

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2022/0368/F	CASE OFFICER Rebecca Collins
LOCATION:	GRISTON Coughtrey Industrial Estates (Units 1 - 17) Church Road	APPNTYPE: Full POLICY: In Settlemnt Bndry
APPLICANT:	Eastern Attachments Ltd Maurice Gaymer Road Attleborough	CONS AREA: N LB GRADE: N
AGENT:	Edward Tyrer Consultancy 4 The Old Orchard Attleborough	TPO: N
PROPOSAL:	The demolition of Units 1-6 (whole block Western boundary) and Units 7-13 (part of North Block), extensions to units 14 and 15 (large extension to North block), extension to unit 16 (small extension to South Block), external fascia changes, refurbishment to Unit 17. Change of use of whole site to mixed B2 and Class E (offices). The reconfiguration of parking and creation of a new loading and unloading area.	

DEFERRED REASON

Following this applications deferral from Planning Committee on 4th October 2022, the report has been updated accordingly and hereby follows.

REASON FOR COMMITTEE CONSIDERATION

The proposal is for a major application of local significance.

KEY ISSUES

Principle of development
Access and car parking
Layout and Design
Amenity
Ecology
Flood Risk and Drainage
Trees and hedgerows
Contamination

DESCRIPTION OF DEVELOPMENT

The demolition of Units 1-6 (whole block Western boundary) and Units 7-13 (part of North Block), extensions to units 14 and 15 (large extension to North block), extension to unit 16 (small extension to South Block), external fascia changes, refurbishment to Unit 17. Change of use of whole site to mixed B2 and Class E (offices). The reconfiguration of parking and creation of a new loading and unloading area.

The description of development has been updated during the course of the application and a full reconsultation has taken place on the latest description, the comments received are reflected in the following report.

SITE AND LOCATION

The site is approximately 1.3 ha, located to the west of Church Road, Griston. It is bounded to the north by residential units, the east by Church Road, which is predominately residential, the south by residential units, and the west, HMP Watton. The Industrial Estate is located 3km south-east of Watton, and located 1km east of the A1040.

The site is accessed from Church Road to the east and currently comprises an area of developed land with existing industrial buildings with adjacent asphalt and concrete hard standing. The buildings are two storey, with the first storey being brick and the second external cladding. The units are sited along the southern, western and northern areas of the site, with car parking located centrally within the estate.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/1998/1365/F	Permission	07-01-99
Erection of storage building to replace existing building and outside storage area		
3PL/1999/0982/F	Permission	01-11-99
Roof link between to existing industrial units		
3PL/2000/0683/F	Permission	24-07-00
Extension to existing storage building to provide office and toilet accommodation		
3PL/2001/0929/F	Permission	06-11-01
Extension to existing building to create additional storage and office space		
3PL/2001/1243/F	Permission	24-06-02
Change of use of storage building to industrial unit and generator room extension to building		
3PL/2003/1092/F	Permission	22-03-04
Demolish industrial buildings & erect new light industrial buildings, improve access including new security fence		
3PL/2003/1585/F	Permission	22-03-04
Removal of cond no.3 on pp 3PL/2001/1243 which restricts hours of operation & demolish existing compressor house		
3PL/2006/0078/F	Permission	01-03-06
Erection of warehouse extension		
3PL/2007/1132/F	Permission	16-10-07

Installation of 3 no. ventilation cowls to the roof of existing factory (retrospective)

3PL/2017/1085/F Refusal 03-10-17

Demolition of existing building and replacement B8 Warehouse with internal office and gatehouse.

Adjacent site:

3PL/2019/0405/F - Erections of 4 dwellings and garages including the extension of existing Vehicular Access (Approved)

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
EC01	Economic Development
EC03	General Employment Areas
EC04	Employment Development Outside General Employment Areas
ENV02	Biodiversity protection and enhancement
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

GRISTON PARISH CLERK

Griston Parish Council have some concerns about this application. Some of the plans do not appear to take account of the properties in Bramley Lane and their proximity to the proposed buildings. Also the properties in The Paddocks. The proposed height of the buildings will overshadow some properties thus excluding the

light. It is not clear if the acoustic testing has taken into account all adjacent properties to the development. Residents have made representation to the Parish Council re their concerns with traffic and the effects to the road surfaces. The Parish Council would like a limit placed on operational hours on the site as 1800 end of the day with half a day operations taking place on Saturdays.

NORFOLK COUNTY COUNCIL HIGHWAYS

14/09/22

The applicant seeks to re-locate a business from a sustainable location in Attleborough, where staff are able to employ a number of sustainable travel choices to travel to and from work, to Griston where staff will be primarily reliant on travelling by car. However, it is acknowledged that the industrial estate already exists and that occupants would already have a high dependency on accessing the site by private car.

On the basis of the existing, authorised, use this Authority considers it would be difficult to substantiate an objection, in principle, to the proposal.

Based on the gross floor area proposed 159 car parking spaces are required yet only 96 are being proposed. Whilst this may reflect the number of current employees (around 65) and the manufacturing process involved, which requires a large area of floor space, the number of spaces proposed falls short of that required being even less than 146 spaces currently available. Whilst the proposed level of parking may cater for this specific company, if the units were operated by another user at some point in the future, the shortfall in on-site parking could lead to cars being parked in the adjacent highway. If permission is to be granted, I would recommend a suitably worded condition be imposed restricting the use to the applicant to reflect this.

The submitted details demonstrate that the existing access does not cater for left turns by HGV traffic without the vehicle needing to utilise the opposing traffic lane to carry out the manoeuvre. It is disappointing that the applicant has declined to address this on the basis that the site and access have been in existence for some time. Nonetheless I am suggesting a condition be imposed in this respect should you consider that such a condition would meet the tests of the NPPF. However, an objection to the application could not be sustained if these improvements were not provided, given the existing permitted use.

A traffic routing condition is also recommended to be imposed to require all HGV traffic to travel to and from the site along Thompson Road to A1075 in particular as it is not clear whether the company will continue to operate from Attleborough and this would avoid HGV traffic travelling through Caston to/from B1077.

03/11/22

It should be noted that this Authority did not request that permission 3PL/2003/1092 be restricted for the sole use of Paragon Print and Packaging Ltd and you have advised you consider you would have difficulty in objecting to the removal of the personal restriction which would otherwise leave the building unusable and permanently vacant.

Notwithstanding that, the remainder of the site has unrestricted B1/B8 use which could consequently generate an equal amount, or even more, vehicular traffic than the proposed user both in the number of movements and the size of vehicles involved.

Consequently, for the reasons given previously, I consider it would be difficult to substantiate a highway objection to the existing B1/B8 uses being changed to B2 and for the existing B2 use, which is currently restricted to Paragon Print and Packaging, being operated by another user but request the conditions recommended in my response of 14 September are imposed.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to operations on site taking place in complete accordance with the approved Arboricultural Impact Assessment (AIA) prepared by Oakfield, reference OAS 21-104-AR01.

ENVIRONMENTAL HEALTH OFFICERS

Should the applicant wish to operate from 06:00 I would require a revised noise report to be submitted, the current report calculates background levels as a one hour measurement and as 06:00 is classed as night time hours the background levels should be calculated as a 15 minute measurement. I would have concerns in respect of noise levels experienced by the residential properties to the North, as according to the current submitted noise report, these are the properties most affected by the increase in noise levels. I would like to see further attenuation or reduced noise levels of activities that are proposed to occur prior to 07:00 as levels of more than 3dB above the background level would be unacceptable during what is deemed to be night time hours.

I have concerns about deliveries to the site occurring prior to 08:00 as noise from deliveries is the dominant noise affecting the domestic property immediately opposite the entrance to the site.

With regards to the objectors, there appears to be some confusion between the ambient noise level and the background level. The background level is a recognised calculated value that represents the background level. It is calculated using A weighted sound (noise that is only audible within the range of human hearing) without the subject noise included, for 90% of a given time (the time is dependant on whether it is daytime 07:00-23:00 or night-time 23:00-07:00). The background levels that have been used for the proposed condition are 38dB, Monday to Friday and 34dB on Saturday. The background level has not been specified as background levels can change over time and make the condition ineffective using a non-specific background level will ensure that it is enforceable in the future as well as at the time that the noise report was undertaken. The new development will not affect the background levels but other changes might which means that even if the background level becomes lower or higher the development can still only operate at 3 or 5dB above it. The ambient noise level of 57dB is the totally encompassing sound measured at the time of the noise survey and has been used in this case to justify that although the noise levels exceed the calculated background level it is still low compared to the overall sound of everything that was audible at the time of the survey.

