

Planning (Regulatory) Committee

Date: **Friday, 17 February 2017**

Time: **10:00**

Venue: **Edwards Room, County Hall,
Martineau Lane, Norwich, Norfolk, NR1 2DH**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Mr M Sands (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr C Foulger (Vice-Chairman)

Mr A Grey

Mr D Harrison

Mr T Jermy

Mr J Law

Mr B Long

Ms E Morgan

Mr W Northam

Mr E Seward

Mr M Storey

Mr J Ward

Mr A White

At meetings of this Committee, members of the public are entitled to speak before decisions are made on planning applications. There is a set order in which the public or local members can speak on items at this Committee, as follows:

- Those objecting to the application
- District/Parish/Town Council representatives
- Those supporting the application (the applicant or their agent.)
- The Local Member for the area.

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found [here](#).

**For further details and general enquiries about this Agenda
please contact the Committee Officer:**

Julie Mortimer on 01603 223055 or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

A g e n d a

1. To receive apologies and details of any substitute members attending

2. To agree the minutes from the Planning (Regulatory) Committee meeting held on 6 January 2017.

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3. **Declarations of Interest**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4. **Any items of business the Chairman decides should be considered as a matter of urgency**

5. **C/7/2016/7011: Unit 1 Bridge Industrial Estate, Silfield Road, Wymondham**

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Chris Walton
Head of Democratic Services
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 09 February 2017



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STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Crime and Disorder Act, 1998 (S17)

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights Act 1998

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 6 January 2017
at 10am in the Edwards Room, County Hall**

Present:

Mr M Sands (Chair)

Mr S Agnew
Mr S Askew
Mr M Baker
Mr C Foulger (Vice-Chair)
Mr A Grey
Mr D Harrison
Mr B Long

Ms E Morgan
Mr W Northam
Mr E Seward
Mr M Storey
Mr J Ward
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr B Bremner, Mr T Jermy and Mr J Law.

2 Minutes from the meeting held on 21 October 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 21 October 2016 were agreed as a correct record by the Committee and signed by the Chair.

3 Declarations of Interest

There were no declarations of interest.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for Determination:

5 Y/7/2016/7008: St Augustines Primary School, West End, Costessey, Norwich, NR8 5AG.

- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking retrospective planning permission for provision of a

new classroom block on part of the school playing field, within the settlement boundary. Conditional permission for the development under consideration was originally approved in 2014. Development had been undertaken without discharge of the pre-commencement conditions and the actual design of the classroom block was not fully in accordance with the approved drawings.

- 5.2 During the presentation of the report, the Committee was informed that, since the report had been published, comments had been received from Mr T East, Local Member for Costessey Division, which covered the application site. Mr East had confirmed that in his view the application should be approved. He also requested that Norfolk County Council write to the Diocese and say that they should engage in pre-commencement negotiations and ensure that the building conformed to the plans as agreed. He considered that the Roman Catholic Diocese was a large organisation, employing experienced planning consultants, who should be fully aware that development should not be commenced until pre-commencement conditions had been discharged and the building conformed to the agreed plans”.
- 5.3 Mrs Helen Bates, Assistant Director (Schools’ Service), Roman Catholic Diocese of East Anglia spoke on behalf of the applicant in support of the application. Mrs Bates apologised for the errors which had resulted in the application being presented to Committee and said it had not been an attempt to circumvent the planning processes, but had been a result of miscommunication caused by time pressures and changes in staffing. Mrs Bates added that the changes to the buildings were minimal and did not affect the scope of the scheme. One classroom was currently being used with two others being utilised in 2017 and 2020.
- 5.4 Upon being put to a vote, the Committee unanimously **RESOLVED** to
- i) Grant planning permission subject to the conditions outlined in section 13 of the report.
 - ii) Discharge conditions (in discussion with the Chair and Vice-Chair of the Committee) where those detailed in the report require the submission and implementation of a scheme, or further details, either before development commenced or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (in discussion with the Chair and Vice-Chair of the Committee) to deal with any non-material amendments to the application that may be submitted.

6 C/7/2016/7015: Land at Hempnall Road, Morningthorpe, NR15 2RE.

- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission for the upgrade of surface water drainage on the site, with the installation of a HydroFilterra tree unit, pipework and all associated works.
- 6.2 Since the report had been published, the Committee was asked to note the following additional information:

- 6.2.1 Mrs A Thomas, Local Member for Long Stratton Division, which covered the application site had confirmed she fully supported the proposals which would address long standing drainage issues.
- 6.2.2 Morningthorpe Parish Council had raised no objections to the proposal.
- 6.3 The following points were noted in response to questions from the Committee:
- 6.3.1 Once the filter system, which would include a mature native tree, had been installed responsibility for the ongoing maintenance would be carried out by the site owner – in this case the County Council' Waste Disposal Authority which was also under the control of the Executive Director of Community and Environmental Services. In the event the tree did not survive, it would be replaced by a native, mature tree of the same size and species.
- 6.3.2 One filter system would be sufficient for a site the size of the one detailed in the application. The mulch around the tree would clean the water, before it was discharged via underground pipework into a soakaway on an adjoining site.
- 6.3.3 In order to install the soakaway, it may be necessary to fell one existing mature tree. This would depend on the root system of the tree and would not be known until work to dig the soakaway started. If it was necessary to remove a tree, a replacement would be planted as detailed in the scheme required by condition 3b in section 13 of the report.
- 6.3.4 Although the land to house the soakaway did not fall within the ownership of the applicant, it was included in the area covered by the red line application site, therefore conditions could be imposed on the development.
- 6.3.5 As hazardous waste was not generally dealt with at the site, a very low level of contamination was likely to be produced. The Environment Agency would need to issue an environmental permit before the soakaway could be used and the Environment Agency would be responsible for monitoring discharges to groundwater.
- 6.3.6 Members requested an update be brought to a future meeting about how well the filter system was working and whether the tree had survived. The Planning Services Manager suggested the Committee hold a training session to cover this topic, which was agreed by the Committee.
- 6.4 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 13 of the report.
 - ii) Discharge conditions (after discussion with the Chair and Vice-Chair of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.

