

<b>Parish:</b>	<b>Hockwold cum Wilton</b>	
<b>Proposal:</b>	<b>Retrospective application for use of land for an equine care / livery business, mobile home / temporary accommodation ancillary mobile unit housing customer w.c.s, office and tack room</b>	
<b>Location:</b>	<b>Twelve Acre Farm Moor Drove (East) Hockwold cum Wilton Norfolk</b>	
<b>Applicant:</b>	<b>Mr Brian Rutterford</b>	
<b>Case No:</b>	<b>20/00366/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 9 June 2020 Extension of Time Expiry Date: 15 January 2020</b>

**Reason for Referral to Planning Committee** – Officer Recommendation is contrary to Parish Council representation and referred to Committee by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

The application site is located on the northern side of Moor Drove (East), approximately 700m south of the village of Hockwold-cum-Wilton and is 4.75ha in size. The site is categorised as countryside in the adopted Site Allocations and Development Management Policies Plan (SADMPP)(2016). This application seeks retrospective planning permission for an equine / livery business, for a mobile home as temporary accommodation and for an ancillary welfare mobile unit housing w.c.s, office and tack room. The applicant has submitted evidence in the form of a business plan to support their case, and argues that a dwelling is necessary in this location to support this business.

The site consists of a series of paddocks bounded by post and wire fencing with some sporadic native hedges and trees. Within the site there is also existing field shelters, and two agricultural storage buildings.

The site partially lies within Flood Zones 2 and 3, however where the caravan is situated it is in Flood Zone 1.

**Key Issues**

- Principle of Development
- Need for a Rural Dwelling
- Form and Character
- Highways / Public Rights of Way
- Archaeology
- Other material considerations

**Recommendation APPROVE**

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## **THE APPLICATION**

The application site is located on the northern side of Moor Drove (East), approximately 700m south of the village of Hockwold-cum-Wilton. The site is categorised as countryside in the adopted Site Allocations and Development Management Policies Plan (SADMPP)(2016). The site is 4.75ha in size and was previously in agricultural use. This application seeks retrospective planning permission for an equine / livery business, for a mobile home as temporary accommodation and for an ancillary welfare mobile unit housing w.c.s, office and tack room. The applicant has submitted evidence in the form of a business plan to support their case, and argues that a dwelling is necessary in this location to support this business.

The site consists of a series of paddocks bounded by post and wire fencing with some sporadic native hedges and trees. Within the site there is also existing field shelters, and two agricultural storage buildings.

The site partially lies within Flood Zones 2 and 3, however where the caravan is situated it is in Flood Zone 1.

## **SUPPORTING CASE**

The business has proven itself to be a viable one both due to it's length of operation and as demonstrated within the business plan submitted as part of this application. It is essential that staff are on site 24/7 in order to provide care and security for the horses and other animals on site. The Livery depends on this. Approval was granted previously for a mobile home in this location, for this use. In effect an approval would be a continuation of such.

The site is in a very rural location where you would expect to find such a business, away from dense residential development. No ground contamination exist on site and an archaeological survey has been carried out relatively recently. An adequate Flood Evacuation Strategy has been provided. Public right of way / access to the site has been proven, which Norfolk County Council are happy with, plus the applicant has agreed to upgrades, as required, to the vehicular access off the main road.

The proposal is a modest one which seeks to compliment an existing established use and can see no planning reason why approval should not be granted for this application.

## **PLANNING HISTORY**

14/01659/F: Application Permitted (Delegated decision): 21/01/15 - Application for the erection of three polytunnels; (1x) 20m x 8m, (1x) 20m x 5m, (1x) 20m x 4m - Twelve Acre Farm

14/01658/F: Application Permitted (Delegated decision): 21/01/15 - Application for the erection of three polytunnels; (1x) 20m x 8m, (1x) 20m x 5m, (1x) 20m x 4m - Twelve Acre Farm

14/01657/F: Application Permitted (Delegated decision): 21/01/15 - Application for the erection of three polytunnels; (1x) 20m x 8m, (1x) 20m x 5m, (1x) 20m x 4m - Twelve Acre Farm

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14/01644/F: Application Permitted (Delegated decision): 13/02/15 - Application for the erection of a general purpose agricultural building - Twelve Acre Farm

13/01264/F: Application Permitted (Delegated decision): 28/10/13 - Retrospective application for the siting of a mobile home - Twelve Acre Farm

12/01724/F: Application Permitted (Delegated decision): 18/12/12 - Construction of dog kennels - Twelve Acre Farm

