

# Planning (Regulatory) Committee

Date: **6 September 2019**

Time: **11am**

Venue: **Edwards Room, County Hall, Norwich**

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

## **Membership**

Cllr C Foulger (Chairman)

Cllr S Askew

Cllr R Brame

Cllr M Castle

Cllr D Collis

Cllr D Douglas

Cllr B Iles

Cllr B Long

Cllr W Richmond

Cllr M Sands

Cllr E Seward

Cllr M Storey

Cllr T 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 in [Appendix 28 of the Constitution](#).

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

Hollie Adams on 01603 223029 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. Minutes

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To confirm the minutes from the Planning (Regulatory) Committee meeting held on 26 July 2019

## 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, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
  - Exercising functions of a public nature.
  - Directed to charitable purposes; or
  - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

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. FUL/2019/0005: Hethersett Junior School, Queens Road, Hethersett, Norwich, Norfolk NR9 3DB

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Report by the Executive Director of Community and Environmental Services

6. **C/2/2019/2009: Land adjacent to Riverside Farm, Garage Lane, Setchey, King's Lynn** **Page 55**

Report by the Executive Director of Community and Environmental Services

7. **Great Yarmouth Third River Crossing Nationally Significant Infrastructure Project (NSIP)** **Page 83**

Report by the Assistant Director Community and Environmental Services  
(Culture & Heritage)

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

Date Agenda Published: 29 August 2019



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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 26 July  
at 11am in the Council Chamber, County Hall**

**Present:**

Cllr Colin Foulger (Chairman)  
Cllr Brian Long (Vice Chairman)

Cllr Mick Castle  
Cllr D Douglas  
Cllr David Collis  
Cllr Brian Iles

Cllr William Richmond  
Cllr Eric Seward  
Cllr Tony White

**Substitute Members Present**

Cllr Beverly Spratt for Cllr Stephen Askew

**Also Present:**

Neil Campbell  
Ralph Cox  
Jonathan Hanner  
Nick Johnson  
Jane Linley  
Andrew Sierakowski

Senior Planning Officer  
Principal Planning Officer  
Engineer, Highways Development Management  
Head of Planning  
Team Lead (Planning & Environment), nplaw  
Senior Planning Officer

**1 Apologies and Substitutions**

- 1.1 Apologies were received from Cllr S Askew (Cllr Spratt substituting), Cllr M Storey. Also absent were Cllr Brame and Cllr Sands

**2 Minutes**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 6 June 2019 were agreed as an accurate record and signed by the Chairman

**3 Declarations of Interest**

- 3.1 There were no declarations of interest

**4 Urgent Business**

- 4.1 There was no urgent business.

## **Applications referred to the Committee for determination.**

### **5 C/1/2018/1016, Pinkney's Field, Breck Farm, Stody Estate, Melton Constable; C/1/2018/1017, Breck Farm Reservoir, Stody Estate, Melton Constable; and C/1/2018/1018, Breck Farm Reservoir, Stody Estate, Melton Constable**

5.1.1 The Committee considered the three interlinked planning applications that sought permission to relocate one of two previously approved agricultural reservoirs to the adjacent Pinkney's field. In addition to the main application itself, two section 73 applications had also been lodged in order to facilitate this proposal.

5.1.2 The Senior Planning Officer introduced the presentation

- Planning permission had been granted in 2010 for 2 agricultural reservoirs in Stody Estate; the 3 applications being considered were for variation to the original planning permissions and construction of a further reservoir to the east of the North Reservoir, in Pinkneys Field
- The nearest properties visible from the site were to the north east and well screened by topography and trees
- Investigations into the area found that the quality of minerals was variable; the applications proposed an increase in overall total volume to be excavated from 750,000 to 880,000 tonnes, but no changes were anticipated in vehicle movements or plant capacity
- A s106 agreement was in place to limit vehicles turning right out of the site into Briston to 6 a day; in practice, less than one a day travelled in this direction. This traffic routing would be controlled by a traffic management plan should permission be granted
- Edgefield Parish Council had raised concerns about when and how the reservoirs would draw water off the river; the Officer clarified that this would be licensed by the Environment Agency to ensure water was not drawn off when river was low
- The Senior Planning Officer confirmed that planting on the new bund would be part of the approved details for the site.

5.1.3 Mr MacNicol spoke as the applicant

- The business was a working farm, and the reservoirs were to deliver irrigation for crops on the farm, such as potatoes for Kettle Chips, carrots and shallots to supply supermarkets, and barley to supply crisp maltings and also for other nearby farms. Irrigation was necessary as the soil was light and sandy.
- An extensive review of the farm had been carried out to identify the best location for the reservoir, proposed for construction in Pinkney's Field.
- The business had worked with neighbours and renewed the underground main to reach across all neighbouring farms. This would provide water to neighbours to support their cropping and help them grow higher value vegetable crops; neighbouring farms supported the project.
- The sale of minerals extracted to create the reservoirs was fundamental to finance the project; the business was satisfied with the current mineral contractor.
- The reservoir would achieve an environmental and conservation net gain as the provision of water would benefit the flora and habitat of the Glaven Valley; water extraction from the river to the reservoir would only be carried out when the river was at a high level.

- The business held regular liaison meetings with the local community, and 3 site meetings had been held for the public to explain the applications; positive feedback had been received from the Councils who attended.
- 5.2.1 The Committee took a vote on each application, C/1/2018/1016, C/1/2018/1017, and C/1/2018/1018.
- 5.2.2 The Committee **RESOLVED in respect of each application** unanimously that the Executive Director of Community and Environmental Services be **AUTHORISED** to:
- i. Grant planning permission for all three applications subject to the conditions set out in section 13 of the Officer's report.
  - ii. Discharge conditions where the permissions detailed above requires 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 to deal with any non-material amendments to the applications that may be submitted.

## 6. **C/3/2018/3001: Anglian Business Centre, West Carr Road, Attleborough**

- 6.1.1 The Committee considered the application for a recycling facility for construction, demolition and excavation waste.
- 6.1.2 The Senior Planning Officer introduced the presentation
- Updates had been circulated to members before the meeting; see appendix A
  - access to the site was via a two way slip road with the A11 and West Carr Road; the application included controls which would restrict movements along West Carr Road
  - no additional landscaping had been proposed therefore no comment had been received from the Landscape Officer
  - a crusher would be used on a campaign basis only, and controlled by an environmental permit
  - the Head of Planning confirmed that the application did not include the recycling of asbestos.
- 6.2 The Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services be **AUTHORISED** to:
- i. Grant planning permission subject to the conditions outlined in section 13 of the Officer's report.
  - ii. Discharge conditions 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 to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 11:38

## Chairman



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# Planning (Regulatory) Committee

Item No. 5

<b>Report title:</b>	<b>FUL/2019/0005 – Hethersett Junior School, Queens Road, Hethersett, Norwich, Norfolk NR9 3DB</b>
<b>Date of meeting:</b>	<b>6 September 2019</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and Applicant:</b> Expansion of existing 240 pupil place junior school to a 420 pupil place primary school by way of a new stand-alone building incorporating 8 new class bases, studio hall and other ancillary accommodation. Improved vehicular and pedestrian access to the school off Queen's Road leading to 44 no. space car park including 3 no. disabled car parking spaces, creation of a secondary pedestrian access route to the school from Admiral's Way and minor refurbishment works to existing school. (Mr Steve Hicks – Children's Services, Norfolk County Council).	

## Executive summary

Full planning permission is sought for expansion of Hethersett Junior School to create a two-form entry (2FE), 420 place primary school. The application seeks permission to provide a standalone classroom block to accommodate eight class bases (classrooms) for reception up to year 3. The existing school building will also be remodelled and will provide classrooms for years 4 to 6, including converting two undersized classrooms to a library and group space.

Six letters of objection have been received from neighbours to; the site raising concerns relating to the traffic and amenity impacts on the occupants and gardens of the adjoining houses as a result of the creation of the new pedestrian access into the school from Admirals Way; disturbance from games and sport activities and the height, closeness and overlooking of the new classroom block into the gardens of adjoining properties in Haconsfield; and pedestrian safety, the need for replacement play equipment and the impact of lighting.

No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because of the number of objections received. The key issues in the determination of the application include the principle of the development, locational and transport related sustainability considerations, the amenity Impacts (including noise and disturbance from traffic and outdoor school activities and overlooking), traffic, pedestrian safety and parking, playing field provision, design and landscaping and ecology. It is considered that the proposal would be in accordance with the policies contained within the development plan and significant weight is afforded to

the need for an enhanced education provision to cater for the growing needs of the school, therefore conditional full planning permission is recommended.

**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 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 to deal with any non-material amendments to the application that may be submitted.**

## 1. The Proposal

- 1.1 This application is for the expansion of Hethersett Junior School to create a two-form entry (2FE), 420 place primary school. This will require the provision of two class bases (classrooms) for each year group from reception up to year 6 (total of up to 60 pupils per year group). The application seeks permission to provide a standalone classroom block to accommodate eight classrooms for reception up to year 3. The existing school building will also be remodelled and will provide classrooms for years 4 to 6, including converting two undersized classrooms to a library and group space. It is anticipated that the expanded will be delivered in 2020. The change will offer the benefit of allowing pupils to remain at the school for seven years without the disruption that can be created in changing schools between years 2 and 3.
- 1.2 The application states that the expansion of the school will enhance educational provision within a sustainable location in the centre of Hethersett. This will support the local community by providing places for pupils to meet future demand which will be easily accessible by foot or bicycle (particularly with the new access being provided from Admirals Way). The new classroom building and remodelling of the existing school has been designed to enhance the quality of the learning environment and the design and layout of outside space to improve the operation and safety of the site by separating the shared staff car park and playground. It is also intended to provide a safer and more secure environment and improvements to hard play sports pitches and improvements to the existing school playing field are also intended to enhance sports provision at the school.
- 1.3 The background to the application is that Hethersett has seen large scale housing growth, which is placing significant pressure on the schools in the village. Norfolk County Council (NCC) Children Services has, therefore, sought to reorganise educational provision to meet future pupil placement demands. This has included submitting an application to build a new teaching block at Hethersett Academy to allow the high school to expand, seeking permission for a new primary school and nursery off Coachmakers Way and expanding Hethersett Junior School to create a new primary school (replacing the previous split Infant and Junior School arrangement). The expanded/new schools will help accommodate demand for pupil places from residential development

which is currently being constructed.

#### Overall Development Plan

- 1.4 The development at Hethersett Junior School will provide a new stand-alone classroom teaching block to allow Hethersett Junior School to operate as a two-form entry (2FE) primary school (420 roll pupils).
- 1.5 The new teaching block will provide 8 classrooms, group rooms, a breakout area, library/heart space and a studio hall. A range of ancillary spaces including WC's along with staff and admin areas will also be provided.
- 1.6 The gross internal floor area of the new teaching block will be 1,061m<sup>2</sup>. The building will be single-storey throughout. The teaching classrooms and studio hall will have a mono-pitch roof, with the other spaces within the building being flat roofed.
- 1.7 The new teaching block rooms are arranged into grouped pairings with the main circulation routes running through the centre of the building. The group pairings represent the two forms of entry for each year from Reception Year up to Year Three. The studio hall will be one room taking up the equivalent area of a grouped pair. The south of the building accommodates the Reception Year which has been orientated off the main building axis to allow the free-flow of children play to the front of the school in a secure area. The west of the building accommodates Year One and Year Two with additional access that also houses the central heart space/library and staff and admin rooms. The east of the building accommodates Year Three and the studio hall as well as WC's, and additional a group room and a plant room which is exclusively accessed from outside the building. The corridors also feature recessed cloak rooms and an additional breakout space which is located adjacent to the studio hall.
- 1.8 To provide security the perimeter of the school site will be secured with a 1.83m high weldmesh fence along any neighbouring boundaries (where this does not already exist) and a 2.4m high weldmesh fence along the boundary of the formal hard sports play area.
- 1.9 Native shrub and hedgerow planting will be provided at appropriate points along the boundary to soften it and reduce visibility into the site.

#### Design

- 1.10 The mono-pitched roofs will be standing seam and powder coated aluminium finished in a grey colour. The flat roof areas will be a bitumen-based system with a charcoal grey coloured finish.
- 1.11 The layout of the building is modular to provide an economic buildable form. Each mono-pitched area is a group of two same year classrooms, with the other mono-pitched area being the studio hall. The flat roof areas are for ancillary spaces and circulation routes.
- 1.12 The new classroom block façade will be relatively plain and is to be clad with a red/orange blend facing brick with coloured panels at the ends of the classroom windows to create a simple but distinctive aesthetic. The colours for the panels reflect the school's logo (i.e. yellow, blue and green). Stand-alone external canopies are provided to parts of the southern elevation of the building as this is Reception Year, and to the principal entrances along the west elevation.

These will provide covered, shaded areas and will be powder coated in grey to match the aluminium work of the glazing systems.

1.13 The location of the building has been designed to be sited as far away from the neighbouring boundary as is physically possible, at about 4.5m, although the main driver for this has been the proximity to the existing building and the need to maintain a safe distance between the two buildings due to potential fire spreading and access issues.

1.14 The height of the building has been designed to be as low as possible to avoid any form of shadows being cast on the neighbouring gardens in Haconsfield. A shadow casting diagram has been submitted with the application which shows that shadows will be predominantly cast onto the school site and not on to the neighbouring gardens.

1.15 The external environment has been designed to develop a series of sports, play and educational spaces that radiate out from the building, creating a number of flexible spaces that can be developed by the school following occupation.

#### Landscape and Ecology

1.16 The application includes extensive worked up landscape proposals which aim to create a responsive external environment that complements the new building's function and appearance, maximises educational opportunities and which respects the nature and character of the surrounding landscape. The application states that the objectives and the landscaping are:

- To sympathetically locate the new building within an existing site through appropriate landscape reinstatement works;
- To enhance and improve the site using soft and hard landscape materials sympathetic to the existing character and surrounding landscape;
- To retain and integrate key existing features including trees and existing play facilities where possible, and to mitigate for any loss within the overall design;
- To ensure the design is coherent and effectively amalgamates existing and new areas;
- To improve accessibility (both vehicular and pedestrian) to the various external areas around the school and between the existing and new school buildings; and
- To provide an appropriate uplift in parking provision to support the needs of an expanded school.

1.17 An Arboricultural Impact Assessment (AIA) has been submitted with the application which identifies a total of 32 existing individual trees and 5 groups of trees. To enable the development of the new classroom block and new and improved sports and play facilities, eight trees and six saplings will need to be removed. There are also a number of existing trees which are to be retained but which have the potential to come into conflict with construction traffic.

1.18 In order to mitigate for the lost trees, a total of fourteen replacement trees will be planted. These will mainly be planted in the eastern corner of the existing

school playing field in an area that is currently devoid of trees. A number will also be planted along the southern site boundary between the proposed hard play area and the adjacent houses.

- 1.19 An Ecological Appraisal has also been undertaken. This report of the Appraisal identifies that school grounds (and immediate surrounding area) as largely consisting of amenity grassland, ditches and three ponds (two of which are within the school boundary), together with trees and hedgerows.
- 1.20 The potential for bird nests to be present within the school grounds is identified as moderate. The report recommends that if work is proposed during the bird breeding season, the site should be checked in advance for evidence of active nesting. The school is identified as offering moderate potential for roosting habitat within existing trees but concludes that construction works can proceed under a Construction Environmental Management Plan (CEMP) to ensure all mitigation for habitats and protected species is adhered to.
- 1.21 A number of specific enhancements are recommended which will ensure a net gain in biodiversity for the school grounds and the surrounding area. This includes installation of bat and bird boxes.

#### Access

- 1.22 As part of the proposed works, access to the school will be improved by widening the existing entrance road and removing the existing car parking bays to allow two cars to pass each other, which will reduce congestion. Two pedestrian footpaths along either side of the entrance road will be constructed to help improve the flow of people to and from the school.
- 1.23 In addition, a new pedestrian access from Admirals Way is proposed to be constructed the east of the existing school playing field, to provide more direct access for people travelling from the residential areas to the north and east of the school.

#### Parking Provision

- 1.24 As part of the new layout, the school will have a single car park. The Parking Standards for Norfolk 2007 states that for a primary school there should be one space allocated per classroom and another allocated per FTE staff. The projected total number of parking spaces for the whole school would not be achievable in this case so that the parking increase is based on the expansion only.
- 1.25 The school currently has eight classrooms. This will increase to 14 classrooms therefore requiring an additional six parking spaces. The existing FTE number of staff is projected to increase from 27 to 40, thereby requiring an additional thirteen spaces. The overall increase in parking spaces required due to the expansion is therefore 19. Currently the school has twenty-three parking spaces, including one disabled space, with the need to increase the number to

a minimum of forty-two.

- 1.26 The parking layout that has been developed, will in fact provide forty-four car parking spaces for staff, including three disabled spaces. Stands for secure storage of up to forty-two bicycles and forty scooters will also be provided, are intended to contribute to the development of a new sustainable travel plan for the school. This slightly exceeds the number of spaces required due to the school's expansion.
- 1.27 The car park will also include provision for emergency vehicles to enter and maneuver, to ensure safety.

#### Pedestrian Access

- 1.28 As detailed above, an additional footpath and entrance will be provided on to Admirals Way to give pedestrian access to the neighbouring residential areas.
- 1.29 The main pedestrian route will remain that from Queens Road, although this is to be improved to give priority to pedestrians to ensure the safety of pupils, staff and visitors approaching the school by foot and on bicycles.

#### Inclusive Access

- 1.30 The new teaching block will be fully accessible to wheelchair users and ambulant disabled persons. All external doors will have level thresholds and the internal floor levels will be consistent throughout to allow full access for wheelchair users. The external landscaping has been designed to maximise accessibility and allow full access for wheelchair users and ambulant disabled persons.

## **2. Site**

- 2.1 Hethersett Junior School is located on the north side of Queens Road and to the west of the Haconsfield in the centre of Hethersett, approximately 8.5km (6 miles) south-west of the centre of Norwich. There are residential areas to the east and south of the school, with Hethersett Academy School and its playing fields to the north and north west and a number of office and commercial properties to the immediate west. Of most immediate significance is that the school grounds back on to rear gardens and boundaries of Nos 4-8 Norwich Road and Nos. 8-28 Queens Road to the immediate south, and Nos 4-10 Haconsfield and Nos. 62 and 65-67 Admirals Way to the immediate east.
- 2.2 The school grounds cover an area of approximately 2.3 ha and consists of the original two storey red brick school building with a number of single storey flat and pitched roofed buildings to the rear. It is served by a single access from Queens Road to the south, with shared surface parking and hard play area to the front of the school building, and soft and hard play areas to the (east) side and the main school playing field to the rear (north).

### **3. Constraints**

- 3.1 The site falls within the development boundary for Hethersett, shown on the Proposals Map that accompanies the South Norfolk Local Plan Site Specific Allocations and Policies Document (SSAPD) (Adoption Version October 2015).
- 3.2 It has no landscape, heritage or other environmental protection designations and none of the trees on the site are protected by a Tree Preservation Order (TPO). It is shown as being located in Flood Zone 1 on the Environment Agency's Flood Map for Planning.

### **4. Planning History**

- 4.1 The planning history for Hethersett Junior School held by the County Council includes the following planning applications:
- Planning Application Ref. Y/7/2009/7011 for the Replacement of six sets of single glazed Crittal windows and doors with doubled glazed window units and doors. Approved 22/05/2009; and
  - Planning Application Ref. Y/7/2010/7011 for the Replacement of five full height Crittal single glazed windows to the hall area & four high level Crittal single glazed windows to the rear of the Hall. All windows to be replaced with aluminium double glazed units. Approved 22/07/2010.

