught Road Attleborough	ALLOCATION:	N
PROPOSAL:	Development of remaining part of the old Cemex Site now known as Dereham Business Hub into mixed use Business Park Development and an employment hub, to be provided by a flexible B1(c), B2 and B8 uses class together with ancillary trade counter use for trade and retail sale, together with associated car parking and access	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is, as defined by the scheme of delegation, a major planning application and is therefore referred to Planning Committee for this reason.

KEY ISSUES

The key issues in the consideration of this application are as follows:

- The principle of development
- The design and layout of the development and its impact on the character of the surrounding context
- The impact of the development on the amenity of neighbouring residential occupiers
- The transport and highways impacts of the development
- Flood Risk and drainage
- Other matters

DESCRIPTION OF DEVELOPMENT

Permission is sought for the development of a mixed use Business Park/Employment Hub comprising flexible use B1(c), B2 and B8 uses class together with ancillary trade counter use for trade and retail sale along with associated car parking, access and landscaping.

The development would provide 10 new industrial units with a combined floorspace of over 5000 square metres, with the following breakdown:

- Unit 1 - 566 square metres
- Unit 2/3 - 750 square metres
- Unit 4 - 550 square metres
- Unit 5 - 371 square metres

- Unit 6 - 371 square metres
- Unit 7 - 371 square metres
- Unit 8 - 812 square metres
- Unit 9 - 603 square metres
- Unit 10 - 609 square metres

The development would be laid out with two rows of units, largely parallel with Yaxham Road, with Units 1-7 adjacent to the eastern boundary of the site on Yaxham Road and Units 8-10 adjacent to the western boundary of the site and the Mid-Norfolk Railway.

Units 1-7 would form one composite row with a shallow pitched roof. Units 1 and 2/3 would however have a slightly higher pitched roof with a maximum ridge height of 8.77 metres and a varying eaves height of between 6.28 and 7 metres whilst Units 4 to 7 would have a slightly lower pitch with a maximum ridge height of 8.02 metres and an eaves height of 6.29 metres. The buildings would be steel-framed structures with exterior grey cladding of varying shades and doors and openings of a darker colour to contrast. The main entrance to each of the units would be located on the west elevation facing within the development facing the car parking with only secondary service doors to the otherwise continuous blank east elevation, facing the highway.

Units 8-10 would form one composite row with a similarly shallow pitched roof with a ridge height of 8.78 metres and an eaves height of 7 metres. The building would have a similarly steel framed construction with matching external materiality as Units 1-7. The main entrance to each of the units would be located on the east elevation also facing the car parking within the development.

The area between the two rows of units would be provided as a car parking area with a total of 115 spaces including 13 designated disabled bays.

SITE AND LOCATION

The application site comprises a 1.38 hectare area of land to the south of the existing Dereham Business Hub which is located off Yaxham Road, adjacent to junction with the A47. The Dereham Business Hub contains a mix of retail and leisure uses including Aldi, McDonalds and the Greenstone public house.

The site was previously occupied by Cemex for the manufacture of concrete building products with this use ceasing in 2012.

The site is currently unused and comprises grassed areas, planting and rough open soil. A historic concrete framed building and hardstanding areas was previously in situ however was recently demolished. Despite the unkempt nature of the site it does not draw interest in the street scene.

There is a timber close boarded fence to the front boundary of the site and a row of trees behind covering half of the front boundary.

In terms of land designations, the application site forms part of the Rashes Green Industrial Estate which is a designated General Employment Area. The land parcel forms part of the same land ownership as the existing Dereham Business Hub and is referred to within application documents as 'Phase 2' development. Planning permission was granted in 2013 for the development of the Dereham Business Hub with the 'Phase 2' land forming part of the red line boundary for the hybrid application. However, no details were provided as part of the application and 'Phase 2' does not appear to have formed a formal outline phase pursuant to the

hybrid application.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant on-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.03	Employment
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.06	General Employment Areas
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

DEREHAM T C

No objection - Councillors were of the opinion that the design was uninspiring and appeared low value. This is an important gateway location so it would be better to have a design which was more interesting and aspirational. The application mentioned office use, but the design did not seem to include office type accommodation. There are concerns regarding congestion in this area and any application should be accompanied by a transport assessment or statement which would include how cyclists and pedestrians could safely and conveniently access the site.