11/01949/F: Application Permitted (Delegated decision): 01/08/12 - Retrospective application for the construction of three chicken runs and a timber shed - Twelve Acre Farm

08/02714/F: Application Permitted (Delegated decision): 05/02/09 - Construction of machinery/feed store - Land At Moor Drove

11/01793/F: Application Permitted (Committee decision): 09/01/12 - Retrospective application for the increase in height of machinery/feed store with reference to previously approved application

08/02714/F: Twelve Acre Farm: Application Permitted (Delegated decision): 05/02/09 Construction of machinery/feed store

12/00448/F: Application Permitted (Committee decision): 29/05/12 - Retrospective consent for a change of use of land for the siting of temporary agricultural dwelling (mobile home) - Twelve Acre Farm

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

In agreement with the comments made by all of the Councillors, it is proposed that the plan should be objected to for the following reasons:

- that a Heritage Statement be required, submitted to and approved by the local planning authority.
- that a Transport Assessment/Statement or Travel Plan be submitted as there are significant transport implications with this proposed plan.
- via Church Lane and Moor Drove - this is an extremely unmade road and totally unsafe for increased vehicle traffic and unaccessible for horse boxes.
- via Station Road and Moor Drove - Station Road is a busy road, particularly as it takes the traffic between the two American air bases located in Feltwell and Lakenheath. The access is at the transition to 40mph limit, where traffic either speeds up as they can see the derestriction sign or maintain speed before reducing to 40mph. In addition, exiting from Moor Drove, looking to the right, there is a bend in the road which limits the view both of horsebox drivers and of Station Road drivers, particularly when horseboxes tend to be driven slowly.
- that it doesn't include for the agricultural tie to be removed (Which would be highly OBJECTED TO) - this is important as with an agricultural tie horses can be grazed but cannot be ridden or lunged.
- that it is not in kind to the previous local neighbouring plan, passed with;
- the standard archaeology conditions:
- no gymkhanas or riding events shall take place on the site.

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- The outdoor riding arena hereby approved shall only be used to accommodate the horses of the occupants of Wetherley, 77 South Street, Hockwold cum Wilton and shall not be used for any commercial riding or training purposes.
- that the application is incomplete. The current plan does not include
- Events held on this site. (several planned for this year)
- The large metal storage containers that are on site, advertised for rent at £90 per calendar month.
- The construction of electric fencing which has enveloped the Highway verge.
- The signage. (One which is threatening violence)
- The advertised Tea room.
- The 24 hour presence on site already.
- The offer of unlimited water and electricity.

**Highways Authority: NO OBJECTION** subject to condition.

Having reviewed the revised information submitted, further to our discussion and a further visit to the site have the following conclusions:

It is evident that Moor Drove (East) is not straight in its alignment at its north end and that when tuning in from Station Road it is not fully clear if the way is clear. It is also evident, from the highway boundary information and site visits, that the applicant does not have sufficient rights to straighten the alignment to improve of the level of forward visibility.

Forward visibility on Station Road itself, while waiting to turn right, only just accords with standard and that the junction of Moor Drove (East) has loose material. Therefore the junction is not suitable for large gatherings and larger vehicles in any numbers. Therefore in this respect it is recommended that the application be conditioned so that no events can be undertaken.

The consideration is then for the equine care, livery and temporary accommodation. The majority of associated vehicle traffic movements would be from private cars visiting the site rather than by horse boxes or trailers which would generally be occasional. While there are reservations that there would be additional traffic through the unmade junction, it is clear that the junction can be improved significantly within the extents of the public highway. The junction could be improved to enable two cars to pass within the junction and for this area to be hard surfaced to NCC standards, thus to provide improve traction and to aid in the prevention of loose material being carried out onto Station Road.

With the introduction of junction surfacing improvements to aid the safe use of vehicles passing, slowing and accelerating in the junction the services supporting livery and equine care could be accommodated. And therefore recommend a condition is attached to secure this upgrade.

**Public Rights of Way: NO OBJECTION**

Further to the applicant obtaining the relevant Highway Boundary map relating to the alignment of Hockwold Byway Open to All Traffic, we would concur with our colleagues in the Highways department. With the inclusion of the condition suggested by Highways requiring detailed plans of the access improvements, we would be willing to withdraw our holding objection. Any work within the PROW must be agreed in advance with Norfolk County Council and a legal Temporary Closure Order may need to be applied for in advance to allow the works to be carried out.

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**Historic Environment Service: NO OBJECTION** subject to condition.

