

# Planning (Regulatory) Committee

Date: **Friday, 06 January 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](mailto: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](mailto: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 confirm the minutes from the Planning (Regulatory) Committee meeting held on 21 October 2016.

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

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

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



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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 21 October 2016  
at 10am in the Edwards Room, County Hall**

**Present:**

Mr M Sands (Chair)

Mr S Agnew  
Mr B Bremner  
Mr N Dixon  
Mr C Foulger  
Mr A Grey  
Mr D Harrison  
Mr J Iaw  
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 S Askew (Mr N Dixon substituted); Mr M Baker and Mr T Jermy.

**2 Minutes from the meeting held on 2 September 2016**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 2 September 2016 were agreed as a correct record by the Committee and signed by the Chair.

**3 Declarations of Interest**

Mr D Harrison declared an interest in that, whilst he had been Cabinet Member for Waste he had been approached by the applicant and visited the site. He had not been a Member of the Planning (Regulatory) Committee at that time and had not expressed any view on the matter.

**4 Urgent Business**

There was no urgent business.

## **Applications referred to the Committee for Determination:**

- 5 C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville. Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels. (Serruys Property Company Ltd).**
- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to use a site that was both industrial land and moreover a site (policy WAS78) that was allocated for waste development within the Council's adopted Waste Site Specific Allocations Development Plan Document.
- 5.2 The Committee was asked to note the following updates to the report, since it had been published:
- 5.2.1 In response to Historic England's recommendation for refusal, the applicant had agreed to fund the installation of an information board on the Marriott's Way in respect of the adjacent Scheduled Monument. Therefore an additional sum of £2848.84 would be added to the Unilateral Undertaking that the applicant proposed to make in respect of maintenance of the Marriott's Way, as discussed in 7.57. On this basis, Historic England had removed their recommendation for refusal and was content with this outcome and, it was the Officers opinion, that the proposal was no longer considered finely balanced. Accordingly, point 1 of the recommendation would need to be amended to refer to this additional payment in respect of a contribution for the information board for the Scheduled Monument.
- 5.2.2 In addition, further comments had been received from the Environment Team relating to the improved visibility at the south-eastern most access of the site with specific concern relating to the loss of trees to accommodate the visibility splay required by the Highway Authority. Because these works were not part of the original tree survey or landscape assessment, the impacts of the works had not been fully assessed and therefore condition 13.20 was to be amended to read:
- "Prior to the first use of the development hereby permitted the south-eastern access point (shown as existing access on drawing 03/001 Rev C) shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the County Planning Authority in consultation with the Highway Authority."
- This accorded with the Highway Authority's original aspirations to only have a single access from the wider SPC Atlas Works site, and moreover the County Council's policy for this site allocation which also specified a single access for the wider site.
- 5.2.3 Furthermore, condition 13.25 concerning the arboricultural method statement was proposed to be updated to refer to proposed highway works in terms of the new access to the site.

5.2.4 Since publication of the report, the Economic Development Team had also added comments welcoming the rurally based jobs that would help sustain local services with local shops and pubs benefiting from the 50 employees spending their money in the area.

5.2.5 Finally on 20 October, a further representation had been received on behalf of a local resident, the owner of the Warren, a nearby dwelling, calling for deferment of the application. This raised issues concerning the environmental risk including to the River Wensum, and from bio-aerosols, that the development should have been treated as EIA development, and that no environmental permit was in place for the development.

In response to this, officers explained the County Council (CPA) had screened the proposal as stated in the report and remained of the view that, if undertaken in accordance with the details submitted, it would not be likely to have significant impacts on the environment. In accordance with the Habitats Regulations, the CPA had also determined that no Appropriate Assessment was required, as set out in the report.

The nature of waste and operation itself would not be likely to give rise to bio-aerosols. The Environment Agency (EA) required a site specific bio-aerosol risk assessment for schemes for Landfill, incineration, composting and anaerobic digestion facilities which were within 250 metres of a sensitive receptor. However this application did not fall within those types of development, and furthermore the issue had not been raised by the Environmental Health Officer or the EA.

5.2.6 Officers explained that whilst stating that a bespoke environmental permit would be required, the EA had not objected to the proposal. Its published guidance advised that if it is unlikely that a proposal would obtain a permit, then the EA would object to the planning application or the proposal. It was regrettable that the permit and planning application had not been parallel tracked, however there was no legal requirement to do so and the lack of an environmental permit was not in itself a reason to refuse planning permission.

5.3 Mrs M Bishop addressed the Committee in objection to the application, as an owner of units at Shepherds Business Park which was situated close to the west of the application site. The objections related to the fact that the site was inappropriate for recycling the proposed amount of waste; no environmental permit had yet been applied for, there was no pest control strategy included in the application; no fire risk assessment information within the application and the buildings on site were not fit for purpose. She urged the Committee to reject or defer the application.

5.4 Mr N Guest addressed the Committee in objection to the application, particularly with regard to the impact on the environment of a 24 hour operation, the volume of Refuse Derived Fuel (RDF) being stored at the site which could lead to pests and risk of fire, as well as harm to the nearby lake and ecological system. He was also



concerned that his property could be devalued by the operation.

- 5.5 Mr J Bailey addressed the committee in objection to the application, particularly with regard to the unique and special significance of the Wensum corridor. Mr Bailey asked the Committee to refuse or defer the application.
- 5.6 Mr P Webb addressed the Committee in objection to the application as he felt it was not suitable due to it being a site of Significant Interest and because of its location to the Wensum Valley. Mr Webb considered that the application should be deferred and planning permission should be applied for in parallel with an application for an environmental permit. Mr Webb advised the Committee that he lived approximately 170m from the proposed plant. He also queried why no fire risk assessment had been carried out as there was a real threat of a fire which should not be ignored. He urged the committee to visit the site to see why the area was a special area of conservation.
- 5.7 Mr G Youngs, from Bernard Matthews Ltd. spoke in objection to the application, in particular with regard to dust and the effect the application site would have on the Wensum conservation area. He added that the factory used bore holes to draw water from the water table and any contamination could have a devastating effect on the hatcheries, putting jobs at potential risk. Mr Youngs added that it was the intention of the new owners of Bernard Matthews to double the output at the factory and any risk of pollution would have devastating effect on the factory.
- 5.8 Mr S Barnes addressed the Committee in objection to the application as the owner of a nearby business which operated a fresh coffee supply service. Mr Barnes' concerns were mainly about whether the development would stifle opportunities for enhancement of the good quality businesses in the area as the application approval could put other companies off investing in the area. Mr Barnes considered the application should be refused.
- 5.9 Ms J Wisbey, from Great Witchingham Parish Council spoke in objection to the application, particularly the dangers of adding HGV's to a road with very narrow paths along the A1067; the risk of contamination to drinking water in the area; flood risk; storage of product at the site leading to risk of fire. She asked the Committee to refuse the application.
- 5.10 Mr R Hirst, Serruys Property Company Limited, spoke on behalf of the Applicant, particularly about the fact that the proposed site sought to provide a hub for other companies to recycle material and that the site formed part of the Household Waste Development Plan in providing different ways for disposing of waste. Mr Hirst reiterated that the application had been well designed to mitigate dust, machinery would be cladded to reduce noise and all treatment and storage of waste would be carried out inside where there was no chance of polluted water entering the watercourse.

Mr Hirst advised that an environmental permit application would be made to the EA, who would only approve such an application once they had satisfied themselves

there was no possibility of contamination or pollution.

- 5.11 Mr J Joyce, County Councillor for Reepham Division, which covered the application site, spoke as the Local Member in objection to the application, in particular with regard to the location, the proximity to the Wensum Valley. Mr Joyce questioned why an environmental permit had not been applied for at the same time as the application for planning permission had been made. Mr Joyce also referred to the risk of fire and asked the committee to refuse the application, or defer making a decision until it was sure it understood all the implications of such an operation. Mr Joyce suggested a decision should not be made until an environment permit had been obtained.
- 5.12 In response to questions by the Committee, the following points were noted:
- 5.12.1 Anglian Water was not a statutory consultee with regard to this application and had not been consulted on the proposal. The Committee noted that the EA was the responsible authority for ground water pollution, and that they had raised no objection to the application.
- 5.12.2 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response.
- 5.12.3 The Environment Agency was the responsible authority with regard to issues about pest control and the potential risk of fire.
- 5.12.4 The existing buildings would need to be repaired to ensure they were maintained and suitable for dealing with the site operations. Only materials which matched the existing buildings would be permitted to be used.
- 5.12.5 The applicant had decided to apply for planning permission before applying for an environment permit. If, in order to secure an environmental permit, the developer needed to carry out further development on the site, not covered by this potential permission, then they would need to submit another planning application. This was a risk of their own making by not twin tracking the planning and permitting applications.
- 5.12.6 If the applicant was granted planning permission, if they wished to obtain waste contracts within Norfolk County Council, they would need to tender for any Norfolk County Council waste disposal contracts when they came up for renewal.
- 5.12.7 The Highways Authority had confirmed they were content with the proposed new access onto the A1067. The junction of the A1067/B1535 would be monitored as part of the NDR works.
- 5.12.8 The EA, when considering whether to issue an environmental permit would consider and reassure themselves that contaminated water would not enter the River Wensum. Continuous monitoring at the site would be undertaken by the EA.

- 5.12.9 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response. The Committee was informed that, although sites of this type could pose a potential fire risk if poorly managed, any risks would be covered by the environmental permit.
- 5.12.10 Officers confirmed that, based on the information that had been provided in the application, they were happy that risk of water contamination from both surface and foul water had been satisfactorily addressed.
- 5.12.11 The Planning Services Manager advised that the absence of an environmental permit was not in itself a reason for the Committee to refuse the application.
- 5.12.12 No odorous waste, or waste that could have an impact on the environment would be stored outside the buildings. The only waste to be stored outside, to the east of the main building, would be inert waste. All RDF bales would be stored inside existing buildings.
- 5.12.13 There was no time limit for the storage of RDF, although it was expected that once it had been processed it was in the best interests of the operator to move it quickly. Constraints on the duration that waste could be stored could be imposed through the permit if it was considered necessary by the EA.