ENVIRONMENT AGENCY

We have been consulted previously on the redevelopment of the northern half of the site. The Intrusive Investigation is limited to 2 trial pits within this application area. We therefore recommend additional investigation is carried out and as such we recommend the conditions if planning permission granted.

The previous use of the proposed development site as a cement works presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location.

The applications Contamination Report Desk Study dated July 2012 and Intrusive Investigation dated October 2012 by Plandescil, demonstrate that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without the conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

ANGLIAN WATER SERVICE

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account.

The foul drainage from this development is in the catchment of Dereham -Rushmeadow Road Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

HIGHWAYS ENGLAND

Recommend that planning permission not be granted for a specified period.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

The Design and Access Statement does not make reference to any proposed crime prevention measures for the development.

Secured by Design is the official UK Police flagship initiative supporting the principles of designing out crime. SBD aims to achieve a good overall standard of Security for buildings and the immediate environment. It attempts to deter criminal and anti-social behaviour within developments by introducing appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of

the development. These features include secure vehicle parking, adequate lighting of common areas, control of access to individual and common areas, defensible space and a landscaping and lighting scheme which when combined, enhances natural surveillance and safety. Experience shows that incorporating security measures during a new build or refurbishment reduces crime, fear of crime and disorder.

NORFOLK COUNTY COUNCIL HIGHWAYS

Development of Phase 2 area of the site as proposed will result in vehicles turning right from B1135 Yaxham Road to access the new employment area. Presently Yaxham Road is configured with a right turn facility to enable access to the church located east of the development. Vehicles attempting to turn right from Yaxham Road to the development will be in conflict with the existing facility. Therefore, the road layout requires modification to enable visitors to both the church and the proposed development to gain safe access.

It is also noted that Phase 1 of the development can only be accessed from the one-way road north of the A47/A1075/B1135 roundabout. Signing should be provided to ensure users of the two phases are appropriately directed.

FLOOD & WATER MANAGEMENT TEAM

After reviewing the submitted FRA and Anglian Waters Pre-Planning Assessment Report, a discharge rate of 25l/s has been stated. However, Anglian Water have agreed a 5l/s flow rate. The FRA and drainage strategy should reflect the agreed discharge rate with Anglian Water of 5l/s. Therefore, we would object to this planning application in the absence of acceptable supporting information relating to:

- The flow rates.

There is also a lack of evidence or information in relation to:

- The trial hole/ground investigation information is insufficient and we require more and up to date information.
- No allowance for urban creep has been made to the proposed drainage system.
- There is no information to demonstrate that the floor levels have been designed to avoid the risk of flooding to the business units.

TREE AND COUNTRYSIDE CONSULTANT

Tree protection as shown on drawing Drg No 23965-009 Rev 0 should be erected prior to commencement and remain in situ until completion.

Further comments regards the latest proposals are awaited.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No ecological information has been submitted in support of this application. From publicly available aerial sources and the photograph provided in the design and access statement (Plandescil; 2018) the site appears to be of low ecological value.

The Tree Protection Plan shows that the majority of hedgerows and trees bordering the site will be retained. If any trees are proposed for removal this must be preceded by a Preliminary Roost Assessment. Any vegetation removal needs to be subject to a timing constraint to avoid the bird nesting season.

From publicly available aerial sources there appears to be a building on the site. The building appears to have negligible potential to support roosting bats. However, the building could potentially be used by nesting birds and therefore the demolition works need to be subject to a timing constraint. If you are minded to approve this application, we recommend that you condition no demolition works, tree removal without prior approval and the installation of two bird boxes.

ENVIRONMENTAL HEALTH OFFICERS

I recommend approval providing the development proceeds in line with the application details and subject to conditions with regards to an acoustic fence, hours of working, flues, no outside plant or loudspeaker and lighting, to alleviate environmental concerns.

CONTAMINATED LAND OFFICER

No objection subject to a condition with regards to contaminated land.

AIR QUALITY OFFICER

No objections or comments on the grounds of air quality, providing the development proceeds in line with the application details. To promote sustainable travel and reduced air pollution it is recommended that the applicant consider the impacts of emissions from road vehicles visiting the site and look to introduce measures to reduce air pollution. This could include the provision of electric car charging points for use by unit users.