While I continue to have concerns in respect of the levels of noise that will be generated by the proposed development, particularly with regards the residential properties to the North and East, the levels within the accompanying noise report indicate that the development will comply with the WHO guidelines and the levels required in BS8233 for both internal noise and noise within garden areas. However BS 4142:2014+A1:2019 states that levels of around +5dB above the background levels are likely to be an indication of an adverse effect but it does state that this must be put into context and the applicants noise report argues that ambient noise levels are sufficiently high as to mask the +5dB. I also note that the noise is within the normal working day unless the change to working hours is agreed.

Based on the noise report submitted and the fact that it indicates that the development will comply with WHO recommended levels and BS8233 I am unable to object to the application despite the fact that noise from the development may well be clearly audible within the garden areas of the immediately adjacent domestic properties. I would however request that recommended conditions with regards to noise and operational hours are included within any permission given.

CONTAMINATED LAND OFFICER

I have looked at the application submitted and, based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date, I recommend approval providing the development proceeds in line with the application details, subject to conditions to alleviate environmental

concerns.

FLOOD & WATER MANAGEMENT TEAM

We object to this planning application in the absence of an acceptable Drainage Strategy.

ANGLIAN WATER SERVICE

Waste Water

The foul drainage from this development is in the catchment of Watton Water Recycling Centre which currently does not have capacity to treat the flows the development site.

Used Water Works

The sewerage system at present has available capacity for these flows to connect by gravity into Church Road.

Surface Water

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management.

NATURAL ENGLAND

No objection.

CASTON PARISH COUNCIL

20/07/22

The Parish Council have grave concerns in relation to traffic to and from the site in question. Caston already has serious problems with regards to the level and size of traffic travelling through the village. Speeding is a real issue and parking outside the Village School is particularly bad at drop off and collection times requiring traffic to enter the other side of the carriageway to pass. We continually find that traffic comes through the village of Caston, direct from the A11 from the Attleborough direction. This includes a considerable amount of HGV traffic for which the roads are not suitable. There is a particular sharp 90 degree blind bend in The Street which causes these vehicles to stray into the wrong carriageway which is also prone to flooding. Whilst we appreciate that the Construction Traffic Management Plan states that contractors will be advised to use the "preferred route" via the A1065, in reality, we know that this will not happen as it is not the direct route to the site and in turn, traffic will therefore travel through Caston to their destination. The village road is narrow and not suitable for large vehicles and together with the school being on this route, causes a real danger to pupils and parents at the school as well as residents of the Village.

14/12/22

Objection:

- We recognise that Coughtrey is an existing industrial estate which the agents claim is a mix of B1 and B2 usages. It is a series of small units which were described in the Breckland Council Employment Growth Study November 2013 as:

- Mainly providing light industrial workshop accommodation, a number of businesses.

When it was advertised for sale in 2020 the agents (Barker Storey Matthews) described it as Light Industrial for sale. Changing from mixed light industrial use to a single company producing steel fabrications under a B2 usage classification will increase both the number of employees and the level of HGV traffic. There have

been several near misses involving HGVs on pretty much every road through Caston. Noise is a result of traffic volume, vehicle weights and vehicle speeds. Caston Speedwatch's latest report showed that 195 vehicles out of just over 3,000 were recorded at over 35mph and reported to the Police.

In order to reduce the effect of the Coughtrey Industrial Estate's development on increasing traffic volume and type through Caston, we would like Breckland's Planners to insist that the developer funds the following changes to traffic via appropriate conditions:

1. 7.5t except for loading and unloading; signs in these locations:
 - a. after the junction of The Thompson Road and Church Road heading east
 - b. At the entrance to Northacre from the Carbrooke Road
 - c. At the junction of the Stow Bedon Road and A1075 heading East
 - d. At the start of the Attleborough Road heading West just after the B1077 / Carbrooke road junction
2. Traffic calming chicanes with priority to traffic leaving Caston in these locations:
 - a. At the start of the Attleborough Road heading West just after the B1077 / Carbrooke road junction
 - b. On the Thompson Road after the static mobile homes and before the junction with Caston Road and The Street.
3. A 40-mph speed limit on these roads into the village:
 - a. The full length of the Thompson Road (most of it is already this)
 - b. The full length of the Stow Bedon Road (it seems anomalous that the A1075 is 40 mph and once you enter a much narrower road it becomes unrestricted)
4. A 20-mph speed limit to replace the 30mph for as much of the village as practicable.

We believe that this combination of measures will dramatically reduce HGV traffic through Caston.

REPRESENTATIONS

92 letters of representation (including several letters from the same addresses) have been received (including three letters of support), their comments are summarised, as follows:

- Incorrect description of development.
- The proposal is contrary to local planning policies including EC04.
- This is a small peaceful village nestled in Norfolk countryside.
- The Coughtrey site is located within the Griston Village Settlement Boundary and is not a General Employment Area within the Local Plan and this planned operation is not going to enhance the village.
- Other designated employment sites should have been considered.
- The Coughtrey site was bought in 2021 by Eastern Attachments. The existing tenants were given notice to quit by January 2022. Eastern Attachments have since that date stored pallets on the site and cleared bunds they have not conducted the business applied for from this site.
- There is no professionally prepared Sustainability Statement and this is not a sustainable location.
- The plans/surveys/forms are inaccurate (including the noise and transport survey).
- The proposal will impact amenity in terms of noise and disturbance, overbearing, overshadowing.
- The proposed new structure is higher and closer to adjacent properties, impacting amenity. Further distance from existing neighbours is required.
- The noise and traffic from this proposed application would be totally devastating to the environment.
- When the building to the north of the site was erected in 2006 it had conditions imposed that it was to only be used for ancillary storage and for no other purpose and its height was agreed so that it did not overshadow any residential properties.

- The extended working hours proposed commencing 6am including operational processes and ventilation systems is unacceptable.
- The Noise survey carried out does not appear to be accurate as it doesn't take into account the houses to the North of the site on Bramley lane and Church View Close. The noise assessment calculations indicate that the sound levels will rise by 12 decibels, contrary to the NPPF, which seeks to prevent new and existing development from contributing to specifically air and noise pollution. The original noise report makes no mention of the extraction ventilation shafts. These fans will be on from 07.00 in the morning to 19.00 as stated in the current report.
- An acoustic report on the industrial site by Adrian James acoustics was submitted. Residential development was seen to be allowable adjacent to the current industrial site with a decibel level about 2 decibels above back ground noise of 34 to 38 decibels. Less than 3 years later you are limiting by condition the decibel level to be no more than 3 decibels above a background level of 57 decibels i.e. 60 decibels which is 22 to 26 decibels above background noise levels. Noise levels should not be allowed to increase.
- No mention has been made to the air quality/pollution around the site from the extraction units, 40 people welding and various paint spraying and shot blasting will generate significant odours drifting over the Village in all directions.
- Noise from fork lifts and HGV's. No HGV tracking plans have to date been provided to show vehicles turning into Church road and Thompson road.
- With this proposed heavy industry operation there is a requirement to include Acoustic Fencing which is proposed for the south boundary but is also required for the north and east boundary for both acoustic protection and security.
- Extraction vents also overshadow residential property's and are obtrusive.
- In the past the site was used for small light industry units that made little noise with minimal HGV movements. This is heavy industry and is not acceptable in this location.
- The access road to the site is too narrow for HGV's, Church road in parts has no pavements and additional traffic that this will generate, which will result in an increase in accidents.
- Surrounding routes are also not suitable and used as school routes, past residential and care facilities.
- The additional use will make the highway unsafe.
- The pollution in the village will increase with extra traffic coming through.
- Any development residential or industrial which could increase traffic through Caston should be required to introduce traffic reduction measures as a prerequisite of it.
- Insufficient car parking on site for staff.
- The access road is only 5 metres wide and 2 HGV's cannot pass each other on local roads. The access cannot be improved further regarding the ingress and egress of proposed HGVs and has been shown to contravene current highways standards.
- There is already too much HGV activity in the village, proving noisy, rattling the windows, damaging roads and most importantly dangerous for our children in the village.
- The speed of the current vehicles in the village is more often than not well above the recommended speed limit and already dangerous.
- There are no facilities in the villages for employees, shops etc.
- There is no local bus service.
- The materials are inappropriate so close to residential properties.
- Impact on the character of the area and street scene from Bramley Lane.
- The landscaping proposed is insufficient and should extend to the boundaries of the site with neighbouring residential properties.
- The oil tank along the north edge abuts the boundary fence of the property on Bramley Lane. Current access is restricted for maintenance and refuelling activities. There is a level of odour omitted from the oil tank. The oil tank is at risk of being disturbed during demolition and new build work with possible leakage and contamination. An adjacent emergency exit is planned, and the oil tank would impede egress.
- The site is at risk of flooding.