Mr D Harrison left the meeting at 11.20am and did not take part in the vote on this application, as he had not been present throughout the entire debate.

- 5.12.14 The Team Lead (Planning & Environment) nplaw, advised that the Committee would not be able to agree the application in principle and then reconsider it at a later date. She advised that the Committee could defer a decision although it would need to be clear on what issues it wanted more information about. She also said that it would not be lawful to refuse an application on the basis that an environmental permit had not been applied for.
- 5.12.15 The Committee felt that a representative from the Environment Agency should attend Planning (Regulatory) Committee meetings in future to address any issues raised by the Committee regarding environmental permits. The Planning Services Manager agreed to follow this up.
- 5.12.16 The Principal Planner advised that the total of 150,000 tonnes of material was, from his experience, the maximum capacity at the site and that it was expected that it would take a number of years to reach that capacity.
- 5.12.17 An Independent Planning Inspector had considered the Waste Site Specific Allocations DPD Policy WAS 78 which had subsequently been adopted and agreed by County Council.
- 5.13 Mr N Dixon proposed the following motion, which was seconded by Mr M Storey:
- To defer the application, pending the submission of a fire risk assessment by

the applicant

- To request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

5.14 The Committee unanimously **RESOLVED** to

- Defer the application, pending the submission of a fire risk assessment by the applicant
- Request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

The meeting adjourned at 11.40am and reconvened at 11.50am.

Mr W Northam left the meeting at 11.40am.

**6 C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn. Variation of condition 4 of permission ref C/2/2015/2030 to increase permitted liquid sludge input (Anglian Water Services Ltd).**

6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to vary condition 4 of planning permission reference C/2/2015/2030 (Granted in January 2016) in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level currently authorised.

6.2 During the presentation of the report, the Committee noted that the condition set out in paragraph 12.6 of the report should read "No deliveries of sludge cake shall take place except between the hours of 0700-1900 Monday to Sunday".

6.3 Mr A White and Mr M Storey declared an interest as Members of the Borough Council of King's Lynn and West Norfolk which had been consulted about this application. They had not taken part in any discussions about the application site at Borough Council meetings as they were Members of the Norfolk County Council Planning (Regulatory) Committee which would be making a decision on the application.

6.4 Mr R Brown addressed the Committee in objection to the application as he lived

approximately 150 yards from the site. Although he did not wish the Committee to refuse the application, Mr Brown raised particular concerns about traffic movements which had caused the road to break up and reiterated that the road could not withstand additional traffic.

- 6.5 Mr S Riches from Anglian Water addressed the Committee on behalf of the Applicant. He said Anglian Water was trying to make the best use of the facility in King's Lynn, maximize renewable energy and treat the sludge to the highest possible standard. He added that the vehicle numbers in the application were well below the permitted numbers covered in the permit issued by the Environment Agency.
- 6.6 Ms A Kemp, County Councillor for Clenchwarton and King's Lynn South Division which covered the application site, addressed the Committee as Local Member. Ms Kemp urged the committee to refuse the application until improvements had been made to the access to the site and Clockcase Lane. Her constituents had complained about the noise of lorries using Ferry Road and Clockcase Lane as well as the damage caused to the roads because they were not suitable for this type of traffic.

Mr D Harrison and Ms E Morgan left the meeting at 12.10pm.

- 6.7 It was confirmed that the HGV vehicles which would be used to transport material to the site had the same axle weight as existing vehicles.
- 6.8 As Clockcase Lane and Ferry road were public highways, it was the responsibility of Norfolk County Council, as Highway Authority, to maintain these roads. It would not be possible to request that an applicant make any contributions to fund road maintenance when granting planning permission, through the use of planning conditions, although in some cases a Section 106 Legal Agreement could be agreed. Members were reassured that if an application was made at a later date to significantly increase vehicle movements, a condition to improve the highway network or a Section 106 agreement could be requested and imposed, because if this application was approved it would limit the number of HGV movements on the local highway network.
- 6.9 Some Members felt that this application should not have been made so soon after planning permission had been granted in January 2016.
- 6.10 Upon being put to the vote, with 10 votes in favour, 2 votes against and 0 abstentions, the Committee **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 12 of the report.
  - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman 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 Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

**7 C/1/2016/1012: Hempton Recycling Centre, Helhoughton Road, Fakenham. Variation of condition 1 of planning reference C/1/2015/1025 to allow relocation of the reuse shop on site (Norfolk County Council).**

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking to vary condition 1 of planning permission reference C/1/2015/1025 to relocate the reuse shop at Hempton Recycling Centre.
  - 7.2 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 Chairman and Vice-Chairman 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 Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.
- 8 Y/3/2016/3004: Primary School and Nursery building, London Road, Attleborough. New 630 pupil primary school and associated external works and a standalone 52 place nursery building (Executive Director of Children's Services).**
- 8.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking an amendment to the wording of the condition proposed to control noise as it would be overly restrictive to the use of the school in its current form.
  - 8.2 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 and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.
    - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman 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 Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.45pm

#### **CHAIRMAN**



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# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Y/7/2016/7008 : St. Augustine's Catholic Primary School, West End, Costessey, Norwich NR8 5AG</b>
<b>Date of meeting:</b>	<b>6 January 2017</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant</b> Retrospective application for new class block comprising 3No. classrooms, activity area and associated WC facilities (East Anglia Roman Catholic Diocese Trustee & Norfolk County Council)	

## Executive summary

Retrospective planning permission is sought 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 has been undertaken without discharge of the pre-commencement conditions and, the actual design of the class block is not fully in accordance with the approved drawings.

No objections have been received from statutory or non-statutory consultees, subject to condition, however, objections and concerns have been raised by eight residents. The concerns raised relate primarily to highway and amenity issues.

The key issues relate to impact on local amenity arising from potential increased vehicle movements on the local highway network, partial loss of the school playing field and, the retrospective nature of the application.

The highways impacts of the proposal were considered acceptable when permission was originally granted in 2014. Whilst the proposal will potentially result in additional vehicle traffic and pedestrian activity at drop-off and pick-up times it is considered that, subject to review of the existing travel plan, the additional movements can be safely accommodated on the highway network, and without unacceptable impacts on residential amenity.

In relation to partial loss of the playing field, this is balanced against the fact that the proposal affects only land incapable of forming a playing pitch and, the fact that no objection has been raised by statutory consultees.

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.

### Recommendation:

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

- I. **Grant planning permission subject to the conditions outlined in section 13.**
- II. **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.**
- III. **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 The proposal relates to St. Augustine's Catholic Primary School, in the form of a new, single-storey class block comprising three classrooms, activity area and associated WC facilities, to allow for expansion to a 315 place Primary School. The development is substantially complete.
- 1.2 Planning Permission reference Y/7/2014/7010 for, Proposed classroom block comprising three no. classrooms, activity area and associated WC facilities was approved in 2014, subject to a number of pre-commencement conditions.
- 1.3 Application reference Y/7/2015/7010 for discharge of conditions 3 (materials), 4 (noise and dust management), 5 (construction traffic management) and 7 (wheel washing) of permission reference Y/7/2014/7010 was submitted in August 2015. During an inspection of the site by this authority's Monitoring and Control Officer in September 2015 it was found that development had commenced in advance of the conditions being discharged; as such, conditions 3, 4, 5 and 7 cannot be discharged.
- 1.4 During a subsequent inspection by this authority's Monitoring and Control Officer in January 2016 it was found that the development has not been undertaken fully in accordance with the approved drawings.
- 1.5 In an attempt to regularise these matters, application reference Y/7/2016/7002 was submitted in February this year for: Variation of condition 2 for amendments to the approved design; and variation of timescales for submission of required details and, submission of details required by conditions 3, 4, 5 and 7 of PP Y/7/2014/7010.
- 1.6 Following consideration of application reference Y/7/2016/7002, the applicant was informed, inter alia, that the proposed variations to the wording of conditions 3, 4, 5 and 7 do not meet the tests of the National Planning Policy Framework in relation to 'reasonableness' and 'enforceability' of conditions and, that the application should be refused. The applicant was further advised that they may wish to seek to regularise the development through submission of a full planning application under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) to seek retrospective permission for what has been built.
- 1.7 Application reference Y/7/2016/7002 was subsequently withdrawn and retrospective planning permission is sought to regularise the development that has been built.

## **2. Site**

- 2.1 The application relates to St. Augustine's Catholic Primary School, an established school site, situated at the junction of Longwater Lane and West End, Old Costessey. The original school building constructed of red facing brick walls with clay pantile clad roof has been extended over the years.
- 2.2 The application site is on part of the northern edge of the school playing field close to the south east corner of the main school building, with a multi-use games area (MUGA), approved under a separate permission determined by South Norfolk Council, to the south. The school boundaries are defined by walling, fencing, hedging and trees. The surrounding area is predominantly residential. Vehicular and pedestrian access is proposed to be via the existing accesses from West End.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:

The site is located some 0.2km east of Old Costessey Conservation Area.

The site is located within the Safeguarding Area for Norwich International Airport

The site is located some 0.17km south of the River Wensum SSSI and Special Area of Conservation (SAC).