- iii) Delegate powers to officers (after discussion with the Chair and Vice-Chair of the Committee) to deal with any non-material amendments to the application that may be submitted.

7 In response to questions about the number of retrospective planning applications heard by the Committee and how many appeals had been successfully made, the Planning Services Manager advised that he was not aware of any increase in the number of retrospective planning applications at county level but reassured the Committee Norfolk County Council had a proactive enforcement policy in place. The Committee was also advised that approximately 33% of appeals were successful and this had been a steady percentage for some years.

The meeting ended at 10.30am

Chairman



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Planning (Regulatory) Committee

Item No.

Report title:	C/7/2016/7011 Unit 1 Bridge Industrial Estate, Silfield Road, Wymondham NR18 9AU
Date of meeting:	17 February 2017
Responsible Chief Officer:	Tom McCabe, Executive Director, Community and Environmental Services
Proposal and applicant: Part retrospective use of site as an Aggregates and Waste Storage and Distribution Depot; including associated infrastructure and access, and installation of a Cement Silo - Aggmax Transport Ltd.	

Executive summary

Part Retrospective planning permission is sought for use of a site as an Aggregates and Waste Storage and Distribution Depot. The proposed development site is located within an existing industrial area, and within the settlement boundary for Wymondham. The retrospective nature of the development relates to waste aggregate currently being stored on the site.

No objections have been received from statutory or non-statutory consultees, subject to conditions. However, objections and concerns have been raised by twenty members of the public in twenty seven letters of correspondence. The key concerns raised in public correspondence related to highway, amenity and drainage issues.

The key issues relate to impact on local amenity and surface water drainage on site. Whilst intentional unauthorised development is a material consideration, in this instance it is not considered that the retrospective nature of the application would represent a ground for refusal of permission and very little weight is given to this in the planning balance.

On balance, the proposed development is considered acceptable, subject to conditions, and there are no issues of sufficient weight to justify a refusal. It is considered that the proposal would be in accordance with the policies contained within Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011).

Recommendation:

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- **Grant planning permission subject to the conditions outlined in section 13.**
- **Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- **Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Waste Storage and Distribution
- 1.2 Site / extraction area : 0.46 ha
- 1.3 Annual tonnage : Total 20,000 tonnes
10000tpa of waste
10000tpa of aggregates
- 1.4 Duration : Permanent
- 1.5 Change in pupil / staff numbers / F E : Increase in 3 full time employees.
- 1.6 Hours of working / operation : 07:30 - 17:00 Monday to Friday
07:30 - 13:00 Saturday
- 1.7 Vehicle movements and numbers : 4004 Two way HGV movements per annum.
16 Two way movements per day. (based on 275 working days)
- 1.8 Access : Access is by a private road off Silfield Road in Wymondham.
- 1.9 Description of proposal

The application is for an aggregates and waste storage and distribution depot together with associated infrastructure and access.
- 1.10 The application would allow importation of inert materials (materials which are not chemically or biologically reactive, nor decompose) to the site where they will be bulked and stored before being distributed for processing, treatment or disposal at an alternative site.
- 1.11 The application also seeks use of two volumetric concrete mixers, to operate away from site, and a cement silo at the site.
- 1.12 The construction of the site would preliminary involved minor re profiling, erection of storage bays, and installation of the cement silo. There is currently a building, weighbridge and office on site which are proposed to be utilized should the application be approved.
- 1.13 In operation the site will involve deliveries of inert materials and aggregates by heavy good vehicles, vehicles using the weighbridge, depositing materials in stock bays, use of concrete mixers to operate elsewhere and an ancillary welfare/ sales office. Exportation from site will involve loading vehicles with a loading shovel, and exiting onto the public highway.
- 1.14 The total annual throughput proposed would be 20,000tpa. 10,000tpa of aggregates and 10,000tpa of inert waste respectively.
- 1.15 It is proposed that the operation of the materials transfer depot and ancillary facilities be undertaken between the hours of 07:30 to 17:00 Monday to Friday and Saturday mornings between 07:30 to 13:00.

2. Site

The site is located within the town parish of Wymondham, 1km from the access to the A11 and is located to the south of the railway station. Access is by a private road off Silfield Road.

The site is within an industrial allocation and is bounded by a railway line to the west, and industrial and commercial buildings on all other sides.

There are several residential properties within 125m of the site, these are predominantly on Silfield road the main access point.

3. Constraints

3.1 The following constraints apply to the application site:

- The application site is within Norwich Airport Safeguarding area
- The application site is 300m from Toll's Meadow, Wymondham Nature Reserve of Local Importance.
- The application site is 700m from Market cross.
- The application site is 700m from Wymondham Abbey.
- The application site is 435m from Wymondham Conservation Area.

4. Planning History

- 4.1 Permission was granted in 2002 under reference C/7/2000/7031 for inert waste recycling within a building. The site this report relates to only formed part of the application area. A letter sent to South Norfolk Council in 2011 regarding the application 2011/1471/CU stated that the permission C/7/2000/7031 had ceased.
- 4.2 More recently the site has had permissions granted by South Norfolk District Council. 2011/1471/CU and 2012/2241/RVC granted the retention of the site for importation of scrap metal, sorting reclaiming, cutting and batching.