NATIONAL GRID

No objection.

HISTORIC ENVIRONMENT SERVICE

No Comments Received

H M INSPECTOR OF RAILWAYS OFFICE OF

No Comments Received

MID NORFOLK RAILWAY PRESERVATION TRUST

No Comments Received

ECONOMIC DEVELOPMENT

No Comments Received

REPRESENTATIONS

One letter of representation has been received, its comments have been summarised as follows:

Having looked at the proposed plans for this site we are supportive of its use as stated. Our main concerns are with regard to the added traffic issue on Yaxman road and the access junction to the south which, we think, has safety issues.

Another concern for us would be the `permitted change of use` for certain planning classes. We would be strongly opposed to any change of use which allowed any large take away facilities providing fried food. We are already subject to odour, according to wind direction, resulting from Greenstones and Macdonalds, as is Handle drive estate. Such businesses opposite this residential area would be intolerable.

ASSESSMENT NOTES

Principle of development

1.1 The application site is located within the Rashes Green Industrial Estate which is a designated General Employment Area. Policy CP3 and DC6 of the development plan are therefore relevant to the consideration, relating to Employment and General Employment Areas respectively.

1.2 In strategic terms, Policy CP3 of the Core Strategy states that provision is to be made for development that will deliver at least 6000 jobs in the district to 2021, whilst Policy CP3(b) goes on to state that existing employment sites that have been identified as fit for purpose (General Employment Areas) will be protected and promoted.

1.3 In specific relation to General Employment Areas, Policy DC6 states that General Employment Areas will be protected for employment use and proposals to accommodate new employment development will be permitted where it is not a town centre use and it will not undermine the function of the wider employment area.

1.4 In this case the application seeks permission for the erection of 10 industrial units with a flexible use of B1(c), B2 and B8 all recognised as employment uses. Whilst no end users are currently identified within the application documents, predicated on the proposed floorspace and range of uses it is envisaged that between 50 and 100 jobs would be created by the development.

1.5 Having regard to the above, it is clear that the proposed development would be fully in accordance with policy and would support and enhance the role and function of the Rashes Green Industrial Estate - General Employment Area, providing additional employment opportunities in accordance with Policies DC6 and CP3 of the development plan.

1.6 Despite the principle of development being established officers have continually raised concerns during the course of the application with regards to the visual aspects of the development and its potential impact on the street scene and the amenity of neighbours. At the time of writing the report technical matters of highway safety and flood risk and drainage are outstanding, although the applicant has submitted further information to address these matters and statutory consultee responses are awaited. The application is being heard at this Planning Committee, prior to these responses, on the request of the applicant.

1.7 The applicant has also submitted additional information in terms of a supporting statement. Its contents have been summarised to be considered as part of the planning balance, as requested:

- All technical issues raised can be dealt with in the usual way;
- Dependent on the end users between 50-100 jobs could be created;
- Much research and market testing has gone into the development of this site and it is coming forward now despite uncertainty in the economy;
- Dereham is not a prime designation and there is a ceiling on return for investment;
- Earlier pre-application discussions and market research identified that retail would not be acceptable here and office accommodation would not be viable;
- One national trade counter occupier has signed up to one unit and on this basis the others will be constructed speculatively with strong interest from another two parties;
- The scheme submitted uses aesthetically pleasing soft micro rib cladding system with a graduating colour scheme to blend into the sky, this use of superior material will create a much higher quality development than elsewhere;
- The design has been conceived in part from the proposed tenant's desires of having a prominent location, no interruption from high level landscaping, no fenestration and a double entrance door. Security and prominence to main roads are fundamental to this occupier. In prime locations a tenant may compromise but not in this location;
- To address concerns, curtain walling has been added to unit 1, units moved further from Yaxham Road and landscaping added to the frontage. The consequence of this on the proposed tenant is yet to be tested and therefore they could be lost, along with the whole project and 35 jobs;
- Comments with regards to lack of greenspace and visual appearance of the building are disputed, especially as Macdonald's is closer to Yaxham Road, with no shielding or landscaping and not an attractive facade;
- Retail units/bulky goods command higher rents which would allow a less dense layout on site but as this is warehouse/industrial site area must be maximised for the development to make financial sense. Alternative configurations to reduce impacts have been considered but do not make economic sense;