#### **4. Planning History**

- 4.1 **Y/7/2016/7002** – Variation of condition 2 to allow changes to windows, dormers, and roof seating areas and addition of balustrade and variation of conditions 3, 4, 5 and 7 to vary the timescale for submission of the required details and submission of the details required by conditions 3 materials, 4 noise and dust management, 5 construction traffic management and 7 wheel washing of Y/7/2014/7010 for classroom block, activity area and WC facilities – Withdrawn 2016
- 4.2 **Y/7/2015/7010** - Discharge of conditions 3, 4, 5 & 7 of permission Y/7/2014/7010 – Conditions not discharged 2015
- 4.3 **Y/7/2014/7010** - Proposed classroom block comprising 3 no. classrooms, activity area and associated WC facilities – Approved 2014
- 4.4 **Y/7/2008/7032** - Extension to school building to form improved access lobby and office area; new integrated step/ramp access; relocation of existing vehicular access and service road; provision of additional footway – Approved 2009
- 4.5 **7/2002/0019** - Construction of Nursery plus additional hard play area – Approved 2002.

#### **5. Planning Policy**

- 5.1 Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014) :
- Policy 1: Addressing Climate Change and Protecting Environmental Assets
  - Policy 2: Promoting good design
  - Policy 7: Supporting communities
  - Policy 9: Strategy for growth in the Norwich Policy Area
  - Policy 12: Remainder of the Norwich urban area, including the fringe parishes
- 5.2 South Norfolk Local Plan Development Management Policies Document (2015) :
- DM 1.3 Sustainable location of new development
  - DM 1.4 Environmental quality and local distinctiveness
  - DM 3.8 Design Principles
  - DM 3.11 Road safety and free flow of traffic
  - DM 3.12 Provision of vehicle parking
  - DM 3.13 Amenity, noise and quality of life
  - DM 3.14 Pollution, health and safety
  - DM 3.15 Outdoor play facilities and recreational space
  - DM 3.16 Improving the level of local community facilities
  - DM 4.2 Sustainable drainage and water management
  - DM 4.5 Landscape Character and River Valleys
  - DM 4.8 Protection of Trees and Hedgerows
  - DM 4.10 Heritage Assets

5.3	Adopted Neighbourhood Plan	:	The area in which the planning application is located does not have an adopted Neighbourhood Development Plan
5.4	The National Planning Policy Framework (2012)	:	<p>4. Promoting Sustainable Transport</p> <p>7. Requiring good design</p> <p>8. Promoting healthy communities</p> <p>10. Meeting the challenge of climate change, flooding and coastal change</p> <p>11. Conserving and enhancing the natural environment</p> <p>12. Conserving and enhancing the historic environment</p>
<b>6.</b>	<b>Consultations</b>		
6.1	South Norfolk Council	:	No objections
6.2	Costessey Town Council	:	<p>Recommend approval</p> <p>Express confusion as to why this is a retrospective application</p>
6.3	Environmental Health Officer (South Norfolk District)	:	No response received
6.4	Natural England	:	No comments to make
6.5	Anglian Water	:	No response received
6.6	Lead Local Flood Authority (NCC)	:	<p>Comment that this development is below the LLFA consultation threshold for providing detailed comment. Advise that the CPA should satisfy itself that the application is compliant with:</p> <ul style="list-style-type: none"> <li>• paragraph 103 of the NPPF (flood risk);</li> <li>• Written ministerial statement - HCWS161 – Sustainable drainage systems</li> </ul> <p>Further advise that the application should demonstrate how the proposal accords with national standards and relevant guidance.</p>
6.7	Highway Authority (NCC)	:	No objection. Request condition in relation to review of school travel plan.
6.8	Sport England	:	No objection
6.9	Senior Green Infrastructure Officer (NCC)	:	Recommends approval
6.10	Ecologist (NCC)	:	<p>No objection.</p> <p>Recommends implementation of the</p>

- enhancement measures listed in the Habitat Survey Report
- 6.11 Senior Arboricultural Officer (NCC) : No objection
- 6.12 County Councillor (Mr Tim East) : No response received
- 6.13 Representations
- 6.14 The application was advertised by means of neighbour notification letters and site notice.
- 6.15 Objections and concerns are raised by eight residents (in the form of six representations) on the following grounds, which are summarised:
- 6.16 Traffic
- More classrooms means more cars;
- Increase in school parking issues over past 17 years;
- Congestion along West End;
- Inconsiderate parking by parents - Parents park across residents driveways in Cleves Way and Husenbeth Close - Parents park along both sides of Cleves Way and, block the junction of Cleves Way with Husenbeth Close and the top of Cleves Way, often making it impossible for residents to gain ingress / egress - Parents park on pavements and double yellow lines;
- Concern with access for emergency services vehicles to Cleves Way;
- Parents gather in groups on pavements and in the road creating an obstruction;
- Suggest changing the school's admission policy so as to allow local non-Catholic children over parents who travel miles;
- Suggest that alternative parking is available at St. Walstan's Roman Catholic Church , Town house Road (as referenced on the school's website) and the Parish Council car park;
- Request that residents are issued with resident car parking permits or double yellow lines be applied throughout the estate
- 6.17 Amenity
- Concern with increased noise from parents and children
- 6.18 Retrospective application
- Concern that the County Council was unaware of the development that was being carried out;
- The development should be refused and enforcement action should be taken, unless the parking (referenced on the school's website) is used;
- The CPA should show why the application is retrospective as the degree of unconformity with the original application could influence peoples' views.
- 6.19 Long-term strategy
- One local resident wishes to remind the CPA of a communication he received

pursuant to his representation made in respect of application reference Y/7/2016/7002. The resident expressed concern with additional traffic and parking in West End and requested details of the long-term strategy for the school. The representation was forwarded to NCC Children's Services for attention: in response, Children's Services commented that, 'The nature of the school site means that there is no further view to expand the school building or increase pupil numbers...', whilst the Assistant Director RC Diocese of East Anglia concurred with this statement and added that, '...there will be no further expansion of pupil numbers at the school, as the site does not have capacity to expand.'

6.20 Depreciation of property value

Concern about depreciation of property value due to extensions of the school.

**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 Planning and 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, South Norfolk Local Plan Development Management Policies Document (2015) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.

7.4 The principle of development was found to be acceptable when permission was originally granted in 2014. However, as detailed elsewhere in this report, development has been undertaken without discharge of the pre-commencement conditions and, the actual design of the class block is not fully in accordance with the approved drawings. Retrospective planning permission is being sought to regularise the development that has been built. Planning Practice Guidance advises that whilst a local planning authority can invite a retrospective application, it cannot be assumed that permission will be granted – such an application must be considered in the normal way.

7.5 The Joint Core Strategy (JCS) Key Diagram identifies the site as being located within the Norwich Policy Area and, South Norfolk Local Plan Site Specific Allocations & Policies Document (2015) identifies the application site as situated inside that part of the school site located within the development boundary for Costessey. JCS Policy 9 states that the Norwich Policy Area is the focus for major growth and development, whilst Policy 12 supports improvements to local services within the urban fringe parish of Costessey. South Norfolk LPDM Policy DM 1.3 seeks to achieve proposals that are located within the development boundaries of Settlements defined on the Policies Map, and of a scale proportionate to the level of growth planned in that location, and the role and function of the Settlement within which it is located.

7.6 The application states that the new class block will accommodate 90 additional children. The application, in justifying the need for the expanded school states that, because of rising numbers of children in the Costessey area, predominantly from significant new housing provision, with effect from September 2014 the pupil admission number (PAN) was increased from 30 to 45 places in each year group

with the agreement of Norfolk County Council and the school. If this application is granted it will increase the capacity of the school to 315 pupils.

- 7.7 As at September 2013 the school roll was 214. The applicant indicates that from September 2014, pupil numbers will continue to increase year on year until 2020, when the full complement of 315 pupils will be reached. The year by year breakdown is as follows:

2014 - 225  
2015 – 240  
2016 - 255  
2017 - 273  
2018 - 286  
2019 - 300  
2020 - 315

- 7.8 The principle of the use of the existing school complex is already established. Paragraph 72 of the NPPF requires planning authorities to give great weight to the need to create, expand or alter schools. The application states that the proposal would provide three additional class bases at the school required as a result of a rise in actual and projected pupil numbers so, in accordance with the NPPF, great weight is given to this. This is consistent with JCS policy 7 which promotes the provision of sufficient, appropriate and accessible education opportunities and, South Norfolk LP Policy DM 3.16 which supports provision of new or replacement community facilities and services within development boundaries.
- 7.9 Similar principles are also set out in the Department for Communities and Local Government (DCLG) Ministerial Policy Statement - *planning for schools development* (2011), which emphasises the commitment to increasing the number of school places and, choice and opportunity in the state-funded sector and makes it clear that there should be a presumption in favour of the development of state-funded schools.
- 7.10 Notwithstanding all other material considerations, it is considered that the principle of this development could be acceptable at this location and would not be out of character for the immediate area.
- 7.11 **Amenity (noise, dust, light pollution etc)**
- 7.12 South Norfolk LP Policies DM 3.13 and DM 3.14, and Section 11 of the NPPF apply.
- 7.13 The school site is situated within a predominantly residential area and is largely bounded to the east and west by residential development and to the north by a public highway (West End). The impact of the development on neighbouring occupiers was considered acceptable, when permission was originally granted in 2014, subject to condition in relation to management of noise and dust during excavation and construction works, as recommended by the EHO.
- 7.14 The proposed building would be sited no closer to the boundary with any residential property than the original approved scheme; the proposal would be located approximately 7 metres from the nearest residential property boundary.
- 7.15 Whilst the proposal offers windows facing the east and west boundaries, the high level nature of this glazing in the form of glazed dormer 'cheeks' would restrict overlooking of adjacent dwellings and partial screening for the development is provided by existing boundary treatments.