### **5. Planning Policy**

#### **Development Plan Policy**

- 5.1 Relevant development plan policies for the purposes of the application comprise the following:
- 5.2 **Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk - Adopted March 2011, with amendments adopted January 2014**
- Policy 1 - Addressing climate change and protecting environmental assets
  - Policy 2 - Promoting good design
  - Policy 3 - Energy and water
  - Policy 6 - Access and Transportation
  - Policy 7 - Supporting Communities
  - Policy 9 - Strategy for growth in the Norwich Policy Area
  - Policy 10 - Location for new or expanded communities in the Norwich Policy Area
  - Policy 14 - Key Service Centres

5.3 **South Norfolk Local Plan Development Management Policies Document (DMDP) Adoption Version October 2015**

- Policy DM 1.1 - Sustainable development;

- Policy DM 1.3 - Sustainable location of development;
- Policy DM 1.4 - Environmental quality and local distinctiveness
- Policy DM3.8 - Design Principles applying to all development
- Policy DM3.10 - Promotion of sustainable transport
- Policy DM3.11 - Road Safety and the free flow of traffic
- Policy DM3.12 - Provision of vehicle parking
- Policy DM3.13 - Amenity, noise and quality of life
- Policy DM3.15 - Outdoor play facilities and recreational space
- Policy DM 3.16 - Improving the level of local community facilities;
- Policy DM 4.2 - Sustainable drainage and water management;
- Policy DM4.4 - Natural environmental assets - designated and locally important open space;
- Policy DM 4.8 - Protection of trees and hedgerows;
- Policy DM 4.9 - Incorporating landscape into design.

#### 5.4 **South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) Adoption Version October 2015**

5.5 The Site Specific Allocations & Policies Document (SSAPD) does not include any directly relevant policy, but the text on Hethersett refers to Policy 10 of the JCS as setting a target of at least 1,000 dwellings in Hethersett between 1 April 2008 and 31 March 2026 and that the village is also a prime location to accommodate part of the 1,800 units in the Norwich Policy Area (NPA) that the JCS does not attribute to a particular settlement. Policies HET 1-4 allocate four sites on the north side of Hethersett, within 1km of the Junior School, to accommodate this growth. It also refers to JCS Policy 10 identifying the need in Hethersett for expansion of village services including potential relocation of the junior/high school and additional primary provision.

5.6 The Proposals Map for Hethersett included in the SSAPD shows the site as falling within the development boundary for Hethersett.

#### 5.7 **Adopted Neighbourhood Plan**

5.8 The site is located in Hethersett Parish. There are currently no adopted Neighbourhood Plan for the Parish.

#### **Emerging Development Plan Policy**

#### 5.9 **Greater Norwich Local Plan (GNLP)**

5.10 Work has started on a new Greater Norwich Local Plan (GNLP) which is being jointly prepared by South Norfolk District Council, Broadland District Council, Norwich City Council and Norfolk County Council. A consultation was held on Growth Options and Site Proposals for the emerging GNLP between January and March 2019, but the Draft Plan Consultation, setting out draft policies, has as yet, to be published. There are as such no currently relevant emerging development plan policies to which any weight can be attached.

## Other Material Considerations

### 5.11 The National Planning Policy Framework (2019)

- Chapter 2 - Achieving sustainable development;
- Chapter 8 - Promoting healthy and safe communities;
- Chapter 9 - Promoting sustainable transport;
- Chapter 11 - Making effective use of land;
- Chapter 12 - Achieving well-designed places;
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change; and
- Chapter 15 - Conserving and enhancing the natural environment.

## 6. Consultations

- 6.1 South Norfolk District Council : Considers that the design appears functional rather than having sought to maximise opportunities to actively engage with the school's indoor and outdoor learning environments, but nevertheless has no objection to the principle of the development.
- 6.2 Hethersett Parish Council : The Parish Council have the following comments:
- It has concerns about the impact that the installation of a pedestrian gate will have on traffic using Admirals Way. It states that whilst it would encourage and support sustainable travel methods such as walking and cycling, it is concerned that there will be an increase in the number of cars using what is residential road. The volume of on street parking will also increase which could hinder emergency vehicles accessing residential properties and create road safety hazards for children walking/cycling to and from school. It comments that Admirals Way, which is a 30mph zone, contains a number of bends, so that parked cars will create a visibility hazard leading to an increased risk of road accidents. It requests that the need for additional traffic management measures are investigated, including the introduction of double yellow lines, and a reduction of the speed limit to 20 mph or allowing shared use of the new parking facility

being built as part of the Hethersett Academy extension to improve road safety on Admirals Way.

- Comments that there will be 44 car parking spaces for staff including 3 disabled spaces. Asks whether these disabled spaces will be available to parents and visitors? If not, it asks what arrangements will be put in place to accommodate those who are less physically mobile?
- Is concerned that the height of the new classroom block should not overshadow the neighbouring residential properties or cause any intrusion of privacy.
- Is concerned that the drainage system in Admirals Way is inadequate to cope with any extra surface water and that proposed works should not give rise to further flooding.
- Expresses disappointment that the design for the classroom block is not more innovative.

6.3 Environmental Health Officer (South Norfolk District Council) : Has no objection subject to the development being undertaken in accordance with the submitted documents, and particularly the Construction Consideration Statement, Noise Assessment and the Lighting Assessment.

Expresses concern that there is potential for significant disturbance to nearby residents, particularly if the school premises are to be open to use by clubs, organisations, groups, etc. after 6:30pm weekdays or at weekends. To provide mitigation of any such disturbance, they advise the inclusion of a condition requiring the submission of a noise management plan.

6.4 Lead Local Flood Authority (NCC) : Advise that the submitted Flood Risk Assessment (FRA) and Drainage Strategy include sufficient information to demonstrate that surface water drainage is to be adequately managed.

They have no objection subject to a condition relating to the submission of further details of the drainage proposals set out in Section 13 below.

- 6.5 Highway Authority (NCC) : Advise that the application is part of the ongoing review of school provision in Hethersett, with applications recently approved to expand Woodside Infant School to a primary school (and relocate it to the Hethersett Gardens Development) and to expand Hethersett Academy. The review has sought to ensure there is adequate school places to cater for current and future demand created by the large-scale housing growth permitted in Hethersett.

As part of the approved Hethersett Academy application (Y/7/2018/7012) a new vehicular and pedestrian accesses will be provided from Back Lane (to the north of the site) with a purpose built 'on site' bus drop off/pick up area to cater for school transport. This facility will remove all buses from Queens Road which represents a significant improvement when compared to the current situation.

#### Highway Network

Comment that Hethersett Junior School is located directly off Queens Road in close proximity to the Academy and that it is currently accessed from a single vehicular/pedestrian access on to Queens Road which provides access to the existing staff car park.

Advise that Queens Road in the vicinity of the site is a 20mph traffic calmed zone with "School Keep Clear" markings placed across the school entrance.

They further advise that existing pedestrian network in the vicinity of the site is good, with continuous footway provision linking the school to the surrounding residential estates.

They comment that as is typical with most schools, during the start and end of the school day there is a short-term increase in traffic

associated with the school drop off/pick up on Queens Road and the surrounding highway network.

They advise that the opportunity to access the school, from the adjacent residential areas to the east, by more sustainable modes such as by foot is positive.

#### Vehicular & Pedestrian Access

Advise that the proposals enhance pedestrian links into the site from Queens Road will pedestrians using the footway priority and provide a safer pedestrian environment. In addition, the comment that the widened on-site access road will better accommodate two-way traffic flow. These changes they state are welcomed and represent an improvement when compared to the existing situation.

They comment that the new pedestrian and bicycle access from Admirals Way will significantly enhance the pedestrian and cycle links into the site from the Churchfields residential estate to the east of the site, encouraging sustainable travel.

They advise that the creation of the new access may encourage some additional drop off/pick up activity on Admirals Way which may generate local amenity concerns. At this stage, they advise that it would be premature to second guess what, if any, traffic management measures would be required. As such they advise that the applicant should fund a Traffic Management review after 12 months of occupation, to identify if any further traffic management measures are required. This, they state, has been discussed and agreed with Children's Services.

They further advise that waiting twelve months will allow sufficient time to fully assess the school pick up/drop off activities and identify what, if any further traffic management measures are required. the advise that if yellow lines are required, the applicant will be required to fund and provide the associated Traffic Regulation Order (TRO).

### Vehicular and Cycle Parking

They comment that the application provides for significantly more parking spaces on site to cater for the increased demand for staff/visitor parking and to in part address the existing lack of provision on site. It is proposed to provide 44 parking spaces on the site which represents an additional 21 parking spaces on site.

In addition, they advise that they are satisfied with the location and the specification of the central sheltered cycle and scooter parking store, but request that the school designates an area for additional future cycle parking, which can be reserved condition and monitored through the Travel Plan process.

### Construction Phase

Advise that the construction compound and car parking proposals are acceptable and can be conditioned accordingly.

### Summary

Comment that the application will result in further activity within the immediate vicinity of the school and could potentially cause a further nuisance to local residents but that the propose expansion of the school is unlikely to generate a significant highway safety concern. They advise that the Highway Authority is committed to working with the school to develop a travel plan to help promote the use of more sustainable modes to access the site.

Advise that the opportunity to access the school by more sustainable modes such as by foot/bicycle is positive, particularly given the improved pedestrian links proposed. They also advise that part of the Travel Plan, should involve the promotion of alternative methods (other than the car) to access the site, and that parents and pupils should be engaged to ensure such issues are managed.

They further advise that the school should be

required to monitor the travel plan at agreed intervals.

Whilst accepting that the application will result in further activity, they do not consider that this would substantiate a highway objection to the proposal. They therefore recommend approval subject to the highways conditions, comprising conditions and the informatives set out in Section 13 below.

6.6 Sport England

: Sport England - Statutory Role and Policy

Advise that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). They advise that consultation with Sport England is therefore a statutory requirement.

They further advise that Sport England has, as a result, considered the application in light of the National Planning Policy Framework (in particular paragraph 97), as well as against its own playing fields policy, which states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development, as a whole, meets with one or more of five specific exceptions.

#### The Proposal and Assessment Against Sport England Policy

They further comment that the proposal will lead to the loss of the southern area of playing fields (the area to the south of new classroom block) and result in the loss of the existing hard play area.

They comment that the games court will be relocated and that whilst there will be loss of a grass playing field, they mindful of the following characteristics:

- That the games court is aimed at primary school children who will learn the basic skills in playing sport.
- That providing the games court is constructed substantively in accordance with Sport England's guidance it is considered to be a sport facility.
- That the games court will offer opportunities for sporting activities when the playing field is unusable due to bad weather.
- That the games court will be located on the south east playing field leaving adequate space on the north playing fields for the mini pitch, rounders pitches and running track, that historic aerial images show have been marked out in the past.
- That the existing hard standing has not been marked out with formal pitches for a number of years
- That the pitches which were marked on the southern playing field can be relocated to the northern playing field, subject to the works and maintenance programme recommendations set out in the Hethersett Junior School Feasibility Study; and
- That the proposals include a studio which will be used for sporting activities.

In light of the above, Sport England consider that the proposal has the potential to broadly accord with Policy Exception E5 of Sport England's Playing Fields Policy in that:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

#### Conclusions and Recommendation

Given the above assessment, Sport England states that it does not wish to raise an objection to the application as it is considered to broadly meet exception 5 of the above policy. It advises that inclusion of a number of conditions to ensure the implement the new and improved playing field and multi-use games area provision. These are included as conditions in Section 13 below.

- 6.7 Ecologist (NCC) : Advise that the ecology report is fit for purpose and that they agree that the impacts of the proposed development will be low. They also confirm that the Construction and Ecology Management Plan (CEMP) that has been submitted with the application is fit for purpose.
- They advise that the lighting assessment requires revision to take into account the results of the ecological survey and the sighting of the proposed bat and bird enhancement within the new building. It should also take into account The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) guidance on bats and lighting: Also advise that features that may be used by roosting, commuting and foraging bats, such as hedgerows and trees, and proposed bat mitigation incorporated within the new building, should not be illuminated.
- They advise the inclusion of a condition relating to the implementation of the CEMP.
- 6.8 Landscape and Arboriculture (NCC) : Joint comments from the Landscape and Arboricultural Officers advise that further details of the tree planting are required and that the proposed tree sizes need to reflect the recommendations set out in the Arboriculture Impact Assessment (AIA) which suggests a Heavy Standard to replace the Category B tree being removed, and that the proposed tree pit details correspond with the tree pit details shown in the AIA.
- 6.9 Anglian Water Services Limited : Have no objection, subject to the inclusion of a condition to ensure that no hard-standing areas are constructed until the works have

been carried out in accordance with the surface water strategy and associated informatives.

- 6.10 Norfolk Constabulary : Have no objections to the application but have made a number of comments on security measures that they recommend should be implemented in association with the development. These are included as informatives in Section 13 below.
- 6.11 Norfolk Fire and Rescue Service : No comments received at the time of writing this report.
- 6.12 County Councillor David Bills : No comments received at the time of writing this report.

### Representations

- 6.13 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.14 There have been six third party representations, from local residents. Key issues raised include the following:

- That the development will result in the loss of a large playing field, the front school playground and the side playground;
- That the wider access on to Queens Road will allow vehicles to move at a greater speed which increases the risk of collision, especially as vehicles cross the footpath;
- That the new access gate into the school at the western end of Admirals Way, will lead to significant additional traffic, congestion and blocked entrances to residential properties with parents picking-up and dropping-off children. There is also a children's play area very near the proposed access and the extra vehicles could pose a danger to the small children using the play area;
- That the area where the new access gate is proposed has been subject to flooding;
- That the hard play areas are being relocated close to adjoining residential properties;
- That the noise of balls constantly hitting a hard surface, will reverberate through the adjoining residential properties, notably those at 3-6 Haconsfield;
- That out of school hours outdoor activities will cause disturbance to the neighbouring residential properties
- That the proposed classroom block will face directly into the rear of No. 6 Haconsfield;
- That there is a risk that lighting will affect the neighbouring residential properties;
- That the new classroom block will cause a loss of light to the

- neighbouring residential properties; and
- That the submission of a Transport Statement rather than a Transport Assessment with the application is inadequate to properly assess the traffic impacts of the development.

## **7.0 Assessment**

7.1 The underlying 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”.

7.2 Relevant development plan policy is, as detailed above, is set out in; the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk - Adopted March 2011, with amendments adopted January 2014; the South Norfolk Local Plan Development Management Policies Document (DMPD) Adoption Version October 2015; and, the South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) Adoption Version October 2015. In addition, the policies set out in the National Planning Policy Framework (2019) are a material consideration.

7.3 The key issues to be assessed in the determination of the application include; the principle of the development; locational and transport related sustainability considerations; the amenity Impacts (including noise and disturbance from traffic and outdoor school activities and overlooking); traffic, pedestrian safety and parking; playing field provision; design and landscaping; and ecology. Flooding and Sustainability of the have also been raised as additional issues.

### **7.4 Principle of the Development**

7.5 In terms of the principle of the development, the key policies are clearly supportive of the principle of the development. The JCS Policies 6 and 7 aim to deliver thriving communities by ensuring that facilities and services are available as locally as possible and are located to take account of the potential for co-location, and of being accessible on foot, by cycle and by public transport. They include specific reference to education provision including a commitment to the provision of sufficient, appropriate and accessible education opportunities, including new primary schools to serve the major growth locations. Policies 9,10 and 14, set out the Strategy for growth in the Norwich Policy Area (NPA) and identify key major growth locations, and key service centres. These include Hethersett, as location for at least 1000 new houses, as part of an overall strategy to deliver a minimum of 21,000 new houses in the NPA over the plan period to 2026.

7.6 In addition, to support this level of growth, Policy 10 identifies the need for new or expanded education provision for addressing the needs of the 0-19 age range.

- 7.7 As set out in paragraph 5.5. above the SSAPD in support of JCS Policy 10 allocate four sites (HET 1-4) on the north side of Hethersett, within 1km of the Junior School, to accommodate this growth and identifies the need in Hethersett for an expansion of village services including potential relocation of the junior/high school and additional primary provision.
- 7.8 In support of the Policy 10, explicit assessment of the need for additional primary school capacity has been undertaken by the Interim Executive Director of Children's Services and was reported and considered at the June 2017 Children's Services Committee, which identified the need to create two 4-11 primary schools in Hethersett from the existing infant and junior schools (Hethersett Woodside Primary School and Hethersett Voluntary Controlled (VC) Junior School, to accommodate pupil numbers from major housing growth anticipated in accordance with JCS. As a result, the intention is now to reorganise Hethersett Junior School as an all-through primary school for 5-11year-olds. This reorganisation has been approved via the relevant statutory processes.
- 7.9 As a result, the identified expansion of provision at the school will be from a two form-entry junior school (240 places for 7-11 year olds) to include a 2 form-entry primary school for 420 5-11 year olds. To accommodate the additional pupils, the new teaching block is to be constructed comprising 8 classrooms plus ancillary accommodation and refurbishment of the existing premises as set out above.
- 7.10 The reorganisation proposals in Hethersett also includes the provision of a new 5-11 primary school to replace the existing Woodside Infant and Nursery School for which planning permission has been granted.
- 7.11 In terms of the principle of the development there is therefore a clearly identified need for the additional primary capacity proposed. This is in accord with and supports relevant development plan policy and underpins its strategic objectives. In addition, the NPPF, Paragraph 94 makes clear that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 7.12 Locational and Transport Related Sustainability Considerations**
- 7.13 The key sustainability consideration, is as set out in JCS Policy 7, not only to deliver thriving communities but to do so in a way that ensures that facilities and services are available as locally as possible and located to take account of the potential for co-location, and so that they are accessible on foot, by cycle and public transport. Policy 10 similarly is concerned to ensure that there is a high level of self-containment through the provision of services to support new development while integrating well with neighbouring communities. In addition DMPD; Policy 1.3 is concerned with ensuring that new development should be located so that it positively contributes to the sustainable development, is located on Allocated Sites or within the development boundaries of the settlements defined on the Policies Map, and is of a scale proportionate to the

level of growth planned in that location; Policy 3.10 seeks to ensure that new development should support sustainable transport and development objectives, and be designed to reduce the need to travel and to maximise the use of sustainable forms of transport; and Policy 3.16 seeks to ensure that community facilities exist within a reasonable distance to meet local needs and are located within development boundaries.

