

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2022/0190/F	<b>CASE OFFICER</b> Will Hornbuckle
<b>LOCATION:</b>	BESTHORPE Land South of The Barn Heron Farm	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Newall Plant Ltd The Barn Heron Farm	
<b>AGENT:</b>	Locus Planning Ltd 11 Charing Cross Norwich	
<b>PROPOSAL:</b>	Continued Use of Land for Open Air Storage (Plant, Materials and Aggregates in Connection with the Operations of Newall Plant Ltd) and Proposed Associated Works, Including; Provision of Earth Bund and Landscaping.	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is for commercial development in the open countryside, and objections have been raised, therefore the application is referred to Planning Committee.

#### **KEY ISSUES**

Principle of development  
Design, landscape and impact upon character and appearance of area  
Impact on amenity  
Highway safety  
Ecological considerations  
Other matters

#### **DESCRIPTION OF DEVELOPMENT**

The proposal seeks the continued use of land for open air storage in association with Newell Plant LTD and associated works including the provision of an earth bund and landscaping.

#### **SITE AND LOCATION**

The site comprises approximately 1.3 acres of land adjacent to The Barn, Heron Farm, an existing commercial premises occupied by Newall Plant Ltd. The proposal site is formed by areas of hardstanding and undeveloped land, used for the storage of plant, materials and aggregates in connection with the operation of the adjacent business. Access is derived from a private driveway off Bunwell Road to the north, via the existing premises.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3CM/2016/0012/CM          Comments sent to NCC          26-04-16

Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newell Civil Engineering business

3CM/2020/0018/CM          Comments sent to NCC          25-11-20

Change of use to aggregates and soil recovery facility

3CM/2021/0011/CM          Comments sent to NCC          26-07-21

Change of use of land from open air storage to aggregate and soil recovery Facility (County Reference FUL/2020/0062)

3DC/2020/0005/DOC          DOC - COMPLETE          05-03-20

Discharge of condition 8 to 3PL/2018/1262/F

3DC/2020/0082/DOC          DOC - COMPLETE          23-07-20

Discharge of Condition No 5 on 3PL/2018/1262/F

3PL/2007/0147/CU          Permission          25-05-07

Change of use of existing farm buildings into offices, assoc. HGV parking & storage of plant (retrospective)

3PL/2016/1069/EU          Refusal          15-11-16

Erect and use of workshop, office extension, hard-standing areas, use of 3 existing buildings workshops & stores, storage of equipment & materials (Certificate of Lawfulness)

3PL/2018/1262/F          Permission          03-12-19

Retrospective Planning Permission for Change of Use from Agricultural Land to Open Air Storage (Plant, Materials and Aggregates in Connection with the Operations of Newall Plant Ltd) and Proposed Associated Works, Including; Provision of Earth Bund and Landscaping.

**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
EC04	Employment Development Outside General Employment Areas
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape

ENV06	Trees, Hedgerows and Development
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**BESTHORPE PARISH COUNCIL**

This application would cause extra noise, dust and increases in Heavy lorry traffic which the roads surrounding are not suitable.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions

**ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions

**ECOLOGY**

No Comments Received

**ENVIRONMENT AGENCY**

No Comments Received

**REPRESENTATIONS**

The neighbour consultation period expired on 30-03-22.  
Additionally, a site notice was posted which expired on 01-04-22.

6 letters of objection have been received with the key points raised as follows:

- Too many large vehicle movements.
- Unsuitable surrounding road network.
- Noise disturbance from vehicle movements at unsociable hours.
- County Matter application refused.
- Noise disturbance from operating the site.
- Lack of mitigation from landscape planting.
- Loss of trees on site.

**ASSESSMENT NOTES**

**1.0 Principle of development**

1.1 The proposal seeks the continued use of land for open air storage in association with Newell Plant LTD

and associated works including the provision of an earth bund and landscaping. The proposed works are located at an established commercial site where the principle of development is considered to be established. The site is not situated within a defined general employment area as identified under Policy EC 03 (General Employment Areas) of the Breckland Local Plan (adopted 2019). Policy EC 04 of the Breckland Local Plan (adopted 2019), which deals with employment development outside general employment areas, is therefore applicable in assessing the acceptability of the proposal.