- 7.16 As regards proposed external lighting, submitted drawings indicate that wall mounted luminaires would be sited on the north, east and west elevations of the building.
- 7.17 Submitted drawings indicate that an air conditioning plant would be sited adjacent the west elevation, facing towards residential properties. The proposal is supported by a Planning Statement including noise data in relation to the air conditioning plant.
- 7.18 Whilst close to neighbouring property, given the boundary treatments, proposed scale, siting, orientation and part-subterranean nature of the scheme, it is not considered that the proposal would cause any significant impact on the residential amenities of the neighbouring properties with regard to overlooking, overshadowing or any overbearing impact. No representation has been received from local residents in relation to the aforementioned impacts.
- 7.19 In terms of impacts beyond the immediate vicinity, the application site is located to the rear of the existing school buildings and would not impose on the street scene or landscape. Given the contained nature of the site, it is not considered that the proposal will have an unacceptable impact on any public views, being largely hidden from public views.
- 7.20 Concern has been raised by a local resident in relation to the potential impact on residential amenity arising from increased noise from parents and children. In this instance, given that the existing use of the site as a school has existed for many years, then some noise from that use will have been experienced during those years as part of the local noise environment. Although this proposal would introduce three additional class bases to the school and would probably intensify its use, the degree of intensification as a result of this proposal is not considered to be such as to justify a recommendation of refusal on the grounds of an unduly adverse impact on residential amenity. Furthermore, given that the site is an established school, it is difficult to envisage that the introduction of the additional class bases would give rise to levels of anti-social behaviour, or other land-use conflict during unsociable hours that would result in a material degree of land-use conflict sufficient to prejudice the residential amenity of the established dwelling houses in the locality.
- 7.21 No response has been received from the consultation with the South Norfolk Council Environmental Health Officer.
- 7.22 Overall, it is not considered that the proposal will have a materially adverse impact on the residential amenity of adjacent properties, in accordance with the relevant planning policies and requirements of the NPPF.
- 7.23 **Design**
- 7.24 JCS policy 2, South Norfolk Policies DM 1.4, DM 3.8 and DM 4.5, and part 7 of the NPPF apply.
- 7.25 The design of the development was considered acceptable when permission was originally granted in 2014. The development consists of a stand-alone, part subterranean, single-storey class block set into the northern embankment of the playing field close to the existing school buildings, with one subterranean and three partially exposed external walls and, three dormer roof lights and mono-pitch, green roof protruding above the sloping ground level. The partially exposed front (north) elevation and partially exposed gable (east and west) elevations will be clad with stained timber boards and will include aluminium windows and doors. Entry will be via the entrance in the north elevation accessed from the adjacent main school complex.
- 7.26 The development subject of the application under consideration is substantially complete. Whilst the general arrangement, size and location of the as-built class

block within the school site remain unchanged from the scheme approved pursuant to permission reference Y/7/2014/7010, the actual design of the class block is not fully in accordance with the approved drawings. The following amendments have been made:

- Increase in length of dormer roof lights and addition of glazing units to dormer 'cheeks';
- Reduction in area of glazing in front elevation;
- Removal of glazing from both gable ends;
- Reduction in volume of subterranean element of both gable ends;
- Substitution of safety fencing around edges of green roof with glazed balustrades to lower part of roof and glazed barrier panels between dormer roof lights;
- Minor internal remodelling.

7.27 It is considered that in terms of siting, scale and design, the proposed scheme is acceptable in the context of the existing school complex. The development is therefore unlikely to have any detrimental impact upon the established characteristics of the existing school buildings and, there will be no material harm caused to the character of the local area.

7.28 Taking into account it's appropriateness in its context, it is considered that the development accords with the relevant design planning policies.

7.29 **Landscape / Trees**

7.30 Policy 2 of the JCS, South Norfolk LP DM Policies DM4.5 and DM 4.8, and Section 11 of the NPPF apply.

7.31 The application site comprises of amenity grassland in the form of school playing field and, area of shrub planting and hardstanding. The application site does not lie within a Conservation Area.

7.32 The accompanying Arboricultural Report concludes that it is not necessary to fell any trees to facilitate the development. The report also proposes the protection of retained trees at risk from construction activities. No additional planting is proposed.

7.33 Given the subterranean nature of the development and existing boundary treatment including established planting, which allow for the successful integration of the development into the locality, it is not considered necessary to require additional landscaping through this application.

7.34 The NETI team have been consulted on the application and have not raised objection. It is therefore considered that the proposal will not have a detrimental effect upon the trees/landscaping or the character of the site and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.

7.35 **Biodiversity**

7.36 JCS Policy 1, SNLP DM Policy DM 1.4 and Section 11 of the NPPF apply. In particular, paragraph 109 of the NPPF requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity.

7.37 The habitats present within the application site comprise of amenity grassland, shrub planting and hardstanding

7.38 The application is supported by a Phase 1 Habitat Survey Report. The site has very low ecological value and there are no ecological constraints. The report recommends a number of biodiversity enhancement measures, including installation of an insect box and swift box. The proposed green roof includes wild flowers which will have ecological benefits.

7.39 Natural England has been consulted on the application and has no comments to make. Whilst not raising objection, the Council's Ecologist recommends



implementation of the enhancement measures listed in the Habitat Survey Report. Should planning permission be granted, it is considered reasonable to impose a condition on the decision notice in relation to the enhancement measures forming part of the Habitat Survey Report.

- 7.40 Subject to the aforementioned condition, it is concluded that no unacceptable ecological impacts would arise from the proposal and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.

7.41 Appropriate Assessment

The application site is within 5km of the River Wensum Special Area of Conservation (SAC), which is a European protected site. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. It is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

7.42 **Access and Highways**

- 7.43 SNLP DM Policies DM 3.11 and DM 3.12, and Section 4 of the NPPF apply.

- 7.44 The school is situated in a largely residential area and benefits from good pedestrian footway links.

- 7.45 The proposed development is for the school to be expanded to accommodate 315 pupils on roll. No additional staff are proposed as part of this application.

- 7.46 The highways/traffic impacts of the development under consideration were considered acceptable when permission was originally granted in 2014, subject to condition in relation to review of the existing school travel plan.

- 7.47 The representations from local residents indicate that there is a perceived high level of impact on residential amenity arising from the potential increased vehicle traffic. Two local residents opine that permission for the development should be refused and enforcement action be taken, unless use is made of the parking facilities referenced on the school's website.

- 7.48 With regard to proposed vehicular access to the school and parking provision on the school site, the application details indicate that the site will continue to use the existing vehicular access from West End and the development will not lead to any change to the existing number of on-site parking spaces. The Council's Highway Engineer has considered the application and visited the site; whilst the Engineer has not requested that current access arrangements be altered or that any further parking be provided, the Engineer acknowledges that when compared with the adopted NCC parking strategy there is an existing theoretical parking shortfall on site to cater for staff/visitor parking. As regards this issue, the Engineer concludes that, it is evident however that this does not lead to long stay parking being displaced onto the highway network as the remaining staff make use of St. Walstan's RC Church car park. Therefore, in respect of staff parking the development is considered acceptable.

- 7.49 The application is supported by a School Travel Plan (STP) for the period 2014-2016 (to encourage alternative modes of transport). As regards measures taken so far to reduce parking by parents outside the school and on neighbouring estate roads, the supporting STP reveals that as at 2014, 62% of pupils walk to school (excluding those who walk from nearby 'Park and Stride' facilities at St. Walstans Church, Town house Road, to the east and the Costessey Centre, Longwater Lane, to the southwest), 35% arrive at school by car/car share, 2% cycle, and 1% arrive by public transport. The STP acknowledges that there are ongoing issues with parents parking outside the school at drop-off and pick-up

times, and states that a newsletter has responded to neighbours parking concerns. The STP sets out the schools ambitions to: encourage more walking (5% increase) and cycling to school, over a three year period; reduce car use by 5% over a three year period; and reduce the use of car parking space by support staff and office staff over a three year period. The STP sets out a range of measures to achieve these objectives.

- 7.50 As detailed above, as part of his consideration of the application the Council's Highway Engineer has visited the site. The Engineer comments that, as is typical with schools, the site experiences high volumes of parents dropping off / picking up children at the beginning and end of the school day. The Engineer noted that a significant number of parents park in the Costessey Centre Car Park and then walk to school. In addition, a number of parents park 'on street' on Cleves Way and Husenbeth Close and some parking occurs on West End. The Engineer observed that whilst there were a large number of parents and children accessing the site, this activity was well managed, confined to a relatively short period of time and did not result in significant delays or safety implications on the highway network.
- 7.51 Whilst the Engineer accepts that further parking on Cleves Way and Husenbeth Close may cause nuisance to local residents this would not result in a significant highway safety concern. With regard to parking on West End, the opportunity to park is managed via the existing 'on street' traffic management measures comprising of School Keep Clear (SKC) markings, double yellow lines, bus stop and H bar markings.
- 7.52 Whilst the Engineer accepts that the application will result in additional vehicular activity within the vicinity of the school it is not considered that this would substantiate a highway objection to the proposal, subject to imposition of a condition regarding review of the existing school travel plan, on any grant of planning permission. Given that the proposal is for an expansion of facilities at the school, this would seem to be a reasonable request.
- 7.53 As regards the request by local residents that, double yellow lines be applied throughout the estate (Cleves Way and Husenbeth Close) or that residents be issued with car parking permits, these matters have been referred to the Highway Authority. As regards double yellow lines, the local highway engineer has confirmed that double yellow line junction protection and bollards have been provided to address concerns of residents whilst, as regards the parking permit option, such schemes are restricted only to the Norwich City area.
- 7.54 Whilst it is acknowledged that the proposal will potentially give rise to local impacts in relation to additional traffic and pedestrian activity, at drop-off and pick-up times, given the above, it is considered that the additional movements can be safely accommodated on the highway network, without unacceptable impacts on residential amenity. Subject to compliance with a condition concerning review of the existing school travel plan (to encourage alternative sustainable modes of transport), it is considered that a case for refusal on grounds of conflict with the relevant Development Plan Policies and requirements of the NPPF would be difficult to substantiate.
- 7.55 **Sustainability**
- 7.56 Policies 1, 2 and 3 of the JCS and section 10 of the NPPF apply.
- 7.57 The proposed building incorporates a number of sustainability features including: high thermal efficiency construction; provision of a green roof which would assist in slowing surface water run-off rates; cladding of the exposed external walls with larch timber, (a renewable resource); use of natural light and ventilation; and low

flush/flow sanitary provision.