- 7.14 Again, it is clear cut that in relation to location and transport sustainability objectives that the reorganisation and enhancement of school provision (at all levels) and well as the specific proposals included in this application are both predicated on, and consistent with, the overall policy objectives of the development strategy and the detailed policy considerations set out in the JCS and the DMPD and SSAPD. The school is located in the centre of the village, immediately adjacent to the Hethersett Academy and within the development boundary and within a 1km of all four allocated housing sites (HET1-4) identified in the SSAPD document. The location will facilitate walking and cycling to school, rather than the use of car, and with the improvements to access to the adjacent residential areas to the east through the creation of the new pedestrian access on to Admirals Way, and provision of the enhanced access to Queen's Road with pedestrian priority. It will also include enhanced provision for bicycles and scooters storage.
- 7.15 The measures proposed will be incorporated into an updated School Travel Plan, which will be reviewed. As set out above the Highways Officer has advised the inclusion of a condition to require and ensure the review, updating and monitoring of the School Travel Plan, including the monitoring of pupil numbers and provision for the phased development of the future cycle parking.
- 7.16 There are related amenity concerns which have been raised by Hethersett Parish Council and local residents which are considered in more detail below.
- 7.17 **Amenity Impacts (including Noise and Disturbance from Traffic and Outdoor School Activities and Overlooking)**
- 7.18 Over and above the strategic considerations relating to the Principle of the Development and the Location and Transport Related Sustainability Considerations, the key issue that invariably arises in relation to the development of new schools and expansion of existing schools are the amenity impacts, particularly on adjacent and nearby residential properties and areas. These generally comprise the impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes into the school in the short periods at the beginning and end of the school day and the noise and disturbance (including in this case, the impact of any lighting), primarily from and associated with outdoor recreational and sports activities. In some instances, other issues occur or can also be raised. In this case, two other issues have been raised by consultees and objectors; potential disturbance from after-school activities and overshadowing and overlooking from the new classroom block towards the rear of the adjoining properties on the west side of Haconsfield.
- 7.19 Relevant policy includes the DMPD Policy DM 1.1 which at the most general

level seeks to, secure development that improves the economic, social and environmental conditions; Policy DM.14 which seeks to ensure proposals should avoid environmental harm or where this is not possible, adequately mitigate and compensate for the adverse environmental effects of development; and Policy DM3.13, which is the main development plan policy concerned with amenity, noise and the quality of life. This states that development should ensure a reasonable standard of amenity reflecting the character of the local area. In all cases particular regard should be paid to avoiding overlooking and loss of private residential amenity space, loss of day light, overshadowing and overbearing impacts, and the introduction of incompatible neighbouring uses in terms of noise, odour, vibration, air, dusts, insects, artificial light pollution and other nuisances. It makes clear development will not be permitted where it would generate noise or artificial light which would be significantly detrimental to the amenity of nearby residents or the occupants of other noise sensitive uses.

- 7.20 In addition, Paragraph 180 of the NPPF, makes clear that in determining planning application Local Planning Authorities should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions as well as the potential sensitivity of the site or the wider area to impacts that could arise from a development. It makes specific reference to the impacts from noise, light pollution, impacts on health and the quality of life.
- 7.21 In relation to the first of these issues, the impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes into the school has been raised by Hethersett Parish Council and also some of the residents of Admirals Way. The concerns particularly relate to the potential disturbance at the western end of Admirals Way, close to the proposed new entrance gate. The concerns expressed transcend amenity and highway and pedestrian safety and include the disturbance to and safety of residents of Admirals Ways and parents and children using the play area and public recreational open space to the north of Admirals Way.
- 7.22 The issue has also been identified in the comments from the Highway Authority, although primarily as a highway safety and highway management issue.
- 7.23 The major concern is that with the opening-up of the new access gate, there will be significant increase in the number of pedestrians and vehicles making drop-offs, using Admirals Way. In practice it is very difficult to quantify what the level of use the new route will be which in turn is likely to depend on the uptake in places at the school from families living in the Churchfields residential area to the east of the school.
- 7.24 The issue has been identified by the District Environmental Health Officer and the Highway Authority, who have advised (as set out above) that conditions by attached to the grant of consent to require the preparation and submission of a Noise Management Plan, an updated School Travel Plan, and the undertaking of Traffic Management Review of Admirals Way within 12 months of the coming into use of the new classroom block and the opening-up of the new access gate on Admirals Way.

- 7.25 This is essentially a pragmatic response and will require coordination across the two plans and the review, as well as on-going monitoring, but in practical terms, it is difficult to put in place any more specific requirements. Ultimately it will be use of the new access gate on to Admirals Way that will provide the primary control and it may be that access is restricted and the gate kept locked at time, other than at the beginning and end of the school day, as is recommended by the Norfolk Constabulary, albeit that their concern is with ensuing effective management of the gate as a security measure.
- 7.26 The Environmental Health Officer recommends that the noise plan includes a mechanism for receiving, investigating and resolving complaints from residents; details of how noisy activities will be managed; and details of how noise from persons leaving the premises will be managed. This together with review as required of the School Travel Plan and any traffic management measures on Admirals Way, should provide an adequate means of monitoring disturbance on the new route into the school and ensuring that appropriate management measures are put in place. It should be noted that conditions cannot be attached to the permission related directly to the undertaking of any mitigation measures outside the red line boundary of the application site on land that is not within the applicant's control. However, conditions can be used to secure the preparation and submission for approval of the Noise Management Plan and updated School Travel Plan, and the undertaking of the Traffic Management Review. It should also be noted that the condition relating to the Traffic Management review can require the undertaking of the review, but cannot lawfully require the funding of, or payment for, the review. The condition must therefore appropriately word to reflect this.
- 7.27 Turning to the second issue of the disturbance from lighting and outdoor recreational and sports activities, there have been objections from the neighbours who's gardens adjoin the school along the boundary with Haconsfield. There are three properties on Haconsfield in particular, Nos. 4-6, that have a common boundary with the school adjacent to the south east corner of the site where the new hard play sports pitches will be located. The particular concern is that there will be constant and on-going noise and disturbance from ball games and bouncing balls, which may adversely affect the amenity and well-being of the residence and cause stress. There is also a concern about the impact of lighting on the rear of the adjacent properties.
- 7.28 To ameliorate the disturbance from sports and outdoor activities including ball games, it is proposed to significantly enhance the landscaping and treatment along the boundary of the school with the adjacent properties in Haconsfield. In itself this is unlikely to address concerns from noise, particularly in relation to out-of-hours activities, but in combination with the development of a Noise Management Plan, as detailed above, should provide an effective safeguard to ensure that if an on-going noise and disturbance does occur, there is mechanism that places an obligation on the school, to manage or put in place measures to ensure that this is addressed and abated. The new classroom block should serve screen the adjoining properties further to the north in Haconsfield, from the noise of activities within the school grounds.
- 7.29 In relation to lighting, the application includes a Lighting Assessment, plan and

details. This states that in order to preserve the local lighting environment, external lighting will be low source intensity and directed downwards and not present any direct upward light. It states that to ensure light nuisance is minimized, the perimeter lighting on the new building will comprise 24W LED external wall mounted luminaires which will be located on the side of the building at approximately 2.8m. Pole mounted lighting to illuminate the car park will be installed a height of approximately 6m. This will provide downward orientated lighting with the optional obtrusive light shields. 1m high bollard lighting will also be provided to illuminate the fire assembly point and the pathway to it. This will be linked to the fire alarm. The assessment states that the car park lighting and wall mounted external luminaires will be controlled by a photocell to switch it on and by a timed switch, to turn it off. The assessment states that the use of the additional lighting will not extend into late evening and night periods when there is the potential for complaints. This should provide adequate safeguard to adjoining residents. .

7.30 Finally, in relation to overlooking, this is an important consideration given the proximity of the new classroom block to the eastern boundary of the site and the properties on the west side of Haconsfield, particularly Nos. 5-9. This is matter that the Design and Access Statement submitted with the application has considered. It states that the height of the building has been designed to be as low as possible, with the east elevation being single storey. It will be located up to 4.5m from the eastern boundary of the school with rear gardens of the houses on Haconsfield. This is currently defined by 2m high close boarded fence and hedge, although the landscaping plan submitted with the application shows that this will be supplemented by additional native species planting to provide a more substantial hedge. As such although the new classroom block will be quite close to the boundary, there is no likelihood of overlooking or any loss of privacy. The shadow cast analysis that has been submitted with the application shows that whilst there will be some shadow cast on the adjoining gardens during winter months, the houses themselves would suffer no loss of sunlight and shadow of the building would not affect the rear of the houses on Haconsfield.

7.31 There are no other significant amenity considerations. Whilst the noise, disturbance and lighting have the potential to adversely impact on the neighbouring and nearby properties, including those on Admirals Way, with the inclusion of the conditions requested by the Environmental Health Officer and the Highway Authority, it should be possible to ensure that the expansion of the school, including the development of the new classroom block, new access and the new hard play area does not give rise to any unacceptable impacts on the amenity. It can therefore be considered acceptable in terms of the relevant amenity related development plan policies and the NPPF.

### **7.32 Traffic, Pedestrian Safety and Parking**

7.33 The traffic and pedestrian safety issues, are essentially as set above in relation to the amenity issues, and in particular the concerns raised by the Parish Council, objectors and the Highways Authority, primarily about the impact of the opening up of the new school gate at the western end of Admirals Way.

- 7.34 Relevant development plan policy includes the JCS Policies 2 and 6 which seek to ensure provision of cycling and walking friendly neighbourhoods by applying highway design principles and not prioritising the movement function of streets at the expense of quality of place and, the concentration of development close to essential services and facilities to encourage walking and cycling as the primary means of travel. Also relevant are DMPD Policies DM3.8 and DM3.10 which seek to ensure that new development provides an attractive, accessible and safe environment and reducing the need to travel. Additional guidance is set out in paragraphs 108-111 of the NPPF, which advises that applications for development should give priority first to pedestrian and cycle movements, both within development proposals and within neighbouring areas and that conflicts between pedestrians, cyclists and vehicles should be avoided.
- 7.35 As set out above, there is concern that the introduction of the new pedestrian route into the school through Admirals Way may have a highways and pedestrian safety impact, as well an amenity impact, but as detailed above the Highway Authority, has advised that this be kept under review through the requirement for a Traffic Management Review within 12 months of the coming into use of the new classroom block and the opening of the new access gate on Admirals Way. In the event that a significant increase in vehicular traffic as a result of parents dropping pupils off by car, becomes an issue, then the review would be used to identify what if any new or additional traffic management measures should be put in place. Waiting for twelve months this would allow sufficient time to fully assess the school pick up/drop off activities and identify what, if any scheme is required, which could include the provision of yellow lines.
- 7.36 As set out above, to try to second guess the impact in terms of traffic and pedestrian safety, is in practice very difficult, and there is little alternative to taking a pragmatic approach. The key point is that there is a commitment to or requirement for the Traffic Management Review, which can be enforced by condition.
- 7.37 A further additional traffic management and pedestrian safety issue has also been raised by the objectors in relation to the revised access arrangements at the front of the school on to Queens Road. In particular there is a concern that the wider access onto Queens Road will also allow vehicles to move at a greater speed, which will increase the risk of collision, especially as vehicles cross the footpath along Queens Road. The Highway Authority is satisfied that amended access arrangements will enhance pedestrian links into the site giving pedestrians using the footway priority and providing a safer environment. They also consider that the widened on-site access road will better accommodate for the two-way traffic flow, and that these changes represent an improvement when compared to the existing situation.
- 7.38 A third issue that has been raised by the Parish Council, relates to the provision disabled spaces and whether the proposed disabled spaces, would be available for parents and visitors. It is understood that this would be the case. The Highways Authority has advised that the proposed increase in provision

from 21 to 44 spaces, including an increase in the number of disabled spaces from one to three, is a significant increase and has not offered any objections in relation to the increased parking provision.

7.39 In overall terms the Highway Authority advise that that the application will result in further activity within the immediate vicinity of the school and that it could potentially cause an increased nuisance to local residents. On balance however, they advise that it is unlikely to generate a significant highway safety concern. To provide a safeguard for local residents who may be affected, the development of an updated School Travel Plan and the Traffic Management Review should ensure that any issues are managed. As an additional and on-going safeguard, the school should be required to monitor the Travel Plan at agreed intervals. These requirements are included in the conditions recommended by the Highway Authority set out in Section 13 below.

7.40 With these safeguards the proposed expansion of the school including the revised access and parking arrangements can be considered to be acceptable in terms of relevant development plan policy and the policy set out in the NPPF.

#### **7.41 Playing Field Provision**

7.42 The key issue in terms of playing field provision is that the proposal will lead to some loss of use, of land being currently used as a playing field. For this reason, Sport England are a statutory consultee.

7.43 There is no explicit development plan policy relating the school playing field, although DMPD Policy DM 3.15 states that new 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. More explicitly is Paragraph 97 of the NPPF makes clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or that the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.44 The application is accordingly accompanied by Open Space/Playing Pitch Assessment and a Feasibility Study setting out a management and maintenance scheme for existing northern school field so that it can be adequately retained for an intensification of use.

7.45 As set out above Sport England have offered detailed comment in response to the advice set out in the NPPF. They advise that while the development of the site will lead to the loss of the southern area of playing fields and the existing hard play area, the combination of alternative provision and the potential to relocate pitches to the northern playing field, through an intensification of use, would provide sufficient benefit to the development of sport as to outweigh the detriment caused by the loss. On this basis it does not object to the application, subject to the inclusion of conditions to ensure the new and improved playing

field and new multi-use games/hard play area. The recommended conditions, as detailed in the comments from Sports England are included in the Section 13 below.

7.46 It should be noted that in relation to the relevant conditions in Section 13 that Sport England have requested that the use of the new classroom block should not commence until the new multi-use games area to be constructed to the south of block has been constructed and made available for use.

7.47 The Agent for Children Services has requested that the condition be amended so that the multi-use games area shall be constructed and made available for use within 3 months of commencement of use of the new classroom block. This is because the area on which the new multi-use games area is to be constructed is to be used as the construction compound while the classroom block is being built. This will need to be cleared before work on the multi-use games area can begin, so that there would be some delay in its coming into use. It is unlikely that Sport England would object to proposed request, but they have to confirm their agreement to the proposed change. This has been requested and will be confirmed to the Committee when the application is presented for determination.

7.48 In addition to the comments from Sports England there has been an objection from a local resident arising from the loss of the southern area of playing fields and the existing hard play area. However, as Sport England are satisfied that the combination of alternative provision and the potential to relocate pitches to the northern playing field, would provide sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, it can be considered that the loss will be adequately mitigated.

7.49 On this basis the development can be considered to be compliant with the requirements set out in Paragraph 97 of the NPPF.

#### **7.50 Design and Landscaping**

7.51 In relation to design and landscaping, there have been comments from the Parish Council and South Norfolk District Council, expressing disappointment that the plans appear to be functional and show a lack of innovative design.

7.52 Relevant policy relating to design includes JCS Policy 2 and the DMDP Policy DM 1.4 which seek to promote good design and ensure that all development proposals demonstrate an understanding and evaluation of the important environmental assets, including locally distinctive characteristics and justify the design approach.

7.53 The application includes a detailed Design and Access Statement which provides detail on the design concept and approach to the design and layout of the site. It explains that the height of the building was designed to be as low as possible to avoid any overlooking or casting of shadows on to neighbouring gardens and houses. The design also takes cues from the existing school buildings which already incorporate a similar mono-pitch design in the modern extensions at the rear of the existing group of buildings. It provides a clear

statement of how the design has been developed and what the key objectives have been.

7.54 In terms of detailing, the design is relatively simple and functional and will be constructed from a red brick to match the existing school with a metal standing seam roof. As such, it is not inconsistent with the existing school buildings, and whilst not particularly innovative, does have a clear and well thought out design rationale in terms of the layout, how the building is to be used and function, and how it will relate to, and impact on, the buildings around it, including neighbouring residential properties in Haconsfield. As such it can, in terms of its design, be considered to be compliant with JCS Policy 2 and the DMPD Policy DM 1.4.

7.55 In relation to landscaping, a landscaping masterplan has been included with the application. This takes into account the relocation of hard play areas and provision for summer and winter sports pitches. It also includes a proposed shrub and perennial border, replacement trees and hedge planting. The Landscape and Arboricultural Officers have not offered any objections to this, but have advised that further detail should be provided, which can be addressed by condition. A condition in Section 13 accordingly is included ensure the submission and approval of the further details requested. With this condition the development proposed can be considered to be acceptable in terms of development plan policy which includes DMDP Policies Document Policies DM 4.8 and 4.9.

#### **7.56 Ecology**

7.57 The Ecology Officer has no objections to the development. They have advised that that the Lighting Assessment requires revision to take into account the results of the ecological survey and Construction Environmental Management Plan (CEMP) submitted with the application, in relation to the proposed bat and bird enhancement within the new building. An appropriate condition is included in the list of Conditions included in Section 13, together with the recommended condition relating to the implementation of the Construction and Ecology Management Plan..

#### **7.58 Other Issues**

7.59 Flooding and Drainage: The Parish Council and one of the objectors have raised a concern about flooding in the area where the new access gate from Admirals Way is proposed. Neither Anglian Water nor the Local Lead Flood Authority (LLFA) have objected to the development, subject to conditions, and the LLFA advise that the submitted Flood Risk Assessment (FRA) and Drainage Strategy include sufficient information to demonstrate that surface water drainage has been adequately managed for this proposed development.

7.60 Sustainability: Policy 3 of the JCS requires new development to maximise energy efficiency in terms of design, layout and construction techniques and minimise water consumption. It also requires non-residential development of 1000sqm or more to provide 10% renewables or low carbon sources unless unviable or unfeasible.

7.61 The application states that design has sought to address the key energy efficiency aspiration of the policy, by being highly insulated with high performance windows and the installation of solar panels and that the proposed sustainability measures incorporated within the design and layout of the scheme are consistent with the aims of Policy 3 of the JCS, DMPD Policy DM 3.8 and guidance in the NPPF which encourages sustainable development.

## **7.62 Sustainable Development**

7.63 The overarching question is whether the development proposed, is sustainable development. Relevant policy includes the DMPD Policy DM1.1 and the NPPF, paragraph 11 which states that in determining decisions on planning applications local planning authorities should apply the presumption in favour of sustainable development and in doing so should approve development proposals that accord with an up-to-date development plan without delay.

7.64 For the reasons set out in the preceding paragraphs the application is considered to be in accord with the development plan, and the NPPF, and can therefore be considered to be sustainable development in line with the advice set out in the NPPF paragraph 11.

## **7.65 Responses to the representations received**

7.66 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

7.67 There have been six third party representations, from local residents, details of which are set out in paragraph 6.14 above.

7.68 The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 7.1 to 7.64 above.

## **7.69 The Community Infrastructure Levy**

7.70 The development is CIL liable, but zero rated.

## **7.71 Local Finance Considerations**

7.72 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

7.73 In this instance it is not considered that there are local finance considerations material to this decision.

## **8. Resource Implications**

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

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

Regulatory perspective.

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

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

## **9. Other Implications**

### **9.1 Human rights**

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

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

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

### **9.5 Equality Impact Assessment (EIA)**

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 of Planning Permission**

12.1 This report relates to an application for full planning permission for the expansion of Hethersett Junior School to create a two-form entry (2FE), 420 place primary school. The application seeks permission to provide a standalone classroom block to accommodate eight classes for reception up to year 3. The existing school building will also be remodelled and will provide classrooms for years 4 to 6, including converting two undersized classrooms to a library and group space.

12.2 The key issues in the determination of the application include; the principle of the development; locational and transport related sustainability considerations, the amenity Impacts (including noise and disturbance from traffic and outdoor school activities and overlooking); traffic, pedestrian safety and parking; playing field provision; design and landscaping; and ecology. In terms of the principle of the development and the locational and transport related sustainability considerations, the expansion of the Hethersett Junior School is consistent with the development strategy set out in the development plan in terms of meeting the need for more capacity arising from the large-scale housing growth in the village. As is invariably case in relation to the development of new schools and expansion of existing schools the major concern is with the amenity impacts, particularly on adjacent and nearby residential properties and areas. These generally comprise the impacts in terms of traffic and pedestrian disturbance on the main vehicle and pedestrian routes into the school in the short periods at the beginning and end of the school day and the noise and disturbance (including in this case, the impact of any lighting), primarily arising from and associated with outdoor recreational and sports activities.