- This is an unused site which is an eyesore, which the proposed development would improve. The site is restricted by market forces and historic planning guidance. The potential tenant needs to be appeased, without them there is no development;

1.8 The points raised here are largely covered in the main body of this report. This report considers only the development as proposed, in accordance with adopted planning policies and other material planning requirements, as required by the Planning Act and NPPF. With regards to the potential for retail in this location then it is important to note that this is a designated employment site, reserved for B1, B2 and B8 development. However, it has been empty sometime. Policy 6 of the NPPF sets out that 'planning policies should be flexible enough to accommodate needs not anticipated in the plan . . . and to enable a rapid response to changes in economic circumstances'. Any retail proposal would need to be considered against the requirements of policy 7 also, which seeks to protect the vitality of town centre. These would be a relevant material considerations in the event a planning application was received for further retail development on this site. The wider site context would also be a material planning consideration.

1.9 Matters of job creation are obviously supported, although it is important to note that at this stage they are predicated and the planning permission cannot regulate an end user or any future site occupant. These matters have been taken into consideration in reaching a decision on the planning balance, and are further explained below.

2.0 Design and Layout

2.1 Policy DC16 seeks to achieve the highest standards of design for all new development. Policy 12 of the NPPF states that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF clearly sets out the following principles for Planning decisions to ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain 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;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The application site is located in a prominent location adjacent to Yaxham Road in a key position at the southern edge of Dereham. Given this strategic location, it is considered that it can reasonably be regarded as a 'gateway' site, especially in views as one travels from the east from the A47 and the south on Yaxham Road. Whilst any new development would be required to have a high quality design and integrate with the existing character of its surroundings; given the prominent and strategic location of the site, this is considered to be especially pertinent in the case of the current application.

2.2 Paragraph 130 of the NPPF clearly sets out 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

2.3 During the course of the application significant concerns have been raised about the proposals and their impact on the street scene. The applicant has provided some amendments to the proposals including moving the buildings further back from the footway and proposing further landscaping to screen the future development with 'estate' style fencing at the frontage to improve its appearance. Some glazing is proposed in the corner of unit 1, although likely to be blocked behind for security reasons for the proposed end occupier.

2.4 The proposed layout of the development is fundamentally inward facing with all of the active frontages located on the inside/west elevations of the respective units. The east/road side elevation of Units 1-7 is essentially blank with only small, single door openings at ground floor level of each of the units. As set out above the applicants have amended the proposals to include a glazed corner to the development but this is likely to be blocked up from the inside to ensure the future security of this unit. Although, the glazing is a positive addition to the scheme and much welcomed, especially if it remains as glazing, the remaining blank facade of buildings with no fenestration would result in an inactive, dead elevation to the street and would ensure that the development would fail to integrate with its surroundings and due to its scale, length and massing would provide a hostile and unwelcoming environment as you pass the buildings, in this prominent location. This would have a detrimental impact on the character of the area contrary to the aims of the NPPF as set out above.

2.5 With regards to including glazing and then this being blocked up from the inside for the security measure, although may secure the building for future occupants, it would not result in any sort of active frontage for the street or surveillance for pedestrians.

2.6 The surrounding area is currently, open and green, with the beer garden of the public house and opposite the green space in front of the church. Developments in this location are significantly set back from the highway with large green areas in front of them and tall trees. There is also a large green space opposite Lidl off the roundabout, although no trees. By contrast the proposed buildings, particularly units 1 and 2 sit hard up to the access to the site and forward of any building line. The applicants state that the buildings have been pushed back into the site and landscaping will be employed in front of them to soften their impact (despite setting out in their submitted supporting statement that landscaping and glazing here is not welcomed by the client they have lined up for this unit). They also sight that the trees in the beer garden will screen views. These trees are again not evergreen and are well spaced and therefore clear views to the site are considered possible. The landscaping of the remaining space is possible but it is unlikely to be sufficiently wide to be able to accommodate the landscaping shown on the submitted images and again any high landscaping will not be welcomed by the proposed end user. Therefore, a building in this location is likely to be very prominent in the street scene and the lack of active fenestration will further compound its prominence to the detriment of the street scene.