1.2 Policy EC 04 of the Breckland Local Plan (adopted 2019) allows for employment related development to be located outside of the identified General Employment Areas subject to criteria. Part B(1) allows for employment development outside of defined employment areas if it is for the expansion of an existing business. This application relates to the expansion of an existing business for the continued use of the land for open storage associated with the business, enabling the business to operate more efficiently, meeting the market demand for their services.

1.3 The Planning Statement also sets out:

- There are no other sites suitable for the development proposed. It would be inefficient, and unsustainable, for storage relating to the important day-to-day needs and operations of the business to be located off site and on a designated employment area many miles away. It would also be entirely impractical to require the relocation of a business which has lawfully operated at the property for many years and which operates as a local employer.
- In terms of the potential impact from traffic generated by the proposal, the use, as noted, is well established and has not given rise to adverse impact upon the highway network to date. To an extent the part retrospective nature of the application has been useful in so far as it demonstrates that the business is capable of continuing to operate in a safe and responsible way.

Paragraph 84 of the NPPF (2021) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Moreover, Paragraph 85 of the NPPF (2021) sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Finally, that the extra economic activity associated with the expansion of the business within the property into the application site has created 4 no. additional jobs. A further approval for storage on the site would enable the business to operate more efficiently, meeting the market demand for their services. Such expansion is therefore critical in the business remaining viable and competitive into the future.

1.4 With respect to the vehicular movements associated with the aggregates storage, the use as proposed seeks to provide additional land for the storage of plant, materials and aggregates in connection with Newall Plant Ltd.'s existing operation. The current application is for storage only and does not include the processing of aggregates or other related materials. The proposal largely replicates the use permitted on land to the north of the site (ref. 3PL/2018/1262/F), with the Applicant's intention to displace, in part, the storage of existing goods from this area to the application site. Through reducing the concentration of storage and

therefore providing greater space within the Newall Plant Ltd premises, the application will create a logistically preferable and safer working environment.

With regards to vehicular activities, the relevance of the above being, that the anticipated type and number of vehicular movements are to remain unchanged by the use as proposed. With specific reference to the storage of aggregates, the quantum stored both as a 'rolling' stockpile and as annual tonnage would not exceed the existing permit for the premises.

1.4 Given the proposal is to provide additional land for the storage of plant, materials and aggregates to support the operation of the existing site, and the expansion of an existing business and that to separate this could actually create additional traffic movements, then the principle of development is considered acceptable and complies with Policy EC 04 of the Breckland Local Plan (adopted 2019).

## **2.0 Design, landscape and impact upon character and appearance of area**

2.1 Policy GEN 02 of the Breckland Local Plan 2019 requires high quality design in all development within the district which respects and is sensitive to the character of the surrounding area. Policy COM 01 of the Breckland Local Plan (adopted 2019) requires new development to be designed to the highest possible standards, Section 12 of the NPPF (2021) is also relevant, as all new development must achieve a specification of high architectural, urban and landscape design quality and contribute to the distinctive character and amenity of the local area. The Council will promote high quality design in the District by requiring that the design of new development meets specific criteria. Policy ENV 05 of the Breckland Local Plan (adopted 2019) requires development proposals to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside.

2.2 The Applicant seeks planning permission, partly retrospective and part prospective, with the former for the continued use of the land for open storage associated with the business. The latter prospective part of the application relates to landscape improvements to strengthen the site boundaries in order to avoid any adverse impacts and to screen and contain the operations within the site by means of the remodelling of the bunding on the southern and south-eastern boundary of the site. It is stated that the bunding will be modelled to be similar to that on the northern side of the site, with an even slope and a height of approximately 5 metres i.e., in conjunction with the soft landscaping and planting proposed, therefore screening any plant machinery such that they would be imperceptible from the public realm.