12.3 It is difficult to predict, the extent of the disturbance and traffic impacts and as recommended by the consultees in this case, monitoring and review of the impacts represents a pragmatic response, with the view to ensuring that the adequate mitigation can be put in place if required. In this instance the recommendations include the preparation of a Noise Management Plan together with review of the School Travel Plan and a Traffic Management Review. Together these should provide sufficient monitoring of any disturbance on the new route into the school and outdoor sport and recreational activities on-site to ensure that appropriate management measures are put in place.

12.4 With these safeguards, the application can be considered to be in accord with the development plan, and the NPPF, and can therefore be considered to sustainable development in line with the advice set out in the NPPF paragraph 11. The concerns raised by objectors can be addressed by condition, in order to make the development acceptable and there are no other material considerations that give indicate that it should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out below.

### **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 and the following plans and documents:

- Drawing No. HBS-DR-L800 Rev P1 - Proposed Landscape Masterplan 1/2 dated 08<sup>th</sup> November 2018;
- Drawing No. HBS-DR-L801 Rev P1 - Proposed Landscape Masterplan 2/2 dated 08<sup>th</sup> November 2018;
- Drawing No. NPS-DR-L-810 Rev P1 - Typical Boundary Treatments Typical Tree Pit Details dated 14<sup>th</sup> November 2018;
- Drawing No. NPS-DR-A-010 Rev P1 – Site Location Plan dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-011 Rev P1 – Existing Site Plan dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-012 Rev P1 – Proposed Site Plan dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-013 Rev P1 – Proposed Site Plan 1 of 2 dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-014 Rev P1 – Proposed Site Plan 2 of 2 dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-015 Rev P1 - Proposed Contractor's Compound & Access Route dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-016 Rev P1 - Proposed Phasing Plan Sheet 1 of 2 Phase 1 dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-017 Rev P1 - Proposed Phasing Plans Sheet 2 of 2 Phases 2, 3, 4 & 5 dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-018 Rev P1 – Existing Sports Pitch Markings dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-019 Rev P1 – Proposed Sports Pitch Markings dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-020 Rev P1 – Existing Ground Floor Plan dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-021 Rev P1 – Ground Floor Plan New Build dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-023 Rev P1 – Proposed Refurbishment &

Demolition Plan dated 17<sup>th</sup> May 2019;

- Drawing No. NPS-DR-A-024 Rev P1 – Proposed Refurbishment Plan Refurbishment Area 1 Reception Office dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-027 Rev P1 – Proposed Demolition Plan Existing Modular Removal dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-030 Rev P1 – Roof Plan New-Build dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-100 Rev P1 – Existing Elevations & Alterations Existing School dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-110 Rev P1 – Proposed Elevation New Build dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-140 Rev P1 – Section A, B & C New Build dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-141 Rev P1 – Section D & E New Build dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-150 Rev P1 – Proposed Site Section dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-A-160 Rev P1 – Shadow Casting Analysis dated 17<sup>th</sup> May 2019;
- Drawing No. NPS-DR-C-(00)-100 Rev P0 – Vehicle Tracking dated 14<sup>th</sup> May 2019;
- Drawing No. NPS-DR-C-(00)-600 Rev P2 – Proposed Drainage dated 9<sup>th</sup> May 2019;
- Drawing No. NPS-DR-E-(60)-001 Rev P1 – Electrical Services Site Plan 1 of 2 dated 30<sup>th</sup> April 2019;
- Drawing No. NPS-DR-E-(60)-002 Rev P1 – Electrical Services Site Plan 2 of 2 dated 30<sup>th</sup> April 2019;
- Drawing No. NPS/AIA/17419 005 – Arboricultural Impact Assessment dated 9<sup>th</sup> August 2018;
- Drawing No. NPS/TPP/23419 002 – Tree Protection Plan dated 9<sup>th</sup> August 2018;
- Hethersett VC Junior School Pipe Network & Storage Tank Critical Storm, NPS Group dated 15/05/2019;
- Ecological Report: Hethersett Junior School, Norfolk, Norfolk Wildlife Services – Report Reference 2018/081 dated 30 April 2019;
- Construction Environmental Management Plan (Biodiversity), Hethersett Junior School, Hethersett, Norfolk, Norfolk Wildlife Services - Report Reference 2018/081.2 dated (Approved) 30<sup>th</sup> April 2019;
- Construction Consideration Statement, Project: - 19 - 1 - 1022 – Hethersett VC Junior School, Hethersett, Norfolk Project Proposal, NPS

Group, dated 17 May 2019;

- Construction Environmental Management Plan (Biodiversity), Hethersett Junior School, Hethersett, Norfolk, Report Ref. 2018/081.2, Norfolk Wildlife Services, dated 23<sup>rd</sup> April 2019;
- Hethersett Junior School, Queens Road, Hethersett, Open Space/Playing Pitch Assessment, NPS Group dated May 2019
- Hethersett Junior School Feasibility Study, Agrostis Sports Surface Consulting dated 13<sup>th</sup> May 2019;
- Hethersett Junior School, Hethersett, Ground Investigation Report, Hamson Barron Smith - Report 23-24-19-1-1016/GIR1 dated 11<sup>th</sup> December 2018;
- Hethersett Junior School, Hethersett, Preliminary Land Contamination and Geotechnical Risk Assessment, Hamson Barron Smith - Report 23-24-19-1-1016/DSR1 dated 22<sup>nd</sup> October 2018;
- Hethersett VC Junior School, Hethersett, Flood Risk Assessment and Drainage Strategy, NPS Group - Report 19-1-1022/FRA Rev B May 2019;
- Hethersett Junior School New Block, Noise Statement, NPS Property Consultants Ltd – Report 01-02-19-1-1022 dated 10<sup>th</sup> May 2019;
- Hethersett Junior School, Electrical Services Planning Assessment, Lighting Assessment – Report 19-1-1022 dated 14 July 2019;
- Dialux DW Windsor Kirium PRO1 16LED 4k C3 CLO 600mA UMSUG 42 0028 0000 100 Kirium PRO1 16LED C3 CLO/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux DW Windsor Kirium PRO1 16LED 4k C3 CLO 500mA UMSUG 42 0023 0000 100 Kirium PRO1 16 LED 4k C3 CLO/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux DW Windsor Kirium PRO1 16LED 4k C4 CLO 500mA UMSUG 42 0023 0000 100 Kirium PRO1 16LED C4 CLO/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux DW Windsor Kirium PRO1 16LED 4k B4 CLO 500mA UMSUG 42 0023 0000 100 Kirium PRO1 16LED B4 CLO/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux DW Windsor Kirium PRO1 32LED 4k C4 CLO 400mA UMSUG 42 0035 0000 100 Kirium PRO1 32LED C4 CLO/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux DW Windsor PM2 NW Pharola Max PM2: - Polycarbonate Glazing with 180° Backshield/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux Performance in Lighting 304395 MIMIK 20 CP/T2 24W 4000K GR3 M3P/Luminaire Data Sheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Planning Data dated 2<sup>nd</sup> May 2019;

- Dialux Exterior Scene 1/Luimnaire Parts List dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calc Car Path/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calc Carpark Link/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calc Entrance Path/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calc New School Vertical/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calculation Surface 10/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calculation Surface 11/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calculation Surface 12/Isolines/(E, Perpendicular) datasheet (Page 16)) dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calculation Surface 12/Isolines/(E, Perpendicular) datasheet (Page 17)) dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1/Calc Entrance Path/Isolines/(E, Perpendicular) datasheet (Page 18) dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Planning Data dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Luimnaire Parts List dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calc New School Vertical/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 10/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 11/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 12/Isolines/(E, Perpendicular) datasheet (Page 24) dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 12/Isolines/(E, Perpendicular) datasheet (Page 25) dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 13/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Dialux Exterior Scene 1 Emer/Calculation Surface 14/Isolines/(E, Perpendicular) datasheet dated 2<sup>nd</sup> May 2019;
- Hethersett Junior School, Electrical Services Planning Assessment, Solar Photovoltaic Micro Generation – Report 19-1-1022 dated 12 July 2019;
- Canadian Solar Solar Panel CS6K-275/280/285M Data Sheet, dated May 2016;

- Hethersett Junior School, Landscape Management & Maintenance Plan, HBS Landscape Architecture dated 24<sup>th</sup> April 2019;
- Extension to 2FE Primary School Hethersett VC Junior School Hethersett, Transport Statement, BHA Consulting dated 30<sup>th</sup> November 2018;
- Hethersett Junior School, New Block, Sustainability Statement, NPS Property Consultants Ltd – Report 01-02-19-1-1022 dated 10<sup>th</sup> May 2019;
- Hethersett Junior School, Queens Road, Hethersett, Planning Statement, NPS Group dated May 2019;
- Design & Access Statement and Material Palette (RIBA Stage 3), Hethersett VC Junior School, 22 Queen’s Road, Hethersett, NPS Group dated 17<sup>th</sup> May 2019.

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

- 13.3 The external materials and finishes used in the construction of the development hereby permitted shall be as detailed on Drawing No. NPS-DR-A-110 Rev P1 – Proposed Elevation New Build dated 17<sup>th</sup> May 2019 and in Section 5 Materials Palette of the Design & Access Statement and Material Palette (RIBA Stage 3), Hethersett VC Junior School, 22 Queen’s Road, Hethersett, NPS Group dated 17<sup>th</sup> May 2019.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policy DM 1.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 12 of the NPPF (2019).

- 13.4 The landscaping scheme hereby permitted shall be implemented within the first planting season (October to March), following completion the development. Any plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policies DM 4.8 and DM 4.9 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 12 of the NPPF (2019).

- 13.5 Prior to the implementation of the landscaping scheme approved in accordance with Condition 13.4 details of the proposed trees to be planted, including details

of the tree sizes and tree pit details should be submitted and approved in writing by the Local Planning Authority. The submitted details shall thereafter be approved in accordance with the submitted details

Reason: To ensure the satisfactory appearance of the development, in accordance with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), Policies DM 4.8 and DM 4.9 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 12 of the NPPF (2019).

- 13.6 Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on Drawing No. 19-1-1022-012 Rev P1 shall be upgraded in accordance with the details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

- 13.7 Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

- 13.8 The gradient of the vehicular access shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

- 13.9 Prior to the first use of the development hereby permitted the proposed access / on-site car parking / on site footpath / servicing / loading / unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

- 13.10 The on-site parking arrangement for construction workers outlined on Drawing No. 19-1-1022-012 Rev P1 shall be implemented throughout the construction

period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

- 13.11 For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Site Traffic Management Plan. In addition, all measures outlined within the statement shall be implemented throughout the construction period.

Reason: In the interests of maintaining highway efficiency and safety.

- 13.12 Within 6 months of the approval hereby permitted the detailed drawings for the off-site vehicular access / footway improvement works as indicated on Drawing No. 19-1-1022-012 Rev P1 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

- 13.13 Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 12 shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

- 13.14 Within 6 months of the first occupation of the development hereby permitted a review of the existing school travel plan shall be submitted to and approved in writing by the County Planning 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 as part of an annual

review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking.

- 13.15 Within 12 months of first occupation of the development hereby permitted, the applicant shall instruct and fund the Highway Authority to undertake a Traffic Management review within the vicinity of the site to identify if any further reasonable measures (including waiting restrictions and verge protection) are required to manage traffic associated with the development. Any such measure(s) identified shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 13.16 Use of the development shall not commence until the improvement works to the playing fields have been carried out in line with the Hethersett Junior School Feasibility Study written by Agrostis Sports Surface Consulting and made available for use. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory for the intensified use and that they are available for use before development (or agreed timescale) and to accord with Policy DM 3.15 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 8 of the NPPF (2019).

- 13.17 The multi-use games area shall be constructed and made available for use within 3 months of commencement of use of the development.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Policy DM 3.15 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 8 of the NPPF (2019).

- 13.18 The multi-use games area, hereby permitted shall not be constructed other than substantially in accordance with Sport England guidance: Artificial surfaces for outdoor sports.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy DM 3.15 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 8 of the NPPF (2019).

- 13.19 The multi-use games area hereby permitted shall not be used other than for outdoor sport and play.

Reason: To protect the multi-use games area from loss and/or damage, to maintain the quality of and secure the safe use of sporting provision and to accord Policy DM 3.15 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 8 of the NPPF (2019).

- 13.20 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 13.21 Prior to commencement of development, in accordance with the submitted Hethersett VC Junior School Flood Risk Assessment and Drainage Strategy (Report 19-1-1022/FRA Rev B May 2019) and drawing number NPS-DR-C-(00)-600 P2 (Proposed Drainage Layout), detailed designs of a surface water

drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- (i) If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. Surface water runoff rates will be attenuated to 5 l/s as stated within section 2.7 of the FRA / Drainage Strategy;
- (ii) The provision of surface water attenuation storage which shall be sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change. A minimum storage volume of 234m<sup>3</sup> will be provided in line with drawing NPS-DS-C-(00)-600;
- (iii) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.
  - 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development;
- (iv) The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event;
- (v) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding or 150mm above ground level, whichever is the more precautionary;
- (vi) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge;
- (vii) A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework Paragraph 163, 165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

- 13.22 Prior to the commencement of the use hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

The noise management plan shall include:

- A mechanism for receiving, investigating and resolving complaints from residents;
- Details of how noisy activities will be managed;
- The hours for any out of school activities;
- Details of how noise from persons leaving the premises will managed;
- A review clause to ensure review of the Plan if required so that it remains effective and responds to any changes in the circumstances and activities at the school

Reason: To safeguard amenity of neighbouring residential occupiers and ensure the provision measures to safeguard them from any disturbance.

- 13.23 Notwithstanding the submitted Ecology Report, prior to the occupation of the development hereby approved details of the bat and bird enhancements within the new building shall be submitted to and approved in writing by the County Planning Authority. The bat and bird enhancements shall be implemented in accordance with the approved details.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011),and Policy DM 4.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 15 of the NPPF (2019).

- 13.24 The approved Construction Environmental Management Plan (Biodiversity), Hethersett Junior School, Hethersett, Norfolk, Norfolk Wildlife Services - Report Reference 2018/081.2 dated (Approved) 30<sup>th</sup> April 2019 shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and Policy DM 4.4 of the South Norfolk Local Plan Development Management Policies Document (2015) and Chapter 15 of the NPPF (2019).

## **Informatives**

### **Highways**

1. For further information on school travel plans please contact Ian Dinmore on 01603 224248 or email <mailto:travelplans@norfolk.gov.uk> Schools that are required to generate or update plans should use the following link <http://www.modeshiftstars.org/s>

2. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Jon Hanner 01603 223273.

3. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

4. If required, street furniture will need to be repositioned at the Applicants own expense.

### **Environmental Protection**

The school's travel plan should include details of how any environmental issues associated with the immediate area around the school when students are arriving and departing have been considered and address.

### **Drainage**

(1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **Ecology**

The updating of the lighting assessment (Hethersett Junior School, Electrical Services Planning Assessment, Lighting Assessment – Report 19-1-1022 dated 14 July 2019) as required by Condition No. 13.23 above should also take into account The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) guidance on bats and lighting:

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Features that may be used by roosting, commuting and foraging bats, such as hedgerows and trees, and proposed bat mitigation incorporated within the new building, should not be illuminated.

## **Security**

(1) With regards to the additional pedestrian access point from Admirals Walk; Norfolk Constabulary appreciates the grounds to the school are extensive and the need for an additional site entrance at the site for parents and students is appropriate on the grounds of safety and sustainability. This additional entrance should only be available at arrival and departure times and the entrances gates locked in between. Whilst these entrance gates could be locked and unlocked manually by school staff it is recommended that they are operated remotely from the school office. Monitoring of the entrance and exit points by CCTV may be appropriate here. (Norfolk Constabulary recommends CCTV systems be installed to BS EN 50132-7:2012)

(2) The school's reception entrance should be clearly signposted from the entrances to the site.

(3) Colour coding of signs can be helpful in identifying the routes to various school departments and other community buildings on the school site.

(4) The car park should comply with the police service's 'ParkMark' criteria for

safer car parks.

(5) The secure bicycle and scooter parking should be provided in view of occupied school offices and / or classrooms, with stands to which the bicycles can be secured. This area should be and secured during school hours. Cyclists should be encouraged to lock both wheels and the crossbar to a stand, rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment are: Galvanised Steel bar construction (minimum thickness 3mm) filled with concrete. Minimum foundation depth of 300mm with welded 'anchor bar'.

(6) Waste containers, particularly those with wheels, can be used for climbing at the contents used to start fires. Consideration should be given to using containers with lockable lids.

(7) For bollard that are intended to be security bollards Norfolk Constabulary recommends that they have been successfully tested to PAS 68-1:2013 (performance specifications for vehicle security barriers- fixed bollards) or PAS 68-2:2013 for rising bollards.

(8) It is important that the doorset aperture of the new building is protected. Due to the nature of educational establishments and locations there is an expectation that the security will be required to meet one of the following minimum standards when the building is unoccupied: - PAS 24:2016 - LPS 1175 Issue 7 SR2 - STS 201 or STS 202 BR2

(9) Windows must also be fit for purpose and should be certified to PAS 24:2016 (or equivalent).

(10) Glazing for windows and doors in this building should include one pane of attack resistant glass successfully tested to BS 356:2000 P1A.