- 7.58 Given the nature, scale and orientation of the proposal, the proposed measures are considered sufficient to ensure compliance with the intent of the relevant planning policy and section 10 of the NPPF.
- 7.59 **Impact on Heritage Assets**
- 7.60 The Planning (Listed Buildings and Conservations Areas) Act 1990, JCS policy 2, South Norfolk Policies DM 1.4 and DM 4.10, and part 12 of the NPPF apply.
- 7.61 The application site is not located within or adjacent to any identified heritage asset. Old Costessey Conservation Area is located some 0.2km west of the application site, separated by residential development.
- 7.62 It is considered that the siting, scale, design and appearance of the proposed building are acceptable in the context of the existing school complex. The partial subterranean nature of the development and existing boundary treatment including established planting, allow for the successful integration of the development into the locality.
- 7.63 In terms of impacts beyond the immediate vicinity, being located to the rear of the existing school buildings results in the application site being largely concealed from wider public views.
- 7.64 Given the above, it is therefore considered that the proposed development would not have a detrimental impact on the character, appearance, setting or views into or out of the Conservation Area. It is therefore concluded, taking into account the above, that the impact on heritage assets would not be such as to be unacceptable in the context of the Planning (Listed Buildings and Conservations Areas) Act 1990, relevant planning policies and NPPF.
- 7.65 **Flood Risk / Surface and Foul water drainage**
- 7.66 JCS Policy 1, South Norfolk LP Policies DM 3.14 and DM 4.2, and Section 10 of the NPPF apply.
- 7.67 According to the Environment Agency flood map, the application site and wider school site are located within Flood Zone 1; therefore there is a low risk of tidal and fluvial flooding.
- 7.68 Non-residential educational establishments are identified as 'more vulnerable' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'more vulnerable' uses are appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.
- 7.69 The Lead Local Flood Authority (LLFA) have been consulted on the application and comment that, the CPA should satisfy itself that the application is compliant with: paragraph 103 of the NPPF, which requires that, when determining planning applications, LPAs should ensure flood risk is not increased elsewhere; and Written ministerial statement - HCWS161, which expects that decisions on planning applications relating to major development ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
- 7.70 The LLFA further advises that the applicant should also demonstrate how the proposal accords with national standards and relevant guidance. Planning Practice Guidance (Flood Risk and Coastal Change – what sort of sustainable drainage system should be considered?, paragraph 080), sets out that, the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable, with 'into the ground (infiltration)' at the top of the hierarchy.

- 7.71 As regards surface water run-off, the application proposes sustainable drainage systems in the form of natural infiltration into the green roof and direction from new hard paving to a new soakaway. Foul water would be directed to the existing mains sewer.
- 7.72 No response has been received from the consultation with Anglian Water.
- 7.73 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 7.74 **Airport Safeguarding**
- 7.75 The site is situated within the consultation area for Norwich International Airport (NIA). The proposal is not considered to be of a height or nature to impact upon NIA.
- 7.76 **Playing pitch provision**
- 7.77 South Norfolk LP DM Policy DM 3.15 relates to the provision of suitable open space and requires that, Development must not result in a net quantitative or qualitative loss of existing open space unless it can be demonstrated that there is a surplus of amenity space.
- 7.78 Section 8, paragraph 74 of the NPPF seeks to resist loss of existing playing fields, unless: it is demonstrated that there is surplus provision; the loss resulting from the proposal would be replaced by equivalent or better provision; or the development is for alternative sports/recreation provision, which outweighs the loss.
- 7.79 As detailed elsewhere in this report, Section 8, Paragraph 72 of the NPPF places great weight on the need to create, expand or alter schools, whilst similar principles are also set out in the DCLG Ministerial Policy Statement - planning for schools development (2011).
- 7.80 The impacts of the development on playing pitch provision were considered acceptable when permission was originally granted in 2014.
- 7.81 The application under consideration is accompanied by an Open Space Statement. The proposed development to the rear (south) of the existing school building partially extends onto the playing field to the south, and will affect a strip of sloping land lying between the playing field boundary and the recently approved multi-use games area (MUGA) to the south. The Statement concludes that, overall the proposal will have no detrimental impact on the amount of usable outdoor space.
- 7.82 Sport England has been consulted on the application under consideration and considers that, the proposal affects only land incapable of forming, or forming part of, a playing pitch, and does not result in loss of, or inability to make use of any playing pitch, a reduction in size of the playing area of any playing pitch or loss of, any other sporting facility on the site. As such, Sport England raises no objection.
- 7.83 The application site is capable of being a community facility by virtue of its use class: D1 *Non-residential institutions*. Whilst it is acknowledged that the proposal would result in loss of part of the school playing field/amenity grassland, this is balanced against the facts that the proposal affects only land incapable of forming a playing pitch and does not result in the loss of any sporting facility on the site and, the fact that no objection has been raised by statutory consultees. On balance, it is considered these are material considerations that outweigh the issue with South Norfolk LP DM Policy DM 3.15 and the proposal would not result in any substantial harm to provision of open space.

**7.84 Environmental Impact Assessment**

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

**7.85 Responses to the representations received**

7.86 The application was advertised by means of neighbour notification letters and site notice.

7.87 A number of objections/concerns were raised, which are summarised in the 'Consultations' section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.

**7.88 Long-term Strategy**

As regards a local resident's reference to comments made by NCC Children's Services and the Assistant Director RC Diocese of East Anglia in relation to the long-term strategy for the school, given that this issue is outside the remit of the application under consideration, this issue does not constitute a material planning consideration. Every planning decision must be reached on the merits of the case. Were an application for additional expansion of the school to be submitted it would be considered in the context of the relevant development plan policies and material planning considerations, including highway issues: traffic generation, vehicular access and highway safety and, layout and density of building: design, visual appearance and finished materials etc.

**7.89 Property value**

Concern has been expressed by a local resident in relation to depreciation of property value, however, devaluation of property is not a material planning consideration.

**7.90 School Admissions Policy**

As regards a local resident's suggestion that the school's admission policy be changed so as to admit local non-Catholic children over children who have to travel miles to the school, the applicant's agent has confirmed that the school has no defined catchment area and places are allocated on a criteria-based policy. This issue does not constitute a material planning consideration.

**7.91 Intentional Unauthorised Development**

The application under consideration is a Section 73A application, which seeks retrospective planning permission for development carried out without planning permission. It is not a criminal offence to carry out development without planning permission, but obviously it is not good practice.

7.92 Concern is raised by local residents in relation to the retrospective nature of the application and it is requested that the development should be refused and enforcement action taken.

7.93 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 from 31 August 2015. In making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this instance, the development has taken place on a site outside a defined Green Belt.

- 7.94 As regards enforcement action, paragraph 207 of the NPPF sets out that, enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 7.95 Planning Practice Guidance (PPG) requires that enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. PPG recognises that, where the balance of public interest lies will vary from case to case, and sets out that, in deciding what is the most appropriate way forward, LPA's should usually avoid taking formal enforcement action where:
- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
  - development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
  - in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.
- 7.96 PPG further sets out that, in circumstances where the local planning authority consider that a retrospective planning application (under Section 73A of the Town and Country Planning Act 1990) is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay.
- 7.97 As regards this authority's enforcement position, development has been undertaken:
1. without discharge of pre-commencement conditions relating to submission of details of materials; noise and dust management for excavation and construction works; construction traffic management; and wheel cleaning facilities for construction vehicles, and
  2. the actual design of the class block is not fully in accordance with the approved drawings.
- 7.98 Given the above, rather than formal enforcement action, in this instance it was considered that a retrospective application would be the appropriate way forward to regularise the situation.
- 7.99 Whilst not raising objection, Costessey Town Council has sought an explanation as to why this development is subject of a retrospective application. The circumstances leading up to this application are detailed in the Proposal section of this report, and this information has been forwarded to the Town Council.
- 7.100 One local resident comments that the CPA should show why the application is retrospective. Comparison of the details submitted in support of the application under consideration with the original application, which can be viewed on this authority's website, illustrates the essential differences between the two applications.
- 7.101 As regards concerns raised that, the County Council was unaware of the development that was being carried out, as detailed in the Proposals section of this report, the site was subject of a number of inspections during the construction phase of the development by this authority's Monitoring and Control Officer.
- 7.102 As regards the request by local residents that, the development should be refused and enforcement action should be taken unless the parking (referenced on the school's website) is used, as detailed elsewhere in this report, no objection is raised by the Highway Authority, subject to review of the school travel plan.

7.103 It is regrettable that the application is of a retrospective nature. 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 planning permission for this development and very little weight is given to this in the planning balance.