2.3 The application site itself is formed by areas of hardstanding and undeveloped land, used for the storage of plant, materials and aggregates in connection with the operation of the expanding business. Access is derived from a private driveway off Bunwell Road, via the existing premises. Meanwhile, the immediate and wider surrounding areas comprise open countryside characterised by hedgerows, mature trees and isolated agricultural buildings/features in each cardinal direction.

2.4 The application site falls within the 'Old Buckenham Plateau' which is characterised by an elevated, gently undulating plateau landscape informed by underlying thick deposits of glacial Lowestoft Till. It is noted that the residential property Heron Farm, within the applicant's control, lies to the north, whilst Heron Cottage lies approximately 175m to the north. Earth bunding has been erected around the northern, eastern and southern boundaries of the site to screen the existing operational area. Some of this bunding to the south and south-east has now become established with grass and wildflowers. The bunding along the northern and north-east boundary, part of planning permission ref. 3PL/2018/1262/F, is more recent and is becoming established with vegetation.

2.5 The existing Newall Plant site is an active operational area located within an original farm complex, with boundary tree planting and grass bunds. The site is set back a considerable distance from public highway

and separated from neighbouring properties and public footpaths.

2.6 Local concern has been raised regarding impact upon the landscape character and visual amenity of the proposal, with particular reference made to Norfolk County Council application ref: FUL/2020/0062 which was refused in this regard. However, although not forming any part of the current proposal, it is necessary to highlight that such comments and concerns relate and make reference to the change of use of land from open air storage to aggregate and soil recovery facility and thus concerns were raised that the arm of the excavator will be above the height of surrounding bunding, at odds with the prevailing landscape character. At the time of their response, NCC Natural Environment Team also acknowledged that there are few publicly accessible viewpoints. Any future development will be subject to further planning applications, assessed on their own merits and only the development applied for can be assessed as part of this application.

2.7 On balance, in terms of landscape impact the proposals are considered to be acceptable and in accordance with Policies COM 01, GEN 02 and ENV 05 of the Breckland Local Plan (adopted 2019), as well as Paragraphs 130 and 134 of the NPPF (2021).

### **3.0 Impact on amenity**

3.1 Policy COM 03 of the Breckland Local Plan adopted (2019) sets out that consideration will need to be given to general amenity impact issues, especially residential amenity. Development will not be permitted which causes unacceptable effects on the residential amenity of neighbouring occupants, or does not provide for adequate levels of amenity for future occupants.

3.2 There are two residential properties within the site vicinity, Heron Farm which is within the applicants ownership and sits to the north-west of the proposed site and Heron Cottage is to the north of the site, adjacent to Bunwell Road. In terms of overlooking and loss of privacy, due to the separation distances this would be considered acceptable.

3.3 A number of concerns have been received from neighbouring objectors and the Parish Council relating to the potential amenity impacts of the proposal put forward. Such concerns cover HGV activity/traffic, dust and noise implications.

3.4 The agent has advised that that the applicant seeks to reduce the concentration of an existing storage area to create a safe working environment and that there will be no processing of aggregate as a result of the proposal. It has also been confirmed that vehicular activity will remain unaltered.

3.5 The subject application was supported by the submission of a Noise Impact Assessment (NIA) which demonstrates that noise from the use of plant within the open air storage area would not exceed noise criterion according to PPG during the daytime for a minerals-related site. The NIA also considered that with the implementation of the Noise Mitigation Strategy to ensure the noise levels and acoustic character of the plant do not change over time, the resulting noise levels are acceptable at neighbouring noise-sensitive receptor locations.

3.6 As part of the application process, Environmental Health were consulted and raised no objection to the proposal, subject to appropriately worded conditions relating to noise levels, restrictions on operating machinery during certain hours, broadband noise reversing alarms, dust management and the development operating in full compliance with the mitigation measures detailed within the NIA to alleviate environmental concerns. Appropriate conditions have been added to this report, ensuring all conditions are reasonable and enforceable, meeting the tests as set out in Paragraph 56 and the Town and Country Planning Act (1990).

3.7 It is considered the landscaping bund proposed as part of the application would further improve amenity concerns and attenuate impacts.