5. Planning Policy

Development Plan Policy

- 5.1 **Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) (NMWDF)**

CS5- General location of waste management facilities

CS6- General waste management consideration

CS7- Recycling, compositing, anaerobic digestion and waste transfer stations.

CS13- Climate change and renewable energy

CS14- Environment protection

CS15- Transport

DM3 – Groundwater and surface water

DM4- Flood risk

DM8 – Design, local landscape and townscape character

DM10 – Transport

DM11 - Sustainable construction and operations

DM12 – Amenity

DM13 – Air quality
DM15- Cumulative impacts

5.2 **Norfolk Minerals and Waste Local Development Framework:
Waste Site Specific Allocations DPD (2013)**

5.4 **South Norfolk Local Plan Development Management Policies DPD (2015)**

DM 1.3 - The sustainable location of new development
DM 3.8 - Design Principles
DM 3.11 - Road safety and free flow of traffic
DM 3.13 - Amenity, noise and quality of life
DM 3.14 - Pollution, health and safety
DM 4.1 - Renewable Energy
DM 4.2 - Sustainable drainage and water management

5.5 **Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)**

Policy 1- Addressing climate change and protecting environmental assets
Policy 2- Promoting good design
Policy 3- Energy and water

5.6 No neighbourhood plan is currently in place.

5.7 **Other Material Considerations**

5.8 **The National Planning Policy Framework (2012)**

- 1: Building a strong competitive economy
- Paragraph 103 and 109- management of surface water.

5.9 **National Planning Policy for Waste (2014)**

5.10 **Waste Management Plan for England (2013)**

6. Consultations

- | | | |
|-----|--|---|
| 6.1 | Wymondham Town Council | : No objections; however raise concerns over traffic movements and potential increases in Dust and Noise. |
| 6.2 | South Norfolk District Council | : Do not object, however draw attention to concerns raised by local residents. |
| 6.3 | Environmental Health Officer (South Norfolk) | : <u>First Consultation:</u> No objection; requests submission of Dust control methods and conditions to control noise from the site.
<u>Second Consultation:</u> No objection requests provision of conditions. |
| 6.4 | Network Rail | : <u>First Consultation:</u> No representation received |

- Second Consultation: No comments to make on the application.
- 6.5 Environment Agency : First Consultation: No comments to make, notes the application requires an Environmental Permit.
Second Consultation: No objection Environmental permit being determined.
- 6.6 Lead Local Flood Authority (NCC) : First Consultation: Objects to application on surface water drainage grounds.
Second Consultation: Objects to application on surface water drainage grounds.
Third Consultation: No objection subject to implementation and accordance with a prior to commencement condition.
- 6.7 Anglian Water : No comments to make.
- 6.8 Highway Authority (NCC) : First Consultation: No objection; Requests submission of a HGV management plan.
Second Consultation: No objection HGV plan is satisfactory.
- 6.9 Norwich international Airport : Outside of consultation area.
- 6.10 Senior Green Infrastructure Officer (NCC) : First Consultation: Objects to the application.
Second Consultation: Interim response requests changes to supporting statement.
Third Consultation: No objection
- 6.11 Ecologist (NCC) : No objection.
- 6.12 County Councillor (*Mr Foulger*) : No correspondence received.
- 6.13 Representations
- 6.14 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.15 Twenty seven letters from twenty representatives of the public were received. Representation was received from both residents and businesses located near the site.
- 6.16 Seventeen letters objected on the grounds of traffic and congestion caused by the application, with several parties noting the private road was not suitable for heavy good vehicles especially should two be passing, and concerns of pedestrian safety due to a lack of footpath. In addition ten letters noted congestion of the railway bridge and noted that traffic would only be one way

under the bridge, objectors also raised concern there could be an increase in accidents, both by the bridge and off Silfield road. Several objectors noted this would cause a cumulative effect of traffic needing to divert. Concerns were raised that the scale of the proposed activity would be much greater than that currently taking place increasing HGV's and increasing concerns of access roads being blocked or damage caused to vehicles.

- 6.17 Nine objections were on the ground of both residential and workers amenity being affected by the scheme. Namely on the grounds of dust, noise, vibrations from vehicles, air pollution, proposed working hours and the visible amenity of the cement silo. Employers noted concerns that noise and vibrations would impact on work and that the cement dust could affect health of employees. Employers adjacent to the site objected further expressing concerns whether the dust management plan submitted would be implemented. Several objectors noted the sites proximity to housing and the recent housing development further off field and raised concerns of the appropriateness of the sites use due to the industrial site focusing on sales/ being a light industrial site.
- 6.18 Six objections noted drainage concerns for the development. They noted that the current drainage along the private access road is blocked, causing surface water runoff to Silfield road and the railway bridge. The objections express concerns that aggregate spill will add further to the problem, and that the site requires adequate drainage.
- 6.19 Three objectors noted the applications possible damage to the access road and infrastructure due to the use of heavy good vehicles, and that the current condition of the access road is unsuitable for the type of development, one objector had concerns over whose responsibility damaging and maintenance of the road would be.
- 6.20 Several objectors made reference to the previous sites use and operation noting negative effects in the past, with a few noting they felt the cease of the site as an end to heavy industrial use.
- 6.21 One objector's letter notes concerns of the applicant's access rights over the bellmouth land at the end of the access road and expresses concerns of safety and the overrun of private land by HGV lorries. The objector states that the application is contrary to the NMWLDF policies, and the land allocations. The objector further states that a 2013 application to South Norfolk was unlawful due to notice not being served on the owners of the road. Further points raised by the objector includes concerns over the initial proposal to remove bunds adjoining the site, incorrect red line on the initial application, notes that no permission has been granted for the erection of a sign on the site, and the lack of wheel wash facilities.
- 6.22 One objector's letter notes queries over contaminated material and whether the site had obtained an environmental permit, the letter requests designs of the stock bays on site, states that the applicant has no legal right over the access road and bellmouth and requests the applicant enter into a legal agreement to obtain rights. The objector raises concerns that the number of vehicles accessing the site is misleading, and incorrect numbers of vehicle movements are