7.104 **The Community Infrastructure Levy**

7.105 The development is CIL liable.

## 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 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 Planning Permission**

- 12.1 Retrospective planning permission is sought for the expansion of the school, in the form of a new, single-storey class block comprising three classrooms, activity area and associated WC facilities.
- 12.2 The County Council has a statutory duty to provide sufficient school place provision. The applicant has justified the need for the expansion of the existing school to deliver additional school places in response to a rise in pupil numbers predominantly from new housing provision in the area.
- 12.3 The application site lies wholly within the settlement boundary and sufficient distance from adjacent property.
- 12.4 Whilst it is acknowledged that the proposal will potentially result in increased vehicular and pedestrian activity during drop-off and pick-up times, it is considered that, subject to review of the existing travel plan, the proposed development would not have a detrimental impact on highway safety or the wider network. No objection is raised by the Highway Authority, subject to imposition of an appropriately worded condition on any grant of planning permission.
- 12.5 Whilst it is acknowledged that the proposal will result in the partial loss of the school playing field, this is balanced against the facts that the proposal affects only land incapable of forming a playing pitch and does not result in the loss of any sporting facility on the site and, the fact that no objection has been raised in relation to this matter by statutory consultees.
- 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 The proposal would provide three additional class bases at the school, thereby increasing the opportunity for education in this area. In the context of paragraph 72 of the NPPF and the 2011 Ministerial Policy Statement on planning for schools development, this constitutes a significant benefit that carries great weight.
- 12.8 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 submitted application form, plans and documents.

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

- 13.2 Within three months of the date of this permission a review of the existing school travel plan shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing in consultation with the Highway Authority as



part of an annual review.

**Reason:**

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with paragraph 36 of the National Planning Policy Framework (2012).

## **Background Papers**

Appendix 1: Costessey Location Plan

Appendix 2: Costessey 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)

The National Planning Policy Framework (NPPF) (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Planning Practice Guidance (2014)

<http://planningguidance.communities.gov.uk/blog/guidance/>

Government's Ministerial Statement on Intentional Unauthorized Development

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-12-17/HLWS404/>

Department for Communities and Local Government (DCLG) Ministerial Policy Statement - *planning for schools development* (2011)

<https://www.gov.uk/government/publications/planning-for-schools-development-statement>

## **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:

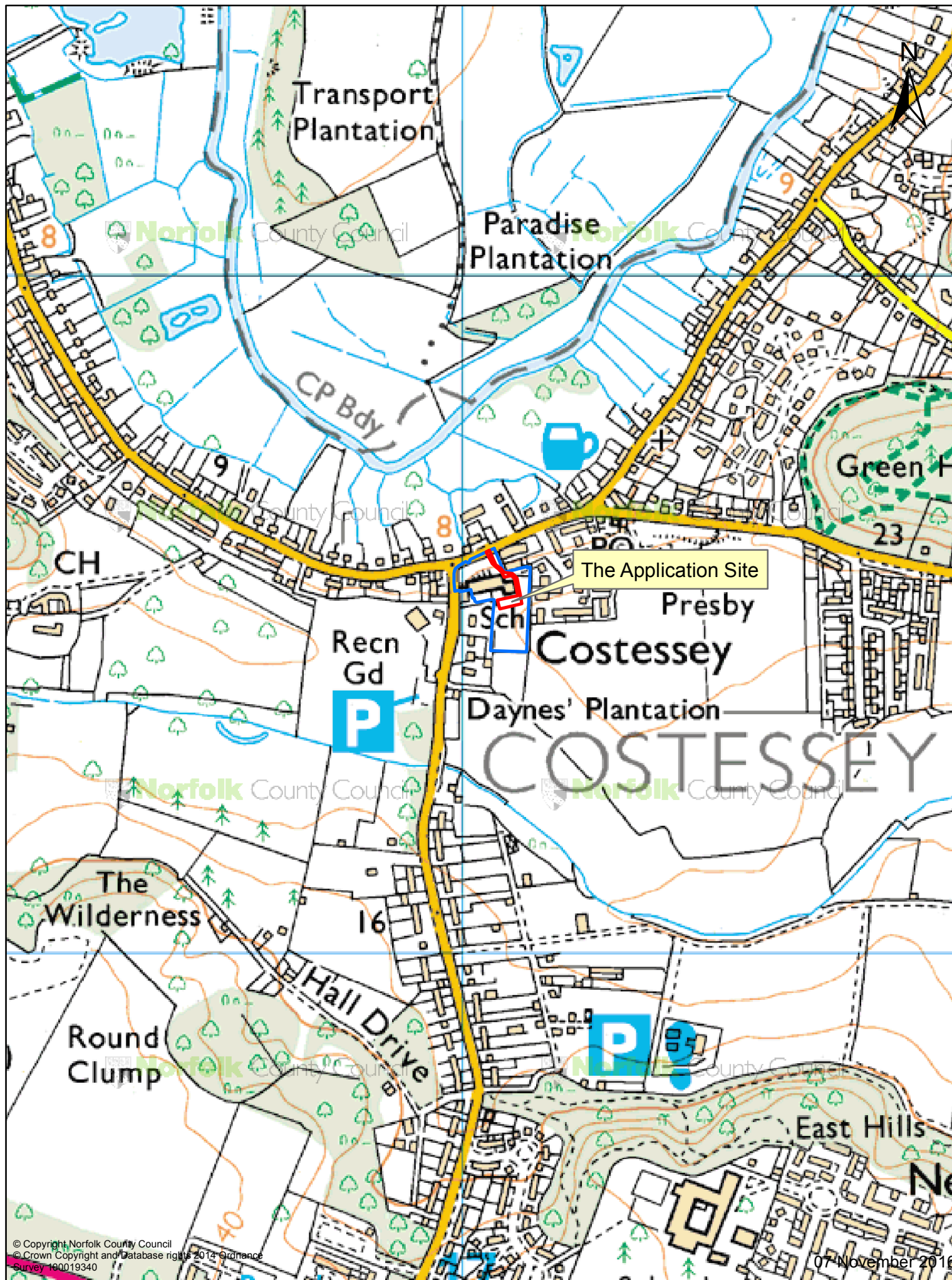
**Officer name :** Andrew Harriss

**Tel No. :** 01603 224147

**Email address :** [andrew.harriss@norfolk.gov.uk](mailto:andrew.harriss@norfolk.gov.uk)



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.



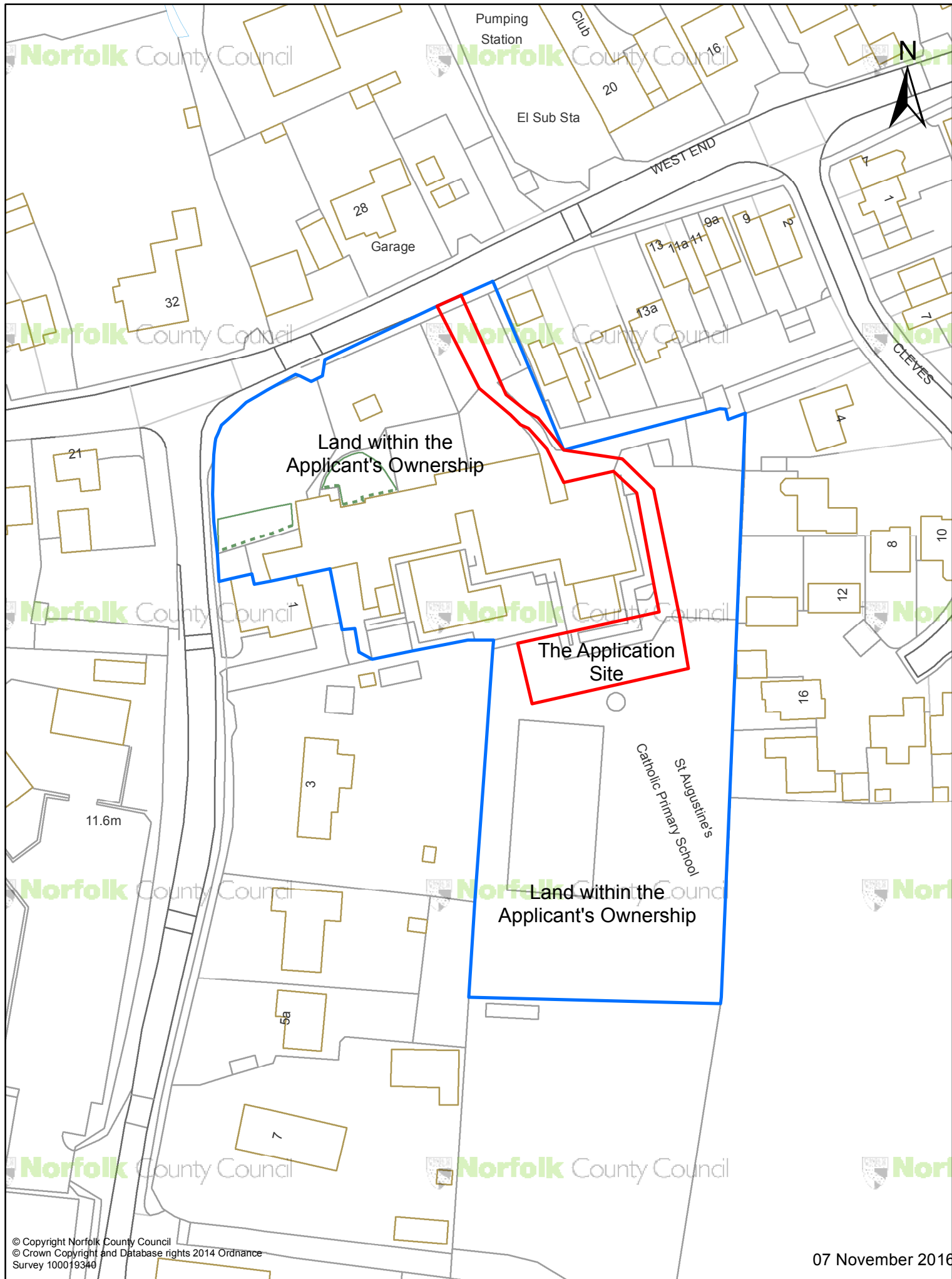
Y17/2016/7008: St Augustine's Primary School  
Costessey

0 50 100 200 300 Metres

**Norfolk** County Council

1:7,000

07 November 2016



# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/7/2016/7015; Hempnall Road, Morningthorpe, NR15 2RE</b>
<b>Date of meeting:</b>	<b>6 January 2017</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant:</b>	
Upgrade of surface water drainage system to include installation of a HydroFilterra tree unit, pipework, catchpit, inspection chambers and an infiltration system. (Executive Director of Community and Environmental Services, NCC)	

## Executive summary

The application seeks approval for the upgrade of surface water drainage on site, with the installation of a HydroFilterra tree unit, pipework and all associated works.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted on behalf of the Executive Director of Community and Environmental Services, and therefore cannot be dealt with under delegated powers.