3.8 Local concern has been raised regarding large vehicle movements and noise disturbance from vehicle movements at unsociable hours. Planning Permission ref: 3PL/2007/0147/CU - *Change of use of existing farm buildings into offices, assoc. HGV parking & storage of plant* - does not have restrictive conditions in respect of vehicle movements, noise levels, or operating hours. Furthermore, there is provision within subsequent permissions that allows 24 tips a year (no more than 5 per calendar month) outside of operating hours. With this in mind, and with a lack of independent evidence capable of withstanding rebuttal at formal proceedings, effectively this makes it extremely difficult, if not impossible to prove any breach of current permissions in respect of the forgoing issues. The Enforcement team have impressed on the operators the need to comply with all conditions and continued to have ongoing involvement forward.

3.9 Taking into consideration the above and subject to conditions to control operations on site, the proposal is therefore considered to satisfy the requirements of Policy COM 03 of the Breckland Local Plan (adopted 2019), as well as Paragraph 174 (e) of the NPPF (2021).

#### **4.Highway safety**

4.1 Policies EC 04, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) as well as the NPPF (2021) require new development not to have adverse impact on the existing local highways network.

4.2 Norfolk County Council (NCC) Highways were consulted to assess the impact on the existing highway. Access to the site is derived from a private driveway off Bunwell Road, via the existing premises. The access off Bunwell Road provides appropriate visibility as to ensure safe and convenient access to and from the public highway and has become well established. It is understood and advised that the applicant seeks to reduce the concentration of an existing storage area to create a safe working environment and that there will be no processing of aggregate as a result of the proposal. Local concern has also been received concerning large vehicles movements, however the Planning Statement sets out with regards to vehicular activities, the relevance of the anticipated type and number of vehicular movements are to remain unchanged by the use as proposed. With specific reference to the storage of aggregates, the quantum stored both as a 'rolling' stockpile and as annual tonnage would not exceed the existing permit for the premises.

4.3 NCC Highways have raised no objection. NNC Highways have however recommended than an HGV routing plan is imposed for the routing of HGV's to and from the site. It is not reasonable or enforceable to require vehicles from this site to use specific routes, as previous permissions are not restricted in this way. Therefore, a routing condition would fail to meet the tests for applying a condition as set in paragraph 56 of the NPPF (2021) and Planning Law.

4.4 The Highways Authority have been consulted with regards to not apply the routing condition and have responded, as follows:

*Following this Authority's response of 13 May 2022 you have advised that you do not consider an enforceable condition could be imposed which required HGV traffic from the site to turn right at the exit but would support signs to assist in this respect.*

*On the basis of the information provided, and if you are minded to grant approval without an HGV routing condition, I would recommend that a suitably worded condition be imposed requiring signs at the exit to encourage HGV traffic to turn right and travel eastwards.*

4.4 Paragraph 111 of the NPPF (2021) states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. On the basis of NCC Highways Authority advice then it is not considered that the highways impact would be severe. Enforceable conditions, such as signage and highway adjustments can be added to any subsequent planning permission to assist with any highway impacts in accordance with Policies TR01 and TR02, as suggested by NCC Highways Authority. On this basis, it is not recommended that the routing condition, is applied but signage conditions are considered a reasonable and enforceable alternative.

4.5 Subject to no routing plan condition, and other conditions recommended by NCC Highways, the development is considered to be compliant with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) together with paragraph 131 of the NPPF.

## **5.0 Ecological considerations**

5.1 Both policy ENV 02 of the Breckland Local Plan (adopted 2019) and the guidance contained within section 15 of the NPPF (2021) require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

5.2 A condition requiring biodiversity net gains has been imposed in accordance with policy ENV 02 of the Breckland Local Plan (adopted 2019). The application has been supported by the submission of a Preliminary Ecological Appraisal (PEA). The comments of our ecologist are awaited.

5.3 Overall, the development is considered likely to be acceptable with regards to ecology, according with policies ENV 02 and ENV 03 of the Breckland Local Plan (adopted 2019), as well Section 15 of the NPPF (2021) subject to outstanding comments from our ecologist being received and not objecting to the proposals.