represented in the application noting that a section 106 was imposed on other users. The objector further raises concerns that vehicles will cause obstruction to other sites, with concerns over the maintenance of the roadway and its gullies, and notes that all drainage from the site should not pass onto neighbouring land.

6.23 Other general objections noted that consideration should be given to the impact of the increase in aggregate fallout and spillage from lorries and the site, and the impact to businesses or house prices.

6.24 One letter of concern was received, although noting no objection, stated that lorry's often cut across the private forecourt of their business and were considering marking the boundary with posts.

7. Assessment

7.1 The issues to be assessed for this application are:

7.2 Principle of development

A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

"if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise".

7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted Norfolk Minerals and Waste LDF: Core Strategy 2010-2026 (2011), the adopted NMWDF Waste Site Specific Allocations DPD (2013), the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014), and the South Norfolk Local Plan Development Management Policies DPD (2015).

7.4 Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also a further material consideration of potentially significant weight as well as the National Planning Policy for Waste (2014).

7.5 The site is not allocated in the adopted Waste Site Specific Allocations Plan.

7.6 The site forms part of an industrial estate within the development boundary for Wymondham. The site has had previous permission from South Norfolk District Council for the storage of scrap metal and forms part of a site on which a waste planning permission was granted (by the County) in 2002. The 2002 application has since ceased but permitted the storage of waste outside. Therefore the site is in appropriate land for development under NMWLDF policy CS6, as long as the site would not cause unacceptable environmental impact on the existing industrial land.

7.7 The application is for a transfer station operation where inert waste is stored bulked up and transferred, processing would take place at an alternative site. In line with NMWLDF policy CS5: General location of waste management facilities

the proposed development type is not considered to be a strategic facility. The site is located within the Norwich Policy Area and is therefore 'well-related' in relation to the policy requirements. Therefore it is considered that the site is in compliance with this policy.

- 7.8 In addition Policy CS7 promotes the development of new waste transfer stations to handle all types of waste as long as they would not cause unacceptable environmental amenity or highways impacts.
- 7.9 Therefore, subject to an assessment of potential impacts, including environmental, amenity and/or highways impacts, the principle of this use could be acceptable at this location and would not be out of character for the immediate area.
- 7.10 **Amenity (noise, dust, light pollution etc)**
- 7.11 NMWLDF policy DM12 and Policies DM 3.13 and DM 3.14 of the South Norfolk Local Plan seeks to ensure unacceptable impact to local amenity will not arise from operation of the facility.
- 7.12 The site is located on an industrial site and is in close proximity to several business, in addition the closest residential dwelling is 125 metres from the site. Lorries would operate directly adjacent to several residential properties and the access to the site is directly opposite and adjacent to several dwellings on Silfield Road.
- 7.13 In terms of noise the main concern is from vehicles entering, operating and leaving the site. The original application requested operating hours between 06:30 to 18.00 Monday to Friday and 06:30 to 13.00 Saturday. These operating hours were deemed unreasonable causing unacceptable harm to local amenity given the proximity of dwellings to the site access and noise from the incoming vehicles. The operation times have thus been amended to 07:30 - 17:00 Monday to Friday and, 07:30 - 13:00 Saturday and would be conditioned to that effect. A condition would also be included enquiring that loading shovels are fitted with white noise reversing alarms only.
- 7.14 Concerning dust, the Environmental Health Officer requested submission of a dust management plan for the site. The proposed measures were considered reasonable to mitigate harm from dust arising from the sites operation. Henceforth the EHO have no objection to the application. In addition the application does not propose to process inert material on site therefore limiting negative dust effects, this will be conditioned as part of the application. The operation of the cement mixers and associated silo/ storage would be subject to an environment permit further controlling emissions of dust from the site.
- 7.15 The EHO and Environment Agency have been consulted on this application and have made no objection to the development.
- 7.16 The impact on amenity is not considered to be unacceptable on the basis that the mitigation methods are deployed as per the submitted plans and that the vehicles are limited to the aforementioned opening times. Given the above, the application

is considered in accordance with the aforementioned policy.

7.17 Design

7.18 NMWLDF policy DM8 requires new development to promote good design compatible with the existing or planned built form of the local area.

7.19 Development on the site is limited to a cement silo and stock bays no other ancillary development is proposed for the application. The stock bays would be constructed with a concrete base that will be laid to fall front to back, the wall of the bays will be made up of railway sleepers and will be brown. There will be provision of a condition to guarantee that stockpiles heights would not exceed 3 m.

7.20 The Cement Silo will be 9.5 metres high and 2.44 metres wide, this is 3-4 metres higher than ridgelines of the surrounding buildings, and therefore would be visible to the neighbouring employment sites. However given the context of the wider industrial site is not likely to present a notable adverse effect.

7.21 The designs are considered in keeping with the industrial use of the land and therefore the application is considered in compliance with the aforementioned policies.