The site does lie in an archaeologically sensitive area. It appears to be a Roman settlement and possibly religious site. Small scale excavation has taken place here conducted by one T. Clarke between 2002 and 2006, but we are still awaiting a report on those works.

We would ask that if further groundworks are planned, these should be subject to our usual three stage conditions.

In addition, we have not yet received a report for T. Clarke's excavations and would like a condition ensuring that that is delivered.

**Community Safety and Neighbour Nuisance Team: NO OBJECTION**

No objection or concerns regarding this proposal. The site is remote and therefore should not impact on un-related residents or cause any disamenity. Concerns were raised in relation to events at the site and a tearoom, which could attract large numbers of visitors over a small timeframe and intensify the use of the site, generating noise disturbance for residents over and above existing levels. Control measures would be required to limit any potential impacts of these.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION**

Based on the information supplied, I have no comments to make regarding contaminated land or air quality.

**Historic England:**

**NO COMMENTS**

**Natural England:**

**NO COMMENTS**

## **REPRESENTATIONS**

**THREE NEUTRAL** letters were received to the application from the same individual which referred to-

- Clarification sought for the proposals to improve/ widen /resurface the entrance to Moor Drove East. Is this deliverable?
- Access is used by other land owners and for walking and horse riding.
- Who would be responsible for overseeing the junction works? And for maintaining the junction and track?
- Requests a speed bump in provided, and the drove is blocked beyond Twelve Acre Farm to restrict use of this as a through route to Church Road.

**ONE SUPPORT** letter received stating –

The site was previously overgrown with rubbish/ scrap dumped here. The use of the site and the works done have tidied the area up, and made it feel much safer for walkers.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

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**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

This issues for consideration include:

- Principle of Development
- Need for a Rural Dwelling
- Form and Character
- Highways / Public Rights of Way
- Archaeology
- Other material considerations

### **Principle of development**

In terms of national policy, the National Planning Policy Framework (NPPF) is generally supportive of a prosperous rural economy and states:

“83. 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;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

This application seeks to establish an emerging rural business through the change of use of land, siting of an ancillary building for welfare facilities and by providing temporary on-site

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accommodation which the applicant argues is necessary for the continuation and success of the business.

In terms of the use of the land, this was previously agricultural and the application seeks consent to change the land to an equine / livery business. However the applicant currently also has 3 breeding ewes and 3 lambs (to which they plan on increasing the flock on this application site and on other owned and rented land nearby). They also have 1 breeding sow, 12 chickens and 7 ducks. There are no goats kept now as these became a nuisance. The keeping of this small number of animals is in accordance with the existing use of the land. The use of the land for the keeping of horses is a familiar use in the locality and accords with Local Plan policy. The siting of the welfare unit is also considered acceptable given the rural location of the site. The welfare unit is a mobile unit and could be removed if the use of the land / business ceases.

In terms of the temporary mobile home, the application site is located outside of development boundaries for the village of Hockwold and therefore within the countryside, as designated by Policy DM2 of the Site Allocations and Development Management Plan (SADMPP) (2016). Policy DM2 restricts new residential development in areas outside development boundaries to that identified as suitable in rural areas by other policies in the local plan; including rural workers housing (Policy DM6 of the SADMPP).

### **Need for a Rural Dwelling**

Policy DM6 states:

“....Temporary occupational dwellings

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.
5. New temporary dwellings should only be allowed to support rural based activities providing:
  - a. The proposal satisfies criteria 3a and 3b above. There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night, 3b. The need could not be met by existing dwellings within the locality,]
  - b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);
  - c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis...”

In terms of addressing criterion 5a, the change of use of the land and use of existing field shelters and agricultural buildings are included within this application. The applicant makes the case that they currently have, on site, 10 livery horses of which 6 are part livery. They also have 4 brood mares and 1 stallion on site. The part livery are looked after 75% of the time at the moment. However at the current time the applicant can only offer DIY livery or part livery as they do not want to invest further in the business if this application were not to be successful. The intention is that if consent is granted the applicant could then look at constructing stables on site. Being able to live on the site would enable the applicant to broaden the offer of the business to offer full livery and also care for horses that need respite care as these would need to be monitored closely through the day and night.

Given the rural nature of the locality, the nearest alternative housing options available would be in the village of Hockwold. The applicant argues however that they need to live on the site, due to the nature of the business, and therefore there are no alternative opportunities for housing in this immediate locality which would meet their need.