- The application states no trees will be removed but some already have and none are shown on plans submitted.
- The village of Griston is a cycle friendly village, this development is not compatible with that use.
- Although they say that there will be employment on the site but they are bringing their own staff and the people who did work there no longer have local employment in the village. This will create additional traffic movements.
- This company has a long history of complaints at their site in Attleborough, many complaints have been raised by local residents leading, we are told, to a number of noise abatement notices being issued by the Council. To transfer those activities to Griston parish cannot be in the interests of its inhabitants.
- Eastern Attachments have already done works on the site and installed one of the extraction systems to the existing building (without permission).
- House prices will be affected.
- There are better locations for heavily industrial uses such as this. This type of industry is wholly inappropriate for the centre of a village.
- No room for expansion.
- why is there no requirement for a s.106 agreement to mitigate local impacts?

Mitigation suggestions

- A condition is requested to confirm that the site will be empty of vehicles and staff at the weekend and after 16.00 in the week as they state in the traffic survey.
- If granted a limit should be placed on operation hours, limited to 17:00 on work days and 12:00 PM on a Saturday with no Sunday operation whatsoever. Preferably no Saturday work would be undertaken.
- Deliveries and collections to be limited to Monday to Friday 08.00 - 16.00 (8hrs) and Sat 08.00 - 12.00 and these to be the only permitted times.
- Welcome the inclusion of 24 cycle parking spaces on the proposed site layout but we ask the applicant to include this information on the Application Form.
- Wish to see Church Road delimited from 30mph to 20mph due to it being a National Cycleway Route and a small village road exiting at the north end by a narrow lane towards the village of Caston.
- Wish to see the approach road (Thompson Road) into Griston at the A1075 be delimited from 40mph to 30mph.
- A 20mph speed limit throughout Caston.
- The installation of traffic calming chicanes & signage "over 7.5t for loading and unloading only" before the north end of the street, at the Carbrooke road junctions with the Attleborough road and with Northacre and at the Stow Bedon Road junction with the A1075 should be a requirement and north of this proposed development on Church Road & immediately to the east of Church road to n Thompson Road in Griston.
- Locate all flue outlets to the South side of the building at the furthest point away from homes and they should not be above the roof line, the fan motors should be contained within the building to further reduce noise.
- The area open to the west end of the north block, along the north boundary, landscaped.
- The old oil tank, shown dotted, removed.
- The industrial chimney stack on the west elevation moved out of eye line from neighbours and placed at the south elevation end of the building.
- The estate to install a security and acoustic fence along the north boundary to the residential properties on Bramley Lane.
- The estate to install gabion wall or similar, to shore-up the recently excavated ground level of the properties on the north boundary.
- The new roof panels to be green in colour to blend with the current landscape view. The new build north elevation wall to be in brick.
- If there is to be any air-conditioning units fitted, we would wish these to be noise assessed and reviewed and none to be on or near the north elevation of the north block.

- Fire escape doors along the northern wall of the existing building are kept closed during normal working hours and not propped open in warmer weather.

Three letters of support were received wishing them well with the endeavour and supporting any opportunity to welcome those that want to invest in our village. The application represents an opportunity for the village to survive, providing local employment opportunities. The industrial site has been there before the houses. If residents are not happy they need to move away from the village. Everybody has the right to bring work into the village. HGV drivers have the right to attend the site as it is a business. The site has been there for a long time.

ASSESSMENT NOTES

1.0 Principle of development

1.1 Policy GEN01 of the Breckland Local Plan (adopted 2019) states:

'The Local Plan will seek and enable development that improves the economic, social and environmental objectives of Breckland through the application of the following national and locally distinctive sustainable development principles

- Mitigate and adapt to climate change;
- Protect and enhance the natural, built and historic environment;
- Allocate and facilitate developable land that seeks to provide access to homes, employment, retail, leisure and other facilities;
- Assist in the creation and maintenance of inclusive, environmentally sustainable communities making the best and most efficient use of previously developed land, buildings and natural resources;
- Support Breckland's wider rural economy helping to sustain local services and assist in helping rural communities adapt and grow proportionately to enhance their social and economic sustainability;
- Direct jobs and growth towards the most sustainable locations contributing towards the economy and jobs in rural areas, helping to achieve the right balance throughout the District; and
- Co-ordinate development with transport provision ensuring good access to existing community facilities, services and open space, together with new facilities and services where necessary.
- Consideration of the cumulative impact of development, in particular, the impact on the environment'.

1.2 The proposals are considered to facilitate developable land to provide employment; makes use of previously developed land and buildings; support the rural economy; directs jobs to the wider rural economy as well as providing them within a designated settlement boundary, albeit not one in the higher stages of the settlement hierarchy (Policy GEN03 of the Breckland Local Plan). The impacts on the environment are also considered acceptable and further considered in the relevant section of this report, below. The proposal is therefore considered to be in broad accordance with Policy GEN01 of the Breckland Local Plan (adopted 2019).

1.3 The site is located within the Griston Settlement Boundary, where development is generally supported in principle by Policy GEN03 of the Breckland Local Plan (adopted 2019), which seeks to direct most new development to sites within the sustainable settlement hierarchy.

1.4 The site is not identified as a general employment area within the Local Plan and therefore Policy EC04 of the Breckland Local Plan is relevant, which states:

Proposals for employment uses outside of the identified General Employment Areas and allocated sites will be permitted where:

- a. It is demonstrated that there are no other suitable sites available on identified or allocated employment sites; and/or*
- b. There are particular reasons for the development not being located on an established or allocated employment site including:*
 - 1. The expansion of an existing business;*
 - 2. Businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve; or*
 - 3. Industries and / or businesses which would be detrimental to local amenity if located in settlements, including general employment areas.*
- c. The development of the site would not adversely affect the type and volume of traffic generated.*

1.5 The site is subject to a number of planning permissions across a mix of B use classes including B2 Industrial, B8 Storage and Distribution and Office use (previously B1, now E use Class). Parts of the site have no restrictions in terms of changes of use, operating hours or noise conditions i.e. part of the building block to the north of the application site (98/0439 grants this permission for two industrial units) and the two building blocks to the east of the application site. The eastern part of the northern block was conditioned under planning permission 3PL/2006/0078/F to be storage for B1 and B8 uses only. The large square block to be retained to the south of the site, is restricted by permissions 3PL/2003/1585/F and 3PL/2003/1092/F, which is limited to use by Paragon Print and Packaging Ltd and restricts noise to background levels at nearest residential property, with no restrictive hours of operation. The eastern part of the southern block is restricted to storage on the ground floor and offices (B1A) above. Taking into consideration the permissions, conditions and existing uses, this site is considered to be a mixed use employment site.

1.6 Concerns have been raised with regards to Eastern Attachments moving into the site without planning permission and the description of development originally given. On the basis of the above, Eastern Attachments can occupy the eastern part of the northern block of buildings, without any planning permission and operate without restrictions on hours or noise. A variation of condition or Full planning permission (as applied) would be required to occupy the large square block on the southern section of the site (Eastern Attachments intend to use the offices and storage as such, on the remaining part of this southern block, which is not restricted to Paragon Print and Packaging Ltd). The use of the eastern part of the northern block would need a change of use or Full planning permission (as applied). Some of Eastern Attachments equipment currently exists in the northern and southern building blocks, although the applicants are not yet operational and this equipment forms part of this proposal. The applicant has applied for Full planning permission, which includes the use of all the buildings for B2, and offices (now E use class) and demolition and extension works proposed. Following the concerns raised, the description of development has been updated by the applicants to better reflect the development proposed. A full reconsultation has taken place on this updated description of development and any comments received are outlined in this report.

1.7 Point b1 of Policy EC04 of the Breckland Local Plan (2019) states:

Proposals for employment uses outside of the identified General Employment Areas and allocated sites will be permitted where:

- b. There are particular reasons for the development not being located on an established or allocated employment site including:*
 - 1. The expansion of an existing business;*

1.8 With regards to Policy b1 of the Breckland Local Plan, it states 'the expansion of an existing business'. Eastern Attachments are an existing business in the District. Furthermore, Eastern Attachments have

occupied parts of the site already, some parts of the site do not need planning permission for Eastern Attachments to occupy. That said, it is not considered that there is compliance with Policy EC04 of the Breckland Local Plan (adopted 2019) on the basis that this is an existing business in the District or the expansion of an existing business. The business is not reliant on agriculture nor this location to operate. Therefore, compliance with other parts of Policy EC04 of the Local Plan is not considered relevant either. On this basis, the proposal is not considered to accord with Policy EC04 of the Breckland Local Plan (adopted 2019).

1.9 The National Planning Policy Framework ("NPPF") is a significant material planning consideration.

1.10 Section 6 of the NPPF supports the investment of business including expansion and adaption, as well as growth and expansion of all types of business in rural areas and states:

Paragraph 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 84 - Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

Paragraph 85 - 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.

