

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2022/0333/F	<b>CASE OFFICER</b>	Will Hornbuckle
<b>LOCATION:</b>	BESTHORPE The Barn, Heron Farm	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Newell Plant Limited The Barn Heron Farm	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Locus Planning Limited 11 Charing Cross Norwich	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Retention of Modified Earth Bund and Proposed Landscaping		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### 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 and impact upon character and appearance of area  
Amenity impact  
Trees  
Other matters

#### DESCRIPTION OF DEVELOPMENT

This application seeks permission for the retention of the modified earth bund and proposed landscaping at The Barn, Heron Farm, an existing commercial premises occupied by Newall Plant Ltd. The bunding varies in height from 5.47m to 5.18m.

#### 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
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**BESTHORPE PARISH COUNCIL**

No objections.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection. Happy with planting proposals.

**REPRESENTATIONS**

Site notice expired 31-05-22

Neighbour consultations expired 21-04-22

Weekly list 24-04-22

Two letters of representation were received, however it is noted that reference was also made to, and in conjunction with, ref: 3PL/2022/0190/F. The following concerns were raised:

- Noise disturbance from vehicle movements at unsociable hours.
- County Matter application refused.
- Noise disturbance from operating the site.

**ASSESSMENT NOTES**

**1.0 Principle of development**

1.1 This applications relates to the retention of modified earth bunding along with proposed landscaping to screen and contain operations in association with Newall Plant Ltd. The applicants specialise in plant hire, aggregates and groundworks with the site used for the storage of such plant, materials and aggregates in connection with the operation of the expanding business. The proposed works are located at an established commercial site where the principle of development is considered to be established.

**2.0 Design 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. 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.

2.2 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.

2.3 This application relates to the retention of the modified earth bunding and proposed landscaping comprising of tree edge and hedgerow mixes of the northern side of the site. The bunding consists of an even slope of 5.47m to 5.18m in height screening any plant machinery such that they would be imperceptible from the public realm.

2.4 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. 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 It is considered the retention of the modified earth bund with the proposed landscaping improvements will integrate with the immediate and wider surrounding areas, fundamentally benefitting the overall character and landscape. On balance, it is therefore considered the proposal has due regard to Policies COM 01, GEN 02 and ENV 05 of the Breckland Local Plan (adopted 2019) and Paragraphs 130, 134 and 174 (a-b) of the NPPF (2021).

### **3.0 Amenity impact**

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 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. It is considered that due to the nature of the proposal relating to the retention of the earth bunding and landscaping to improve and strengthen site boundaries to screen and contain the operations within the site, this would not have detrimental impact on neighbouring amenity and provisions. Furthermore, it is considered the proposal would not create overbearing impacts/visual dominance or the overshadowing of private amenity space given the open countryside nature surrounding the site.

3.3 As such, the proposal is considered to accord with Policy COM 03 of the Breckland Local Plan (adopted 2019).

### **4.0 Trees**

4.1 Policy ENV 06 of the Breckland Local Plan (adopted 2019) seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

4.2 It is proposed for existing trees and hedgerow to be retained and protected, with an assortment of hedgerow and tree mixes to be planted. The hedgerow mix will be planted in double staggered rows, 500mm between rows and 500mm between plants, whilst the tree edge mix is to be planted at 1.5m spacing.

4.3 The LPA's Tree and Countryside Officer has been consulted as part of the application process and has raised no objection to the proposed scheme, hedgerow and tree planting. An appropriately worded condition will be imposed to secure the proposed landscaping scheme and its maintenance.

4.4 In light of the above, it is therefore considered the application has due regard to Policy ENV 06 of the Breckland Local Plan (adopted 2019).

## **5.0 Other matters**

5.1 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.

5.2 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).

## **6.0 Conclusion**

6.1 The proposed application seeks the retention of modified earth bunding and proposed landscaping. The application is considered acceptable in respect of principle of development, design and impact upon character and appearance of area, amenity impact and tree considerations amongst other matters.

6.2 The proposal accords with relevant policies within the Breckland Local Plan (adopted 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.

### **RECOMMENDATION**

On the basis of the above assessment, the application is recommended for APPROVAL subject to conditions.

### **CONDITIONS**

**1 In accordance with submitted plans NEW 2017**

The development shall 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, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).

**2 Implementation of submitted/approved landscaping scheme**

All soft landscaping works shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out within the first planting season November/March following the commencement of work on site. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the local planning authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason for condition:- In the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**3 Retention of trees and hedges**

No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved landscaping scheme, without the previous written approval of the Local Planning Authority.

Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:- To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy ENV06 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**4 Variation of approved plans**

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 application.