## **Background Papers**

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk -Adopted March 2011, with amendments adopted January 2014

[https://www.south-norfolk.gov.uk/sites/default/files/JCS\\_Adopted\\_Version\\_Jan\\_2014.pdf](https://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf)

South Norfolk Local Plan Development Management Policies Document (DMPD) Adoption Version October 2015

[https://www.south-norfolk.gov.uk/sites/default/files/Development\\_Management\\_Policies\\_Document\\_0.p df](https://www.south-norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.p df)

South Norfolk Local Plan Site Specific Allocations & Policies Document (SSAPD) Adoption Version October 2015

<https://www.south-norfolk.gov.uk/residents/planning/planning-policy/adopted-south-norfolk-local-plan/site-specific-allocations-and>

The National Planning Policy Framework (NPPF) (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf?  
\\_ga=2.81687703.1498971390.1566921834-1965140127.1559835065](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.1566921834-1965140127.1559835065)

Planning Practice Guidance (2014)

<https://www.gov.uk/government/collections/planning-practice-guidance>

## Officer Contact

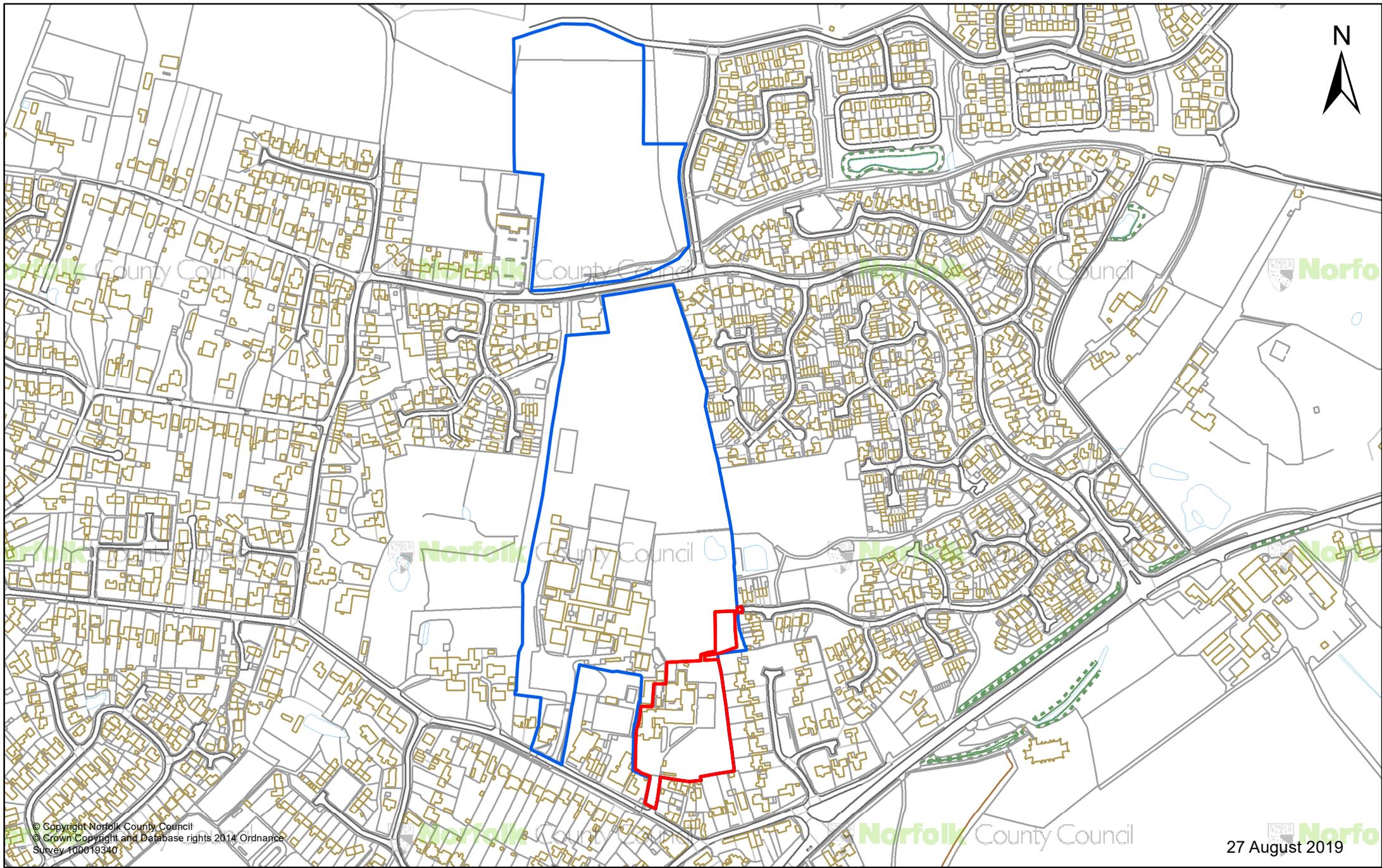
If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer name :** Andrew Sierakowski                      **Tel No :** 01746 718799

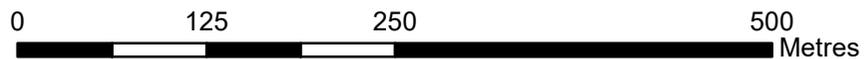
**Email address :** [andrew.sierakowski@norfolk.gov.uk](mailto:andrew.sierakowski@norfolk.gov.uk)

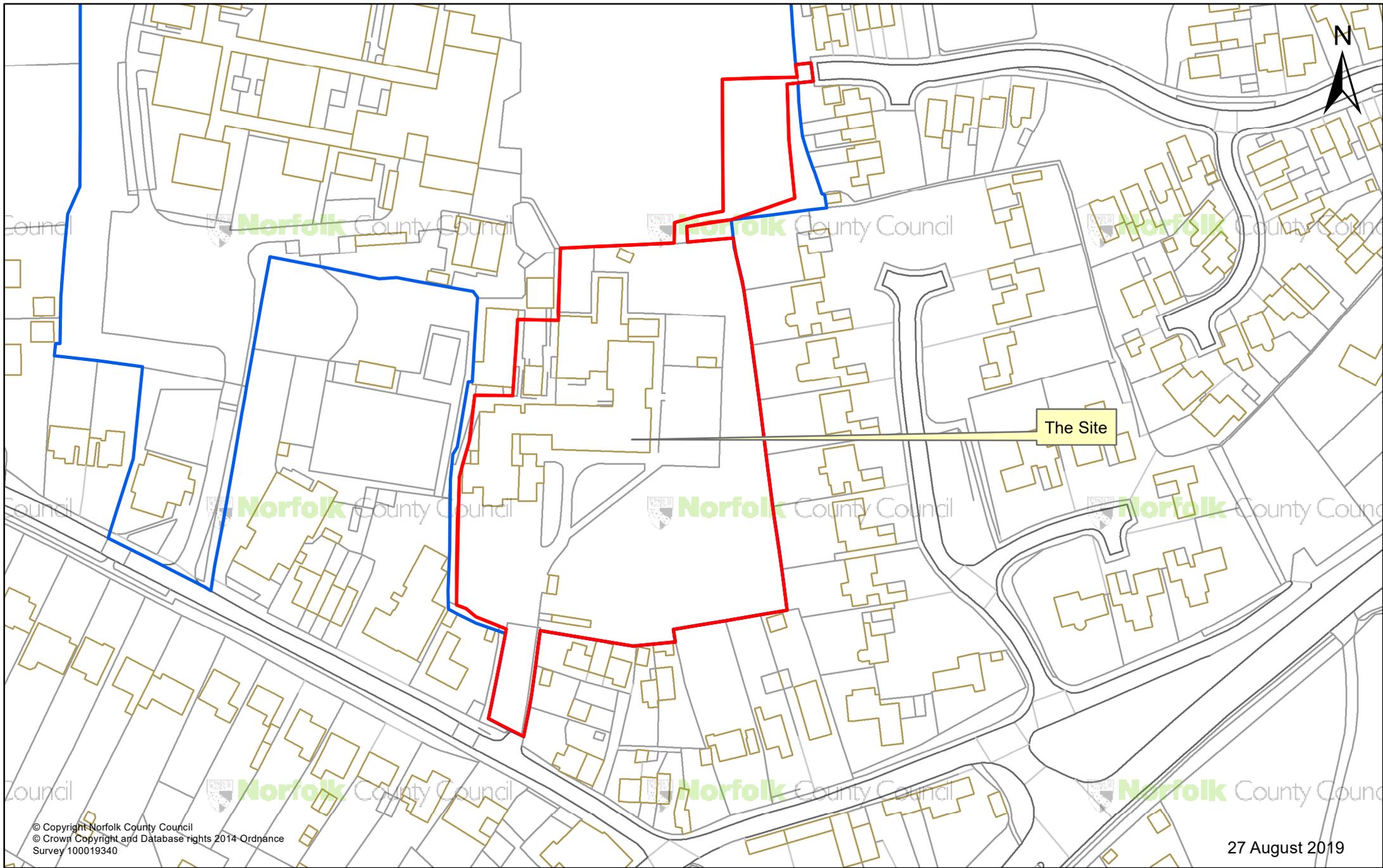


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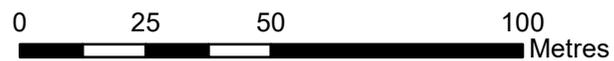


# Hethersett Junior School Location Plan





# Hethersett Junior School Site Plan



# Planning (Regulatory) Committee

Item No. 6

<b>Report title:</b>	<b>C/2/2019/2009: Land adjacent to Riverside Farm, Garage Lane, Setchey, King's Lynn</b>
<b>Date of meeting:</b>	<b>6 September 2019</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant:</b> Retrospective change of use of agricultural land to extension of existing waste facility for storage purposes and screening operations for soils and hardcore to remove aggregates for resale and create screened topsoil with additional associated landscaping and provision of 2 no. modular office/welfare units (Skippy Skip Hire)	

## Executive summary

Retrospective planning permission is sought for the change of use of agricultural land to an extension of an existing waste facility for storage purposes and for screening operations for soils and hardcore to remove aggregates for resale and create screened topsoil, and the erection of 2 no. modular office/welfare units. Further landscaping is proposed, including planting on the bund, hedging and fencing of the site. The existing permitted waste facility (planning permission ref: C/2/2013/2017) on the adjoining site, has permission to sort and process dry, non-hazardous household and commercial wastes (predominantly construction and demolition wastes) material within the existing building. The applicant is currently operating outside of the red line of the existing permission, and outside of the red line proposed in this application.

No statutory consultees have objected to the development. West Winch Parish Council and one member of the public has objected to the development. The application is being reported to this committee on the basis it is a departure from policy.

As a departure from the adopted Norfolk Minerals and Waste Core Strategy ('the Development Plan'), the default position is to refuse the application unless there are specific material considerations that indicate otherwise. In this instance it is not considered that there are material considerations that justify this departure from the Development Plan.

### Recommendation:

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

- I. **Refuse planning permission for the reasons set out in Section 13.**

## 1. The Proposal

- 1.1 Type of development : Facility for waste storage and transfer
- 1.2 Site / extraction area : 0.87 hectares excluding site access down Garage Lane
- 1.3 Annual tonnage : No increase of the approved 7,500 tonnes per annum, as approved in permission ref: C/2/2013/2017
- 1.4 Waste Types to be processed : Non-hazardous, inert and recyclables (household/commercial)
- 1.5 Duration : Permanent
- 1.6 Hours of working / operation : In accordance with planning permission for the applicant's existing adjacent waste facility (ref: C/2/2013/2017)  
Monday to Friday: 08.00 – 18.00  
Saturday: 08.00 – 13.00  
Sunday/Bank holidays: CLOSED
- 1.7 Vehicle movements and numbers : No increase in throughput/tonnage and therefore no increase in vehicle movements (as approved in permission ref: C/2/2013/2017)
- 1.8 Access : Access to the site is as per the existing waste facility site, down Garage Lane, a private industrial estates road, approximately 700 m from the junction of Garage Lane and the A10.
- 1.9 Landscaping : 2m steel mesh boundary fence; Hedge outside fence boundary; 1.5m screening mound to the south of the site with planting on the outer bank.
- 1.10 Description of proposal
- 1.10.1 The existing permitted and operational waste facility (permission ref: C/2/2013/2017) on the adjoining site, has permission to sort and process the dry, non-hazardous household and commercial (predominantly construction and demolition) wastes material within the existing building, which is then transferred off site for disposal/recycling/further processing. This application seeks to part regularize the retrospective change of use of the 0.87 hectare extension of land directly to the east of the existing permitted waste facility site for:
- Storage and processing of inert waste, and storage of non-hazardous waste and wood in skips/containers, and storage of empty skips, containers, plant and overnight vehicle parking.
  - Screening operations for soils and hardcore to remove aggregates for resale and create screened topsoil
  - Creation of new area for site, staff and visitor parking (which increases current site parking capacity from the currently consented 4 spaces to

10);

- Siting of 2 no. modular buildings measuring 12 m (length) x 3 m (width) x 3 m (height) for use as office/welfare facilities (part-retrospect)
- Utilising existing site access gates (shown on the plan) for the purpose of providing access to the whole site (i.e. the application site and the existing waste facility) and maintaining a vehicle access route through the site;
- Fencing the site perimeter using steel mesh fencing to 2m
- Landscaping works including establishment of a hedge around the fencing, and a landscaped bund to the south.
- This proposal was previously to be presented at committee on 15 March 2019, under application ref: C/2/2018/2006 but was withdrawn after the committee report was published. The applicant has since added the screening operations for soils and hardcore to remove aggregates for resale and create screened topsoil to the description to the proposal.

- 1.10.2 The purpose of utilising the new land within the application area is to provide additional storage capacity for the existing adjacent waste management facility and the screening of soils and hardcore. This application does not seek to increase the throughput of the site from the 7,500 tonnes per annum currently consented for the adjacent waste facility (permission ref: C/2/2013/2017).
- 1.10.3 Since mid-2014, following the grant of planning permission for the existing waste facility (adjacent to the current application site), the applicant has brought skips back to the permitted site for processing and separation of dry, non-hazardous household and commercial (predominantly construction and demolition) wastes from the skips to improve the service offered and increase the revenue received per skip by reducing the tipping costs for the business. As a result of the facility to separate the waste fractions of the skip wastes handled by the applicant, the business has grown since 2014, using progressive amounts of the extension land between 2014 and 2019 prior to applying for planning permission for this use, and the application is therefore retrospective.
- 1.10.4 The existing unauthorised development on site goes beyond the red line for this application site demarcating the northernmost boundary of the land proposed for development, which at present accommodates a bund currently under construction to the north of the site and further storage of dry, non-hazardous household/commercial waste, not stored in covered skips. The agent has stated it is intended to either remove this second bund/unauthorised storage area or to submit a second planning application to regularise this additional development, which would be submitted to the Council upon determination of the existing planning application. There are other unauthorised elements to the facility as a whole, which are not included in the proposal for this application.
- 1.10.5 The applicant has been subject to investigations under the Environment Agency (EA). The adjacent existing waste facility has an EA permit. The application area has no permit, but it is understood the applicant was operating under an

exemption for storing wood but is not in compliance with this exemption, despite an enforcement notice being issued by the Environment Agency.

- 1.10.6 The site is regularly monitored by Norfolk County Council monitoring officers and this application was submitted as a result of considering enforcement action. The site will need to be bought under planning control following the determination of the application.

## **2. Site**

- 2.1 The site is located on the periphery of the Garage Lane Industrial Estate on what is previously undeveloped agricultural land. The site is in the parish of West Winch and is included within the boundaries of the adopted West Winch and North Runcton Neighbourhood Plan. The site is not allocated in the adopted Waste Site Specific Allocations DPD and is not allocated in the adopted King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Plan (July 2016).

- 2.2 The site is adjoined to the western boundary by the existing permitted waste recycling facility, which was granted permission by Norfolk County Council on 26 March 2014 (ref: C/2/2013/2017). The nearest residential development is a group of properties some 320m to the north east of the site, off Garage Lane and two isolated properties 480m to the south west of the site. There are predominantly agricultural fields to the north, west and south of the site. The industrial estate is to the east of the site along the private access road, Garage Lane.

West Winch lies on the western end of a low ridge of land between the Nar and Gaywood valleys, and the Common fringes the Fens stretching beyond to the west.

## **3 Constraints**

- 3.1 The following constraints apply to the application site:
- Flood Zone 3 (High Risk)
  - Grade 3 Agricultural Land Class
  - Common land - West Winch Common (8m - North East corner of the application site)
  - County Wildlife site – West Winch Common (immediately off the North East corner of the application site)
  - Core River Valley
  - Setchey Site of Special Scientific Interest (SSSI) (320m south of the site)
  - River Nar SSSI (300m south of the site)

## **4. Planning History**

- 4.1 The site has one historic and expired permission from Kings Lynn and West Norfolk Borough Council (permission ref: 11/00982/CU), which was granted approval for a change of use of 'agricultural area' to 'timber storage yard'. The permission was deemed as not implemented as the prior to commencement

conditions were never discharged/fulfilled, which required the implementation and full details to be submitted and approved by the Local Planning Authority, including:

- Hardstanding to be laid (to verify it being impermeable)
- Surface water drainage details
- 2 no. access construction details

4.2 The main implication of this expired permission is that the previous use remains undeveloped agricultural land. Had this permission been correctly implemented, the land would have been accepted as suitable for a waste use, subject to no acceptable impacts on the environment under NMWDF Policy CS6: *General Waste Management Considerations*.

4.3 The existing and adjacent waste recycling facility, to the western boundary of the application site was approved on 26 March 2014 (permission ref: C/2/2013/2017) for a change of use of HGV maintenance and service yard/building to a waste recycling centre with associated storage round the curtilage of the building. All waste sorting/processing is only permitted within the building and the curtilage of the building is for the storage of those materials. The permission allows 7,500 tonnes per annum to be processed on the existing site.

## 5. Planning Policy

### Development Plan Policy

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

CS5 – General location of waste management facilities

CS6 – General waste management considerations

CS7 – Recycling, composting, anaerobic digestion and waste transfer station

CS15 – Transport

DM2 – Core River Valley

DM4 – Flood Risk

DM16 – Soils

CS13 – Climate change and renewable energy generation

CS14 – Environmental Protection

DM1 – Nature Conservation

DM3 – Groundwater and Surface water

DM8 – Design, local landscape and townscape character

DM9 - Archaeological sites

DM10 – Transport

DM12 – Amenity

DM16 – Soils

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

The site is not allocated in the local plan.

5.3 **King's Lynn & West Norfolk Borough Council Core Strategy (July 2011)**

Rural Areas - Policy CS06  
 Sustainable Development - Policy CS08  
 The Economy - Policy CS10  
 Transportation - Policy CS11  
 Environmental Assets - Policy CS12

5.4 **King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Plan (SADMP) (September 2016)**

DM1 - Presumption in Favour of Sustainable Development  
 DM2 - Development Boundaries  
 DM3 - Development in the Smaller Villages and Hamlets  
 DM15 - Environment, Design and Amenity  
 DM17 - Parking Provision in New Development  
 DM20 - Renewable Energy  
 DM21 - Sites in Areas of Flood Risk

5.5 **Adopted Neighbourhood Plan for West Winch and North Runcton (NP)**

WA04: Providing sustainable drainage  
 WA06: Protecting agricultural land and soils  
 WA07: Design to protect and enhance local character

5.6 **The National Planning Policy Framework (2019)**  
**National Planning Policy for Waste (2014)**  
**Waste Management Plan for England (2013)**  
**Our Waste, Our Resources: A Strategy for England (2018)**

**6. Consultations**

- |     |   |   |
|-----|---|---|
| 6.1 | Borough Council of King's Lynn and West Norfolk                               | : No objections   |
| 6.2 | West Winch Parish Council   | : Object – insufficient information on surface water management, foul water drainage, pest control; possible flood risk and contamination of Puny Drain, concerns over parking and safety at A10 junction. Requested conditions pertaining to planting, litter picking, netted skips. Draw attention to NP Policies WA04, WA09 and WA06 |
| 6.3 | Middleton Parish Council  | No response   |
| 6.4 | North Runcton Parish Council  | No response   |
| 6.5 | Environmental Health Officer (Borough Council of Kings Lynn and West Norfolk) | : No objections subject to conditions: 3m stockpile height, dust management, covered skips, lighting, noise management plan, site hours/operation and prohibition of site fires/bonfires.   |
| 6.6 | Natural England   | : No response received  |

- 6.7 Environment Agency : No objections but advise that the applicant must adhere to advice (i.e. adequate security/guard against pollution, including fires) provided in order to be considered for an Environmental Permit (not necessarily planning considerations), without which the site would be inoperable.
- 6.8 Highway Authority (NCC) : No objection
- 6.9 Lead Local Flood Authority (NCC) : Below threshold, standing advice provided.
- 6.10 Ecologist (NCC) : No objection provided 9m IDB easement can be implemented. There is potential for pollution from run-off into Pyny drain and ditches which could impact on protected species, which can be mitigated by measures secured through adherence to an EA permit/planning conditions. Informatives suggested.
- 6.11 Norfolk Fire and rescue Service (NCC) : No objections, but attention drawn to Fire Prevention Plans: environment permits – GOV.UK section 16 – sufficient water supplies.
- 6.12 East of the Ouse, Polver & Nar Internal Drainage Board : No response received
- 6.13 Defence Infrastructure Organisation : No safeguarding objections.
- 6.14 County Councillor (Alexandra Kemp) : Passed on issues (including photos) experienced by adjacent occupier. Highlighted issues in the previous application, which were also made by West Winch Parish Council.
- 6.15 Green Infrastructure and Landscape officer (NCC) : No objections in terms of the Landscape Visual Impact Assessment. The planting as proposed is acceptable providing maintenance ensures the tree planting forms as a natural woodland strip, rather than an incongruous tree line, plus condition regarding replacement of dead/dying/diseased trees.
- 6.16 Public Rights of Way officer (NCC) : No objection.
- 6.17 Norfolk Wildlife Trust : No response.
- 6.18 Representations  
The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

One public representation has been received which concerns the lack of conformity of the applicant to the proposals put forward in this planning application, and civil issues which have arisen as a result of day to day management issues pertaining to the operation of the site, including:

- Operation and use of land outside of the red line and not included on the planning application leaving machinery, vehicles, skips, debris including mud, wood, glass, nails, screws, and oil, including hydraulic oil littering the area.
- Operating outside their licenced working hours.
- Threatening comments made by the applicant.
- Logged police incidents.
- Waste vehicles blocking the car park and preventing neighbouring trade waste bins from being emptied; removing parking cones.
- Severing the neighbouring BT phone line (caught on CCTV).
- The erection of a marquee on property outside of this planning application for “welding old skips and servicing vehicles in the rain” – next to an Oil Tank.
- Health and Safety concerns using an area not under permit or insurances.
- Relying on people not in the employment of Skippy Skip hire, to lock the gate to assist security of his border.