1.11 Having regard to Section 6 of the NPPF, the use of this site for this business would allow the business to invest, expand and adapt (this is set out by the applicants in their submitted accompanying information). The Planning Statement submitted with the application also states:

'This application provides an opportunity to place one planning permission and any conditions on the site, and so remove the various individual permissions pertaining to individual units and owners, providing an overall comprehensive planning permission'.

1.12 Section 11 of the NPPF seeks to make an effective use of land. Paragraph 119 of the NPPF states:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'.

1.13 It is agreed that by allowing this permission there is an opportunity to regulate the site with appropriate conditions to ensure the long term viability of the business, as well as the protection of existing and future residents through appropriate operating hours and noise restrictions. In this regard also, the proposal is considered to represent the expansion of a business within the District, through the conversion of existing buildings and well-designed new buildings. It also provides an holistic approach to an existing mixed use employment site, as well as expansion and adaption. The impact on local roads, is considered acceptable

and this is further considered in the relevant highways section below.

1.14 Having specific regard paragraph 85 of the NPPF, it is noted in the Highways Authority comments that this proposal will involve the moving of jobs from a sustainable location with choices of how to travel to work, to Griston, which will likely result in staff being reliant on the private car. However, the existing site is not too unsimilar in scale to that proposed and would likely attract employees, if fully occupied, travelling in the way described i.e. by car. The Highways Authority raises no objection to the latter or in terms of impact on highway use or safety.

1.15 The proposed development is considered to be making an effective and efficient use of previously developed land, in compliance with the aims of Section 11 of the NPPF, evidenced in the use of existing buildings and the proposed extensions, this is also a material consideration.

1.16 The proposal is part conversion and part rebuild of an existing commercial site in Griston, the site is currently operating under capacity due to the recent replacement of tenants and the new owners. The use of the existing site/buildings could intensify at any time, especially given the approved B1/B8 storage use to the north, which does not restrict hours of use or HGV movements. This is also a material planning consideration in the determination of this application. It is noted that other employment sites could have been considered for this development. However, this site is an existing mixed use employment site, not a new employment site, which is a material consideration. The development has been considered in light of the existing permitted operations and how the existing site could operate without further planning permissions. The proposed use is not considered to have such significant impacts in terms of highways, amenity and character to warrant refusal of planning permission. These matters have been further considered in the relevant sections of the report below. On this basis, it is not required necessary to require the applicants to consider alternative sites.

1.17 On the basis of the above, the principle of development is considered acceptable, notwithstanding the conflict with Policy EC04, taking account of the existing use of the Site, the proposal's compliance with Policies GEN01 and GEN03 of the Breckland Local Plan, and the further support found in the NPPF, as set out above.

2.0 Access and car parking

2.1 Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety. Section 9 of the NPPF, specifically paragraph 111 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*'.

2.2 Access to the site will be via the existing access of Church Road. Visibility splays of 2.4m x 40m is provided to the north and 2.4m x 59m to the south, as requested by the Highway Authority and proposed to be conditioned, if planning permission is granted.

2.3 A new loading and unloading area is proposed and located to the south-west of the site, where units will be demolished to create the required area. This area also includes storage facilities and the boundary

incorporating a 4m high timber acoustic fencing to reduce any noise to adjacent residential units. The plans have been amended during the course of the application to include additional car parking to the rear of the site.

2.4 Initially concerns and a request for additional information was sought by the Highways Authority. This information has been submitted and reviewed, and the Highways Authority state:

'The applicant seeks to re-locate a business from a sustainable location in Attleborough, where staff are able to employ a number of sustainable travel choices to travel to and from work, to Griston where staff will be primarily reliant on travelling by car. However, it is acknowledged that the industrial estate already exists and that occupants would already have a high dependency on accessing the site by private car.'

I am also mindful that it is only by virtue of the proposed building works that planning permission is required. Otherwise the applicant would be free to operate from the site without the need for planning permission.

On the basis of the existing, authorised, use this Authority considers it would be difficult to substantiate an objection, in principle, to the proposal.

Based on the gross floor area proposed 159 car parking spaces are required yet only 96 are being proposed. Whilst this may reflect the number of current employees (around 65) and the manufacturing process involved, which requires a large area of floor space, the number of spaces proposed falls short of that required being even less than 146 spaces currently available. Whilst the proposed level of parking may cater for this specific company, if the units were operated by another user at some point in the future, the shortfall in on-site parking could lead to cars being parked in the adjacent highway. If permission is to be granted, I would recommend a suitably worded condition be imposed restricting the use to the applicant to reflect this.

The submitted details demonstrate that the existing access does not cater for left turns by HGV traffic without the vehicle needing to utilise the opposing traffic lane to carry out the manoeuvre. It is disappointing that the applicant has declined to address this on the basis that the site and access have been in existence for some time. Nonetheless I am suggesting a condition be imposed in this respect should you consider that such a condition would meet the tests of the NPPF. However, an objection to the application could not be sustained if these improvements were not provided, given the existing permitted use.

A traffic routing condition is also recommended to be imposed to require all HGV traffic to travel to and from the site along Thompson Road to A1075 in particular as it is not clear whether the company will continue to operate from Attleborough and this would avoid HGV traffic travelling through Caston to/from B1077'.

2.5 Concerns have also been raised that the Highways Authority were not aware of the consents and permissions already in existence. The Highways Authority have been made aware of the previous permissions and conditions on the site and still have no objection to this application in highway safety terms. In this regard, consideration has been given to the fallback position, as one of the material planning considerations in the determination of the planning application.

2.6 In respect of the fall-back position, the Mansell v Tonbridge and Malling Borough Council case, is considered to set the basis for establishing 'fallback'. This case involved the demolition of a barn and bungalow and the construction of four detached dwellings. Class Q in the Town and Country Planning (General Permitted Development) Order 2015 ("GPDO") authorised the barn to be converted into up to three residential units. This alternative Class Q development was considered to be a 'fallback' position for justifying development in this location and was given material planning weight by the Council in granting that permission. Specifically, the Planning Officer advised the Council's Planning Committee that:

"a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. The current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site, as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights".

2.7 In the Court of Appeal Lord Justice Lindblom confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement, as follows:

- Where there is "real prospect" of a development (Class Q) of coming forward. He stated it does not have to be probable or likely, a possibility will suffice. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.
- It concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position.
- It confirmed that the fallback position can be a material planning consideration in the determination of a planning application.

2.8 It is important to note that fallback can apply to all types of development not just Part Q development and this is entirely material in this instance.

2.9 As set out in R v SoS for the Environment and Havering BC, Mr Lockhart-Mummery QC, accepted submissions that there were three elements to the fall back test:

1. Whether there is a fall back use, whether there is a lawful ability to undertake such a use.
2. Whether there is a likelihood or real prospect of such occurring.
3. If the answer to the second question is yes, a comparison between the fallback and the proposed development.

2.10 The relevant law as to a "real prospect" of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery. As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a "real" prospect is the antithesis of one that is "merely theoretical". The basic principle is that "for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice". Therefore, (it was stated) 'when considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand'.

2.11 Having regard to the points of the case and this site, this site is a mixed use employment site in existence, which could be in use without the requirement for further planning permission(s). However, it is noted as set out above that parts of the site are restricted in use by conditions, which would prevent Eastern Attachments using those parts without further planning permission. That said, there are unrestricted buildings to the north and west of the site, although it is acknowledge that the buildings to the west of the site are to be demolished, as part of this application. Also, parts of the office block can also be used lawfully without planning permission. Finally, the southern building block has a permitted B2 use, although restricted

by condition to Paragon Print and Packaging Ltd. The description of development (permitted in March 2004) does reference 'light industrial'. However, given the operations which took place and the period of time over which it has taken place, then it is considered to be a B2 operation. The 'reasons' for these restrictive conditions on the planning permissions, limiting the use of this southern block to Paragon Print, given is *'in order to retain control over development which could become detrimental to the appearance of the locality'*. It is worth noting these conditions are not restrictive due to highways or amenity impacts. The proposals are to convert these existing buildings and therefore retain the appearance of the locality. On this basis, it is considered likely that a continuation of a B2 use (with offices) would be acceptable to the Council, if a planning application to vary these conditions were received, resulting in an unrestricted (in terms of highway movements) B2 use. It would be unreasonable of the Council to require a building (especially of this scale) to remain empty. Therefore, there is real prospect that the southern block would also operate at a much higher capacity than its current empty use. On this basis, the proposal is considered to comply with point 1, having regards to highways movements, on the basis that these buildings could lawfully operate as employment uses generate a much higher degree of traffic movements than that proposed.