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Criterion 5b from policy DM6 requires clear evidence of an intention and ability to develop the business. The established use of the land and the investment made on the site to date in terms of clearing up the site, the fencing for the paddocks, and the purchase of the mobile home and the deposit paid on a tractor shows a level of commitment to the business. The applicant has spent £11,000 to date, and there is a clear intention for the investment to continue if consent is granted. The applicants are trained and experienced in offering the specialist services on offer.

In response to the final criterion, 5c, the applicant has submitted a Business Plan to illustrate that the business has been planned on a sound financial basis. The applicant argues that it is their intention to broaden the offer on the site, to offer full livery, respite care livery, holiday livery and potentially schooling livery.

The business plan submitted indicates the predicted income and expenditure of the enterprise on an annual basis. This indicates that the business to date has monthly expenses of £912 a month which includes hay/haylage (£90), goat feed (£40), Pig feed (£50), chicken feed (£20), rent (£333), tractor finance (£336) and insurance (£43). The applicant currently charges DIY grass livery at £30 a week, part grass livery at £35 a week and full grass livery at £65 a week. Weekly projected income is at approximately £375 a week. Over the year the total profit projected is approximately £8,556 without the deduction of a salary.

However if the applicant were to gain consent and went on to build 4 stables they would then be able to charge full livery at £100-£120 a week, respite care would be £75-£155, holiday livery £100-150 depending on the horses needs and schooling livery £100-£150 depending on owners requirements. The business will be run by the applicants alone and no additional staff will be required. The annual figures supplied predict a profit; and there is usually a 'presumption in favour' when trying to establish a business. The business plan supplied meets the requirements of policy DM6.

It is recommended that the siting of the temporary dwelling is conditioned for a period of 3 years. This provides sufficient time for the applicant to establish a profitable business. Furthermore this is an application for the temporary siting of a caravan and if the business is not successful this caravan will have to be removed.

In summary, the applicant has met the requirements of policy DM6, and therefore is in accordance with the NPPF, Policy CS6 of the Core Strategy (CS) (2011), and Policies DM2 and DM6 of the SADMPP (2016).

### **Form and character**

The form and character within this locality of Moor Drove (East) is one of sparse residential development with predominantly agricultural land and paddocks and stabling. The use of the land for equine care/ livery is entirely within keeping.

The application includes temporary consent for a residential caravan, and an ancillary welfare unit in association with this use. These are already in place and do not have a significant nor detrimental impact on the form and character of the locality, but rather are something often seen alongside such land uses.

Therefore in summary in terms of form and character, this application has little impact on the rural form and character in this locality, and is in accordance with the NPPF, Policy CS08 of the CS (2011) and Policy DM15 of the SADMPP (2016).

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## **Highways / Public Rights of Way**

Detailed discussions have taken place with the Local Highway Authority(LHA) during the application process, as to the acceptable levels of traffic generation for the site, as well as the ability to improve the junction at Station Road and Moor Drove (East). However, the applicants have agreed that public events will not take place on site and the application seeks consent for use of the land for livery/ equine care and temporary accommodation. While this would generate additional traffic through the unmade junction, this could be significantly improved within the extent of the public highway. The improvements could enable two cars to pass within the junction and for this area to be hard surfaced to NCC standards. With the consent conditioned accordingly the LHA does not object to the scheme.

Access to the site is along an existing Public Right of Way (PROW) known as Hockwold-cum-Wilton Byway Open to All Traffic 14. While initially concerns were raised by the Norfolk County Council Public Rights of Way Team, with the inclusion of the condition suggested by Highways requiring detailed plans of the access improvements, the team has withdrawn its objections to the scheme. The PROW Team do state that any work within the PROW must be agreed in advance with Norfolk County Council and a legal Temporary Closure Order may need to be applied for in advance to allow the works to be carried out.

The Parish Council has objected to the scheme on the basis that the junction of Station Road and Moor Drove has poor visibility and with traffic at high speeds is unsafe. They also draw attention to the fact that Moor Drove is an unmade road and unsafe and inaccessible. We have also received queries from a resident asking whether the junction improvements are possible, who would oversee them and who would be responsible for the maintenance of the PROW and the junction. Norfolk County Council as the Local Highway Authority would be responsible for the monitoring and maintenance of this PROW and junction. The LHA officer has considered the land ownership and rights of access at the junction and is satisfied that the junction can be improved within the extent of LHA land.

The Parish Council requested a Travel Plan is produced for the business. However ,this is not required by the LHA, particularly now the business is not allowed to hold public events.