7.22 Landscape / Trees

7.23 NMWLDF Policy CS14 requires developments to ensure that there are no unacceptable adverse impacts on the character and quality of the landscape

7.24 There are no Trees on or near the application site.

7.25 The original application proposed removal of the southern bund to the application site. However it was considered that the removal of the bund would not be compliant with policy on the basis that it would create a negative impact on the landscaping of the site as well as negative amenity affects.

7.26 The application was subsequently amended to include downscaled landscaping of the southern bund and moving the proposed stock bays in front of the retained bund structure. The Stockpile heights would be conditioned as part of any permission (to a maximum of 3 metres) so not to affect external views of the site. Following the amendments the landscape officer had no objection to the scheme. Therefore the application is considered in compliance with the aforementioned policy.

7.27 Biodiversity

7.28 The application site is within an industrial estate and there are no ecological areas nearby. The ecologist has no objection to the scheme and subject to an informative regarding nesting birds the application is considered in accordance with policy CS14 of the NMWLDF.

7.29 Appropriate Assessment

The site is within 10 kilometres of Lower Wood SSSI, Sea Mere SSSI, Flordon Common SSSI and Norfolk Valley Fens SAC, which are internationally protected sites. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, and based on the information submitted to the County Planning Authority (CPA), it is considered that the development would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required

7.30 Transport

7.31 NMWLDF Policy's DM10 and CS15 note applications should not cause unacceptable impacts on the local highway.

7.32 Access is via the private road adjoining Silfield road. The total number of HGV movements for the importation and exportation of aggregated and inert materials would be approximately 4004 two way HGV movements per annum (16 two way HGV movements per day) it is expected that the importation of cement would be included in the HGV movements and materials could be back-hauled where possible. The deliveries will be in 30 tonne loads and exportations in 15 tonne loads.

7.33 Once on site HGV's will use the weighbridge and then reverse and deposit materials into the designated storage bays. Aggregates will be loaded onto HGV's via a loading shovel.

7.34 The application also involves movements of two volumetric concrete mixers for use in conjunction with the cement silo.

7.35 A HGV management plan has been included as part of the application. This requires that all HGV's accessing the site shall turn right from Silfield road, whilst HGV's exiting the site shall turn left on to Silfield road and then head eastwards along Ayton Road and Browick road to reach the A11.

7.36 The NCC Highways Officer was consulted as part of the application and noted that the route from the site linking to A11 (running northwards from the site along Silfield Road and then eastwards along Ayton Road and Browick Road) is designated as an HGV access route within the Norfolk Route Hierarchy. The officer further noted that the current lawful permission for the site (as granted by South Norfolk) permits an annual throughput of 75,000 tonnes of material. In contrast this application seeks permission for 20,000 tonnes per annum. It was therefore considered that given the reduction in throughput, and with consideration for vehicle movements submitted, that the proposed use would result in fewer vehicle movements on the local highway network than currently legally permitted.

7.37 Subject to the submitted HGV plan being implemented for the duration of permission the highways officer had no objection to the scheme. Given the above the application is considered in compliance with the aforementioned policies.

7.38 Sustainability

- 7.39 Subject to maintenance, the ancillary equipment will not be in need of regular replacement. It is therefore considered that there would be no conflict with NMWLDF policy DM11 which requires applications to demonstrate consideration of sustainable construction.
- 7.40 NMWLDF Policy CS13 requires applicants to aim for incorporation of renewable or low carbon energy to generate a minimum of 10 per cent of their energy needs. No specific measures are provided as part of this scheme. However given the relatively small size and nature of the site it is not considered to be any unacceptable degree of conflict with the aforementioned policies.
- 7.41 **Groundwater/surface water**
- 7.42 NMWLDF policy DM3 notes that applications must demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water.
- 7.43 The Environment Agency has been consulted on this application and raises no objection. A permit has been obtained for the site which will ensure that waste is stored and treated on hardstanding, and that contaminating materials would be secured securely.
- 7.44 The site is not located in a groundwater source protection zone. Surface water mapping identifies the access road as being at a high risk of surface water flooding however the current site is at low or no risk.
- 7.45 The proposed storage bays would be formed with a fall to the back to contain surface water. In the initial application no further information had been submitted considering the potential impact of surface water downstream. Given evidence that the drainage system downstream had been impaired (although outside of the applicant's control) It was not felt that there was enough information to ascertain what level of harm if any could be caused by surface water from the development.
- 7.46 The Lead Local Flood Authority (LLFA) were consulted as part of the application and gave a standing objection until such time more information was submitted. The application was objected to in the absence of an acceptable drainage strategy including information concerning the adequate disposal of surface water run-off, control of silt run off, and a maintenance or management plan of the surface water collection method. The further information request included establishing what the existing drainage network onsite consists of including details on extent, its current capacity and connection to a wider network This information was requested to establish what addition (if any) to the drainage system may be required and to outline maintenance, whilst being economically proportionate to the development.
- 7.47 The LLFA also noted that drainage from the storage bins due to the retention of the southern bund was reasonable but noted some positive drainage may still be

required and would be needed in times of heavy rainfall or empty bins.