## **Other matters**

6.1 Section 14 of the NPPF (2021) and ENV 09 of the Breckland Local Plan (adopted 2019) seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. The site lies in Flood Zone 1, at the lowest risk of flooding and is also identified in an area at very low risk from surface water flooding and rivers and sea.

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

## **7.0 Conclusion**

7.1 The proposed development seeks the extension of the existing business and proposed associated works, including; provision of earth bund and landscaping. The application is considered acceptable regarding the principle of development, design and appearance, impact on amenity, highway safety, ecological considerations and other matters. The proposal accords with relevant policies within the Breckland Local Plan (2019), as well as the NPPF (2021). In terms of the overall planning balance of the scheme and in overall planning judgement terms, approval of the application is accordingly recommended, subject to conditions and no objection from our ecologist.

**RECOMMENDATION**

On the basis of the above assessment, the application is recommended for APPROVAL subject to conditions and no objections from our ecologist.

**CONDITIONS**

**1 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.

**2 Noise level restriction**

1) The development hereby permitted shall not generate a noise level measured at the nearest noise sensitive premises greater than 10dB(A) above the existing background level LA90(60mins) or the total noise from the operations should not exceed 55dB(A) LAeq, (60 mins) (free field) whichever is the lowest during normal day time working hours (07.00 18.00) Monday to Friday or 07.00 to 13.00 Saturdays.

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+A1:2019 Methods for rating and assessing industrial and commercial sound (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason for condition:-

In the interest of the amenities of nearby residents in accordance with Breckland Local Plan (2019) Policy COM 03.

**3 Noise level restriction**

No machinery shall be operated, no processes carried out and no deliveries taken at or despatched from the site outside the hours of 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason for condition:-

In the interests of the amenities of the adjoining residents in accordance with Breckland Local Plan (2019) Policy COM 03.

**4 Noise level restriction**

All of the operators vehicles (Newall Plant Ltd) on site are to be equipped with broad band noise reversing sounders.

Reason for condition:-

In order to protect the amenities of nearby properties in accordance with Breckland Local Plan (2019) Policy COM 03.

**5**

**Noise level restriction**

Within 8 weeks of the date of this permission, full details of the 5 metre bund arrangement for the open air storage area shall be submitted to and approved in writing by the Local Planning Authority. Details shall include but are not limited to, timescales for implementation, dimensions and any landscaping. The approved bund shall be implemented in strict accordance with the timescales as approved.

Reason for condition:-

The details are required prior to commencement in order to protect the amenities of nearby properties in accordance with Breckland Local Plan (2019) COM 03.

**6**

**Noise level restriction**

No concrete crusher(s) or other mineral, aggregate or other waste processing equipment or plant is to be operated on site except for storage, cleaning and maintenance purposes.

Reason for condition:-

In order to protect the amenities of nearby properties in accordance with Breckland Local Plan (2019) COM 03.

**7**

**Noise level restriction**

The development shall operate in full compliance with the dust management plan for the overall site undertaken by Westbury Environmental and submitted on 16th April 2020 in respect of the discharge of condition 9 (3DC/2020/0082/DOC) of planning permission 3PL/2018/1262/F

Reason for condition:-

In order to protect the amenities of nearby properties in accordance with Breckland Local Plan (2019) COM 03.

**8**

**Personal to applicant**

The permission hereby granted shall enure solely for the personal benefit of Newall Plant Ltd and for no other person or company.

Reason for condition:-

In order that the Local Planning Authority may retain control over the future use of the premises in accordance with Breckland Local Plan (2019) Policy COM 03.

**9**

**Signage proposals**

Within 8 weeks of the date of this permission, full details of the signage to be erected at the exit from the site to encourage HGV traffic to turn right and travel eastwards shall be submitted to and approved in writing by the Local Planning Authority. Details shall include but are not limited to, timescales for implementation and details of signage. The approved signage shall be implemented in accordance with the timescales as approved.

Reason for condition:-

In the interests of maintaining highway efficiency and safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

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**Net Gain in Biodiversity**

A scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this permission. This could include bird/bat boxes, swift bricks and hedgehog holes for example. The development shall be carried out in accordance with the approved details.

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