## **7. Assessment**

7.1 The issues to be assessed for this application are:

### **7.2 Principle of development**

7.2.1 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”.*

7.2.2 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 *West Norfolk and King’s Lynn Borough Council Core Strategy (2011)*, the *West Norfolk and King’s Lynn Borough Council Site Allocation and Development Management Policies (2016)*, and the adopted Neighbourhood Plan for West Winch and North Runcton (2017). Whilst not part of the development plan, policies within the National Planning Policy Framework (2019) and National Planning Policy for Waste (2014) are also a further material consideration of significant weight.

7.2.3 The principle of the development is retrospectively changing the use of agricultural land outside the settlement boundary to an extension of the existing waste facility for storage purposes, screening operations for soils and hardcore

to remove aggregates for resale and create screened topsoil with associated landscaping and provision of 2 no. modular office/welfare units. The site is not allocated in the adopted Waste Site Specific Allocations Plan and is therefore not recognised as an allocated waste management site to be provided for the plan period until 2026.

- 7.2.4 In the context of Policy CS5: *General location of waste management facilities* of the NMWDF, due to the throughput and location of the waste management facility (7,500 tpa), the site is a 'non-strategic' facility. The application site is situated in Setchey, which is approximately 3 miles from King's Lynn and therefore the site is well-located in accordance with this policy.
- 7.2.5 The application site does not have any extant planning permission (see comments on planning history in section 4.1) and was previously undeveloped agricultural land. NMWDF Policy CS6: *General waste management considerations* sets out criteria for the acceptable land use types that waste sites are acceptable on, provided they would not cause unacceptable environmental impacts. The application site is not in accordance with any of the types of land listed and is therefore not in accordance with this policy. As the land is considered unsuitable to be used as part of a permanent waste facility, the proposal represents a departure from the NMWDF, and therefore the development plan, and the presumption is to refuse permission unless there are material considerations that dictate otherwise.
- 7.2.6 In terms of NMWDF policy CS7: *Recycling, composting, anaerobic digestion and waste transfer stations*, it states that "the expansion of ... recycling facilities and waste transfer stations to handle all types of waste would be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts. The planning officer considers that given the highways officer and District EHO has no objections, subject to mitigating the development through conditions, that it does fulfil the requirements of this policy.
- 7.2.7 West Winch is defined in the SADMP Policy CS02: *The Settlement Hierarchy* as a settlement adjacent to King's Lynn and the main towns, however, the site is in designated countryside as it is outside the development boundary. Policy DM2: *Development Boundaries* and Policy DM 3: *Development in the Smaller Villages and Hamlets* state that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including small scale employment (under Core Strategy Policy CS10).
- 7.2.8 Policy CS10: *The Economy* states that the Council will support the rural economy and diversification through a rural exception approach to new development within the countryside. However, the policy states 'permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need.' Similarly, the National Policy for Waste (2014), requires an applicant to have demonstrated a need for this facility if it represents a departure from the

## Local Plan.

- 7.2.9 The planning statement explains that the need for the development is due to the growth of the business, and the inadequacy of the existing storage as permitted within the current application. The applicant has been in business in the 'local area' for just over 6 years. The first 4 years were for collection and delivery of skips only. Since mid-2014, following the grant of planning permission for the existing waste facility (adjacent to the current application site), the applicant has brought skips back to this site for processing and separation of dry, non-hazardous waste materials from the skips to improve the service offered and increase the revenue received per skip by reducing the tipping costs for the business. As a result of the facility to separate the wastes handled by the applicant, the business has grown since 2014.
- 7.2.10 According to the County Council's records, for the year 2017/18, 2,748 tonnes was processed, out of a permitted 7,500 tonnes. The agent states that the existing permitted waste facility to the west of the application site is no longer viable for use for the storage of these materials and, as a result, the applicant began utilising the current application site for storage purposes for dry, non-hazardous and inert waste under what was believed to be an extant timber storage yard permission (see comments relating to intentional unauthorised development in section 7.18). The agent states that the ongoing use of this land for the purposes outlined in this application is essential for the business to operate successfully and sustainably and that the geographical connection of the application site with the existing facility allows access via established access route and utilisation of the existing site's throughput and vehicle movements.
- 7.2.12 The applicant's agent further seeks to justify the need for the development through the results of the Sequential test, and its classification as a 'less vulnerable development' in flood zone 3a. However, it is not considered that the applicant has adequately demonstrated or provided evidence to show that there is a local business need for an expanded waste facility of this type in this specific location, which is outside the development boundary, unallocated and in flood zone 3. The expansion of the business is such that the business could operate separately with the existing permitted dry non-hazardous waste sorted in the building and stored on the current permitted waste transfer station to the west of the application site, and then storage and processing of inert waste on a second site (which doesn't necessarily require serviced land, and does not require a building for processing purposes). This is considered reasonable, in accordance with details provided on the applicant's website, given the operating radius the applicant advertises their business, which is up to 18.5 miles away in Hunstanton and the fact that many other operators apply solely for storage and processing of inert waste on other non-strategic sites around the county.
- 7.2.13 In summary, it is recognised that the geographical location suits the existing permitted waste recycling business and the proposal is considered to accord with NMWDF policies CS5: *General location of waste management facilities* and CS7: *Recycling, composting, anaerobic digestion and waste transfer stations*. The proposal would also move the management of recyclable waste

up the waste hierarchy in accordance with the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013) because materials would be diverted away from disposal, to recycling and therefore potential re-use of the materials. Notwithstanding this, the proposal is not in accordance with policy CS6: *General waste management considerations*, and the existing industrial estate on Garage Lane has not been included within a settlement boundary or employment land allocations in either the NMWDF or the SADMP local plan. There has been no material evidence to prove a need for the facility at this location. The principle of the development for a change of use of land to a waste use is therefore considered to be unacceptable, and a significant ground for refusal.

### 7.3 **Amenity (noise, dust, light pollution etc)**

- 7.3.1 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." Policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. The SADMP policy DM15: *Environment, Design and Amenity* also seeks to prevent new development causing unacceptable impact on local amenity. NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA), or lead to the designation of new ones. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'.
- 7.3.2 The nearest residential properties are a group of properties some 320m to the north east of the site, off Garage Lane and two isolated properties 480m to the south west of the site. One public representation was received and the parish council expressed concerns over elements of the proposal and the impact of existing/current unauthorised activities on site.
- 7.3.3 In accordance with paragraph 122 of the NPPF and the National Planning Policy for Waste, the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency (EA)). However, it is the role of the Environmental Permit as issued by the Environment Agency to actually control emissions such as noise and dust through conditions under the Environmental Protection Act 1990.
- 7.3.4 Both the EA and Borough EHO have no objection to the development, subject to a number of conditions and informatives, namely the covering of skips and containers to prevent the wind blowing any non-hazardous waste off-site, a stockpile height of 3m, dust mitigation measures, to prevent wind blowing soil/dust into the Puny Drain, site operation hours and the prohibition of site bonfires.
- 7.3.5 The EHO commented that whilst no details have been provided in relation to external lighting for the site, it is considered that the location and separation

distance from residences does not warrant any conditioning of this aspect, or in terms of potential noise impacts. There are many other surrounding businesses on Garage Lane which utilise external lighting and engage in industrial uses, so there should not be any further adverse impact from any current or proposed site lighting or use.

- 7.3.6 The EHO has agreed that a limitation on the stockpile height of 3m would be acceptable, subject to a condition requiring dust mitigation measures.
- 7.3.7 In the event of an approval, the site/operations occurring onsite would still be in breach of the proposed development in this application. The development in its entirety will need to be bought under planning control following the determination of the application, in accordance with the NCC Enforcement Plan.
- 7.3.8 In terms of amenity and landscape, the Landscape Visual Impact Assessment indicates that, given the existing surrounding industrial uses and sparse residential properties, the heights of the stockpiles of soil and rubble would not be of material concern in visual amenity and landscape terms. In terms of amenity therefore, the proposal is therefore considered to be in accordance with policies DM8: *Design, local landscape and townscape character*, DM12: *Amenity* and CS14: *Environmental Protection* of the NMWDF and DM15 - *Environment, Design and Amenity* of the SADMP.

#### 7.4 **Contamination/Pollution**

- 7.4.1 Comments have been made about historical complaint(s), recorded by the district EHO and NCC enforcement officer, which have been received coming from the past and ongoing activities on this site, such as litter blowing into the drain. In terms of contamination, the Government's Planning Practice Guidance (2014) states that it is the consideration of future uses which are to be considered, and therefore not the instances of past suspected contamination, which would be the responsibility of the Environment Agency under Part 2A of the Environmental Protection Act 1990 to deal with in this context. In accordance with NMWDF Policy CS14 *Environmental Protection*, developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to natural resources, including water, air and soil.
- 7.4.2 With regards to the proposed development in the form of this application, a point of contention in this application from non-statutory consultees (the County Councillor and parish council) is regarding the intended surface water drainage scheme (a permeable gravel surface), and that should the area flood, and debris from the site floor be washed into the Puny Drain or in extreme flooding circumstances, the River Nar, that these water sources may become contaminated.
- 7.4.3 The EA stated in their consultation response "as the only activities proposed in this application are storage either in skips, or of inert material, we don't have concerns about the water environment being polluted as a result. The EHO and County Ecologist has no objection to the proposal subject to appropriate conditions (and also the Environmental permit, a separate statutory process), as

previously set out and are therefore satisfied that the risks of pollution to the surrounding environment and protected species have been sufficiently mitigated. The IDB made no comments in response to this consultation.

- 7.4.4 As it is the consideration of future uses which is to be considered in terms of contamination, it is the view of the County Planning Authority that the future risk of contamination can be sufficiently mitigated in the proposals set out in this application, as suggested by the EA, EHO and County Ecologist, enforced by way of condition as set out in section 7.6 of this report relating to Amenity. The application is therefore considered to be in accordance with the requirements of NMWDF policy CS14: *Environmental Protection* and SADMP DM15: *Environment, Design and Amenity* and CS06: *Environmental Assets*.

## 7.5 **Design and Landscape**

- 7.5.1 The Landscape Visual Impact Assessment indicated that in the wider setting any views of the site facilities are expected to be perceived as part of the existing industrial estate. There are unlikely to be notable identified views from local public access paths and spaces, including West Winch Common, an identified 'site of local value'. It is unlikely to be inter-visible with the main village of West Winch as demonstrated by photos included within the assessment. The report highlights it will not be notable from the Nar Valley Way footpath or be intrusive on the tranquillity of the Nar corridor. Therefore, the proposed 1.5m bund to the south of the site, with plants on the outer bank and proposed hedging on the outside of the 2m steel mesh security fence is considered appropriate. The stockpile heights would be considered acceptable if conditioned to be no more than 3m high.
- 7.5.2 In terms of the visual impact of the fencing, it is considered that given the wider industrial estate setting and surrounding landscape, that the proposed fencing would not be considered to detract from the local landscape, which would also be softened by the proposed hedging to be planted around the fenced site. The security aspect of the fence, which is understood to be a requirement of the Environment Agency permit, would help to prevent any loose waste, should there be any that escape the covered skips/containers, blowing into the drain.
- 7.5.3 The Council's Green Infrastructure and Landscape Officer also requires further clarification of the landscape specification proposed on the bund to the south of the site, and a condition would be required to ensure these details are appropriate, clear and implemented within an appropriate timescale and maintained, should Members be minded to grant permission.
- 7.5.4 The 2 no. modular office/welfare units appear to have been already installed onsite and are considered acceptable in terms of scale and specification, however it is noted that in the event of an approval, any additional mobiles/facilities currently in use which are not in accordance with the type, use and layout on any approved plan are to be required to be removed.
- 7.5.5 In conclusion, the visual impact and scale of the proposed development, including the proposed 2 no. modular office/welfare units, stockpiles of material, the proposed fence, planting/landscaping and bunding to the development are

in principle considered to be commensurate with the existing industrial development on Garage Lane Industrial Estate, and in accordance with NMWDF policy DM8: *Design, local landscape and townscape character* and SADMP policy DM15: *Environment, Design and Amenity*.

## 7.6 **Biodiversity and geodiversity**

7.6.1 NMWDF policy CS14: *Environmental Protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites.

7.6.2 There were no objections to this application provided that the 9m IDB easement could be implemented, as shown on the submitted layout plan. Due to the distances involved and the 9m buffer provided it has been considered there are unlikely to be impacts on West Winch Common County Wildlife Site. No comments were received from Norfolk Wildlife Trust or Natural England in this consultation, however the latter consultee previously provided no comments and standing advice in the withdrawn application (C/2/2018/2006).

7.6.3 In terms of the potential for contamination and potential harm caused to biodiversity, it is concluded by the county ecologist that the mitigation measures that could be put in place via condition, as suggested by the Borough EHO, and also the measures endorsed by the applicant themselves, would be acceptable; as is the considered case on other such sites around the county.

7.6.4 The application is, therefore, considered to be in accordance with the requirements of NMWDF Policies DM1: *Nature Conservation* and CS14: *Environmental Protection* and SADMP Policy CS06: *Environmental Assets*, which all require developments to ensure that there are no unacceptable adverse impacts on biodiversity.

## 7.7 Appropriate Assessment

The site is located within 10 kilometres of Roydon Common, which forms part of the Roydon Common and Dersingham Bog Special Area of Conservation. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, 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.

## 7.8 **Transport**

7.8.1 NMWDF Policies CS15: *Transport* and DM10: *Transport* require that proposed new waste facilities will be satisfactory in terms of access where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise.

- 7.8.2 Whilst the applicant is looking to expand the existing waste facility, the additional land required is stated to be for storage purposes and soil/rubble screening operations only. In terms of highway considerations therefore, it is noted that the applicant is not looking to increase the existing maximum throughput of waste which can be brought on the overall site per annum (which is 7,500 tonnes as per condition 3 of pp C/2/2013/2017) and will therefore not result in additional traffic movement to / from the site.
- 7.8.3 It should be noted that in the event of an approval, planning permission C/2/2013/2017 would need to be linked to this permission, to ensure that the land is only used for storage and soil/rubble screening purposes, and does not constitute an additional throughput of 7,500 tonnes per annum, but 7,500 tonnes per annum shared between the two permissions/sites.
- 7.8.4 Given the lack of objection of the Highway authority, the proposal is considered to comply with the requirements of NMWDF Policies CS15: *Transport* and DM10: *Transport*.
- 7.9 **Sustainability**
- 7.9.1 NMWDF Policy CS13: *Climate change and renewable energy generation* seeks to ensure seeks to generate a minimum of 10% renewable energy from new development. The proposed development includes the siting of two modular office buildings for an office and canteen. The power usage for these buildings will be low, but it is nonetheless regrettable the applicant has not examined opportunities to generate renewable energy. However, this policy encourages on-site renewable energy generation, in this instance it is considered there is limited weighting that could be applied to this departure from policy and does not form a basis for refusal.
- 7.10 **Impact on Heritage Assets**
- 7.10.1 The site is some 500m from a number of listed buildings located on the A10 and it is not considered these would be harmed by the development. There are no impacts considered to impact on heritage assets, including archaeology, as covered in policy DM9: *Archaeological sites*.
- 7.11 **Core River Valley**
- 7.11.1 The site is located within a Core River Valley under Policy DM2 - *Core River Valleys*. Policy DM2 states that “development will only be permitted in Core River Valleys where it can be demonstrated to enhance the local landscape and/or biodiversity and not impede floodplain functionality”. The proposal is therefore not compliant with this policy. It is understood the Core River Valleys were mapped in the 1990s and the whole of the industrial estate to the south of Garage Lane is also within the Core River Valley. As it appears that the land uses to the south have changed significantly since the Core River Valley was defined, it is therefore considered it may no longer be appropriate to consider this particular location to form part of a Core River Valley or that it is relevant to apply the requirements of Policy DM2 on this proposal. Limited weighting is therefore given to this departure from policy. Furthermore, it has also been concluded that in terms of Landscape/Design, as supported by the Landscape

Visual Impact Assessment and Landscaping proposals, that the proposal is acceptable in terms of the visual impact and scale of the proposed development, and therefore in principle considered to be commensurate with the existing industrial development on Garage Lane Industrial Estate, and in accordance with NMWDF policy DM8: *Design, local landscape and townscape character* and SADMP policy DM15: *Environment, Design and Amenity*.

## 7.12 **Groundwater/surface water**

- 7.12.1 NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. None of the proposed development site lies above a groundwater protection zone and the Environment Agency has not raised any issues with regards to this.
- 7.12.2 For background information, although the Internal Drainage Board did not respond to this current application, it responded to the previous/withdrawn C/2/2018/2006 application with comments, including that they are concerned with the pollution risk to the watercourse from the materials stored on site, as water abstraction does take place from the Puny Drain, so any pollution incident could affect the local farming community. They further commented that Board also has a Byelaw that restricts any works, structure erected, or materials placed within nine metres of the Board's Drain without the prior consent of the Board. This consent is separate from the planning process and could be included in the event of an approval as an informative.
- 7.12.3 The Environment Agency has confirmed that as the only activities proposed in this application are storage either in skips, or of inert material, they do not have concerns about the water environment being polluted as a result and therefore there is no requirement for a formal surface water drainage scheme to be provided on the site. All the processing of waste is only permitted to take place within the existing waste facility, inside the building, which has its own self-contained drainage scheme, as approved and discharged by Norfolk County Council. The FRA provided by the applicant states that as the graveled site is permeable, no further surface water drainage is necessary. Accordingly, the proposal is considered compliant with NMWDF policy DM3.
- 7.12.4 There is no foul drainage proposed as part of the application and therefore the EA and EHO have no objections or comments on this aspect. If the applicant required additional welfare facilities in the form of a WC, they would be required to submit a separate application for that aspect. It is understood there is an existing facility in the approved adjacent waste site, however this would be considered unauthorized development, as it is not part of the approved scheme. This would be dealt with by the enforcement officer accordingly. The provision of no toilets or sinks on site is not considered a ground for refusal and therefore has limited weighting in terms of a material consideration. This is because toilets can be provided without planning permission, through the use of portaloos, for instance.

## 7.13 **Flood Risk**

- 7.13.1 NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. The entirety of the application site falls in flood zone 3a and benefits from flood defences according to the Environment Agency GIS mapping layer. The EA have no objections to the scheme and the LLFA have issued standing advice.
- 7.13.2 According to the NPPF and Policy DM4: *Flood Risk*, a Sequential Test is required for development proposed in flood zone 2 or 3 to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The Borough Council of King's Lynn and West Norfolk Strategic Flood Risk Assessment (SFRA) provides the basis for applying this test. It is recognised that the Government's National Planning Practice Guidance categorises different types of uses and development according to their vulnerability to flood risk and maps these vulnerability classes against the flood zones to indicate where development is 'appropriate' and where it should not be permitted. The Borough Council for King's Lynn and West Norfolk SFRA indicates that the site is located in flood zone 3a and the proposed non-hazardous waste types and land use is classified as 'less vulnerable'. In this instance, national guidance suggests that less vulnerable development is appropriate in zone 3a, without the requirement of the Exception test, which is in the favour of this proposal. The proposal is not also considered to increase the flood risk elsewhere.
- 7.13.3 Ultimately, however, development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, as demonstrated by a Sequential Test, and whether a site benefits from flood defences or not, it does not override the primacy of steering developments to areas of lower probability of flooding, in the first instance.
- 7.13.4 In terms of the Sequential Test, it was agreed prior to the resubmission of this application for the applicant to provide a Sequential Test on available sites within a 10 mile radius of the application site, however it is noted that the business by their own admission (according to their website) operate as far north as Hunstanton (some 18.5 miles away from the existing waste processing site), and as far west as Sutton Bridge (14 miles from the existing waste processing site). Therefore, the development, whether operated as separate sites or in one location, does not need to be located in this exact location, which is a non-strategic facility, and not enough consideration has been given in this instance to the avoidance of flood risk, as opposed to the management/mitigation of flood risk as required by National Planning Policy Guidance.
- 7.13.5 The submitted sequential test lists 14 commercially available properties and 5 allocated sites within the agreed perimeter of 10 miles. 6 of these 19 sites had a lower probability of flooding than the existing site. The 3 allocated sites in flood zone 1 in Middleton, were not deemed suitable as WAS 25 is currently unserviced agricultural land which is allocated for inert landfill, subject to prior mineral extraction. Sites WAS 36 and 40, both in flood zone 1, are used for

mineral extraction, composting and landfill. The land owner advised there was no capacity for a waste site on the land and was not willing to rent/sell. The agent also argues that suitable and available land is not available for rent/ownership. The applicant argues that the lack of alternative sites justifies the departure from the local plan. The test is considered to fail as it does not consider the possibility of locating/operating the two sites separately (i.e. dry non-hazardous waste sorted in the building and stored on the current permitted waste transfer station to the west of the application site, and storage and processing of inert waste on a second site).

- 7.13.6 Whilst it is noted that National Planning Practice Guidance states “when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken, for example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.” A test of practicality is not considered a robust argument in this application; the proposed storage and screening use of the application site does not have to be located at the same site as the adjacent existing waste facility. There are many examples of sites that just process inert wastes with associated screening operations, which do not require a building and surface waste drainage scheme to operate.
- 7.13.7 Therefore, it is considered reasonable to say that the storage of inert wastes and screening operations could be located separately to the existing permitted non-hazardous waste processing site (which requires a building). The Sequential test does not consider this possibility and, therefore, fails to show there are not other locations available in areas of lower flood risk for the proposed application site. Furthermore, there is no evidence presented to refute that the existing site could not operate under its existing permission, with the inert stockpiling and screening operation taken out of the equation. This would also mean there would be less space required to store skips, which would be located at another possible inert waste recycling site.
- 7.13.8 In conclusion, it is recognised that the site is located in SFRA Zone 3a and considered ‘appropriate’ development, not considered to increase flood risk elsewhere and benefits from flood defences according to the EA. However, this is not considered to outweigh the fact that it has not been demonstrated that the proposal would steer development to land with the lowest flood risk taking into account both the probability and the potential consequences of flooding, on free draining soil of principally clay composition. The Sequential Test is therefore not passed in this instance. It has not been demonstrated that there are not reasonably available sites, primarily on the basis that the two sites could reasonably be located separately, particularly for a non-strategic facility, which can be located in most locations; and therefore does not need to be specifically located in this particular location, which is in flood zone 3, and with an operating radius of up to circa 18 miles. The proposal is therefore not considered to have adequately demonstrated compliance with policy DM4: *Flood Risk* of the NMWDF and the objectives of the NPPF and is therefore considered to form a ground for refusal with significant weighting.

## 7.14 Protection of agricultural land

- 7.14.1 The proposed extension site is located on what was previously agricultural land. According to the agent, the applicant was unaware that the pre-commencement conditions required to implement the 2011 King's Lynn and West Norfolk Borough permission for the storage of timber, to install impermeable hardstanding and agree and put in place a drainage strategy were unfulfilled. The agent suggested the applicant was instructed by the landowner to commence construction of the formation levels and acted in good faith in this regard unbeknownst at the time to the fact that no information was submitted by the landowner to satisfy the conditions.
- 7.14.2 The agricultural land is recorded by Natural England as Grade 3, however no formal evidence has been put forward by the applicant as to whether it is grade 3a or 3b land. The submission states that discussions have been carried out with the adjacent landowner's agronomist who has had undertaken an ALC survey of the fields adjacent to the site to the immediate north and west. The agricultural land to which the site relates (and the adjacent fields) has been identified as being clay soils which can only be cultivated satisfactorily under a relatively narrow range of soil moisture conditions and are prone to retention of water. As such, the Agricultural Land Classification Grade would be 3b to 4.
- 7.14.3 Due to these factors, the proposal is not considered to undermine policy NMWDF Policy DM16: *Soils* which seeks to prevent development only on grade 1 agricultural land and paragraph 112 of the NPPF, given that this not considered to be the significant development of agricultural land. The West Winch and North Runcton Neighbourhood Plan Policy WA06: *Protecting Agricultural Land and soils* requires proposals involving the loss of agricultural land to be accompanied by information which demonstrates how:
- (1) Development site boundaries have been defined so as to ensure, as far as possible, the retention of viable parcels of agricultural land adjacent to, and outside of, the development site.
  - (2) Where appropriate, development on locally available brownfield sites has been considered over greenfield sites.
  - (3) A soil conservation plan has been prepared and will be implemented, setting out how the topsoil resource on the particular site will be conserved and reused, following DEFRA and other best practice guidance.
- 7.14.4 It is clear that the site boundaries ensure the viable retention and use of the remaining agricultural land. The agent points out that it is not appropriate to consider development on locally available brownfield sites over greenfield sites, as that would mean the upheaval of translocating an existing established facility. However, as discussed in paragraph 7.16.4, it is considered reasonable to locate the inert waste and screening activity on greenfield land, as it would not require to be processed in a building or be co-located adjacent to the existing operation. Point 3 is considered to be irrelevant at this point, as the development is retrospective. The key consideration in this policy is considered to be (1) which is demonstrated. Limited weighting is given in both respects to the non-compliance of this policy with (3) and its compliance with point (2). It is considered to comply with NMWDF Policy DM16: *Soils*.

**7.15 Public Rights of Way**

7.15.1 No public Rights of Way would be affected by the development.

**7.16 Environmental Impact Assessment**

7.16.1 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 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.

**7.17 Responses to the representations received**

7.17.1 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

7.17.2 One public representation has been received which concerns the lack of conformity of the applicant to the proposals put forward in this planning application, and civil issues which have arisen as a result of day to day management issues pertaining to the operation of the site, including:

1. Operation and use of land outside of the red line and not included on the planning application leaving machinery, vehicles, skips, debris including mud, wood, glass, nails, screws, and oil, including hydraulic oil littering the area.
2. Operating outside their licenced working hours.
3. Threatening comments made by the applicant.
4. Logged police incidents.
5. Waste vehicles blocking the car park and preventing neighbouring trade waste bins from being emptied; removing parking cones.
6. Severing the neighbouring BT phone line (caught on CCTV).
7. The erection of a marquee on property outside of this planning application for “welding old skips and servicing vehicles in the rain” – next to an Oil Tank.
8. Health and Safety concerns using an area not under permit or insurances.
9. Relying on people not in the employment of Skippy Skip hire, to lock the gate to assist security of his border.

7.17.3 Issue numbers 3 – 6 inclusive and number 9 are considered to be civil matters, not planning considerations within this planning application. Issues 1 and 7 are considered to be relevant to potential planning enforcement action but are not a relevant material consideration as they pertain to areas outside the red line and do not form part of the proposals as described in the application. Issue 2 is relevant, but in essence not a ground for refusal, given the hours of operation can be conditioned and enforced in the event of an approval. Issue 8 is enforced under separate processes/legislation and not a material consideration.

7.17.4 Issue number 7 is however demonstration of the fact the business has demonstrated that it cannot be operated within as proposed within the red line on this site, since its first submission in 2016 and amended site layout in 2018. In the event members are minded to approve the application, the site would not be compliant with either permissions, and would require further application(s) to

account for expansion outside of the red line in this application and the existing adjacent waste facility permission.

#### **7.18 Intentional Unauthorized Development**

7.18.1 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.

7.18.2 The applicant has continually and consistently demonstrated since the adjacent waste facility was permitted in 2014, that they cannot operate the site as applied for in the submitted planning permission and subsequent application for the application site to date. Therefore, as previously stated, in the event of an approval, the site will not be compliant with either permissions, and would require further application(s) to account for expansion outside of the red line in this application and the existing adjacent waste facility permission. The applicant has also refused to action requests to remove the incinerator on the site (whether in use or not) and reduce or remove the non-processed waste stored on the application site, along with non-compliant storage of other waste, despite action being taken against him by the Environment Agency for storing waste on the application site which is not in accordance with the waste exemption on the site. Neither of these elements are included or proposed within this planning application. It is also understood there are civil issues pertaining to the ownership and management of the site, however these are not a material consideration in the planning process and further highlights the importance of applying for planning permission before undertaking intentional unauthorised development.

7.18.3 The issue of the current storage of non-processed waste on the application land, not in accordance with the proposed plans or submitted details and conditions as required by the EHO, has left open the possibility of harm of pollution and contamination of the watercourse and protected species. Whilst it has been considered that the proposal contains appropriate mitigation measures, as corroborated with the EHO, the current intentional unauthorised development does not have these measures in place and therefore the potential for harm has not been mitigated up to this point in time, despite multiple requests from the County Council to the applicant to at least bring the site in accordance with the intended proposed plan as submitted first in 2016, amended and resubmitted in 2018 and up to this point. It is therefore considered that this potential for unmitigated harm through intentional unauthorised development should be given some weighting as a material consideration, in this instance.

#### **7.19 The Community Infrastructure Levy**

7.19.1 The development is CIL liable.

#### **7.20 Local Finance Considerations**

7.20.1 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown,

or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 7.20.2 In this instance is not considered that there are local finance considerations material to this decision.

## **8. Resource Implications**

- 8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **9. Other Implications**

### **9.1 Human rights**

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

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

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

### **9.5 Equality Impact Assessment (EqIA)**

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

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

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

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

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

## 10. **Section 17 – Crime and Disorder Act**

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

## 11. **Risk Implications/Assessment**

11.1 There are no risk issues from a planning perspective.

## 12. **Conclusion and Reasons for Refusing of Planning Permission**

12.1 Retrospective planning permission is sought for the change of use of agricultural land to an extension of an existing non-hazardous waste facility for storage purposes and for screening operations for soils and hardcore to remove aggregates for resale and create screened topsoil, and the erection of 2 no. modular office/welfare units.

12.2 It is considered that the proposal is a departure from the development plan in terms of NMWDF policy CS6: General waste management considerations because of the location of the site on a greenfield site in the open countryside. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

12.2 The application is finely balanced, and as such there are material considerations that weigh in favour of the application; the location of the development is some 3 kilometres from King's Lynn and therefore considered favourable as a non-strategic waste facility. The proposal is for the extension of an existing business and there are benefits of co-locating the two businesses given the proposal does not seek to increase the waste throughput of the site; the proposed site would not in practical terms increase flood risk elsewhere despite being in flood zone 3. Furthermore, according to King's Lynn and West Norfolk's Strategic Flood Risk Assessment (SFRA) the site is in flood zone 3a, which means the proposal would be considered 'appropriate development' as the proposed use is defined as a 'less vulnerable' use according to national planning policy guidance. There are no landscape objections despite the site being on what was (previously) greenfield land, and statutory consultees have confirmed that the potential impacts of the development can be mitigated through the use of appropriate conditions. The proposal would also seek to move some waste up the waste hierarchy, where that waste can be recycled.

12.3 However, it is considered that on balance the application should be recommended for refusal in accordance with the development plan for the following reasons:

- The proposed development would lead to the loss of greenfield land

within unallocated open countryside. The proposed site is therefore contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations*.

- The proposal is not considered to adequately justify the local need for this facility to allow a rural exception development as required in KL&WN Site Allocations and Development Management Policies Plan Policy DM2: *Development Boundaries* and Policy DM3: *Development in the Smaller Villages and Hamlets*, which requires an employment generating use which meets a local business need in Policy CS10: *The Economy*. The County Council is of the opinion that the proposed use is not restricted to this location and the proposal is also therefore non-compliant with the National Policy for Waste (2014).
- The Sequential Test provided is considered not to have been passed and the test is insufficient in justifying whether the development is being directed away from areas at highest risk (i.e. Flood Zone 3), and it is therefore considered contrary to NMWDF Policy DM4: Flood Risk and the objectives of the NPPF (2019) (Meeting the challenge of climate change, flooding and coastal change).

12.4 Furthermore, the intentional unauthorised nature of the activities on site, and the non-compliance with NMWDF Policy CS13: *Climate change and renewable energy generation*, are also material considerations that weigh against and not in favour of the proposal in the planning balance.

12.5 Therefore, there is not considered to be sufficient weighting in terms of material considerations that warrant determining the application otherwise than in accordance with the development plan.

### **13 Grounds of Refusal**

13.1 The proposed development would lead to the loss of greenfield land within open countryside. The proposed site, which is not allocated for waste uses, is therefore contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations* which requires wastes sites to be developed on land already in waste management use; existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan document, other previously developed land, or contaminated or derelict land. The proposed site does not fulfil any of these criteria and there are not sufficient material considerations (including a need for the facility) to justify a departure from this policy.

13.2 The proposal is not considered to adequately justify the local need for this facility to allow a rural exception development as required in King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan Policy DM2: *Development Boundaries* and Policy DM3: *Development in the Smaller Villages and Hamlets*, which requires an employment generating use which meets a local business need in Policy CS10: *The Economy*. The County Council is of the opinion that the proposed use is not restricted to this location and the proposal is also therefore non-compliant with the National Policy for Waste (2014), which requires an applicant to have demonstrated a need for a

facility where it represents a departure from the Development Plan (which this proposal does).

- 13.3 The Sequential Test provided is considered not to have been passed and the test is insufficient in justifying whether the development is being directed away from areas at highest risk (i.e. Flood Zone 3); the County Council reasonably believes the applicant's business could be operated on two separate sites given the nature of the activities proposed for the application site, and the geographical extent of the market that the business serves. Therefore, the proposed new site does not need to be located at this location adjacent to the current permitted site. The County Council also believes there to be other brownfield sites that could better serve the business for the activities proposed and that would be at a lesser risk of flooding. It is therefore considered contrary to NMWDF Policy DM4: *Flood Risk* and the objectives of Chapter 14: *Meeting the challenge of climate change, flooding and coastal change* of the NPPF (2019).

### **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>

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

<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>

King's Lynn & West Norfolk Borough Council Core Strategy (July 2011)

[https://www.west-norfolk.gov.uk/downloads/download/68/core\\_strategy\\_document](https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document)

King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)

[https://www.west-norfolk.gov.uk/info/20220/site\\_allocations\\_and\\_development\\_management\\_policies\\_plan](https://www.west-norfolk.gov.uk/info/20220/site_allocations_and_development_management_policies_plan)

Neighbourhood Plan for West Winch and North Runcton (2017)

[https://www.west-norfolk.gov.uk/info/20127/neighbourhood\\_plans/117/completed\\_plans](https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/117/completed_plans)

The National Planning Policy Framework (NPPF) (2019)

<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)

Our Waste, Our Resources: A Strategy for England (2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf)

## **Officer Contact**

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

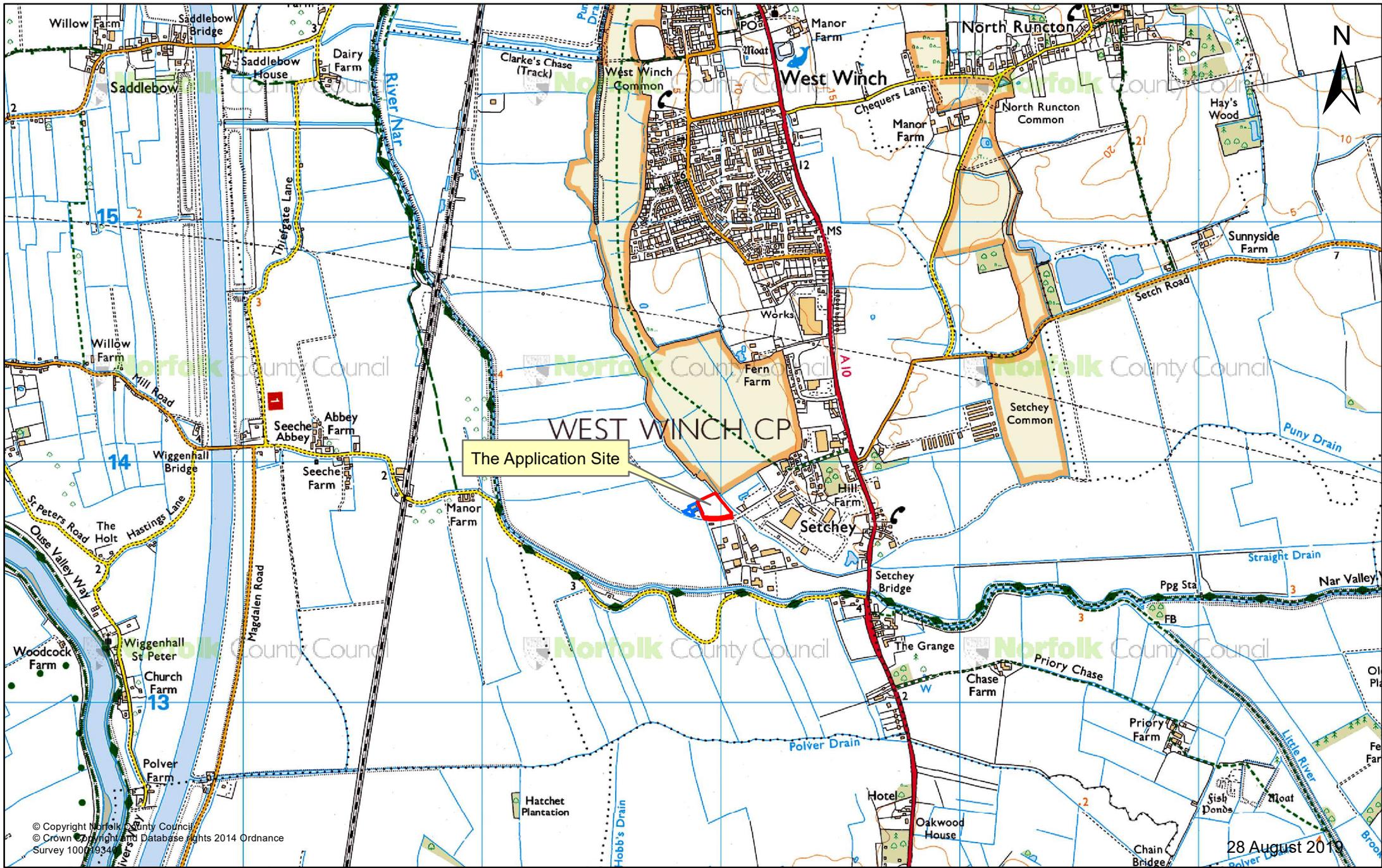
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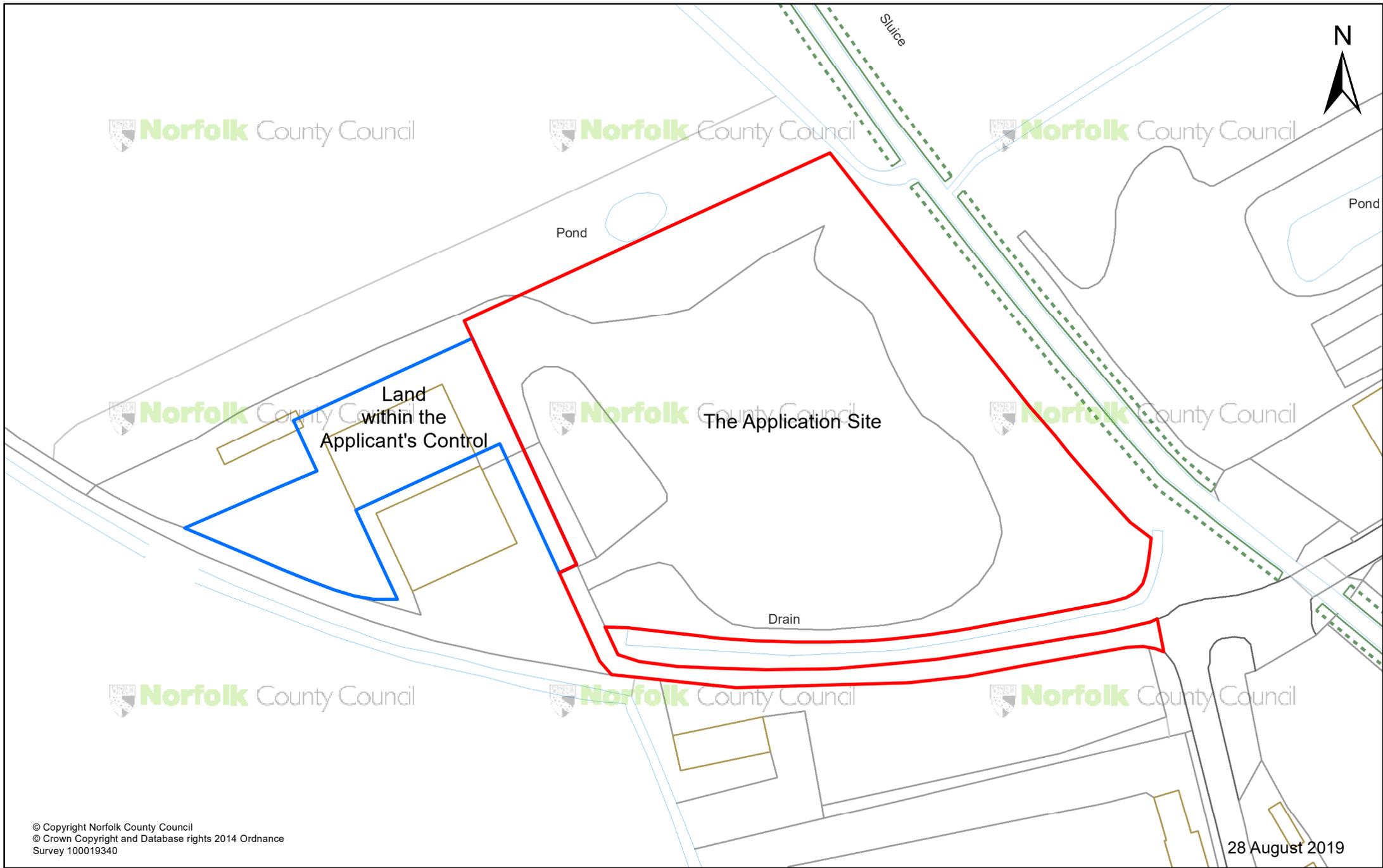
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 West Winch



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# Planning (Regulatory) Committee

Item No. 7

<b>Report title:</b>	<b>Great Yarmouth Third River Crossing Nationally Significant Infrastructure Project (NSIP)</b>
<b>Date of meeting:</b>	<b>06 September 2019</b>
<b>Responsible Chief Officer:</b>	<b>Assistant Director Community and Environmental Services (Culture &amp; Heritage)</b>
<b>Proposal and applicant:</b> Proposed dual carriageway road with a double leaf bascule bridge crossing the River Yare, Great Yarmouth, connecting Harfrey's roundabout to the west of the River Yare with South Denes Road (A1243) to the east of the River Yare, and associated works (Applicant: Norfolk County Council)	

## Executive summary

The County Council (in its capacity as Highway Authority) is proposing to construct the Great Yarmouth Third River Crossing and the Secretary of State (for Transport) directs that the proposed development is a nationally significant infrastructure project (NSIP).

This report is brought to the Planning (Regulatory) Committee in accordance with the Council's Constitution and gives an overview of the County Planning Authority's (CPA) current position in the NSIP process and involvement going forward.

The application has been accepted by the Planning Inspectorate (PINS) for examination. As a statutory consultee the CPA will be required to prepare and submit various pieces of information during the examination. The timescale for examining an NSIP application is set out in the legislation and is approximately 17 months from the acceptance by the Planning Inspectorate to post decision Judicial Review (JR) period. To avoid any undue delay to the examination process, it is important that the tight deadlines set out in the Examination timetable (which is yet to be published) are met. The Examination is predominately carried out in writing, with oral representation at the hearings that form part of the Examination. It is to be noted that the Examining Authority may disregard late responses

### Recommendation:

It is recommended that Norfolk County Council as County Planning Authority (CPA) be authorised to:

- I. **Submit NSIP related responses to the Planning Inspectorate in consultation with the Chairman and Vice Chairman of the Planning (Regulatory) Committee and**
- II. **Delegate powers to officers to determine the applications to Discharge the Requirements (equivalent to planning conditions) of the Development Consent Order should it be granted consent**

## **1. Introduction**

- 1.1 The County Council (in its capacity as Highway Authority) is proposing to construct the Great Yarmouth Third River Crossing. Under Section 35 of the Planning Act 2008 (as amended). The Secretary of State for Transport directs that the proposed development is a nationally significant infrastructure project (NSIP), for the following reasons:
- *The Port has a national significant role in the renewable energy sector and the offshore gas and oil industry and the scheme will substantially improve connectivity and resilience for port activities;*
  - *The scheme will support the delivery of existing and potential renewable energy NSIPs,*
  - *Supports the Port's role as an International gateway*
- In addition the scheme will:*
- *Improve the offer of the Port through better connectivity to the Enterprise Zone*
- 1.2 As an NSIP application (for which a Development Consent Order (DCO) is required) the proposed Great Yarmouth Third River Crossing will not be determined by the County Council. Responsibility for accepting and examining NSIP applications rests with the Secretary of State (for Transport). However, the Planning Inspectorate carries out the certain functions related to national infrastructure planning on behalf of the Secretary of State.
- 1.3 The County Council has two distinct roles in this process, as applicant (and promoter of the scheme) and County Planning Authority (CPA). It is important that the roles and responsibilities of the teams are clearly defined and that arrangements are in place to ensure the separation between the applicant and CPA within the County Council.
- 1.4 Local Authorities are statutory consultees in their own right for any proposed NSIP within their area. Norfolk County Council in its role as CPA is a statutory consultee in the NSIP process. The role of the CPA is not to pass judgement on the merits of the application, but to scrutinise the applicant's assessment of the NSIP application, offer technical advice as part of the consultation process and ensure that adequate public consultation is carried out.
- 1.5 As an NSIP proposal, the Great Yarmouth Third River Crossing is subject to an extensive pre-application consultation process prior to the submission of the application to PINS.
- 1.6 The application has been accepted by PINS and at this stage, in accordance with Section 56 of the Planning Act 2008 (as amended) the County Council, in its role as applicant (and promoter of the scheme) is currently notifying persons of the accepted application.

## **2. The Proposal**

- 2.1 The proposed Great Yarmouth Third River Crossing involves the construction, operation and maintenance of a new crossing of the River Yare in Great Yarmouth, consisting of:

- A new dual carriageway road with a double leaf bascule bridge across the river, connecting Harfrey’s roundabout to the west of the River Yare with South Denes Road (A1243) to the east of the River Yare
- A five arm roundabout on William Adams Way at the junction with Suffolk Road
- A new signal-controlled junction at the junction of South Denes Road with Sutton Road

### **3. History**

- 3.1 There is extensive history of the scheme. It is not proposed to reiterate the full reason justification for the Great Yarmouth Third River Crossing which has been debated and reported elsewhere in reports to Environment, Development and Transport (EDT) Committee and in the Outline Business Case submitted to the Department for Transport.

### **4. Planning Policy**

- 4.1 The policy framework for determining an NSIP application is set out in Section 104 of the Planning Act 2008 (as amended), set out below:

*In deciding the application the Panel or Council must have regard to—*

*(a) any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”),*

*(b) any local impact report (within the meaning given by section 60(3)) submitted to the Commission before the deadline specified in a notice under section 60(2),*

*(c) any matters prescribed in relation to development of the description to which the application relates, and*

*(d) any other matters which the Panel or Council thinks are both important and relevant to its decision.*

- 4.2 The CPA considers the relevant documents in relation to this application are the National Policy Statement for National Networks (2014), the Great Yarmouth Borough Council Local Plan: Core Strategy 2013 – 2030 (2015), and any Local Impact Report submitted during the Examination. The National Planning Policy Framework (NPPF) 2019 is a material consideration.

### **5. NSIP pre-application process**

- 5.1 The relevant member body for dealing with NSIP schemes was previously the EDT Committee. Under the revised constitution the responsibility for scrutiny of NCC promoted NSIP schemes has transferred to the Planning (Regulatory) Committee. As an update the list below identifies the actions taken by officers exercising delegated powers.

- 5.2
- Comments relating to the consultation from the Planning Inspectorate relating to the applicants Scoping Request (and the level of information required to be provided in the Environmental Statement (ES) for the proposed development
  - Comments on the consultation from the applicant relating to the draft Statement of Community Consultation (SOCC), and how the applicant

proposes to consult the stakeholders on the proposed development

- Comments on the consultation from the Planning Inspectorate on the final SOCC
- Under Section 42 of the Planning Act 2008 (as amended) comments to the applicant relating to the Duty to Consult on the scheme proposal and Preliminary Environmental Information Report (PEIR), which predicts the environmental impacts and the required mitigation measures
- Comments to the applicant relating to scheme amendments
- Comments to the applicant's technical consultants WSP regarding the preparation of the Environmental Statement (ES)
- Comments in response to the consultation under Section 55 of the Planning Act 2008 (as amended) from the Planning Inspectorate regarding the Adequacy of Consultation, whether the applicant has met the requirement of the Act regarding how they have consulted on the proposed development

## **6. NSIP Notice of Acceptance**

- 6.1 On 30 April 2019 the County Council submitted to the Planning Inspectorate an application for an order granting development consent for the construction of the Great Yarmouth Third River Crossing.
- 6.2 On 28 May 2019 the Planning Inspectorate accepted the application for examination and on behalf of the Secretary of State appointed a single Examining Inspector (known as the examining authority) to examine the application. The Examination is carried out in public.
- 6.3 The CPA has been notified of the decision by the Planning Inspectorate to accept the application and is currently awaiting notification of the preliminary meeting to discuss procedural matters. Following the preliminary meeting an Examination timetable will be set including tight deadlines for when information needs to be submitted to the Planning Inspectorate.
- 6.4 During the Examination, the County Council in its role as CPA will:
- Respond to the Examining Authority's written questions which are normally based on an initial assessment of the application, (including the principle issues of the proposed scheme), and the representation received from interested parties
  - Prepare and submit to the Planning Inspectorate an individual Local Impact Report (LIR), setting out the likely impacts of the proposed scheme on the County Authority's area, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance
  - Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between Norfolk County Council as applicant, the CPA and/or other parties, setting out matters that they agree or are in disagreement on
  - Represent the County Council as CPA and make oral representation at the

issue specific hearing(s) and if necessary the open floor hearing(s). The subject of the hearings is based on specific elements / issues of the application that are raised during the NSIP process

- 6.5 There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.

## **7. Resource Implications**

- 7.1 **Finance:** The cost of processing the NSIP application will come from the existing revenue budget. Despite the resource implications, because the application is handled by PINS no planning fees are received from the applicant in relation to the initial NSIP application.
- 7.2 **Staff:** As a statutory consultee in the initial NSIP process and determining authority post NSIP decision, the resources to deal with the application are taken from the Planning Services staffing resources.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **8. Other Implications**

### **8.1 Human rights**

- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 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.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **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.

## **9. Section 17 – Crime and Disorder Act**

- 9.1 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.

## **10. Risk Implications/Assessment**

- 10.1 There are no risk issues from a planning perspective.

## **11. Conclusion**

- 11.1 In conclusion, this report gives an overview of the CPAs' current position in the NSIP process and involvement going forward. To avoid any undue delay to the examination, it is important that the tight deadlines set out in the Examination timetable are met. The timescale for handling an NSIP application are set out in the legislation. The Examination is predominately carried out in writing, with oral representation at the hearings that form part of the Examination. It is to be noted that the Examining Authority may disregard late responses.

## **12. Recommendation**

It is recommended that Norfolk County Council as County Planning Authority (CPA) be authorised to:

- I. Submit NSIP related responses to the Planning Inspectorate in consultation with the Chairman and Vice Chairman of the Planning (Regulatory) Committee; and
- II. Delegate powers to officers to determine the applications to Discharge the Requirements (equivalent to planning conditions) of the Development Consent Order should it be granted consent

## **Background Papers**

The Planning Act 2008

[http://www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga\\_20080029\\_en.pdf](http://www.legislation.gov.uk/ukpga/2008/29/pdfs/ukpga_20080029_en.pdf)

Planning Inspectorate – National Infrastructure Planning

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/great-yarmouth-third-river-crossing/>

National Policy Statement for National Networks

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387222/npsnn-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387222/npsnn-print.pdf)

The National Planning Policy Framework (NPPF) (2019)

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

Great Yarmouth Local Plan Core Strategy 2013 - 2030

<https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1884&p=0>

## **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 :** Angelina Lambert

**Tel No. :** 01603 223806

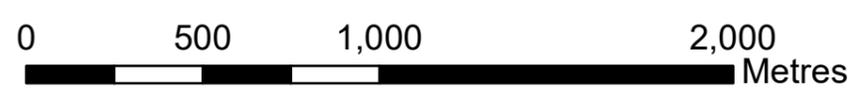
**Email address :** [angelina.lambert@norfolk.gov.uk](mailto:angelina.lambert@norfolk.gov.uk)

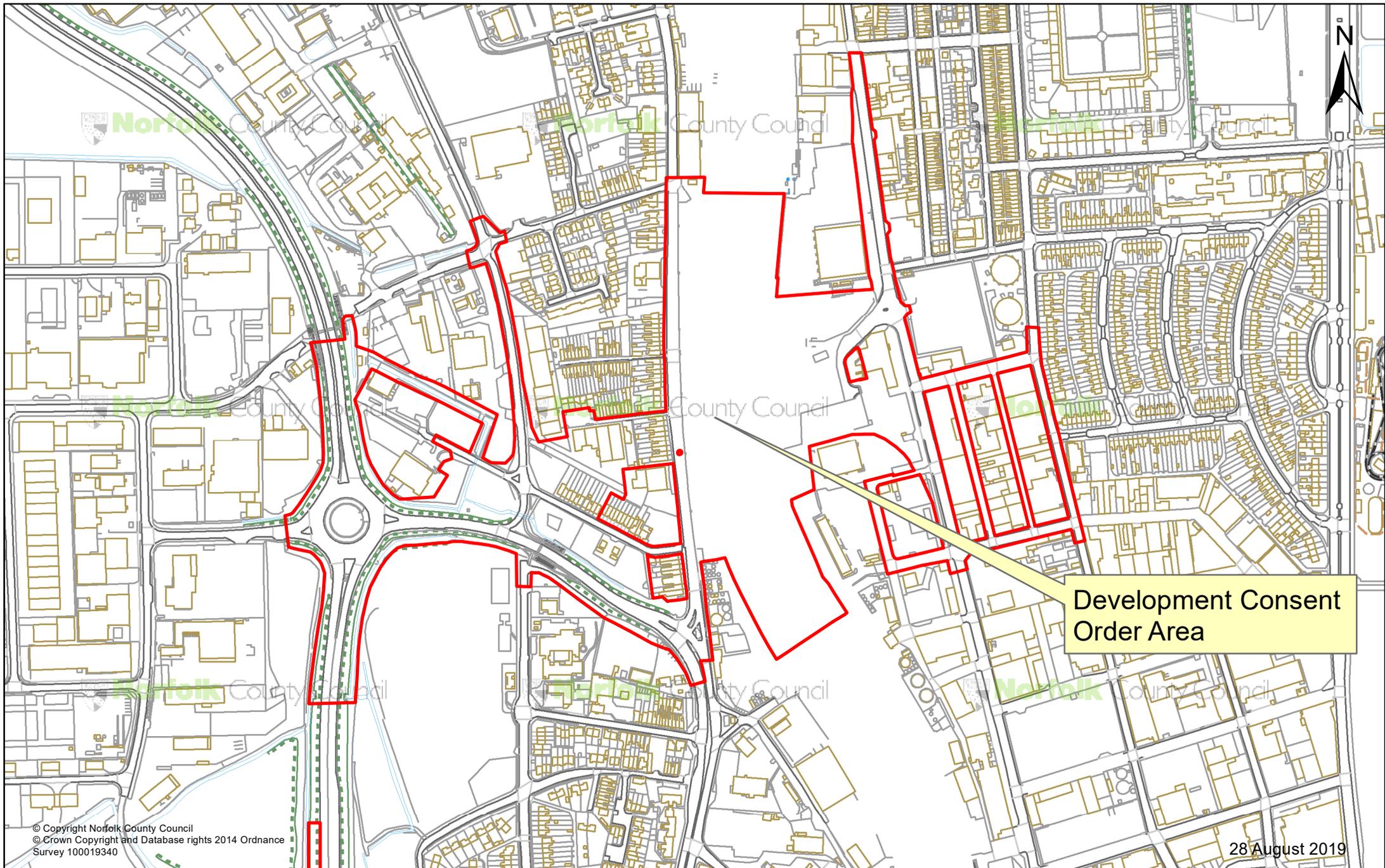


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Development Consent Order Area





Development Consent Order Area

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28 August 2019

# Great Yarmouth 3rd River Crossing



 **Norfolk** County Council

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