- 7.48 Following discussions with the applicant it was stated that a soakaway was currently in place on site as a requirement of a previous development. Following a request for evidence of the soakaway, no current evidence could be submitted to confirm its position, condition, age or existence in the timescale of this application. It is therefore proposed that option 1 in terms of surface water drainage would be the use and maintenance of the current soakaway following submission of substantiated information pertaining to its condition and current location on site. Further to this option 2 proposed by the applicant would be the implementation of an infiltration trench at the west of the site.
- 7.49 Following a final consultation with the LLFA they noted that due to uncertainties with the existing drainage system and to ensure that control of surface water runoff is managed to prevent the worsening of known risks off site, a condition would be required to establish what the existing onsite soakaway consists of, including detail on extent and its current capacity. Should investigation of the existing systems show it is not suitable then option 2 outlined above or an alternative appropriate surface water system shall be installed. In addition a maintenance and management plan has been requested. Subject to the implementation of this condition prior to commencement of any further works the LLFA have no objection to the scheme. Anglian water were also consulted and following review of the condition proposed had no comments on the application.
- 7.50 Subject to condition and suitable implementation and maintenance of a surface water interception scheme the application is considered in accordance with the aforementioned policy.
- 7.51 **Flood risk**
- 7.52 CS13 and DM4 seek to ensure flood risk is not increased on site or elsewhere.
- 7.53 The site lies within Flood Zone 1, which is an area at low risk of flooding. The site is under 1 hectare and therefore no Flood risk assessment is required in relation to potential flooding from rivers and the sea.
- 7.54 Notwithstanding the issues as set out in 7.41- 7.50, and the submission of the drainage scheme as secured by condition the application is considered to be generally compliant with the aforementioned policies in terms of managing flood risk from rivers and sea.
- 7.55 **Cumulative impacts**
- 7.56 NMWDF Policy DM15 seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

- 7.57 In this instance, the previous use of the site for waste development is not considered to cause negative cumulative affects due to the permission being superseded by permission granted by South Norfolk's and its positioning within the industrial area. In addition should permission be granted this would supersede the standing permission granted by South Norfolk. Should neighbouring sites operate a waste or mineral permission, so long as that development was considered acceptable in its own rights, it is not considered there would be unacceptable cumulative impacts especially when considering the industrial nature of the land.
- 7.58 **Environmental Impact Assessment**
- 7.59 The application was screened on receipt and re-screened at the report stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.
- 7.60 **Responses to the representations received**
- 7.61 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 7.62 Nineteen individuals objected to the application predominantly on grounds of traffic management, amenity, drainage and quality of the access road. Full objections are listed in section 6. 16. It is considered that many of these points are covered in the statutory consultee responses above.
- 7.63 Concerning objector's comments relating to the previous sites negatives affects, each planning case should be determined on its own merits, and cumulative impacts have been assessed for the site.
- 7.64 Concerning objector's comments relating to the applicants right of way over the access road, request for a Section 106 for maintenance and potential damage to, and the condition of the road. As the access road is private this is outside the scope of planning, and is deemed a civil matter. Concerning the bellmouth it is considered by highways that vehicles would have suitable space to safely enter the highway. It is not felt that for an application of this size that a S106 would be required to make the application acceptable. The objections relating to the development impacting house prices is in addition outside the scope of planning.
- 7.65 Concerning objector's comments relating to the unlawfulness of the 2013 application to South Norfolk. The application is considered lawful, the red line for the application did not cover the access road therefore no notification of the land owners was required.
- 7.66 **Intentional Unauthorized Development**
- Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

7.67 In this instance the retrospective nature of the development relates to the storage of inert waste within the sites boundary only. The previous planning permission did allow storage of waste outside (scrap metal) therefore storage outside is technically permitted however it is clear onsite that waste currently being stored is inert aggregate material, and that should the application be approved the scrap metal use would be superseded.

7.68 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and no weight is given to this in the planning balance.

7.69 **The Community Infrastructure Levy**

7.70 The development isn't CIL liable as the application does not propose an increase in floor space of more than 100 square metres.

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

9.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

9.5 **Equality Impact Assessment (EqIA)**

9.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

9.8 **Communications:** There are no communication issues from a planning perspective.

9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.

9.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

10. Section 17 – Crime and Disorder Act

10.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.

11. Risk Implications/Assessment

11.1 There are no risk issues from a planning perspective.

12. Conclusion and Reasons for Granting/Refusing of Planning Permission

12.1 Part retrospective planning permission is sought for the use of the site as an Aggregates and Waste Storage and Distribution Depot; including associated infrastructure and access, and installation of a Cement Silo

12.2 The application site lies wholly within the existing previously developed industrial land, and has had previous permitted use as a waste site.

12.3 Whilst it is acknowledged that the proposal would potential result in increased noise and dust in relation to local amenity, It is considered that the application has outlined suitable mitigation methods to allow the development not to result in unacceptable impacts.

12.4 In relation to an empty site the application would involve a significant increase in vehicle movements. However since the sites previous permission was for 75,000 tonnes whilst this application seeks 20,000 tonnes there would be a decrease in the lawfully allowed vehicle movements. Although it is anticipated the vehicles would have a larger capacity.

12.5 The site has presented two schemes for the safe interception and removal of surface water within and outside the site. This would be secured by a condition.

12.6 No statutory consultee has raised any objections, subject to the imposition of an appropriately worded condition on any grant of planning permission.

- 12.7 For the reasons detailed in this report, on balance, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development must be carried out in strict accordance with the application form, plans and documents detailed below:

- a) Supporting Statement; prepared by Pde consulting; received 13/01/2017;
- b) Site Location Plan; 16 567/004_0; Rev 05; dated 01/08/2016;
- c) Topographic Site Survey; 16 567/005_0; Rev 05; dated 13/10/2016;
- d) Proposed Development Plan; 16 567/006_0; Rev 08; dated 12/01/2017;
- e) Proposed Cement Silo; 16 567/007_0; Rev 01; dated 01/06/2016;
- f) Dust management plan; prepared by Pde consulting; dated October 2016;
- g) HGV management plan; prepared by Pde consulting; dated October 2016;

Reason: For the avoidance of doubt and in the interests of proper planning

- 13.2 No operation authorised or required under this permission, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:

07.30-17.00 Mondays to Fridays

07.30- 13.00 Saturdays

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.3 Prior to commencement of any further development, in accordance with the Revised PDE consulting Limited Planning Application (Sections 4.20 to 4.26) and the revised Proposed Development Plan dwg 16 567/006_0 Rev 08, details of the existing surface water drainage scheme including the following measures shall be submitted to and agreed with the County Planning Authority in consultation with the Lead Local Flood Authority.