The proposal conforms to development plan policies and national policy, and there are no material considerations that indicate the application should be refused.

## Recommendation:

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

- I. Grant planning permission subject to the conditions outlined in section 13.**
- II. 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.**
- III. 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 : Household Waste Recycling Centre
- 1.2 Site / extraction area : 0.2 Hectares

- 1.3 Annual tonnage : 2,500 tonnes
- 1.4 Duration : Permanent
- 1.5 Hours of working / operation : Household Waste recycling centre will operate as existing:  
7 Days a week:  
1 March – 31 March (8am - 6pm)  
1 April – 31 August (8am – 8pm)  
1 September – 30 September (8am – 7pm)  
1 October – end BST (8am – 6pm)  
End BST – 28 Feb (8am – 4 pm)
- 1.6 Access : Access to the site is gained via the existing access from the public highway (the B1527).
- 1.7 Description of proposal  
This application seeks consent for the installation of a HydroFilterra tree unit and soakaway at Morningthorpe Recycling Centre. The soakaway would be installed in the ground adjacent to the east of the HWRC and will be gravel filled.
- 1.8 The development includes implementation of pipework from the tree unit to the soakaway at the adjacent site, provision of a barrier and all associated works.

## **2. Site**

- 2.1 The application relates to the existing Household Waste Recycling Centre. The tree box would be positioned on the grass verge adjacent to the concrete hardstanding to the north west of the Recycling Centre. The soakaway location is outside of the operational area of the HWRC on land owned by the landlord of the recycling centre. Access to the site is gained via the existing access from the public highway; the B1527.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:
- 3.2 The proposal is 4km from The Norfolk Valley Fens Special Area of Conservation

## **4. Planning History**

- 4.1 In January 1992 planning permission was formally granted by the County Council (under reference 7/91/1527) for a 'Household Waste Site'
- 4.2 The site now operates as one of the County Council's Household Waste Recycling Centres (HWRC) dealing with glass, garden waste, cardboard,

electrical equipment etc.

## **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)**

CS6 – General waste management considerations

CS14 – Environmental protection

CS15 – Transport

DM1 - Nature Conservation

DM3 – Groundwater and Surface Water

DM4 - Flood Risk

DM8 – Design, local landscape and townscape character

DM10 – Transport

DM12 – Amenity

#### **5.2 South Norfolk Development Management Policies (2015)**

DM 3.13- Amenity Noise and quality of life

DM 3.14- pollution, health and safety

DM 3.8- Design principles

DM 4.3 - Facilities for collection of recycling and waste

DM4.9 - Incorporating landscape into design

#### **5.3 Joint Core Strategy for Broadland, Norwich and South Norfolk (2011)**

Policy 1 – Addressing climate change and protecting environmental assets

#### **5.4 No Neighbourhood plan is currently adopted.**

### **Other Material Considerations**

#### **5.5 The National Planning Policy Framework (2012)**

Policy 11 – Conserving and enhancing the Environment

#### **5.6 National Planning Policy for Waste (2014)**

#### **5.7 Waste Management Plan for England (2013)**

## **6. Consultations**

- 6.1 County Councillor (Ms Alison Mary Thomas) : No comments received.



- |      |   |  |
|------|---|--|
| 6.2  | South Norfolk District Council  | : No objection.  |
| 6.3  | South Norfolk Water Management Officer  | : No objection.  |
| 6.4  | South Norfolk Environmental Health Officer  | : No comments received.  |
| 6.5  | Highways Authority (NCC)  | : No objection.  |
| 6.6  | Environment Agency  | : No objection. Application is covered by a permit.  |
| 6.7  | Lead Local Flood Authority (NCC)  | : <u>1<sup>st</sup> consultation</u> : Request for infiltration testing and a maintenance and management plan<br><u>2<sup>nd</sup> consultation</u> : No objection.  |
| 6.8  | Senior Arboricultural Officer (NCC)   | : No objection.  |
| 6.9  | Landscape officer (NCC)   | : <u>1<sup>st</sup> consultation</u> : additional clarification on site layout, tree species and protection measures.<br><u>2<sup>nd</sup> consultation</u> : No objection but request provision of condition requiring details of tree species, planting specification and maintenance. |
| 6.10 | <u>Representations</u><br>The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. |  |
| 6.11 | No objections were raised.  |  |

## 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 Norfolk Minerals

and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), the South Norfolk Council Core Strategy (2011), Joint Core Strategy for Broadland, Norwich and South Norfolk (2014). Whilst not part of the development plan, policies within the National Planning Policy Framework and National Planning Policy for Waste (2014) are also a further material consideration of significant weight.

- 7.4 The principle of waste management is established at this site given the permanent permission for an HWRC granted in 1992. The proposal complies with NMWDF policy CS6: *General Waste Management Considerations* which lists both land already used for waste management, and previously developed land, as acceptable for further waste development. Although the soakaway would be located outside the confines of the HWRC this would be constructed underground and have no impacts above ground. As the application is to alleviate surface water drainage at the site, to complement the waste management use, the principle of development is considered acceptable as long as there are no negative impacts.
- 7.5 **Amenity**
- 7.6 The proposed tree box and associated discharge point will have minimal visual impact outside the immediate Household Waste Recycling Centre. In addition the land outlined for proposed drainage pitch is substantially screened. The majority of Construction work is proposed between Mondays and Saturday, 7am and 5pm with the site proposed to be closed during this period
- 7.7 It is therefore considered that the proposal complies with NMWDF Policies CS14, DM12 and South Norfolk policy DM3.13 which seek to ensure there are no unacceptable adverse amenity impacts created.
- 7.8 **Design/ Landscape**
- 7.9 NMWDF Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape character* both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape or townscape.
- 7.10 The tree box will be positioned on the grass verge adjacent to the concrete hardstanding within the north west of the recycling centre. Protection will be installed in the form of a barrier to protect the tree from potential accidental damage from the operations of the recycling centre. The protective barrier will be a small section of crash-barrier and is considered in keeping with the wider site. The soakaway will be gravel filled and would not be viewable from outside of the site, which is significantly screened.
- 7.11 It is therefore considered that there are no landscaping or design issues with the proposals, and that the proposal is in compliance with NMWDF policies CS14 or DM8.



**7.12 Arboriculture**

- 7.13 The application includes provision of a native tree for the HydroFilterra unit. Following consultation with the Arboriculturist and Landscape Architect a condition has been requested, whereby the applicant would submit information concerning the species of the tree to the council prior to implementation of the drainage unit. An arboricultural implications assessment has also been prepared for the installation of the soakaway in the woodland adjacent to the site. The Arboricultural assessment concluded that one tree would be removed to facilitate construction which would be replaced with a mixture of Pine and Oak within the next planting season. The location of the soakaway has been chosen to negate any potential risks to the woodland. No objections have been raised by the relevant officers.

It is therefore considered that the development will not cause arboricultural harm and is compliant with Policy DM8 of the Norfolk Minerals and Waste Development Framework (2011) and Policies DM3.8 and DM4.9 of the South Norfolk Development Management Policies Document (2015).

**7.14 Biodiversity and geodiversity**

- 7.15 It is not anticipated that the implementation of the drainage unit and associated soakaway would cause any adverse issues outside of the HWRC site. It is therefore considered that the application is compliant with policies CS14: Environmental Protection and DM1: Nature Conservation of the NMWDF Core Strategy.

**7.16 Appropriate Assessment**

- 7.17 The site is situated within 10 kilometres of The Norfolk Valley Fens Special Area of Conservation. 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

**7.18 Transport**

- 7.19 It is proposed that during construction – an estimated period of 8 weeks there would be an increase in vehicles accessing the site for delivery, removal of waste and construction staff. However this is considered to be negligible given existing traffic levels on site. Once constructed there is no anticipated increase in vehicle movements besides access for maintenance at most on a bi annual basis.
- 7.20 The Highway Authority has raised no objection to the changes therefore considering the above, the proposal complies with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

- 7.21 **Groundwater/surface water**
- 7.22 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy.
- 7.23 The HydroFilterra unit is designed for the treatment of surface water run-off by filtering sediment and reducing concentrations of contaminants. Following treatment water would be piped under the road to an area in the woodland adjacent to the site where it would be discharged into the proposed soakaway. The provision of the drainage unit is subject to an Environmental Permit, which has been granted by the Environment Agency.
- 7.24 Following consultation with the LLFA information regarding infiltration testing and maintenance of the facility was submitted. Infiltration testing was carried out on site in 2015, the methodology was considered reasonable given the proportionate scale of the development. Whilst the maintenance and management plan noted drainage infrastructure would be maintained and monitored by Norfolk County Council for the lifetime of the recycling centre.
- 7.25 With the submitted information no objections have been received from the Environment Agency and the LLFA. Henceforth the development is considered acceptable and in compliance with the aforementioned policy.
- 7.26 **Flood risk**
- 7.27 Policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.
- 7.28 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone. It is not expected that the implementation of the drainage scheme would increase flood risk on site or elsewhere. Therefore the application is considered compliant with the aforementioned policy.
- 7.29 **Environmental Impact Assessment**
- 7.30 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2011
- 7.31 The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required
- 7.32 **Responses to the representations received**
- 7.33 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 7.34 No concerns or objections were raised.
- 7.35 **The Community Infrastructure Levy**
- 7.36 The development does not create 100sqm of new development therefore it is not CIL liable.