2.12 With regards to point 2 and likelihood/'real prospect', as recognised in Lindblom LJ clarified in Mansell v Tonbridge and Malling Borough Council EWCA Civ 1314 at that a "real prospect" does not need to be "probable or likely: a possibility will suffice". Whether there is sufficient clarity or commitment will always be a matter for the decisionmaker's planning judgment in the particular circumstances of the case in hand. The applicants have submitted further information setting out why there is real prospect for developing this site. In this regard, the applicants have purchased the site, invested in it and moved into and constructed equipment within buildings on the site. Also, given the submission of this application and the amendments made to it, during its course, this demonstrates a clear desire of the landowner to develop and maximise the value of the site. In addition, this is an existing brownfield, mixed use employment site, where it is considered that there is real prospect of employment use being brought forward and that use, could be more intensive than currently being proposed, especially in traffic/HGV terms, given the B1/B8, largely unrestricted use to the north of the site. In addition, as a brownfield site with B2 class permissions for the range of buildings to the south of the site, where it is unlikely that the Council could reasonably refuse planning permission to vary the occupation specific condition for Paragon Packaging and Print LTD and prevent future use of these buildings for employment uses, especially B2 use. Therefore, it is acceptable to assume that a conversion for an alternative B2 use would also be acceptable in this location (taking into consideration the reason for these conditions, as set out above).

2.13 The fallback position is that the site could operate at a more intense capacity, by another operator, in terms of use and vehicle movements, as identified by the Highways Authority. Eastern Attachments have purchased the site and have a real desire to develop this site through the submission of the planning application and location of equipment on site. The applicants state in their submission that they have a real commitment to operate on this site, and continue to do so and the existing site in Attleborough is constrained, whereas this site allows for expansion, which is for the need of the company going forward. The fallback position is a mixed use employment area, in part unrestrained, which has the ability to operate at much higher capacity, in part without planning permission and although permission would be required to remove personal permission conditions, it is very likely a B2 use could not reasonably be refused for the southern block of buildings on the site. The proposal seeks to use existing buildings on the boundaries of the site, remove some buildings and develop within the site. The proposal provides an opportunity to provide jobs, a new business in a rural area and regulate the site, through the imposition of conditions, to control noise, layout, visibility and manage HGV's over a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights. Even if planning permission is refused then the applicant will need to benefit from their purchase of the site and may end up selling it to another operator or splitting the site up. The use of the site and number of highways movements could significantly intensify without planning permission and this is a material consideration in the determination of

this application. Therefore, comparing the fallback position with the proposals, with regard to highway movements, these are considered comparable and this is agreed with by the Highways Authority who state:

'Having reviewed the previous permissions with you I can confirm that the highway response remains as given 14 September 2022.

It should be noted that this Authority did not request that permission 3PL/2003/1092 be restricted for the sole use of Paragon Print and Packaging Ltd and you have advised you consider you would have difficulty in objecting to the removal of the personal restriction which would otherwise leave the building unusable and permanently vacant.

Notwithstanding that, the remainder of the site has unrestricted B1/B8 use which could consequently generate an equal amount, or even more, vehicular traffic than the proposed user both in the number of movements and the size of vehicles involved.

Consequently, for the reasons given previously, I consider it would be difficult to substantiate a highway objection to the existing B1/B8 uses being changed to B2 and for the existing B2 use, which is currently restricted to Paragon Print and Packaging, being operated by another user but request the conditions recommended in my response of 14 September are imposed'.

2.14 The Highways Authority are therefore aware of the previous permissions and constraints on the site and still have no objection to this application in highway safety terms. Having regard to the other material planning consideration of the fallback position, which has been given significant weight, in the planning balance. Also, that the site could operate as a mixed use employment site, which could generate significant highways movements, especially the permitted B1/B8 use to the north of the site. In terms of highway safety and traffic movements, the proposals are considered acceptable on this basis.

2.15 Concerns have been raised with regards to insufficient car parking. The applicant states that they will have a work force of approximately 55-65 staff and it is proposed that there will be 69 car parking spaces, of which eight will be electrical charging posts, four disabled car parking spaces, and 24 cycle parking spaces. The site currently has 146 car parking spaces. The requirements for car parking from this development is 159 spaces. There is obviously a significant reduction in car parking proposed. The applicants have therefore, increased the number of spaces proposed on site to 96, which still falls below the required 159 spaces or 146 currently available. The Highways Authority has raised concerns with regards to on-street car parking if a further change of business was to take place and suggest a condition be applied, restricting the use of the site to this company, therefore any future change of use would need to demonstrate sufficient car parking was available. This is considered reasonable and a condition will be applied.

2.16 Requests have been made in representations to reduce speed limits and introduce traffic calming measures on surrounding roads. These requests are not supported by the Highways Authority as the traffic generated by the existing operation could exceed that of future operations by this company. On this basis, further conditions for traffic calming measures are not considered necessary to make the development acceptable in highway safety terms.

2.17 Further information has been provided with regards to the projected growth of the site and HGV movements, this has been considered by the Highways Authority and compared to the current authorised use of this site, which could result in additional traffic movements and HGVs movements to and from the site. It is not considered that this proposed use or its projected growth would be so detrimental to highways safety or neighbouring amenity to warrant refusal of planning permission, given the existing lawful uses or the fallback position.

2.18 Concerns have been raised regarding the width of the Highway, the Highways Authority have confirmed that *'The carriageway width is acceptable but the geometry of the access is such that, as demonstrated, HGVs need to over-sail the opposing running lane when turning left'*, which the Highways Authority state *'access does not cater for left turns by HGV traffic without the vehicle needing to utilise the opposing traffic lane to carry out the manoeuvre'*. However, this is a situation which exists currently with HGVs and therefore on the basis of the authorised use and the fact it could intensify without planning permission, then the access improvements are not considered necessary to make the application acceptable and a condition is not recommended on this basis. The Highways Authority do not object to the application on this basis. Also, the Highways Authority has recommended a routing condition, however this type of condition does not meet the tests of applying a planning condition as set out in Planning Legislation and the NPPF, as it would not be reasonable or enforceable. On this basis, we are unable to apply a routing condition and for the reasons previously given, and current traffic/HGV movements to and from this site are not restricted in this way. Therefore, it is not reasonable to apply such a condition either.

2.19 There is no requirement for a Sustainability Statement to be submitted with this application. Although the supporting text for Policy EC04 of the Breckland Local Plan (paragraph 6.45) does mention the need for a Sustainability Statement, this is only for proposals relating to the expansion of a rural business, business related to rural activities or businesses which are justified in rural locations as they need to be close to the market they serve. These scenarios do not apply to this development. Furthermore, this requirement is not set out in the text of Policy EC04.

2.20 Paragraph 85 of the NPPF states *'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'*. To improve the sustainability of the location, a Travel Plan condition has been discussed with the Highways Authority who have reservations that due to the location and the lack of realistic alternative means of transport, that measures could be successfully imposed. However, the applicant has suggested a Travel Plan in their Transport Statement and it is considered on this basis that a condition would be reasonable to ensure that the application *'exploits any opportunities to make a location more sustainable'*. On this basis, a condition for a Travel Plan is recommended.

2.21 The Highways Authority do not object to the application, subject to the imposition of conditions, as discussed above. Significant weight has been given to the fallback position, in the planning balance, with regards to this being an existing mixed use employment site has been assessed and is considered to establish a baseline situation which means this proposal is acceptable in highways safety and movement terms. The proposals would not have an unacceptable impact on highway safety, nor would the the residual cumulative impacts on the road network be severe, based on the advice of the Highways Authority. On this basis, the development is considered to accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) and Section 9 of the NPPF.

3.0 Layout and Design

3.1 Section 12 of the NPPF and Policies HOU01, GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019) seek to promote high quality design and protect the character of an area.

3.2 The proposal includes the demolition of 1,815m² of existing industrial units, and the new build of 3,081m² which will be incorporated into the main unit to the north of the site. This results in a net increase of

1,266m².

3.3 The proposed development will be formed of the existing buildings to the south and north, with the units to the south-west being demolished. The unit to the north will be extended.

3.4 The existing two-storey building to the south will not be altered, however external facia changes are proposed, these being:

- Standing seam metal sheet to roofs, walls and canopies (Anthracite grey)
- Fibre Cement fiber effect cladding planks (Ochre brown)
- Aluminium thermally broken double glazed windows and doors (Anthracite grey)
- Powder coated steel door (Anthracite).

3.5 The adjacent units will be formed of single storey brickwork and then profiled metal sheets using similar materials. The extended north unit will be formed of existing single storey brickwork and existing profiled metal sheets.