I. Provision of surface water attenuation storage and infiltration, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period including allowances for climate change and flood events.

II. A maintenance and management plan detailing the activities required and detail of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

Should the existing soakaway system not be identified or found to be inadequate in addressing the above matters a new system shall be designed, constructed and maintained in accordance with requirements to be submitted and agreed with the County Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent flooding in accordance with National Planning Policy

Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

- 13.4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or the landscape, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.5 No more than 20,000 tonnes of waste and aggregates combined per annum shall be brought onto the site.

Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.6 From the date of this permission the operators shall maintain records of their monthly input of waste and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason: In order that the County Planning Authority can monitor the input of waste, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.7 No waste or other material shall be brought onto the site except that which is to be stored and distributed in accordance with this permission.

Reason: To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.8 No processing of inert material or aggregates shall take place on site. The cement truck used in conjuncture with the cement silo shall not be mixing cement on site.

Reason: To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.9 Measures shall be taken to prevent dust nuisance caused by the operations, the operation shall be in strict accordance with the Dust management plan dated October 2016.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.10 No materials shall be stacked or deposited on the site such that its height exceeds 3 metres above its base level, or such that it would be visible from neighbouring properties.

Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.11 For the lifetime of the permission, HGVs associated with the development shall not access and exit the site except in accordance with the HGV management plan dated October 2016. The scheme shall be implemented in line with the measures outlined to ensure compliance with the approved route unless otherwise agreed in writing by the County Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.12 Measures shall be taken to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

Reason: In the interests of highway safety, in accord with Policy CS15 of the Norfolk minerals and Waste Core Strategy 2010-2026

- 13.13 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

Reason: To safeguard hydrological interests, to accord with Policies CS14 and DM3 of the Norfolk minerals and Waste Core Strategy 2010-2026

- 13.14 Loading shovels shall be fitted with white noise reversing alarms only, unless otherwise agreed in writing by the County Planning Authority.

Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.15 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Background Papers

Appendix 1: Wymondham C720167011 Location Plan

Appendix 2: Wymondham C720167011 Site Plan

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

[http://www.south-norfolk.gov.uk/sites/default/files/JCS Adopted Version Jan 2014.pdf](http://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf)

South Norfolk Local Plan Development Management Policies Document (2015)

[http://www.south-norfolk.gov.uk/sites/default/files/Development Management Policies Document 0.pdf](http://www.south-norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf)

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

The National Planning Policy Framework (NPPF) (2012)

<http://planningguidance.planningportal.gov.uk/>

Planning Practice Guidance (2014)

<http://planningguidance.planningportal.gov.uk/>

National Planning Policy for Waste (2014):

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Waste Management Plan for England (2013)

<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Government's Ministerial Statement on Intentional Unauthorized Development

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final Chief Planning Officer letter and written statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