## **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. The Human Rights of the applicant are not likely to be affected if permission is not granted.
- 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 The development would not cause any material impacts to the site and its surroundings including and not limited to ecology, Groundwater, the landscape and highway safety.
- 12.4 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 hereby permitted shall commence not later than three years from the date of this permission.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- i. Planning Statement; dated September 2016;
- ii. Site Location Plan; 256387-OA03-301; Rev C; Dated 04/10/16;
- iii. HWRC Morningthorpe Standard Drainage Details; 256387-OA03-305; Rev A; Dated 23/03/2016;
- iv. Drainage Feasibility Study and Risk Assessment; 256387-OA03-R301-B; Dated September 2015;
- v. BS 5837 Tree Survey and Arboricultural Implications Assessment; Dated 06/2016;
- vi. Drainage system- Monitoring and Maintenance Plan; Dated October 2016;
- vii. Window Sampler Log; PM5073D1; Dated 2015;
- viii. Email Received from Agent; Planning Application: C/7/2016/7015 Morningthorpe Recycling Centre - Consultation Responses; Dated 03 November 2016 11:39;

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

- 13.3 Prior to the installation of the HydroFilterra box, a landscaping scheme shall be submitted for approval in writing by the County Planning Authority and implemented within the current or next planting season. The scheme shall make provision for:
- a) Details of tree species including a planting specification for both the Hydro BioCell unit tree and the replacement tree planting for the tree removed during construction works; and,
  - b) A management plan to include the replacement of any damaged or dead trees planted in accordance with the submitted scheme (within a period of five years from the date of planting) of the planting with trees of similar size and species at the next appropriate season.

Reason: To ensure suitability and longevity of the scheme in arboricultural and landscape terms, in accordance with Policies CS14 and DM8 of the Norfolk Minerals and Waste Development Framework (2011)

## **Background Papers**

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>

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)

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**

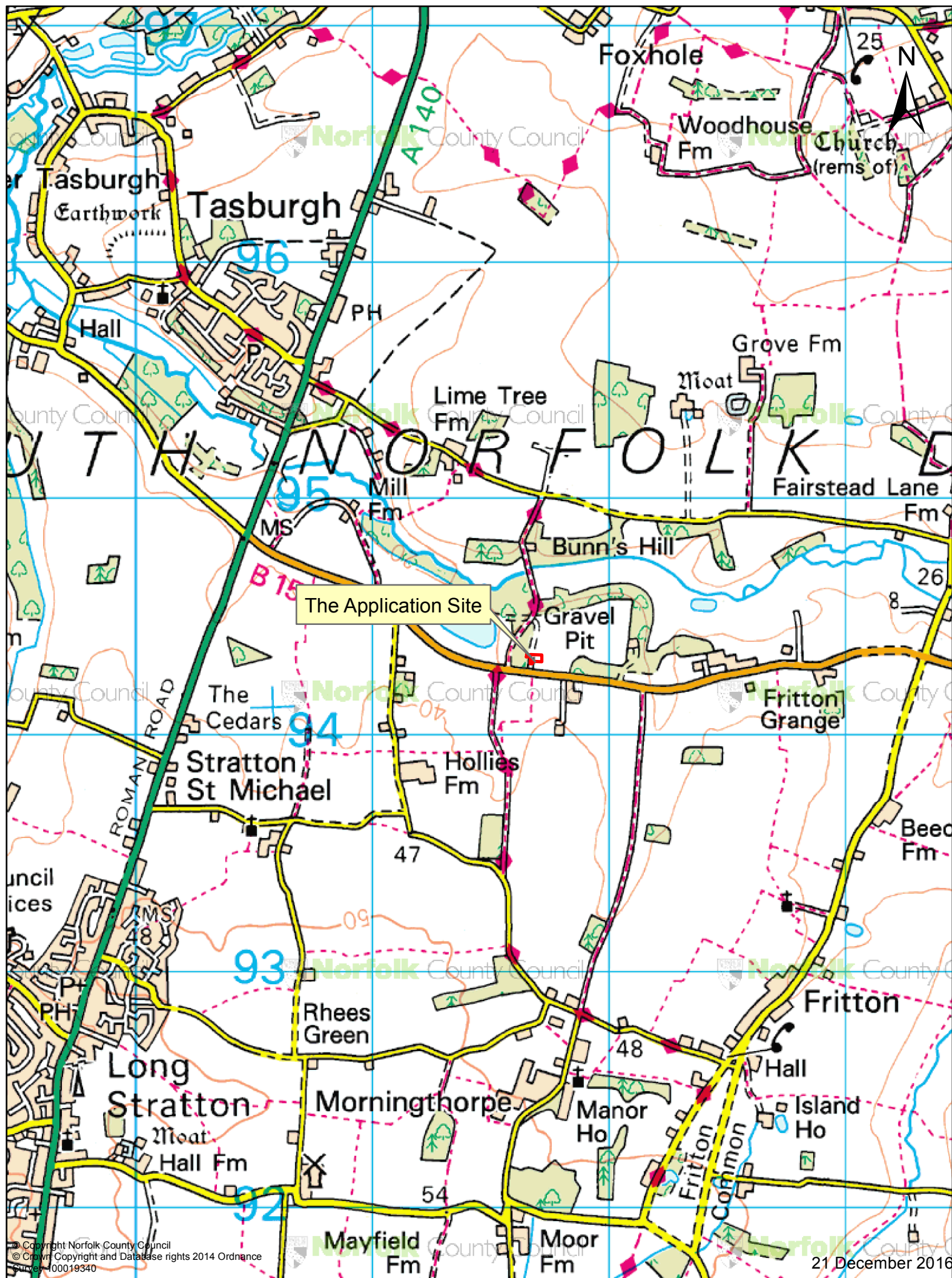
If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer name :** Hannah Northrop                      **Tel No. :** 01603 222757

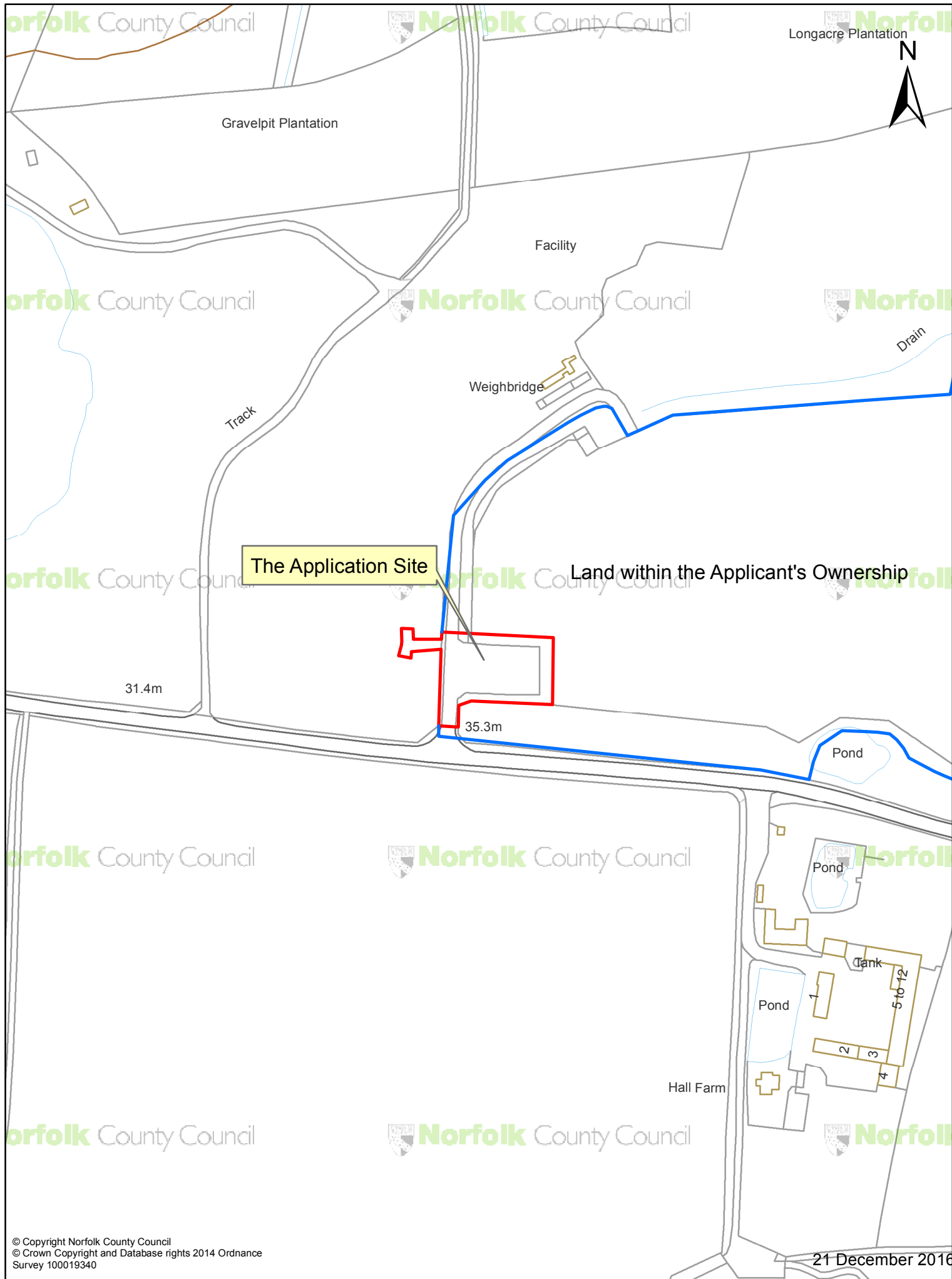
**Email address :** Hannah.Northrop@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.







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