3.6 The layout of the site allows for a reconfiguration of parking, with the car parking to the east of the site close to the access entrance, and then a loading and unloading bay, and turning facility to the rear of the site in the south-west. This configuration ensures HGVs and light goods vans are kept away from the main access into the site and reduce nuisance and noise to adjacent properties.

3.7 The design of the building has been modified to address an amenity impact on neighbour properties off Bramley Lane, this is further discussed in the amenity section below. The proposed design of the newly built elements of the scheme, follows that of the scale and profiles of the existing building. Materials proposed are consistent with those already on site and that one would expect to see on an employment allocation of this type. Other than the new section at the back of the northern wing, the buildings are contained within the existing envelope. Materials are proposed to improve the frontage of the building. On this basis the impact on the character of the area and street scene is considered acceptable.

3.8 It is noted in the comments received that residents would prefer to see different materials used on the elevations of the proposed building facing neighbouring properties. However, given the redesign and separation from boundaries of the site, the materials proposed are considered appropriate and acceptable in this instance and consistent with the existing buildings materials.

3.9 On this basis, the proposal is considered to accord with Section 12 of the NPPF and Policies HOU01, GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019).

4.0 Amenity

4.1 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

4.2 A number of concerns have been raised about the site impacting the amenity of neighbouring properties. Further information was submitted by the applicants to try to address these concerns and those raised by Environmental Health. Environmental health initially objected to the application and on this basis, further information has been provided, detailing the following:

- *Sheet steel, which represents over 80% of the material used in production, is supplied on wooden pallets. This prevents the external steel on steel noise associated with sheet handling. Steel will be stored internally*

and moved by electric forklifts, which are very quiet and have been fitted with white noise beepers to further reduce noise.

- Waste / scrap steel will be periodically taken outside and emptied into scrap bins. These will be positioned at the rear of the building, and only be used from 8am to 5pm (we anticipate this will be done 1-3 times a day). Operators will empty the waste steel into the skips in a controlled manner to further reduce noise.*
- Hodge Clemco Acoustic Blast Rooms are used for shot blasting, which are manufactured from composite panels filled with Rockwool with robust steel inner and outer skins which provide excellent noise and thermal insulation properties. These typically reduce noise by up to 30 decibels, which allows staff to talk normally outside the blast room when it is in operation.*
- Bystronic Xpert range of Press Brakes are used to form steel. These are ultra-modern, energy efficient, low noise machines. They have 'stop start' functionality, which means the motors only run when pressing. They also feature an automated angle sheet lifter to assist operators and reduce noise. You can have a normal conversation next to these machines when they are working.*
- Bystronic ByStar range of Fiber Laser Cutters are used to cut parts from sheet steel. These are ultra-modern, energy efficient, low noise machines. The automated sheet handling system reduces noise, as well as the need to handle sheets more frequently (which would increase noise levels). You can have a normal conversation next to these machines when they are working.*
- The noisiest operation is the separation of steel parts from the sheet steel after they have been laser cut. Parts are sometimes required to be hammered out of the sheet which creates noise. We use nylon hammers which helps, but the parts vibrate against the sheet steel. To mitigate against this, both for staff and overall noise conditions, we have build a special sound proofed room for this operation. This is a double concrete walled and Rookwool roofed room with sound proof sliding doors that allows this operation to be isolated from the rest of the work space. This has dramatically reduced noise.*
- Production will run internally with a closed door policy. Noise via ventilation extraction vents from the welding bays on the northern units is mitigated by a sound damped box and silencer system. The Systemair AR 500DV Sileo silencers were selected in reference to the sound monitoring performed. The extraction system itself is whisper quiet and the silencer system is designated to significantly reduce any operational noise coming from within the unit.*
- A revised noise report.*

4.3 Following the submission of the above, Environmental Health were re-consulted and state:

'While I continue to have concerns in respect of the levels of noise that will be generated by the proposed development, particularly with regards the residential properties to the North and East, the levels within the accompanying noise report indicate that the development will comply with the WHO guidelines and the levels required in BS8233 for both internal noise and noise within garden areas. Although BS 4142:2014+A1:2019 states that levels of around +5dB above the background levels are likely to be an indication of an adverse effect, it does state that this must be put into context and the applicants noise report argues that ambient noise levels are sufficiently high as to mask the +5dB, I also note that the noise is within the normal working day. Based on the noise report submitted and the fact that it indicates that the development will comply with both WHO recommended levels and BS8233 I am unable to object to the application despite the fact that noise from the development may well be clearly audible within the garden areas of the immediately adjacent domestic properties. I would therefore request conditions to alleviate environmental concerns are included with any permission given'.

4.4 Further to the above, objections were received and Environmental Health state:

'With regards the objector, there appears to be some confusion between the ambient noise level and the background level. The background level is a recognised calculated value that represents the background level. It is calculated using A weighted sound (noise that is only audible within the range of human hearing)

without the subject noise included, for 90% of a given time (the time is dependant on whether it is daytime 07:00-23:00 or night-time 23:00-07:00). The background levels that have been used for the proposed condition are 38dB, Monday to Friday and 34dB on Saturday. The background level has not been specified as background levels can change over time and this would make the condition ineffective, using a non-specific background level will ensure that it is enforceable in the future as well as at the time that the noise report was undertaken. The new development will not affect the background levels but other changes might which means that even if the background level becomes lower or higher the development can still only operate at 3 or 5dB above it. The ambient noise level of 57dB is the totally encompassing sound measured at the time of the noise survey and has been used in this case to justify that although the noise levels exceed the calculated background level it is still low compared to the overall sound of everything that was audible at the time of the survey'.

4.5 Concerns have been raised regarding the scrap bin dump and the slag dump. This has been discussed with Environmental Health and given the use of this would take place over a very short period of time, Environmental Health consider that the figures that are used for calculating noise and amenity impact from this, are likely to be low and not significant enough to warrant refusal of planning permission.

4.6 Comments have also been received with regards to noise complaints with regards to the operation in Attleborough. The complaints themselves are not material planning considerations in the determination of this application. However, the applicant does state in this regard *'Eastern Attachments are currently located on the Maurice Gaymers Industrial Estate, Attleborough, and has outgrown its current premises with no opportunity to expand'*. This means a number of operations are forced to be external and the equipment (explained above) is not able to be accommodated. It is on this basis, that the applicant states that the noise experienced at Attleborough will be abated at Griston as all operations will be internal.

4.7 Other amenity concerns have also been raised with regards to disturbance particularly from HGV's and employees on the site, pollution, as well as proposed buildings being overbearing and overshadowing neighbouring properties.

4.8 With regards to noise and disturbance from HGV's, as set out above the existing planning permissions for the site are not restricted in terms of movements. On this basis, it is considered that HGV use could intensify for the existing site without need for planning permission or through a variation of condition application to vary the conditions on the southern block to convert these buildings to B2 use (as set out in the highways section above). Here it is appropriate to consider the fallback position, the case law and tests are as set out above. The layout of the site allows for a reconfiguration of parking, with the car parking to the east of the site close to the access entrance, and then a loading and unloading bay, and turning facility to the rear of the site in the south-west. This configuration ensures HGVs and light goods vans are kept away from the main access into the site and reduce nuisance and noise to adjacent properties. Also, the applicant has committed to using white noise reversing sensors. It is not considered that the HGV movements would increase significantly over and above what the site could be lawfully or reasonably used for, given its existing permissions. Taking into consideration the fallback position with regards to highways and HGV movements, then noise and disturbance from existing vehicles is not considered a reason to refuse planning permission for this proposal.

4.9 Concerns with regards to vehicle movements around the site and staff discussions are noted but these could take place with existing operations. Acoustic fencing is to be erected and the site has been re-designed so open areas and turning space are furthest away from existing residential properties and surrounded by buildings to shield from any noise.

4.10 With regards to overbearing and overshadowing, the buildings to the south of the site are, as existing.

To the north of the site, following officer discussions, the building has been redesign to follow an angle away from neighbouring properties off Bramley Lane, similar to that of the existing building line and actually further away from the neighbouring property than currently. However, extending further to the rear of the site (west). The proposal also retains the existing ridge height of the existing block, removing the previously proposed parapet wall, which decreases the impact on the neighbours. On this basis, the proposal is not considered to unduly overshadow or overbear the neighbouring property.

4.11 With regards to pollution, it is not considered that increased traffic movements, from that over and above how the site could operate would be so significant to warrant refusal of planning permission. In addition, the proposals include ventilation and equipment to deal with pollution from works proposed and these would be regulated by Health and Safety and Environmental Health. Environmental Health raise no objections to the proposals on this basis.

4.12 The proposal is not considered to have a significant amenity impact in comparison to that which could lawfully operate on this site, the fallback position (which is a material planning consideration in the planning balance) and on the grounds the plans have been amended and further information been provided to address any amenity concerns. On this basis the proposal is considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019).