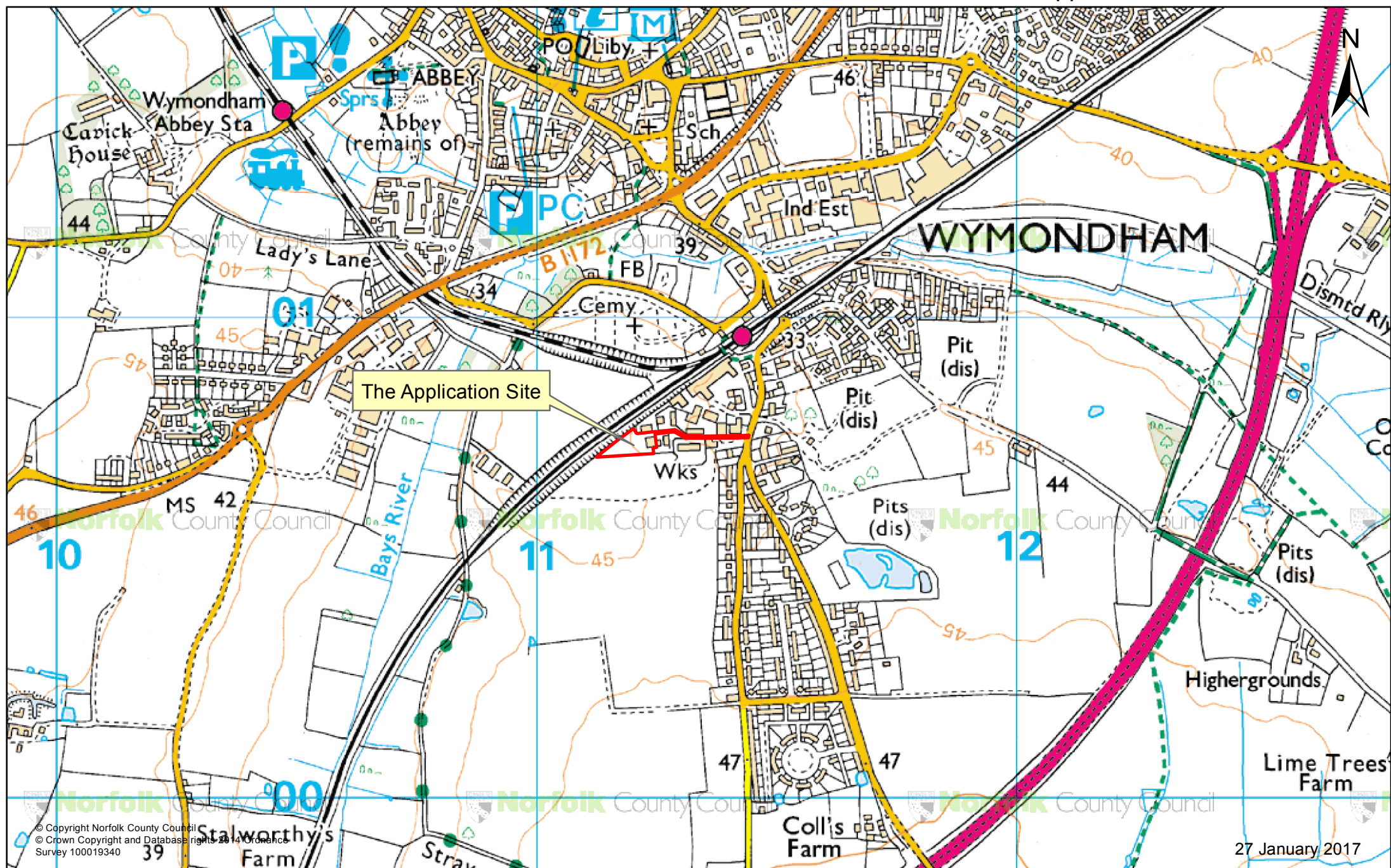
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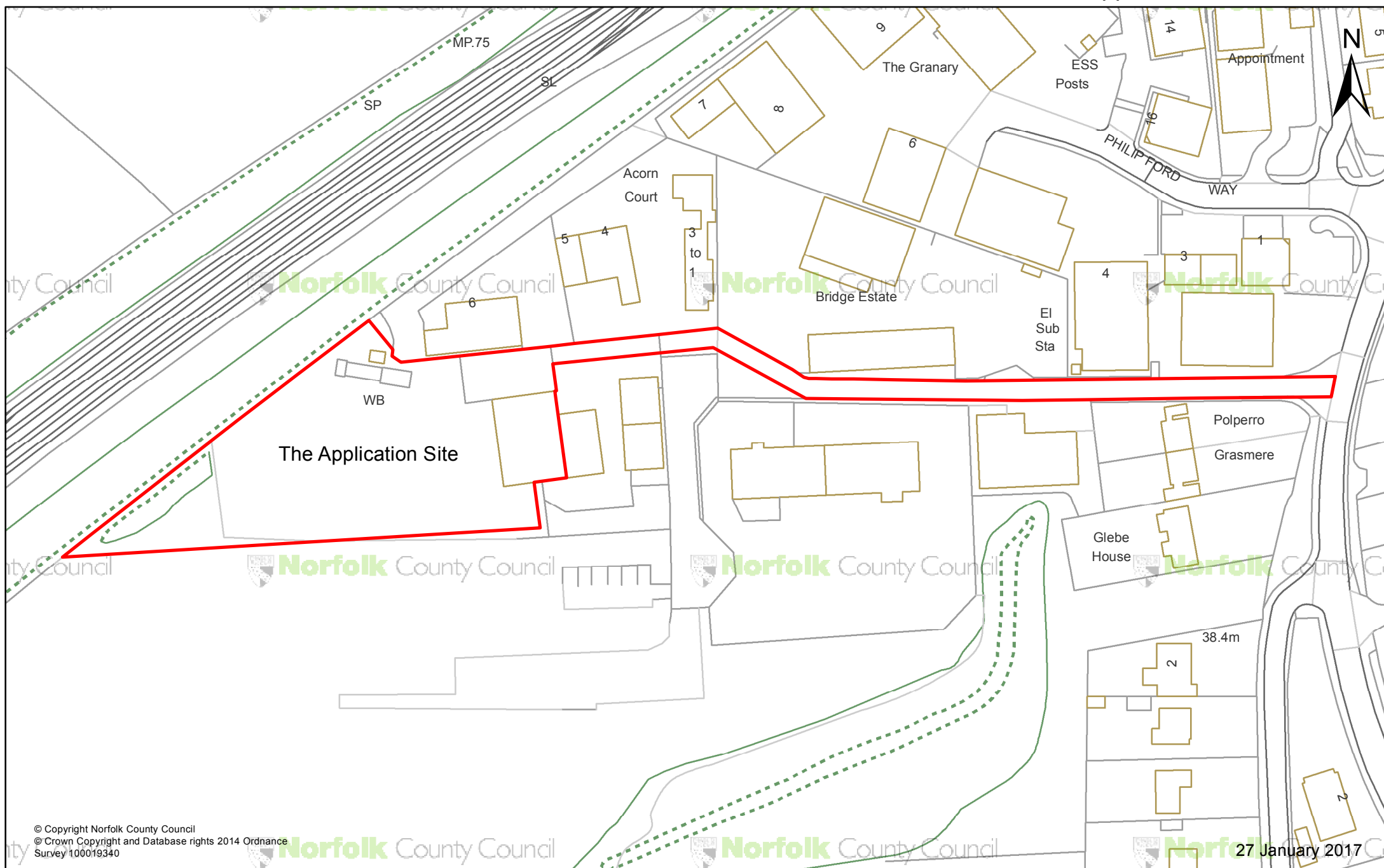


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