The proposal complies with the NPPF, Policy CS11 of the CS and Policy DM15 of the SADMPP.

## **Archaeology**

The Parish Council raised concerns about the application and stated that a Heritage Statement should be provided and the standard archaeology conditions attached to a planning consent. The Historic Environment Service (HES) has not objected to the application. Previous applications on the site, which have included groundworks, have included the need for a written scheme of investigation for the site. The HES officer has stated that given this application is for the change of use of the land and siting of a caravan and welfare unit and that no groundworks are included and that these conditions are not required. However, if the applicants were in the future to apply for planning permission which included groundworks, this investigative work would then be required. The HES officer has asked the landowner of the site for the outstanding information related to previous investigative works and the discussion is ongoing. The applicant has stated in recent correspondence that there is no updated/ new report. The previous report was done before the concrete slab was laid and nothing has changed structurally since. There was also a steel shed erected and supported with posts and no base. The site is accessible to any archaeology features. In summary, the Council cannot require this detailed historic information as part of this current planning application given the 'development' proposed. Overall, the proposal complies with the NPPF and Policy CS12 of the Core Strategy 2011.

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## Other considerations

- Initially the applicants were holding fun days/ events on the site and proposed to continue to do so. These were advertised to the general public with the aim of attracting a number of people to the site. Refreshments were also provided at the site. During the application process it was made clear to the applicant that this would be contrary to policy and the Local Highway Authority would raise an objection to the application. The applicant has removed this aspect from this application. If consent was granted this would be conditioned accordingly to prevent public events being held on the site.
- The Parish Council raises concerns about a number of other detailed issues including the advertisement of storage containers for hire on the site, the free offer of water and electricity and the signage, electric fencing, as well as an advertised tea room. In response to this, the applicant has confirmed that the 'tea room' is the welfare room and is for the users of the site and is not a tea room for the general public. In terms of the signage, there are standard small signs on fencing requiring dogs to be kept on leads to protect the animals. This is considered acceptable. While there was some electric fencing up this has since been relocated by the applicant. The storage containers do not belong to the applicants but are owned and used by the landowner and are not related to this business.
- Part of the wider application site is located within flood zones 2 and 3, but the area of land upon which the caravan and welfare building are sited is within flood zone 1 and therefore acceptable in flood risk terms.

## CONCLUSION

The application site lies outside of the development boundary for Hockwold, in the countryside. The principle of a stables / livery business on this site is considered acceptable, and the applicant has made the case that given the nature of the business that a dwelling is also required onsite. Policy DM6 addresses the housing needs of rural workers and provides a series of criteria to be met to allow for a temporary dwelling to be located next to a new/ emerging enterprise. The applicant has provided sufficient evidence in the form of a projected business plan, alongside their investment in the site to date, which demonstrates their intention to develop the business. The proposal is considered acceptable and in line with the NPPF, Policies CS06, CS10 and CS11 of the CS (2011) and Policies DM2 and DM6 of the SADMPP (2016). Therefore, it is recommended that retrospective consent is granted for the change of use of the land to an equine/ livery business, the siting of an ancillary welfare unit and the temporary siting of a mobile home for 3 years from the date of decision.

## RECOMMENDATION:

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: Permission for the mobile home and welfare unit as shown on Drawing No. 301/02 shall expire on 8 January 2024 and, unless on or before that date an application is made for an extension of the period of permission and such application is approved, the following works shall be carried out:
  - (a) the mobile home and welfare unit shall be removed from the application site, and

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(b) works necessary to reinstate the application site to its condition prior to the implementation of this temporary permission shall be carried out.

- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality; in accordance with the provisions of the NPPF and Core Strategy (2011) Policies CS01, CS02 and CS06, and Site Allocations and Development Management Policies Plan (2016) Policies DM2 and DM6.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 301/01/A, 301/02 and 301/03.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the mobile unit hereby approved and known as 'W.C.s, office and tack room' on Drawing No 301/02 shall be limited to the use as a welfare unit including W.C.s, office and tack room and shall at no time be used as a unit of residential accommodation.
- 3 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 4 Condition: At no time shall any public events such as 'fun days' or 'open days' be held on the land outlined in red on Drawing No 301/01/A.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 5 Condition: Within 6 Months of the use hereby permitted the vehicular access / junction of Moor Drove (East) with Station Road shall be upgraded and widened (to facilitate passing) in accordance with the Norfolk County Council industrial access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway and in accordance with details to be agreed in writing by the Local Planning Authority.
- 5 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.