5.0 Ecology

5.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019) require the protection and enhancement of biodiversity.

5.2 An Ecology Assessment has been undertaken by Huckle Ecology. A desk study was undertaken in October 2021 to review and update existing information regarding designated sites, habitats or species that benefit from statutory protection and/or are of nature conservation concern, including records of statutory and non-statutory designated sites within 1 km of the Site. The desk study and data search have confirmed that the Site does not benefit from any statutory nature conservation designation. Within 1 km of the Site, there are no statutory designated sites, and the closest is Wayland Wood, Watton SSSI located 1.3 km from the Site at its closest point; there are no internationally designated sites within 2km of the Site. Furthermore, within 1 km of the Site, there are no one County Wildlife Sites, with the closest located approx. 1.3km NE of the Site.

5.3 An extended Phase 1 habitat survey was undertaken in September 2021, to provide an evaluation of the habitats present within the Site, and to assess the potential of the site to support ecologically important features, including habitats or species that benefit from statutory protection and/or are of nature conservation concern. The survey included a detailed inspection of the buildings and trees to provide a Preliminary Roost Assessment for bats. The habitats present are consistent with a Site that has been managed regularly and which currently comprises an industrial estate that is in operational use by a range of light manufacturing and industrial uses. The buildings comprise a range of relatively modern industrial warehouses and factory units with open areas of asphalt and concrete hard standing surrounding them.

5.4 The semi-natural habitats present were restricted to the site boundaries and included bramble scrub and tall herbaceous vegetation along a bund with areas of dense scrub and broad-leaved woodland along the south and west boundaries. These habitats were very limited in extent and were generally species-poor and considered to be of negligible intrinsic ecological value, being common and widespread in the local area. These habitats do however provide some limited potential habitat for ecological important species. It is concluded that the habitats present within the Site, or immediately adjacent to it, have potential to support a range of ecologically important species, primarily bats (negligible potential roosting habitat and very low

value foraging and commuting habitat) and breeding birds.

5.5 Based on the desk study and the extended phase 1 habitat survey, it has been concluded that the proposed development could potentially affect local populations of bats and breeding birds; appropriate mitigation measures have been specified that would ensure that any adverse effects on these taxonomic groups would be avoided, reduced or compensated; and further ecological enhancements including the installation of bat and bird boxes have been specified which would ensure that the proposed development would deliver a proportionate level of biodiversity net gain.

5.6 Consequently, our ecologists have been consulted and state 'No objection subject to securing biodiversity mitigation and enhancement measures'. It is also noted that Natural England raise no objections to the proposed development.

5.7 On this basis and subject to the imposition of conditions, the proposal is considered to accord with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019).

6.0 Flood Risk and Drainage

6.1 Section 14 of the NPPF and ENV09 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.

6.2 A Flood Risk Assessment and Drainage Strategy Report has been submitted, the Flood Risk can be summarised as:

- The Site lies within Flood Zone 1; land having a less than 1 in 1,000 (0.1%) annual exceedance probability of river or sea flooding (low probability). It is at very low risk from all other forms of flooding, except for surface water flooding, which is recorded as low to high risk.
- The existing building and floor slab will be retained as part of the redevelopment and where this is below calculated surface water flood levels, flood resilience measures are recommended.
- It has been demonstrated that there is a negligible difference between the existing and proposed building footprints where they meet mapped surface water flood outlines and its associated flow path and therefore off-site flood risk will not be increased.
- The extended area is not located in an area at risk of flooding and therefore current Building Regulations standards apply with all external ground levels falling away from the building.
- There are no recorded historical flood events that have directly affected the Site.
- Surface Water Drainage Summary BRE365 Infiltration testing indicates that infiltration drainage is feasible for this Site meeting the first level of the sustainable surface water drainage hierarchy. Therefore, surface water from the roof of the new manufacturing facility and redeveloped paved areas will be directed to a geocellular soakaways located underneath the new vehicle turning and car parking areas.
- Treatment will be provided for the vehicle turning area via a new bypass separator and the car parking areas to the east will make use of the existing interceptor to remove trace contaminants prior to reaching the water environment.
- All surface water drainage infrastructure to be privately owned and maintained.
- Foul water Drainage Summary. Foul sewage will be discharged to the foul sewer in Church Road via the existing network for the site.

6.3 The LLFA have been consulted on the information provided and have objected to the planning application in the absence of an acceptable Drainage Strategy. Further information has been provided and the LLFA continue to object to the application. Further information has subsequently been requested and is awaited. An update will be provided at the Planning Committee. However, subject to additional acceptable

information being provided and no objections from the LLFA, then the proposals could accord with Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019).

7.0 Trees and hedgerows

7.1 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted 2019).

7.2 An Arboricultural Impact Assessment has been undertaken by Oakfield Arboricultural Services. The conclusions from the Impact Assessment recommends that the proposal does not require tree removals to accommodate the demolition and construction layout and as such there will be no arboricultural impact on the surveyed vegetation. All development activities are too far from surveyed trees to warrant any concern or they have the requirement for tree protection measures to be installed.

7.3 It is noted within the comments that some trees have already been removed from the site, along the western boundary with the Prison. However, these trees were not protected and therefore this is not a consideration of this application.

7.4 The Tree Officer has been consulted on the application and stated that '*Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA) prepared by Oakfield, reference OAS 21-104-AR01*'. Subject to a condition requiring this, then the proposal is considered acceptable and in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

8.0 Contamination

8.1 Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019) states that planning decisions should take account of ground conditions, pollution and contamination risk.

8.2 The historical mapping maps indicate that the wider Site area was previously used as a Saw Mill and as a builder's merchant prior to the recent construction of buildings and associated infrastructure that supports the current industrial estate businesses. This desk study has considered the current Site use, walkover findings and environmental data. The Conceptual Site Model and Preliminary Risk Assessment has identified that human health receptors will be at low risk from sources identified as part of this Phase I Desk Study. However, considering the Site history and to comply with current sustainable drainage hierarchy, the possibility of infiltration drainage needs to be explored, and as such a Phase II Site Investigation is recommended to take samples of made ground (if present) in locations of proposed infiltration structures and test them for generic contaminants to assess any risk from mobile contaminants (if present) to controlled waters. Ground gases from landfill or potentially infilled features have not been identified and therefore gas protection measures are not considered necessary.

8.3 The Phase I Desk Study recommended a Phase II Site Investigation to assess any risk from mobile contaminants (if present) to controlled waters, in locations of proposed infiltration structures. The risk to human health was deemed low as Site users are unlikely to have direct contact with underlying soils. Three trial pits have been carried out as part of this investigation and chemical laboratory testing of seven samples of made ground and natural soils undertaken. The results are below the most sensitive Atkins Atrisk SSV screening values, therefore separate leachate testing to assess the risk to controlled waters is not considered necessary and the risk to controlled waters is low.

8.4 Our Contaminated Land Officer has been consulted and based on the above, raises no objections to the proposals subject to the inclusion of conditions. On this basis the proposal is considered to accord with

Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019).

9.0 Other Matters

9.1 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 Regulations). 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 not located within either of the catchment areas of one or more of the habitat sites as 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).

9.2 Conditions

Following the latest Environmental Health response and discussions with the applicant updates to conditions are proposed. However, the applicant raises concerns with the restrictions to operating hours, required by Environmental health as they state this will affect the viable operation of the business. Although the conditions proposed reflect those proposed by Environmental Health, the applicants state in this regard 'to enable to the site to be operated in a beneficial manner, we request the following:

-Work internally Monday to Friday from 6am to 7am and 5pm to 6pm. This will allow production to start at 7am (the contractually agreed starting time of production staff members and the time agreed within the planning application). This is required to set up/inspect machinery, perform required health and safety daily inspections, and prepare or ready production areas.

-Load/unload vehicles Monday to Friday from 7:30am to 5pm. Being able to do so from 7:30am will actually reduce the amount of external forklift movement from 7am, as we can directly load vehicles from the internal overnight storage/dry room, rather than move items into the yard (which is further) and then move the items again onto the lorries. This will be done by electric forklifts, which are far quieter than diesel equivalents, and our products are banded to wooden pallets to further reduce noise during movement. This will also reduce potential for traffic build ups trying to access the site. We have agreed to restrict waste bins collections to between 8:30am and 5pm, which is the noisiest external operation.

It should be noted that Anvic Precision Engineering, still a tenant of units 3-4, have been at the site for over 10 years and have operated from before 7am and after 6pm during this period without issue. They also use production engineering machinery, but without any noise mitigation or restriction to transportation. We feel this represents a sensitive, reasonable and improved request for an existing industrial estate, far beyond the current restrictions'.