2.7 The applicants sight in their supporting statement the facade Macdonalds has facing the street further along Yaxham Road as being worse than their proposals, it is worth noting that fenestration, albeit largely for the drive thru is available in this elevation but due to the drive thru it does have activity adjacent to the street, albeit with cars. In addition, the height and length of buildings is significantly less than that proposed, reducing its impact.

2.8 To the east, Units 1-7 would project to within approximately 10 metres of the street frontage at its closest point. To the north of the application site, The Greenstone public house incorporates a substantial set back from the road with a landscaped area and active frontage to the east. In the case of the current application, no such landscaped area is feasible due to the excessive forward projection of the development. This lack of set back and excessive forward projection, when combined with its height, bulk and continuous, unbroken length, would have a substantial and detrimental impact on the streetscene.

2.9 To the south, Unit 7 would project to within close proximity of the southern boundary shared with the bungalow at no.30 Yaxham Road. When viewed from the south, the southern flank elevation of Unit 7 with a ridge height of 8.02 metres would stand in stark and harmful disparity to no.30 in terms of scale. The positioning of Unit 7, combined with its height and scale would create a visual imbalance that would ensure that the development would fail to integrate with its surroundings and would be discordant within its context.

2.10 Whilst officers note that there is currently a row of trees located adjacent to Yaxham Road and would be retained as part of the development, it is considered that these trees would not mitigate the harm to the streetscene that would arise from the design, layout, height and bulk of units 1-7, especially given the seasonal nature of these trees in terms of green coverage, the spacing between them and the height at which they need to be maintained to allow use of the highway and footway. The applicants have set out that it is their intention to increase the landscaping in this location and include evergreen species to further screen the building. Although, all landscaping is welcomed it would not assist with integrating the proposals in the street scene or improve street surveillance, and will need to be managed to remain attractive and serve its purpose. Given that this can only be controlled by condition for a period of 5 years then given the lifetime of these buildings this is not considered a sufficient way to mitigate its impacts.

2.11 The applicants refer to market demands leading the 'design' of the development and the need to bring the site forward, which is supported. However, it is not considered this outweighs the harm to the street scene and character of the area identified and the proposed development is considered to comprise an inappropriate development contrary to Policy DC16 of the development plan and Policy 12 of the NPPF.

3.0 Amenity Impact

3.1 Policy DC1 of the development plan states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants.

3.2 In this case, the closest neighbouring residential property to the proposed development is no.30 Yaxham Road which is a single storey dwelling located adjacent to the southern boundary of the site. No.30 is an occupied detached residential bungalow with its northern flank facing the site, set back approximately 3 metres from the shared boundary. The applicants have amended the proposals so the southern flank of the eastern element of the proposed development (Unit 7) would project to within approximately 10.5metres of the south site boundary with a ridge height of approximately 8metres and an eaves height of 6.2metres.

3.3 There would therefore be a separation distance of approximately 13.5 metres between the 8.02 metre high flank elevation of the development and the north flank elevation of no.30. It is considered that this proximity and height could be overbearing and dominant when viewed from no.30. However, given the town centre location, the dense nature of development in this location, the proposed landscaping and the sites allocation as an employment site, although the neighbour may experience some overbearing from the proposals, it is considered on balance to be acceptable, given the changes that have been made to the scheme.

3.4 The application has been reviewed by the Council's Environmental Health officers who have recommended a series of conditions which would be required to mitigate the impact of development including a restriction on operating hours, control over the installation of vents/flue and details of a 2.5 metre acoustic fence to be erected adjacent to the southern boundary of the site.

3.5 It is important to note that without mitigation, Environmental Health officers consider that the noise impact of the development would be unacceptable.

3.6 The layout of the development in respect of the vehicular turning head, and especially its positioning so close to the site boundary to the south, would likely necessitate a acoustic fence be erected on the boundary of the site with the neighbouring property (number 30) to protect their amenity. The scheme has been amended, originally proposing a 3m fence and now 2.5m fence moved away from the boundary of number 30 and located so it abuts the proposed hardstanding for car parking and the turning head. Although, this would improve the relationship between this fence and the bungalow and address earlier concerns (at a maximum height of 2.5m) this would however leave a strip of land in-between the bungalow and the site, which would be in-between fences, difficult to manage, shaded by the fences and likely become an area for dumping or unsocial behaviour, to the detriment of both the amenity of the neighbouring property and the street scene. Through reducing the height of the fence to 2.5m and leaving it on the boundary of the neighbouring property, despite addressing the above impacts, is likely to cause shading and overbearing impacts for number 30 and be unacceptable in this regard. Discussions have been had with environmental health and officers who both agree a 2metre fence on the boundary would protect the amenity of the neighbour from shading and noise and therefore this could be conditioned, if the proposal was considered acceptable.

3.8 In addition, and notwithstanding that the application is recommended for refusal, if the application was recommended for approval the applicant has outlined concerns with regards to conditions relating to operating hours and control over flues. They wish for the units to have minimum openings hours until 8pm including on Saturdays and for domestic type flues and air conditioning units to be allowed without further planning application. Further advice on this has been sought from Environmental Health and they have confirmed that opening 8am to 8pm would be acceptable in all bare the two units adjacent to number 30, a condition could be applied to this effect. The condition with regards to flues and other equipment is however, necessary to protect the amenity of neighbours, without this the proposal would be considered contrary to Policy DC1 of the Breckland Core Strategy and refused for this reason also.

4.0 Transport and Highways

4.1 Highways England have responded to the proposal and require additional information with regards to vehicle movements and how these align with the original transport assessment for the site. Further information has been received and Highways England have been consulted in this regard. We await their response, which will be reported to members at the Committee.

4.2 In terms of access, there is an existing vehicular junction to the south of the existing Greenstone public house however this is currently used solely as egress from the existing Dereham Business Hub (Phase 1).

4.3 NCC Highways stated that the proposed development of the application site (Phase 2) would give rise to the likelihood of vehicles turning right from B1135 Yaxham Road to access the new employment area. Presently Yaxham Road is configured with a right turn facility to enable access to the church located east of the development and vehicles attempting to turn right from Yaxham Road to the development would therefore be in conflict with the existing facility.

4.4 The applicants have stated that they are happy to instate a right hand turn in this location with only minor works to the highway required and an updated plan has been provided in this regard. The highways authority has been consulted and their response will be reported to members at the planning committee.

5.0 Flood Risk / Drainage

5.1 Norfolk County Council, as Lead Local Flood Authority and Anglian Water (AW) were consulted on the

application submission which was supported by a Flood Risk Assessment. AW raise no concerns, however, the LLFA outlined the following:

- The flow rates which align with Anglian Water's 5l/s and all calculations that reflect this flow rate;
- The trial hole/ground investigation information is insufficient and we require more and up to date information. Evidence of infiltration having to BRE 365 needs to be provided. To follow the SuDS hierarchy, infiltration testing should be undertaken at proposed infiltration feature locations and depths to show the site specific potential. If infiltration rates are favourable, the infiltration features should be situated outside of areas at risk of flooding. If these are proven to be unfavourable rates, we would need to see in principal agreements in place for an alternative solution for the next available discharge location in the hierarchy;
- No allowance for urban creep has been made to the proposed drainage system;
- There is no information to demonstrate that the floor levels have been designed to avoid the risk of flooding to the business units. Finished ground floor levels of the proposed new building should be a minimum of 300mm above expected flood levels of all sources of flooding (including the SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

5.2 The applicant has submitted further information directly to the LLFA, in summary it states that infiltration drainage will not be an appropriate method of surface water disposal for the site due to site constraints. Given that there are no positive surface watercourses on-site or nearby that the site can discharge into, the surface water runoff from the proposed development will discharge at a restricted rate to the Anglian Water surface water sewer. This will be consistent with the drainage approach adopted for the Phase 1 development which discharges to the Anglian Water surface water sewer at an approved rate. To ensure that the Phase 2 development does not increase the risk of flooding, the drainage network was simulated to ensure that the combined discharge from Phase 1 and 2 will continue to meet this. The Micro Drainage simulations prepared as part of the report showed that the combined discharge from Phase 1 and 2 will be acceptable in all events and therefore will continue to meet the approved Anglian Water rate of discharge'. Further comments from the LLFA are awaited in this regard and will be reported to members at the Committee.

6.0 Other Matters

6.1 Trees

Policy DC12 requires new development not to result in the loss of tree and hedgerows.

6.3 There is a row of trees along the frontage of approximately half of the site, although these will provide some screening for part of the proposal, they are not evergreen and therefore, will only provide some screening for part of the year. The applicant has proposed additional planting and screening to the frontage of the site, although no detailed scheme has been provided in this regard. The detailed comments of the Tree Officer are awaited. Despite this, given the width of the space between the proposed buildings, and the footway edge, narrowing as one approached the roundabout, along with the existing trees then there appears insufficient width to successfully provide the level of planting proposed by the applicant. In this regard the greening of the frontage is not considered overriding in terms of the impact on street scene, as identified above.

6.4 Previously concerns were raised by the Tree Officer with regards to the proximity of the proposed buildings to the Root Protection Area (RPA's) of the existing trees. The detailed comments of the Tree officer are awaited in this regard, however, from the latest information submitted the buildings still appear to be in the RPA's of some of the trees, which contribute significantly to the street scene in this location, despite not completely screening the site. In addition, the plans also appear to show development within the RPA's of the proposed planting and therefore significant 'trees' are unlikely to establish in this location either. The

detailed advice of the tree officer is also awaited in this regard.

6.5 Ecology

Policy 15 of the NPPF seeks to conserve and enhance the natural environment. No ecological information has been submitted in support of this application. However, the site appears to be of low ecological value. The Tree Protection Plan shows that the majority of hedgerows and trees bordering the site will be retained (subject to the comments of the tree officer with regards to development in the RPA's) and subject to this being the case then no ecological impact is anticipated. NCC ecologist make reference to the building on site having the potential for nesting birds. However, this building has been removed and therefore no further conditions are considered necessary in terms of ecology.

6.6 Contamination

6.7 Policy 15 of the NPPF seeks to ensure a site is suitable for its proposed use taking account of ground conditions and any risk from contamination.

6.8 Environmental Health and the Environment Agency have raised concerns with regards to the site, as the documents submitted with this application are at least five years old and largely concern themselves with the adjacent area which has since been developed. A full contaminated land condition is therefore recommended to ensure the site is adequately protected against from contamination.

7.0 Conclusion

7.1 The proposal although acceptable in principle, with the creation of jobs supported, the proposed design of the frontage buildings would have a detrimental impact on the street scene in terms of a lack of street presence with a no fenestration and active street frontage onto Yaxham Road. The proposal is for an inward looking development, of significant height, bulk and massing, which would be oppressive and have a visually unpleasing impact in the street scene, as well as creating a hard edge corner, through the significant setting forward of the north-eastern corner building (units 1 and 2) in an otherwise green and pleasing location, unlikely to be sufficiently mitigated against by the proposed landscaping. In addition, the proposal has the potential to be overbearing for the adjacent neighbouring property, number 30, due to its and height and proximity to the boundary and proposed acoustic fence. The proposal is therefore considered contrary to policies 12 of the NPPF and DC1 and DC16 of the Breckland Core Strategy.

7.2 Further information has been provided with regards to highways and flood risk and drainage. Comments from the statutory consultees with regards to the suitability of this information is awaited and will be reported to members at the Planning Committee.

RECOMMENDATION

For the reasons given above, the proposal is therefore considered contrary to the National Planning Policy Framework (2019) and the Development Plan and is therefore recommended for refusal.

REASON(S) FOR REFUSAL

2

Non-std reason for refusal

The proposed design of the frontage buildings would have a detrimental impact on the street scene in terms of a lack of street presence with a no fenestration and active street frontage onto Yaxham Road. The proposal is for an inward looking development, of significant

height, bulk and massing, which would be oppressive and have a visually unpleasing impact in the street scene, as well as creating a hard edge corner, through the significant setting forward of the north-eastern corner building (units 1 and 2) in an otherwise green and pleasing location, the impacts of which are unlikely to be sufficiently mitigated against by the proposed corner curtain walling and landscaping. The proposal is therefore considered contrary to policies 12 of the NPPF and DC16 of the Breckland Core Strategy.