9.3 It is agreed that there are currently no hours restrictions for works on the site or for vehicles/HGV's to access load and unload on the site and this should be taken into consideration in the determination of the application. The conditions, as recommended are listed at the end of this report and are considered to meet the required tests for applying a condition, including being reasonably necessary to make the development acceptable in planning terms and enforceable.

10.0 Conclusion

10.1 The application is being dealt with under section 70 of the Town and Country Planning Act 1990 ("the 1990 Act"). Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town and Country Planning Act 1990 and Paragraph 2 of the NPPF requires that applications for planning permission be determined in accordance with the development plan (considering it as a whole), unless material considerations indicate otherwise. The NPPF is a significant material planning consideration in the determination of planning application.

10.2 When looking at the Development Plan as a whole, the proposal is not considered to accord with Policy EC04 of the Breckland Local Plan (adopted 2019). However, there is compliance with the Development Plan as a whole taking into account the support for employment, including in rural areas overall in the Development Plan (and set out in Policy GEN01 of the Breckland Local Plan), and other relevant policies that have been discussed throughout the Report below with regards to highways, layout and design, amenity, ecology, trees etc i.e. Policies GEN01, GEN02, GEN03, COM01, COM03, ENV06 and ENV02 of the Breckland Local Plan (adopted).

10.3 There are also strong material planning considerations which further support the grant of permission, including the NPPF, specifically Section 6 and paragraphs 81, 84 and 85 and Section 11. The NPPF has been given significant weight as it supports business investment and expansion, supporting economic growth and investment and the sustainable growth and expansion of all types of business in rural areas, through conversion and new buildings. Also, it is recognised that sites to meet local business 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. Here regard has been had to the sensitivity of this site to its surroundings, noting that there are no statutory objections to the application on the grounds of highways, amenity or character, taking into consideration the fallback position as a material planning consideration in the planning balance. Finally, through the use of this previously developed site, which is an existing mixed use employment site. On the basis of these strong material planning considerations, which weigh in favour of the development, as set out in paragraphs 81, 84 and 85 the NPPF, the existing use of the land as a mixed employment site that could intensify and the support for employment, overall in the Development Plan (as set out in Policy GEN01 of the Breckland Local Plan), these are considered to outweigh any conflict with any material planning considerations against the proposal and the conflict with Policy EC04 of the Breckland Local Plan (adopted 2019).

10.4 Subject to further information being provided with regards to drainage and the LLFA having no objections to the application, the proposed development, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town and Country Planning Act 1990 and Paragraph 2 of the NPPF, it is considered that the proposal accords with the development plan as a whole (despite being contrary to Policy EC04 of the Breckland Local Plan (adopted 2019)) and other material planning considerations weigh in favour of granting planning permission, in the form of Sections 6, 9, 11, 12 and 15 of the NPPF and the existence of a mixed use employment site. The proposals have been redesigned so as matters of highways, amenity, design and trees are all considered acceptable, subject to conditions. On that basis, the proposal has been recommended for approval, subject to the conditions listed at the end of this report and no objections from the LLFA with regards to flood risk.

RECOMMENDATION

Recommended for approval, subject to conditions and to the LLFA having no objections to the application.

CONDITIONS

- 1 Full permission 3 year time limit**
The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason for condition:- To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 2 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).
- 3 External wall and roof materials to be agreed**
No development shall commencement above slab level, unless or until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:- To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policies COM3, GEN2 and COM1 of the of the Breckland Local Plan (adopted 2019).
This condition will require to be discharged
- 4 Fencing protection for existing trees**
Any operation/works on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA) prepared by Oakfield, reference OAS 21-104-AR01.

Reason for condition:- The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).
This condition will require to be discharged
- 5 Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:- To ensure that risks from land contamination to the future users of the

land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework.

6 Construction Method Statement

Before the commencement of any works on the site, or such longer period as may be agreed in writing with the Local Planning Authority, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, the Method Statement should include:

- a) Procedures for controlling sediment runoff, noise, dust and the removal of soil, debris and demolition and construction materials from public roads or places
- b) Measures to mitigate impacts on the amenities of existing residential properties due to noise, dust and vibration.
- c) Details of the Site Waste Management Plan
- d) Measures to mitigate impacts on the amenities of the adjacent residential properties due to noise, dust and vibration.
- e) The Method Statement should comply with Breckland Councils acceptable working hours policy:

07:30 - 18:00 Monday - Friday

08:00 - 1300 Saturday

No works on Sundays or at any time on Bank Holidays without permission from Breckland Council Environmental Protection Team

- f) For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads, unless first approved in writing by the Local Planning Authority.

The approved details (or any approved revision thereof) shall be implemented and maintained throughout the construction period.

Reason for condition:- The details are required prior to the commencement of the development in the interests of the amenity of the area and to ensure a safe development from the outset of the development in accordance with Policy COM03 of the Breckland Local Plan (adopted 2019) and in the interests of maintaining highway efficiency and safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

7 Prior to the first occupation/use of the development hereby

Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 600mm above the level of the adjacent highway carriageway.

Reason for condition:- In the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

8 **Prior to the first occupation/use of the development hereby**

Prior to the first occupation of the new block to be constructed to the north of the application site, hereby permitted the proposed access/on-site car and cycle parking including 6% provision of accessible car parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:- To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

9 **Prior to any operations commencing on the site the Applicant**

Prior to the commencement of development, the Applicant shall submit to the Local Planning Authority a HGV Management Plan for the site. The Plan shall thereafter be implemented as approved and make provision for: -

- Monitoring of the approved arrangements during the life of the site.
- Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements.
- The disciplinary steps that will be exercised in the event of a default.
- Appropriate signage, details to be agreed with the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority, prior to first use of the development hereby approved.

The development shall be carried out in accordance with the approved details.

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). This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

10 **Hours of use - outside areas**

The development hereby permitted shall not operate outside of the buildings outside the hours of:

07:00 - 17:00 Monday to Friday

08:00 - 12:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

No plant, power tools or process shall be operated or take place anywhere on site on a Saturday except within the buildings other than electric forklifts to carry equipment between the two buildings.

The development hereby permitted shall not operate inside of the buildings outside the hours of:

07:00 - 17:30 Monday to Friday

08:00 - 12:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason for condition:- In the interests of the amenities of adjoining residents in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

11 Hours of Deliveries

No materials shall be loaded or unloaded, units run, nor engines idled outside the following times:

08:00 - 17:00 Monday to Friday

No deliveries shall be made to the site on Saturdays and Sundays.

No use of waste services, such as the scrap metal bin outside the hours of:

08:30 - 17:00 Monday to Friday

Reason for condition:- In the interests of the amenities of adjoining residents in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

12 Non standard noise restriction

The development hereby permitted shall not generate a noise level greater than that within the BS4142 assessment levels submitted with the application and last revised 19th August 2022 by Ian Rees.

The rating level at the boundary of the residential properties R1, R3 and R4 should not exceed 3dB above the background level.

The rating level at R2 should not exceed 3dB above the background level on Saturdays or 5dB Monday to Friday

The rating level at R5 should not exceed 5dB above the background level

All measurements to be taken using the methodology of BS 4142:2014+A1:2019. 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 adjoining residents in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

13 Forklifts

All forklift trucks or material moving or lifting vehicles operating on the site must be electrically powered and must use white noise or visual alarm systems at all times.

Reason for condition:- In the interests of the amenities of adjoining residents in accordance with policy COM03 of the Breckland Local Plan (adopted 2019).

14 Ecology

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Report (Huckle Ecology Ltd, March 2022) as already submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason for condition:- To preserve and protect ecology in accordance with Section 15 of the NPPF, Policy ENV01 of the Breckland Local Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

15 Ecology

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason for condition:- To preserve and protect ecology in accordance with Section 15 of the NPPF, Policy ENV01 of the Breckland Local Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

16 Lighting

Prior to first occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with a timetable for the provision of any lighting, which shall first be submitted to and approved and in writing, and the specifications and locations as set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason for condition:- To preserve and protect ecology in accordance with Section 15 of the NPPF, Policy ENV01 of the Breckland Local Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

17 Full details of external lighting

No external lighting shall be erected unless full details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting plan

indicating luminance levels both on the site and beyond, and a schedule of equipment including mounting heights. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall be installed, in accordance with a timetable for the provision of any lighting, which shall first be submitted to and approved and in writing, and maintained and operated in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

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

This condition will require to be discharged

18

Travel Plans

The Travel Plan measures, as outlined in Section 6 of the submitted Transport Statement dated March 2022 shall be implemented throughout the lifetime of this development.

Reason for condition:- To ensure that the development exploits any opportunities to make a location more sustainable in accordance with the requirements of paragraphs 84 and 85 of the NPPF and Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged