

Planning Regulatory Committee

Date: **Friday 21 March 2014**

Time: **10am**

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

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

Membership

Mr B Bremner (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey (Vice-Chairman)

Mr A Gunson

Mr B Hannah

Mr B Iles

Mr J Joyce

Mr B Long

Mrs M Somerville

Mr M Storey

Vacancy

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

on 01603 223055

or email committees@norfolk.gov.uk

Where 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 Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

A g e n d a

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

2 Minutes:

(Page 5)

To receive and agree the Minutes of the meeting held on 17 January 2013.

3 Members to Declare any Interests

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

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

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

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

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

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

4 To receive any items of business which the Chairman decides should be considered as a matter of urgency

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 North Norfolk District: C/1/2010/1005: Edgefield: Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and provision of landscaping: Buyinfo Ltd (Page 15)

6 Borough of King's Lynn & West Norfolk. C/2/2013/2006: Coxford: (Page 55)

Continued extraction of sand and gravel from existing quarry (part retrospective) and restoration to agriculture and mixed woodland; extraction of sand and gravel from land east, west and south of existing quarry and restoration to agriculture and mixed woodland; use of ready-mixed concrete batching plant; Siltmaster plant; storage sheds; aggregate storage bays; importation, storage and recycling of inert waste; importation, storage and resale of aggregates; erection of plant and construction of hardstanding for the manufacture and storage of concrete blocks: Coxford Abbey Quarry, Docking Road, Syderstone, Fakenham, Norfolk: Longwater Gravel Co. Ltd.

- 7 Broadland District Council: Y/5/2013/5012: Removal of existing modular classroom and erection of a permanent pavilion: Salhouse CE VC Primary School, Cheyney Avenue, Salhouse, Norwich NR13 6RJ. Director of Children's Services** (Page 87)

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

Date Agenda Published: Thursday 13 March 2014



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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 17 January 2014
at 10am in the Edwards Room, County Hall**

Present:

Mr B Bremner, Chairman

Mr S Agnew

Mr S Askew

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey

Mr A Gunson

Mr B Hannah

Mr B Iles

Mr J Joyce

Ms A Kemp

Mr W Richmond

Mrs M Somerville

Mr M Storey

1 Apologies and Substitution

Apologies for absence were received from Mr B Long (Mr W Richmond substituted), and Mr M Baker.

2 Minutes from the meeting held on 6 December 2013.

The minutes from the Planning (Regulatory) Committee meeting held on 6 December, 2013 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

Mr Dixon declared an "other" interest in agenda items 5 and 6 as he was a Member of North Norfolk District Council.

4 Urgent Business

There were no items of urgent business.

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 North Norfolk District: C/1/2010/1005: Edgefield: Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and provision of landscaping: Buyinfo Ltd

North Norfolk District: Edgefield: C/1/2013/2010: Edgefield: Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility: Buyinfo Ltd

5.1 The Committee agreed to hear the officer presentations for agenda items 5 and 6 together, during which the following points were noted:

- A previous planning application had been refused in December 2010. A site visit had been planned for March 2011, although this had been deferred pending some further information and clarification regarding the proposed plant.
- The Anaerobic Digestion (AD) plant would be situated to the west of the existing landfill site and would treat approximately 30,000 tonnes of household waste per year as well as other materials deemed suitable for treatment.
- The revised application site covered approximately 3.9 hectares and would require the construction of an access road. The access road was subject to a separate planning application (C/1/2013/2020).
- The application also proposed 2.5 hectares of indigenous woodland planting to the south, west and north of the plant. Also included was a proposal to retain the existing landfill gas infrastructure on a permanent basis and a proposed extension to the generation hall.
- The officer recommendation was that the application should be refused planning permission as outlined in section 12 of the report as the application represented a departure from the development plan on land-use grounds and would have an adverse impact on the Glaven Valley Conservation area and the wider landscape. The site had not been included in the minerals and waste site allocations document on the basis it was unacceptable on landscape grounds.

5.2 Mr Russell Wright, Cabinet Member for Economic Development at North Norfolk District Council, addressed the Committee in support of the application and the following points were noted during his presentation.

- The objections from North Norfolk District Council to the original application had related mainly to issues around the landscape. It was now considered that the objections been overcome by the proposed landscaping to the north of the site and therefore the site would be well hidden once the landscaping had matured.
- Lord de Mauley the Parliamentary Under Secretary of State for natural environment and science had recently outlined his views on Anaerobic Digestion plants, stating that Anaerobic Digestion plants could have a range of benefits, for example providing energy. He had also stated he would like to see Anaerobic Digestion plants become more widely used.

- The plant would create two jobs in addition to those existing jobs at the site.
- The amount of energy that the plant would be able to produce would be capable of supplying power for Holt.
- It was anticipated that the amount of traffic using the main road may also reduce.
- North Norfolk District Council had given this application their full support.

The following points were noted in response to questions to Mr Wright.

- Although North Norfolk District Council had previously objected to the application as they considered it had not complied with landscaping requirements, they now felt that those landscaping issues had now been addressed.
- The Highways Engineer - Highways Development Management confirmed that although there had been a number of objections relating to highway safety along the B1149, including damage caused to buildings as a result of accidents, the road was classified as a main distributor route therefore it was deemed a suitable route for HGV traffic.
- The plant would be capable of producing 8kw of electricity per annum, which would be able to power approximately 1830 homes. This was enough to power Holt with spare capacity.

The Chairman thanked Mr Wright for attending.

- 5.3 Mr D Mack and Mr J Mack addressed the Committee in support of the application and a copy of their letter in support is attached to these minutes at Appendix A.

Following the presentation, the Planning Services Manager said that the view of officers was that this application was a departure from the Local Development Framework and the reason for the recommendation to refuse this application was due to the location of the plant. Norfolk County Council had no in principle objections to Anaerobic Digestion facilities in general and each application would be considered individually.

In response to a question from the Committee, Mr Mack confirmed that he was the grandson of Mr Gent of Buyinfo who was the applicant.

The Chairman thanked Messrs Mack for attending.

- 5.4 Mr Ted Clover, Clover Planning, addressed the Committee on behalf of the applicant, and a copy of his presentation is attached at Appendix B.

The Chairman thanked Mr Clover for attending.

5.5 Mr David Ramsbotham, Member for Melton Constable Division which includes the parish of Edgefield, addressed the Committee as the Local Member, during which the following points were noted:

- There were a number of properties situated close to the proposed site and the safety and amenity of the people living in those houses should be protected. One cottage in the area, which was on a particularly sharp bend, had been damaged on 12 separate occasions in one year by lorries using the main road, and a nearby listed barn had also been damaged a number of times.
- With the anticipated restoration of the site following the closure of the landfill site, residents had been looking forward to the better quality of life they would have without the traffic movements and the smell they had lived with for many years. The restoration of this site was unlikely to happen if the application was granted.
- The visual impact on the Glaven Valley Rural Conservation area would be awful with the proposed large buildings at the plant adding to the reduced visual impact.
- Once the capping of the landfill site had been completed, any damage to the cap may allow rainwater to penetrate, which could cause pollution if the contaminated water escaped and found its way into the local river.
- The local tourist economy provided significantly more income to the area than the benefit which may be provided by the provision of two new jobs at the AD plant, and this should also be taken into consideration.
- The Local Member said he considered that the two applications failed to meet the requirements of the planning framework and Mr Ramsbotham confirmed that he supported the officer recommendation, urging the Committee to refuse planning permission.

5.7 The following points were noted in response to questions to Mr Ramsbotham:

- All the accidents quoted by Mr Ramsbotham had happened within 1.5 miles of the landfill site, although there was no evidence to prove the vehicles were travelling to, or from, the site.
- Since work at the landfill site had commenced, local residents had been reassured that the site was temporary and once it was closed it would be capped and returned to open countryside. There had been a lot of disappointment that this had not happened.
- The Highways Engineer - Highways Development Management reiterated that the Highway Authority only held records of personal injury accidents and that he had no record of any such accidents. He could only assume therefore that any incidents related to damage only. He reiterated that if the planning application was refused on

the grounds of traffic, as the route was a main distributor route, this would be tantamount to saying that an HGV route was not suitable for HGVs to use.

- The Planning Officer advised that the Environment Agency had been satisfied that there was no risk of flooding at the site as a result of the proposed scheme and had raised no objection on those grounds.
- Also, the Environment Agency had responsibility for bore sites and they had not raised any concerns or objections. The nearest residential properties were 150m from the site, although there were no other properties within 250metres. All of the nearby properties were privately owned. No objections had been raised on the grounds of loss of amenity from any of the statutory consultees.
- The primary purpose of capping the landfill site was to prevent the waste turning into leachate which would require a separate process for dealing as well as appropriate permits. The Environment Agency had confirmed it was satisfied that the site could be managed for the future.
- The Environment Agency was the pollution control authority and they would retain information about any complaints they had received relating to the site and what action had been taken to mitigate the complaints.
- Members felt that there was merit in co-locating this facility at the site. Although the officer recommendation was to refuse the application, Members felt that this was already a site used for landfill, it was close to an HGV route and already produced gas which could be turned into power. No objections had been raised by the statutory consultees and therefore it was considered that this was the most sensible place to locate the proposed facility.
- The Planning Services Manager confirmed that the gas engines were already working at the site and that no objections had been received relating to noise pollution.
- The Planning Officer advised that bunding formed part of the overall development. Provision would be included in the conditions stipulating that trees should be planted during the first tree planting season after the granting of permission, with a condition that any failed trees would be replaced for a period of five years.

5.8 Regarding application number C/1/2010/1005, a vote was taken on the recommendation within the report. With 3 votes for, 13 votes against and 0 abstentions, it was **RESOLVED** that the application be approved on the grounds that the benefits attributable to the proposed anaerobic digestion plant were sufficient to outweigh the development plan and any residual landscape impacts. That on behalf of the county council officers be authorised to:

- enter into a legal agreement with the applicant for the provision of off site landscaping scheme
- approve the development subject to appropriate conditions

- discharge any conditions or agree minor non material changes to the development.

5.9 Regarding application number C/1/2013/2010: Edgefield: Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility: Buyinfo Ltd. The recommendation in the report was voted on and with 2 votes for, 14 votes against and 0 abstentions, it was **RESOLVED** that the Director of Environment, Transport and Development should be authorised to grant planning permission, subject to the inclusion of a Section 106 Agreement within the conditions.

The meeting ended at 11.20 am

CHAIRMAN



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Dear Councillor,

With reference to planning application: North Norfolk District: C/1/2010/1005: Edgefield:

Erection of Plant to Accommodate an Anaerobic Digestion Facility

I am writing to express my **support** for the above application for the following reasons:

- This is a renewable energy development which would have a 1MW installed capacity. The plant would use 30,000 tonnes of waste to produce over 8 GWh of electricity per annum, enough to power 1830 Norfolk homes (Calculated using of 4,359kWh, the 2010 UK average household consumption). Unlike solar or wind this power can be relied on 24/7 and does not require backup from other power stations.
- With the closure of the Edgefield Landfill Site this project brings many benefits to the table. A reduction in Norfolk's waste burden by 30,000 tons while producing green electricity and creating/retaining local jobs.
- The disposal of waste and the production of renewable energy is a crucial part of a sustainable community and should be considered as a sustainable development and thus afforded significant weight in any planning balance.

Based on the benefits as mentioned above, the positive statutory consultee responses (Appendix 1) and the support of the Norfolk Minerals and Waste Development Framework (Appendix 2) this project clearly weighs in favour of approval.

Officers Report

As far as I can see there have been no planning tests applied, giving no consideration to the above benefits. These points should have been afforded considerable weight in the final planning balance and therefore the officers recommendation for refusal is flawed. I urge the NCC members to pass this project without delay.

Kind regards,



John Mack

Appendix 1 - Consultations Responses

NNDC	No conservation or biodiversity objection
Edgefield Parish Council	No objection
Stody Parish Council	No objection
Environmental Health Officer (NNDC)	No objections (with conditions)
Norfolk Historic Environment Service	No objection
Environment Agency	No objections subject to conditions
Natural England	No objection
Highways Authority (NCC)	No objection
National Planning Casework Unit (previously Go-East)	No objection
English Heritage	No objection
Waste Disposal Authority (NCC)	NCC are partly responsible for the adjacent landfill site. The WDA encourages new technologies such as AD plants for the disposal of waste and therefore fully supports this application.

Appendix 2 - Norfolk County Council Policy

Core Strategy Policy CS7 – Recycling, composting, anaerobic digestion and waste transfer stations

The expansion of, or development of new, recycling, composting and anaerobic digestion facilities, and waste transfer stations to handle all types of waste (inert, hazardous and non-hazardous), will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.

Proposals for composting plants (both enclosed and open-air) will need to be accompanied by a site-specific risk assessment based on clear evidence which shows that bio-aerosol levels can be maintained throughout the life of the operations, at appropriate levels at dwellings or workplaces within 250m of a facility.

I am here to speak on behalf of the applicant.

As stated in the report consideration of this proposal was deferred by this committee in order to resolve a number of issues. All the relevant information has been provided to the authority to address the points raised.

There are 2 equally important aspects to this application – 1) the management of organic waste and – 2) production renewable energy generation. A fact that is not acknowledged in the report.

- NPPF identifies the delivery of renewable energy as central to the economic, social and environmental dimensions of sustainable development.
- Increasing Anaerobic Digestion capacity has national support. The Government made a commitment in the Coalition Programme for Government to introduce measures to increase energy from waste through anaerobic digestion. In June 2011 it published an Anaerobic Digestion Strategy and Action Plan which seeks at least a threefold increase in power generation from anaerobic digestion by 2020. Increasing Anaerobic digestion capacity is seen as a key element in reducing reliance on fossil fuels. Unlike some other renewable energy sources (wind, solar) it not weather dependant and the energy generated can be stored.
- Food waste is one of main suitable feedstocks for Anaerobic Digestion. The Strategy sees Anaerobic Digestion as playing an important role as a means of dealing with organic waste and avoiding greenhouse gas emissions.
- The plant will contribute to County self sufficiency in waste management something that is not currently being achieved.
- The County's own Waste Core Strategy states that the County Council will support the use of AD and will work closely with farmers and developers to maximise the delivery of new AD plants.
- The plant will utilise the organic fraction of municipal waste and other suitable local waste materials to generate electricity using existing electrical infrastructure. The plant will also produce an agricultural soil improver for use in the local area, including the applicant's own farmland adjoining the site.
- North Norfolk Core Strategy Policies allow for the development of waste management uses and renewable energy projects in the countryside. The application was prepared following consultation with North Norfolk District Council and in the light of their Core Strategy Policy support for renewable energy development. The District Council do not object to the application. The officers report makes no reference to the need for renewable energy capacity nor does it consider the relevant local and national policies relating to renewable energy despite the proposed development from renewable sources.
- The North Norfolk Landscape Character Assessment identifies the site as lying in a landscape capable of accommodating renewable energy proposals.
- With mitigation the proposed plant will not have a significant adverse impact on the landscape. The River Glaven Conservation Group does not object to the proposal.
- The proposed design, choice of materials and landforming is intended to ensure the building has a low profile and can be assimilated in the landscape thus preserving landscape character.
- The proposal will deliver 7 acres of new indigenous woodland planting which will provide partial screening within 5 years and complete screening in 10. The planting will provide ecological benefits which have the support of the County Ecologist.
- With the proposed mitigation it would have no adverse impact on local amenity.
- Although Edgefield Landfill site will cease accepting waste in the near future the site will remain as an actively managed site for probably the next 60 years. This will require the retention and

maintenance of landfill gas and leachate monitoring and extraction equipment across the site as well as retention of the landfill gas management compound.

We would urge members not to support the officer recommendation on the grounds that the reasons for refusal are unfounded and that the recommendation has not taken into account the wider environmental benefits associated with increased production of energy from renewable sources as well as the need for deliverable facilities to treat organic wastes in Norfolk.

Thank you

Ted Clover
Clover Planning

**Applications Referred to Committee for Determination:
North Norfolk District: C/1/2010/1005: Edgefield:
Erection of plant to accommodate an anaerobic digestion
facility, provision of ancillary office and weighbridge,
retention of existing landfill gas engines and provision of
landscaping: Buyinfo Ltd**

Report by the Interim Director of Environment, Transport and Development

Summary

Members of the Planning (Regulatory) Committee resolved to grant planning permission for this development on the 17 January 2014. Since that committee meeting, it has become apparent that there was the potential for confusion regarding North Norfolk District Council's Planning Authority's comments on the application, lodged as a statutory consultee. Therefore Members are being asked whether this affects their original decision or whether officers can issue the decision notice in accordance with their original recommendation.

Recommendation

It is recommended that Members of the Planning (Regulatory) Committee come to a decision on whether they review their original decision in light of the information in this report or whether they endorse their original resolution made at the last committee on the 17 January 2014.

1. Background

- 1.1 On 17 January 2014, a recommendation was made to Members of the Planning (Regulatory) Committee for refusal of an application for planning permission for the 'Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and provision of landscaping' (original report attached as Appendix A).
- 1.2 The resolution of Members of this committee was to permit the application subject to conditions and a Section 106 Legal Agreement concerning off site tree planting. The application was considered in conjunction with another planning application, reference C/1/2013/1010, which would provide an access road for the anaerobic digestion facility. That application was also approved by Members.

2. Update

- 2.1 Since that meeting, County Councillor David Ramsbotham, the local Member for the Electoral Division of Melton Constable, (where the application site is located) has raised concern that North Norfolk's Planning Authority were misrepresented during a presentation made by Russell Wright, District Council Cabinet Member for Customer Services and Economic Development and District Councillor for the Astley Ward (which does not include the application site), in respect of this application. As referred to in the in section 5.2 of the minutes of the meeting, Mr

Wright was quoted as saying that 'North Norfolk District Council had given this application their full support'. However, as detailed in section 5.1 of the appended committee report, the response of Norfolk District Council's Planning Authority had been 'no conservation or biodiversity objection subject to suitable conditions...'.

- 2.2 Given the concerns raised, and that the District Council is a key statutory consultee whose comments are afforded significant weight in the determination of any planning application, officers have sought to clarify the position with North Norfolk District Council to ascertain whether there had been a change in stance and whether the authority did fully support the application, as reported by their District Councillor. However, confirmation of this has not been forthcoming.
- 2.3 Since this committee, the County Council has however received further written confirmation from North Norfolk's Corporate Director clarifying Cllr Wright's comments at January's committee meeting and providing additional explanation for their context. As requested by Norfolk's Corporate Director, this is attached to this report as Appendix B. However officers remain of the view that this does not sufficiently address the issues set out above to the satisfactorily resolve this issue and negate the need to report this application back to this committee.
- 2.4 In the light of this new information, and in the interests of probity and ensuring a robust decision is made on the application which is not open to challenge, the County Council's solicitor has advised that this application be reported back to this committee to allow Members to consider whether or not this changes their original resolution to grant planning permission.
- 2.5 In addition, further representations were also lodged shortly before the day of the committee meeting by both the River Glaven Conservation Group, who raised no objection to the development going ahead subject to assurances that there would be no possibility of discharge of effluent into the River Glaven either by design or accidentally, and by a local resident, who also raised no objection. However, due to an administrative issue, these were not reported on the day of the committee by the case officer. Although the River Glaven Conservation Group's comments represented a change in stance on the application, given that both parties raise no objection, it is not felt they undermine Members' decision to approve the planning application (i.e. they are consistent with the decision made).

3. Conclusion

- 3.1 Members resolved to approve planning permission for this development on the 17 January 2014. Since that committee meeting, it has become apparent that there was the potential for confusion regarding North Norfolk District Council's Planning Authority's comments on the application, lodged as a statutory consultee. Therefore, Members are being asked whether this affects their original decision or whether Officers can issue the decision notice in accordance with their original recommendation.

Recommendation

It is recommended that Members of the Planning (Regulatory) Committee come to a decision on whether they review their original decision in light of the information in this report or whether they endorse their original resolution made at the last committee on the 17 January 2014.

Background Papers

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

North Norfolk Local Development Framework Core Strategy and Development Control Policies (2008)

North Norfolk Local Development Framework Design Guide

North Norfolk Local Development Framework Landscape Character Assessment

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

Application file references C/1/2010/1005 (and Environmental Statement), C/1/2013/1010, C/1/2009/1015, C/1/2013/1010, C/1/2009/1020 and C/1/94/1013.

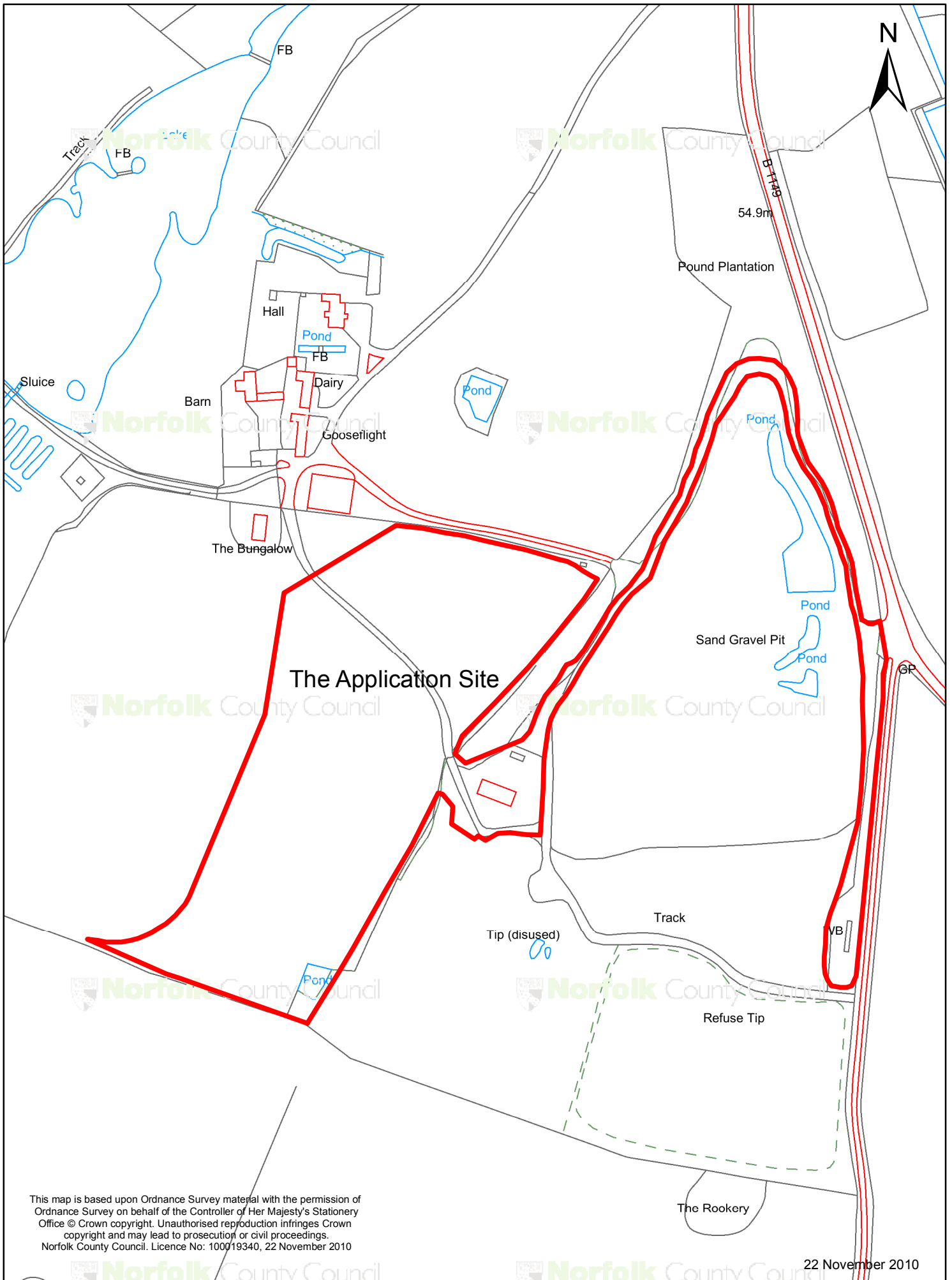
Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Ralph Cox	01603 223318	ralph.cox@norfolk.gov.uk

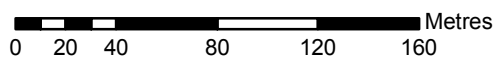


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C/1/2010/1005

Edgefield

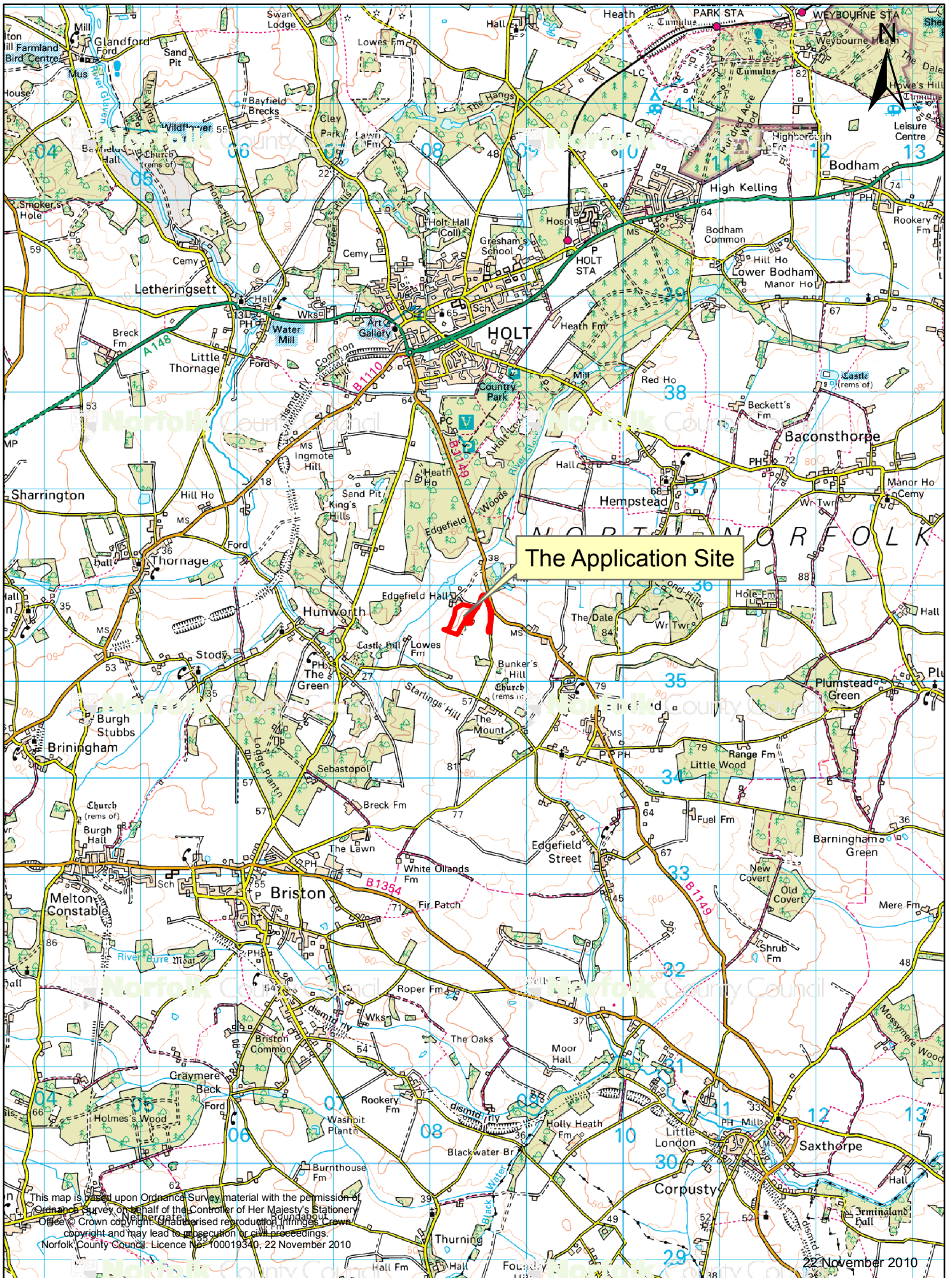


Norfolk County Council

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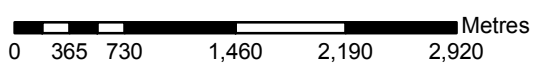


The Application Site

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22 November 2010

C/1/2010/1005
Edgefield



Norfolk County Council
Planning & Transportation GIS
Scale 1: 50000 Centred on 407563 335406

**Applications Referred to Committee for Determination:
North Norfolk District: C/1/2010/1005: Edgefield:
Erection of plant to accommodate an anaerobic digestion
facility, provision of ancillary office and weighbridge,
retention of existing landfill gas engines and provision of
landscaping: Buyinfo Ltd**

Report by the Interim Director of Environment, Transport and Development

Summary

Planning permission is sought for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The application was previously brought before this committee in December 2010 with a recommendation for refusal and latterly in February 2011 with a recommendation for a site visit whilst further information was awaited. These reports are attached as Appendices 1 and 2. Members' resolutions to the two reports were to defer the application in December 2010, and not hold a site visit in February 2011.

As well as being contrary to policy, there were a number of issues that needed clarification, and the resolution of Members was that the application be deferred until all outstanding matters had been dealt with so that if Members were minded to approve the scheme, the planning permission could be legally enforced. As well as outstanding information required, there was also an issue with the application conflicting with the approved restoration scheme for the adjacent landfill site where the access would be.

The applicant now proposes to use the access road that forms part of the landfill's restoration scheme and accordingly an application was recently lodged for the change of use of that road, and the removal of the access road element from this current application. Because the two applications are intrinsically linked, it is therefore recommended that the two are determined together with the same decision i.e. the AD plant could not operate without the access road, and there would be no case for the use of the access road without the AD plant.

The application is a departure from development plan policy given the location of the proposed site in open countryside and in the Glaven Valley Rural Conservation Area.

Whilst the proposal would divert waste from landfill and move it up the waste hierarchy, it is not felt the scheme represents an acceptable form of development. There are not sufficient material considerations that would outweigh the departure from policy and the application is therefore recommended for refusal.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the grounds outlined in section 12.

1. The Proposal

- 1.1 Location : Land adjacent to Edgefield Landfill Site, Edgefield
- 1.2 Type of development : Anaerobic Digestion plant together with ancillary office and weighbridge, provision of landscaping, and retention of existing landfill gas engines.
- 1.3 Annual tonnage/waste type : 30,000 tonnes per annum of organic waste consisting of:
- 27,000 tonnes of municipal waste; and,
 - 3,000 tonnes of commercial and industrial waste.
- 1.4 Plant : Eleven digester vessels (each is a cast concrete tunnel), six concrete composting tunnels, steel portal framed central mixing area, waste reception area.
- 1.5 Market served : Within a 25-30 mile radius of site.
- 1.6 Duration : Permanent
- 1.7 Hours of working : Monday – Friday 07:00 hours – 18:00 hours
Saturday 07:00 hours – 13:00 hours
Sunday and Bank Holidays – Closed
- 1.8 Vehicle movements and numbers : Delivery of waste (Large Goods Vehicles)
Average of 36 daily movements of waste collection vehicles (18 in and 18 out);
Removal of composted material (Large Goods Vehicles)
Average of 6 daily movements;
Removal of contaminants for disposal (Large Goods Vehicles)
4 weekly movements of waste collection vehicle
Staff vehicle movements (private light goods vehicles)
Average of 8 daily movements.
- 1.9 Access : Access from B1149 Holt Road which would follow the northern boundary of the landfill site (this is the subject of application reference C/1/2013/1011).

2. Constraints

2.1 The following constraints apply to the application site:

- Site within the Glaven Valley Rural Conservation Area;
- Site within 125 metres of nearest listed building: Edgefield Hall (grade II);

- Site within 1 kilometre of Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI);
- Site is on Grade 3 Agricultural Land.

3. Planning History

- 3.1 The bulk of the amended site which amounts to just under 3.9 hectares is agricultural land used for arable farming. The remainder of the application site consists of the existing landfill gas compound.
- 3.2 In November 2009 a planning application (reference C/1/2009/1015) was submitted for an AD plant at this site. This was very similar to the current one that is the subject of this report, however this proposed the creation of an access road across the centre of the (already restored part of the) landfill site. The application was subsequently withdrawn by the applicant following concerns expressed by the Environment Agency regarding the impact on the cap of the landfill site, and also by County Council officers about the landscape impact of the development given its location in a Rural Conservation Area.
- 3.3 The application site includes the existing landfill gas engines which are to be retained for the life of this development in order to utilise the landfill gas produced. These are covered by two permissions the first of which was granted in May 1995 (reference C/1/1994/1013) and was for the installation of three gas powered engine sets. This permission expires on the 31 December 2015, or when the maximum concentration of flammable gas in the landfill gas in the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 3.4 The second permission (reference C/1/2005/1005) was for the installation of gas powered generator producing electricity for the national grid. This permission expires on the 23 November 2030, or when the maximum concentration of flammable gas in the landfill gas within the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 3.5 More recently a further application determined in 2013 (reference C/1/2013/1002) permitted the replacement of the gantry and water cooling tower with office, and other additional infrastructure.
- 3.6 The adjacent landfill site, located on the western side of the Norwich-Holt road (B1149), has been operated for more than 30 years under a series of temporary planning permissions. The site, which is some 11.5 hectares in size, occupies a former sand and gravel quarry and is divided into 13 phases. Phases 1-12 at the have already been filled and capped with non-hazardous waste and phase 13 is currently in the process of being capped.
- 3.7 In accordance with the conditions of the most recent planning consent (reference C/1/2012/1006), granted for the landfill site in November last year, the landfill site is required to be restored by 31 December 2014. Significantly, that application also amended the landfill site's approved restoration scheme to include a perimeter access road for operational requirements to provide access to the gas extraction plant and for the management and associated monitoring of the landfill

site.

- 3.8 As referred to in the Assessment section of this report, a slightly smaller site in this vicinity (although not exactly the same shape) was put forward for inclusion in the County Council's Waste Site Allocations DPD document as WAS 88. However it was not included in the now adopted plan on the basis that it was unacceptable on landscape grounds.

4. Planning Policy

4.1	Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016	:	CS3	Waste management capacity to be provided
		CS4	New waste management capacity to be provided	
		CS5	General location of waste management facilities	
		CS6	General waste management considerations	
		CS7	Recycling, composting, anaerobic digestion and waste transfer stations	
		CS14	Environmental protection	
		CS15	Transport	
		DM3	Groundwater and surface water	
		DM4	Flood risk	
		DM8	Design, local landscape and townscape character	
		DM9	Archaeological Sites	
		DM10	Transport	
		DM12	Amenity	
		DM15	Cumulative impacts	
		DM16	Soils	
		4.2	North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies	:
SS2	Development in the Countryside			
SS4	Environment			
SS6	Access and Infrastructure			
EN2	Protection and Enhancement of the Landscape and Settlement Character			
EN 4	Design			
EN 6	Sustainable Construction and Energy Efficiency			
EN 7	Renewable Energy			
EN 8	Protecting and Enhancing the Historic Environment			
EN 9	Biodiversity and Geology			
EN 10	Development and Flood Risk			
EN 13	Pollution Prevention and Hazard Minimisation			
CT 5	The Transport Impact of New Development			
CT 6	Parking Provision			

4.3	The National Planning Policy Framework (2012)	:	10	Meeting the challenge of climate change, flooding coastal change
			11	Conserving and enhancing the natural environment
			12	Conserving and enhancing the historic environment
4.4	Technical Guidance to the National Planning Policy Framework	:		Flood Risk

5. Consultations

- | | | | | |
|-----|--------------------------------|---|--|--|
| 5.1 | North Norfolk District Council | : | <p>No conservation or biodiversity objection subject to suitable conditions to safeguard visual amenity and ecology. Although the site lies on the valley side of the Glaven river valley and is in an exposed position, the landform, existing vegetation and lack of publicly accessible sites limit the visual impact of the scheme. Reference is made to the detrimental impact on the landscape that would occur being offset by the degraded nature of the existing landscape (i.e. the landfill site) as recognized in the ES limiting the visual impact of the scheme. Also regard the ecological impact of the development as being limited.</p> | |
| 5.2 | Edgefield Parish Council | : | <p>No objection (following receipt of additional information) however the Council is very concerned that overall traffic levels through the village will increase to the site particularly when other waste sites and quarries become operational in the vicinity. The Council believes road improvements are essential to safeguard parishioners road users and property and requests the following conditions to be applied:</p> <ul style="list-style-type: none"> • The 30mph area extended to cover dangerous bends/corners to the north of the village as far as Valley Farm; • Work to straighten the dangerous bends/corners in particular adjacent to the Old Pottery, Duck Pond Cottage and Potters Farm; • Flashing signs and other calming measures to reduce speed; • Request for planning gain; • Clarification for the need for this plant as that has not been established. | |

- 5.3 Stody Parish Council : No objection.
- 5.4 Environmental Health Officer (North Norfolk District) : No objection. Recommend a number of conditions including:
- noise levels at measured points not exceeding the existing background level;
 - deliveries limited to the hours proposed;
 - the installation of odour controls as detailed in the ES;
 - proposed lighting is restricted to the hours of 07.00 until 18.00 hours as detailed in the lighting assessment.
- 5.5 Norfolk Historic Environment Service : No objection. Trial trenching has indicated pit features containing pottery of Neolithic and Bronze Age date which indicates there is a high probability that other heritage assets with archaeological interest would be present on site. Therefore recommend a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 5.6 Environment Agency : No objection subject to appropriate conditions. Comment that the development would require an Environmental Permit covering a range of issues including management, operations, and emissions and monitoring.
- Is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. The approval would therefore need to be subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment submitted and supplementary information supplied.
- The consent would also need to be subject to a condition concerning the submission and implementation of a working practices procedure in order to prevent pollution of the water environment.
- 5.7 Natural England : No objection.
- 5.8 Highway Authority (NCC) : No objection.
- 5.9 National Planning Casework Unit (previously Go-East) : No objection.
- 5.10 English Heritage : Do not wish to offer any comments on this

- occasion: the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.11 Waste Disposal Authority (NCC) : NCC is partly responsible and will in the future become fully responsible for the adjacent landfill site. The WDA encourages new technologies such as AD plants for the disposal of waste and as such fully supports the application.
- 5.12 UK Power Networks : No objection. Highlight requirements concerning the maintenance of satisfactory clearances between plant apparatus and people and equipment; and, a separate application would need to be made for any additional electrical capacity to meet increased loads generation etc. These would be attached to any permission granted as an informative.
- 5.13 Southern Norfolk Primary Care Trust (now NHS Norfolk and Waveney Public Health Directive) No response received.
- 5.14 Anglian Water No response received.
- 5.15 Campaign to Protect Rural England : Object to the application on the following grounds:
- The site lies in the Glaven Valley an attractive area of rural countryside which with the closure of the landfill site is planned to be restored to regain in full the former landscape quality and tranquillity;
 - The development proposed would be incompatible with the built character of the landscape and Conservation Area designation due to the industrial nature of the development. The site would be visible in close and distant views within the vicinity;
 - The proposal would subvert the spirit and objectives of the restoration plans of the landfill site by having removed the one blight on the local landscape, then replacing it with another permanent planning permission as opposed to the long term series of temporary planning permissions that supported the landfill site;
 - Vehicles serving the plant would result in visual and noise pollution;

- There would be light pollution from the plant and facilities in what would be a 'dark skies' area;
- On a precautionary approach it is inherently not good practice to locate this type of development within 500 metres of the River Glaven.

5.16 Local residents

: A total of 33 letters of objection (5 of which are from the same residents) or opposition have been received (including a letter written on behalf of the River Glaven Conservation group expressing concern). One of the letters of objection was accompanied by a letter from the local MP Normal Lamb asking that his constituent's comments be registered as a formal representation and also inquiring about the application itself: Mr Lamb's letter is not however classed as an objection.

The objections are on the following grounds:

- Unsuitability of highway network in locality: there has been previous instances of HGVs colliding with properties (would highway numbers be limited?);
- The lack of need for the facility given that a number of similar sites already exist in Norfolk;
- Should be refused because it ignores several respects of Norfolk County and North Norfolk District development plans and Planning Policy Statements.
- Adverse visual impact on the landscape of the area - natural beauty of area will be damaged.
- Unacceptable development in the Conservation Area;
- Impact on / loss of amenity with reference made to odour;
- Further prospect of urban style flood lighting near the plant;
- Nearby to residential property – this would pose a health and safety risk with regards to that posed by fire and explosions;
- Archaeological remains have been found in the area;
- Damage that may be caused to the Glaven

Valley in the event of leakage of materials or washing of nutrients from stored materials into the river which is in close proximity (this would then affect the river's water quality and ecology);

- Development could result in flooding of properties at the foot of the slope on which the application is proposed;
- The escape of effluent could be disastrous for the whole length of the River Glaven far beyond the limits of the site of the plant;
- Is a sloping site and any run off would have implications for the valley and housing below;
- Development would be visible from concessionary footpaths;
- Scale of access road out of keeping with the area and would be an eyesore for walkers and residents;
- Further upgrade of the grid may have a further detrimental impact on the Glaven Valley;
- The negative impact on the environment and local ecology;
- Local people understood the site would be fully restored once landfilled;
- This proposal would prolong operations – people have planned their lives on the basis of closure of landfill site and its restoration to countryside and this would lead to further industrialisation of the area;
- It is therefore spurious to justify the development on the basis the landfill site already represents a blot on the landscape (i.e. it would not make things any worse);
- The plans to restore the landfill site make no reference to build an access road [this letter was received before the application to amend the restoration of the landfill site had been received];
- The area should be restored as part of Conservation Area;
- Edgefield has already suffered several years from impacts from landfill site with

reference made to traffic and the noise and dust created by it, noise and smell, its unsightly appearance with insufficient screening, plastic bags and other rubbish strewn around the countryside;

- Application is viewed as an attempt to 'piggy-back' a further unsustainable development on a previous one; 'this sort of incremental desecration should not be allowed';
- It is therefore felt the village has already 'contributed its share to the community';
- The site being closer to dwellings and bore holes than 250 metres;
- Possibility of effluent contamination bore hole which serves three properties;
- Possibility of contaminants causing toxic fumes or an explosion in AD plant;
- Would the applicant check for contaminants in delivery loads?
- Not giving consideration of the cumulative environmental impact of two or more closely located waste management sites – reference made to Core Strategy policy DM15: *Cumulative impacts* and organic waste site between Edgefield and Saxthorpe.
- Adjacent to Holt Country Park and Holt Lowes which has increased number of visitors locally and on holiday;
- Adverse impact on house prices
- Adverse impact of industrial style flood lighting;
- The principle of AD plants per se given the likely world shortage over the next 20 – 30 years – what is required is a government campaign to prevent wastage of food;
- The power created from this process would not compensate for the energy expended in the creation and consumption of food and the transportation of the waste to the AD plant;
- Setting aside a small area for Common Cudweed displays a complete lack of

understanding of the ecology of this arable weed;

- It is proposed to screen the site with indigenous woodland planting however it is not possible to create indigenous woodland and any trees planted would be of limited conservation benefit;
- Whether vehicles taking material off site would use the access proposed or an existing access used currently be farm vehicles;
- The applicant has consistently presented 'no objection' for consultees as a de facto vote in favour. Because organizations such as the River Glaven Conservation Group or Natural England raise no objection, this is a far cry from being 'in favour of the development'.

An objection was also received from Norfolk Environmental Waste Services (NEWS) the commercial company that operates the adjacent landfill site and is part of the County Council owned Norse Group. Their objection was received after the first round of consultation in 2010 and is on the grounds that:

- The applicant does not have any commercial agreement or other rights to cross their land (i.e. the access road proposed);
- The application appears to contain conflicting information about the route of the proposed access site: NEWS does not have planning permission for either road layout; and,
- The proposed route and turning circle conflicts with NEWS' current planning permission and environmental permit which include final settlement contours which requires the removal of the current turning circle.

In addition, 69 no. 'tear off pro-forma' slips were submitted from members of the public stressing that the landfill site should be managed on a long term basis for the benefit of nature conservation as previously agreed by the council. The slips do not explicitly object or refer to the AD plant directly.

Four letters of support have been received on the following basis (one of these is from the District Cllr for Edgefield, John Perry-Warnes):

- There is a desperate need to make north Norfolk sustainable in terms of waste and electricity. Any negatives would far be outweighed by positives;
- A local facility using an existing site that generates electricity/renewable energy for the national grid would make a sensible and cost effective answer to reducing landfill usage in this area;
- The transportation of waste to sites as far away as Kent cannot possibly be eco friendly or cost effective;
- Would produce a composted material for use in production of domestic and agricultural humus;
- Would save on mileage of collecting vehicles from domestic premises to point of process;
- The applicant has considered all aspects to ensure conservation of the area.

5.17 County Councillor (David Ramsbotham)

: Nothing to add to the objections/comments he made (in March 2011) before he became Cllr (as set out below) except that he is really concerned about the road safety aspects of the B1149 between Edgefield and the site. Only a few weeks ago the corner of a listed barn was badly damaged by an HGV. Wishes to record his support for officers in refusing this application. Is surprised that the landfill was ever granted permission in the first place and would question whether the conditions of the current approval for electricity/gas production are being followed. Objects to the application for the following reasons:

1. The current highway [B1149] through Edgefield is not suitable for the size of lorries which will be transporting material to and from the site. Traffic on this road has collided with one property, Old Hall Cottage, at least 12 times in the last year! In this connection please note that the 30 mph speed limit needs to be extended to cover this area;
2. The risk of the possible damage that the new plant could do to the Glaven Valley in the event of the leakage of materials is unacceptable. It has taken years to restore

this river valley to its former glory with an array of flora and fauna and all this could be destroyed by just one incident of mismanagement;

3. The visual impact on the area of outstanding natural beauty [like the current plant] is also unacceptable. This is one of the most beautiful areas in Norfolk and should be preserved for future generations.
4. I understand that evidence of Neolithic man has been found in the area;
5. I also noticed that the plans omitted to show four residential properties which are very close to the proposed plant. These dwellings obviously pose health and safety considerations. I have seen reports of fires and explosions occurring at these plants;
6. There is also the nuisance created by smells to be considered and the possibility that the connection to the grid may have to be upgraded creating further detrimental visual impact on the Glaven valley;
7. I understand that a previous planning application C/1/2001/1002 stated that the area would be returned to nature as an open space by 2013. A lot of people have planned their lives on the basis of this promise not expecting further industrialisation of the area;
8. The effect that it [and other inappropriate developments in the area] will have on the tourist industry which is the lifeblood of North Norfolk. If we keep chipping away at our unique environment there will be nothing left to attract tourists to the area;
9. Would like clarification why the perimeter access road is necessary - It follows the brow of the hill which means traffic will be clearly visible from the Glaven Valley. If an access road to the restored area is really necessary it would be better placed on the southern boundary of the site.

Is also intrigued as to why members felt it necessary to oppose the Officers recommendations on this case which seems clean cut.

On a general point would it not make sense for

NCC to pinpoint areas where this type of waste disposal would be of benefit to the County i.e. centrally, on a good road network and where the impact on the environment is minimal rather than allowing “get rich quick” landowners and farmers to dictate the location of these plants?

6. Assessment

Background

- 6.1 This is an application that the County Council initially received in 2010 albeit it was amended in August 2013 with removal of the proposed access road over the adjacent landfill site. The proposed access is now the subject of a separate application, reference C/1/2013/1010 that is to be considered in conjunction with this planning application. This application was initially reported to Planning (Regulatory) Committee in December 2010 with a recommendation for refusal (Appendix 1) on policy grounds, the conflict that the application would have on the adjacent landfill operations (with regard to the access road) and both insufficient and inconsistent information submitted. The resolution of Members was that the application should be deferred until all the outstanding issues had been resolved so that if Members were minded to approve the scheme, the planning permission could be legally enforced. While this information was being awaited, a further report was taken to this committee in February 2011 (Appendix 2) recommending a site visit. The resolution was that a site visit should not take place until the required information was available to the Committee. It is now considered that sufficient information has been supplied to enable the application to be determined and a legally enforceable permission to be granted should Members be minded to do so.

Proposal

- 6.2 The application lodged by Buyinfo Limited is for the development of an Anaerobic Digestion (AD) facility on a site adjacent to the west of Edgefield Landfill site. It is proposed that the AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste, together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The plant would be based on a dry fermentation process which allows recovery of energy contained in bio-waste. The gas produced by the digestion process facility would be piped to the existing adjacent landfill gas engines (which this application seeks to retain) to generate electricity. The development would therefore produce a form of renewable energy. The composted digestate from the end process can be used as a fertiliser in the agricultural and horticultural industries and it is envisaged that, in addition to the 5200 MWh of electricity that would be produced, some 15,000 tonnes of soil improver could be produced each year.
- 6.3 In addition to the plant itself, the application also requires new ancillary infrastructure in the form of an office, and also a weighbridge to ensure all waste arriving at the site can be weighed and booked in. At this point waste transfer notes would be inspected to ensure the waste is suitable to be used in the AD plant.

- 6.4 The new office building is required for the purpose of housing the technical equipment needed to control the operation of the plant itself. This would be accommodated within an extension to the existing building (the 'Generation Hall') that houses the generators that convert landfill gas into electricity. This would extend the length of the existing building by 4.5 metres and at 7.5 metres in width and would be slightly narrower than the existing building. It would actually provide two small office rooms and a WC. The walls would be finished in smooth render painted in neutral stone and the roof would be green mineral felt. The Generation Hall itself is located to the east of where the AD plant would be and to the west of the current landfill site.
- 6.5 As part of the scheme, the site of the AD plant would be re-contoured to allow the plant to be set into the ground and screened by the new landform in attempt to reduce the visual impact of it. The application also proposes some 2.5 hectares of indigenous woodland planting to the south, west and north of the plant. In this resubmitted application, the applicant also made reference to a further 0.33 hectares of planting to the west of the landfill site, i.e. in an attempt to screen the proposed access. In the previous reports, no weight was given to this however the applicant has now committed to entering a Section 106 Legal Agreement to secure this planting should the application be approved.
- 6.6 The AD plant itself would be accommodated within a structure which would occupy a footprint of 69 metres in width by 62 metres in length. It would be 8 metres in height to the ridge line. This structure would consist of 11 digester vessels; each is a cast concrete tunnel approximately 6 metres wide, 27.5 metres and length and 5 metres high. In addition there are 5 or 6 composting tunnels (this number differs between the application documentation submitted) that are similar cast concrete tunnels. These vessels are linked by an enclosed central mixing area which would be accommodated in a steel portal framed structure clad with dark green plastic coated profiled sheeting.
- 6.7 Process
- Once weighed, waste would be deposited into a reception hall via a chute, and following inspection, would be screened and then shredded into 40mm maximum dimension and added to a stockpile.
- 6.8 Each of the eleven digester units would be loaded (and unloaded) on a six week cycle. When unloaded, 50% of the material would be blended with fresh material from the reception hall stockpile and the other 50% transferred to the composting stage. These operations would occur twice a week in an enclosed and ventilated space at the front of the digester units; the transfer of material within the building would be undertaken with a wheeled loading shovel.
- 6.9 On completion of a six week period, post digestion material would then be transferred through a roller shutter arrangement to a concrete box tunnel unit for composting. Heating elements would be provided in the floor and the walls of this unit, and air would be forced through the material to stimulate aerobic digestion of the remaining organic carbon in the feedstock. During this process the temperature of the material would be raised beyond 60 degrees Celsius for a period of 48 hours. Following a one week period in this vessel, the material would then be transferred to a secondary identical tunnel where this heating process would be repeated.

- 6.10 Having passed through the two stage composting process, the digestate would be transferred to an outdoor storage and maturation area and stored in windrows. This would enable any composting taking place within the material to be completed before the material is taken off site by tractor and trailer for use as an agricultural soil improver.
- 6.11 All waste held within the building, reception and mixing halls would be held at negative pressure with the exhaust air from the air handling unit directed to a biofilter. Located to the north west of the main structure, this biofilter would be a tank filled with woodchip impregnated with enzymes which degrade the organic chemicals that cause the odour to occur.
- 6.12 The biogas created within the plant would be transported via an over ground pipeline to the existing landfill gas engines to generate electricity. There is an existing cable that links this into the local network. Waste heat created would be used to manage the temperature within the respective stages of the process to ensure optimum temperatures are achieved and effective pathogen kill occurs during the composting process.
- 6.13 As referred to above, the biogas captured would be directed to the existing landfill gas engines that are already in situ to the north east of where the AD plant would be erected. This application seeks permission to retain this infrastructure for the life of this development (i.e. in perpetuity) to utilise both the landfill gas already emanating from the landfill site and the biogas produced which would make use of the existing spare capacity available. The landfill gas engines are currently covered by two temporary planning permissions the details of which are provided in section 2 of this report.
- 6.14 The process detailed above would obviously take place 24 hours a day however the operations such as waste deliveries and transfer of waste would only take place when the plant would be staffed between 07.00 hours and 18.00 hours Monday to Friday and 07.00 hours and 13.00 hours on Saturdays.
- 6.15 Because of the nature of the proposal, the County Council provided a Screening Opinion for this development in April 2008 to the effect that an application would need to be accompanied by an Environmental Statement (ES). It was considered by officers that the proposal has the potential to have significant impacts on the environment, not only because of the sensitive nature of the landscape that the application site is located within, but also by virtue of other factors such as the impact that could occur with regards to ecology, flooding, water resources, pollution and nuisances, and highways. Accordingly, the application has been determined in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended and latterly The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which replaced the 1999 Regulations. The ES submitted assessed the impacts of the development on ecology, landscape, hydrology and hydrogeology, archaeology, odour, traffic and noise. A Regulation 19 request was made to the application following planning committee in December 2010 asking for information relating to landscape, archaeology, highways and lighting.

Site

- 6.16 The application site comprises sloping arable farmland on the side of the Glaven Valley. It is situated approximately one kilometre north west of Edgefield village

and some two kilometres to the south of the town of Holt. It is bounded by farmland to the south west and north, and by Edgefield Landfill site to the east. The access to the site around the northern perimeter of the adjacent landfill site was previously part of the application, however it is now the subject of a separate application, reference C/1/2013/1010.

- 6.17 The revised application site now totals 3.9 hectares which includes the agricultural land where the AD plant would be erected and the remainder being the existing landfill gas compound that the application seeks to retain. This compound includes the existing electricity generators and associated plant and buildings (previously it was 4.96 hectares when it included the access road).
- 6.18 A small group of residential dwellings lie to the north west of the site with the closest of these being 'The Bungalow' some 140 metres away. Significantly, the site lies within the Glaven Valley Rural Conservation Area which was designated by the district council in 1980 because of its high landscape value.
- 6.19 The landfill site remains operational with tipping and capping operations taking place in the northern extent of landfill in the final phase. The current extant planning permission for the landfill requires the site to be restored by the end of December 2014. Significantly, it is around the northern perimeter of this landfill where the access road is proposed albeit that is now the subject of a separate planning application.
- 6.20 The application site includes the existing landfill gas engines which would be retained for the life of the proposed AD plant, i.e. in perpetuity. These are located between (to the east of) where the AD plant would be situated and (to the west of) the existing landfill site.

Principle of development

- 6.21 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”.*
- 6.22 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”), and the North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies. Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) (PPS10) are also a further material consideration of significant weight. The NWMDf Core Strategy however takes precedence over this because it is regarded as an ‘up to date plan’. Therefore, since the planning application was originally put to committee in December 2010, there has been significant changes to the policy framework against which the application was originally assessed in terms of the Waste Local Plan (2000) being replaced by the Core Strategy. In addition the Regional Spatial Strategy: The East of

England Plan has also been revoked and all of the national Planning Policy Statements, with the exception of PPS10, were replaced by the NPPF when it was published in 2012.

- 6.23 As referred to in the original committee report that went before this committee on 10 December 2010 (Appendix 1), when the application was received it was deemed to be a departure from development plan policy and accordingly was advertised to that effect. As set out below, notwithstanding the change in policy framework explained in 6.22, the application is still considered to be a departure from policy. Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, the presumption for this application is that it should be refused given that it is contrary to policy however it needs to be determined whether there are sufficient material considerations that would outweigh this policy conflict and justify a grant of permission.
- 6.24 NMWDF policies CS3: *Waste Management Capacity to be provided* and CS4: *New waste management capacity to be provided* set out the waste management needs of the County over the plan period, until 2026. Related to this, and also part of the Development Plan, the County Council recently adopted its Waste Site Allocations document Development Plan Document which identifies the allocated sites where waste management facilities are considered acceptable in principle over that period. This document identifies allocations to meet the need in policies CS3 and CS4, and the document was examined by the Planning Inspectorate in April 2013, who found it to be sound and legally compliant. The Inspector considered whether sufficient sites were to be allocated so as to meet the need identified in CS3 & CS4 and concluded that the need would be met by the allocated sites. Therefore, the need for the site should not be given great weight in relation to the CS3 and CS4, as there are other more appropriate sites available and more importantly allocated within the plan.
- 6.25 A slightly smaller site in this vicinity (although not exactly the same shape) was initially put forward for inclusion in this document as WAS 88. However it was not included in the adopted plan on the basis that it was unacceptable on landscape grounds. No representations were received from the applicant objecting to the non-allocation of this site. As part of the extensive consultation process, North Norfolk District Council had supported the County Council's conclusion that the site should not be allocated given that it was considered unsuitable on landscape grounds on the basis that it 'seemed odd to be promoting an allocation in a Development Plan adjacent to a site which would not exist'. Therefore, with regards to the adopted development plan, this site is not required to meet the identified need for waste management facilities in Norfolk with regards to both policies CS3 and CS4.
- 6.26 NMWDF policy CS5: *General location of waste management facilities* defines this proposal as a 'strategic' or major waste site given that the proposed throughput exceeds 10,000 tonnes per annum. This policy seeks to direct such facilities to sites that are 'well related' (within 10 miles) to one of four main settlements. The closest of these to Edgefield is the 'Norwich Policy Area' however due to its size this does not have such a zone hence the facility would need to be within the Norwich Policy Area itself. Clearly the site does not comply with this element of

the policy, but the policy does have further flexibility for sites given the largely rural nature of Norfolk and that some sites may be less well related to major centres of population. In this instance the proposal would need to be well related to the major road network, take advantage of cross border opportunities for the efficient management of waste, or enable the re-use of brownfield sites unsuitable for other uses. However it is not considered that the scheme complies with any of these caveats hence it is contrary to this policy.

- 6.27 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not cause unacceptable environmental impacts:
- a) land already in waste management use;
 - b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
 - c) other previously developed land; and,
 - d) contaminated or derelict land.

The development is proposed to be sited on agricultural land in the open countryside. Clearly the scheme does not comply with this policy given that the development is not proposed to be built on any of the types of land listed above and, as discussed below, would have an unacceptable environmental impact on the landscape and Conservation Area.

- 6.28 NMWDF policy CS7: *Recycling, composting, anaerobic digestion and waste transfer stations* states that the development of new anaerobic digestion facilities will be considered favourably so long as they would not cause unacceptable environmental, amenity and/or highway impacts. Whilst the land use departure from policy has already been highlighted, there are other development plan and NPPF policies against which it will be determined if there are unacceptable impacts, as examined in the assessment section below.

- 6.29 With regards to policies in the North District Council Local Development Framework, policies SS1 and SS2 provide weight for a countryside location, however the plan also makes reference to the quality and character of the area which is enjoyed by residents and visitors, being protected and enhanced where possible. In this instance the level of detriment to the countryside caused by the industrial nature of the plant is considered unacceptable.

- 6.30 Planning Policy Statement 10 sets out the strategy for sustainable waste management with reference to moving the management of waste up the hierarchy and using it as a resource wherever possible. The Anaerobic Digestion process proposed diverts waste from landfill and recovers value from the waste with regards to both the energy produced from biogas, and the digestate produced that would be able to be used in agriculture and horticulture. However PPS 10 also underlines that the development plan forms the framework within which decisions on proposals are taken. It adds that when proposals are consistent with an up to date plan, there is not a requirement for applicants to demonstrate a quantitative or market need for their proposal. Therefore in this instance given that the application is not in accordance with the development plan and has not been included in the Site Specific Waste Allocations Document, there is a need for the applicant to demonstrate a need; however this has not

been done with this application.

- 6.31 Notwithstanding this, PPS 10 states that, for unallocated sites (which this is), applications should be considered favourably when consistent with policies in the PPS (including criteria set out in paragraph 21 of the PPS), and the planning authority's Core Strategy (this is explored throughout the report). In terms of paragraph 21 of the PPS, there are physical and environmental constraints on development as discussed elsewhere in the report. In addition, the PPS also states that priority should be given to the re-use of previously developed land or redundant agricultural buildings and their curtilages, however this is not the case with this proposal.

Amenity

- 6.32 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on amenity.

- 6.33 Both PPS10 and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively. It is understood the applicant is awaiting the outcome of the planning applications before applying for an Environmental Permit.

6.34 Odour

With regards to odour, because of the nature of both the waste stream proposed to be treated, i.e. organic waste, and the process proposed to treat the waste, there is a potential for this development to create a significant level of odour. The ES identified a number of different sources of odour and assessed the severity of the risk and method of control. In order to operate effectively, the plant relies on providing a controlled environment with the effective containment of gases. All waste held within the building, the reception, and mixing halls would be held at negative pressure in order to contain odours. Exhaust air from the air handling unit would pass through a biofilter which is a standard means of treating the emissions from this nature of waste treatment facility. Gases created from the digestion process would be collected and utilized in the landfill gas engines that are already in place.

- 6.35 The conclusion of this assessment draws comparisons with the odour produced by the existing landfill site and states that the plant would have significantly less impact when compared to the landfill operation. In accordance with the current extant permission, the landfill site is required to be restored by the end of December 2014 and consequently that source of odour will no longer exist. In the event that planning permission is granted, the site would be regulated by the Environment Agency (EA) through an Environmental Permit, and given that no objection has been received from

either the EA or EHO (subject to a condition requiring the installation and maintenance of the odour control detailed in the ES), it is considered that there is not likely to be an impact on amenity with regards to odour.

6.36 Noise

As with the odour assessment, the noise study has been carried out against the backdrop of the existing landfilling operations that are required to cease by December 2013. Having modelled predicted noise levels against the surveyed existing noise levels the ES concludes that the plant is not likely to cause any loss of amenity to residents or lead to complaint.

6.37 Subject to any grant of permission being conditioned to the effect that the noise level at the measured points does not exceed the existing background level, as detailed in the noise survey in the ES, the EHO is satisfied with the development with regards to noise. Furthermore, the Environment Agency, which would monitor noise as an aspect of its Environmental Permit, has similarly not raised an objection to the scheme.

6.38 Lighting

When the application originally came before Planning (Regulatory) Committee in December 2010, one of the grounds for refusal (ground number 7) was on the basis that insufficient information had been submitted to demonstrate that the proposal would not have an adverse impact on the countryside and residential amenity. After that committee meeting a Regulation 19 request was sent to the applicant requesting further information relating to the Environmental Statement and specifically in respect of site lighting. Subsequently to this, the applicant submitted further information in respect of a site lighting assessment. Following a statutory re-consultation period, North Norfolk's Environmental Health Officer raised no objection to this on the basis the proposed lighting is restricted to the hours of 07.00 until 18.00 hours as detailed in the lighting assessment.

6.39 It is considered that, subject to the aforementioned conditions, and the site being regulated by an Environmental Permit, as issued by the Environment Agency, the proposal would not have an unacceptable impact on amenity with regards to these matters in accordance with policy DM12.

Landscape / Design

6.40 When this application originally came before this committee in December 2010, a number of the grounds for refusal, namely grounds number 2, 3, 7 and 8 were on the basis of the visual impact of the site in the Countryside and moreover in the Glaven Valley Rural Conservation Area, designated because of its high landscape value. As stated above, there has been a change in the policy framework since this time and the scheme therefore needs to be assessed in the light of the current policy framework.

6.41 Norfolk MWWDF Core Strategy Policy DM8: *Design, local landscape and townscape character* states that 'development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape...., including

consideration of historic character. It adds that development will only be permitted where it would be within Conservation Areas where the applicant the applicant can demonstrate the development would not adversely impact on the historic form, character and/or setting of these locations taking into account any mitigation measures.

- 6.42 Norfolk MWWDF Core Strategy Policy CS14: *Environmental Protection* states that developments must ensure there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape.
- 6.43 In terms of North Norfolk's Core Strategy, Policy EN 2: *Protection and Enhancement of Landscape Settlement Character* states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the setting of Conservation Areas. Policy EN 4: *Design* states that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Furthermore Policy EN 8 adds that the character and appearance of Conservation Areas will be preserved and where possible enhanced.
- 6.44 Also of significant material weight are PPS10 and NPPF. PPS10 makes reference to a number of criteria to be taken into account in the decision making process for unallocated sites. One of these considerations is any adverse effect on a site of a nationally recognized designation i.e. a Conservation Area.
- 6.45 NPPF policies 11 and 12 set out the broad objectives to development in relation to landscape impact and the need to conserve the historic environment. The NPPF directs that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It also states that planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.46 With regards to the design of the buildings proposed, this would be industrial in its nature and would include cast concrete composters and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting.
- 6.47 The application site lies adjacent to three landscape character areas: small valleys, wooded parkland and tributary parkland, and their key characteristics are described within the ES. The ES also recognizes that the proposed site would be in an elevated position on the western side of the river valley and consequently development within the site would be visible from a wide zone.
- 6.48 The application proposes some 2.5 hectares of tree planting which would result in a significant amount of 'indigenous' woodland planting, which when mature, could form a positive landscape feature. The site of the proposed digestion plant would also be re-contoured to allow the development to be set into the ground and screened by the new landform. In addition to this, the application also proposes some additional tree planting that would be located to the north east of the AD plant, and to the west of the landfill site and would amount to an additional 0.33 hectares. Notably, this was added to the application when it was lodged for the second time with the amended access route which would take vehicles around the north of the landfill instead of across the middle of it (as proposed in the original application referred to in section 2 of this report).

- 6.49 The application refers to this additional strip of tree planting as 'planning gain' because it falls outside the red line boundary because the applicant was not prepared to amend the original red line site boundary drawing (used with the first application) to incorporate this planting.
- 6.50 When this application was initially reported to this committee, no weight was attached to this tree planting because it could not be secured through a planning condition because it was outside the application site and also because the applicant had not offered to secure this planting through a Unilateral Undertaking or Legal Agreement. However since that Committee meeting the applicant has resolved to agree to enter into a Section 106 Legal Agreement which has been progressed in the interim. Therefore should this application be approved, the recommendation would be that it is subject to the said Section 106 Agreement.
- 6.51 The Landscape and Character Assessment and Visual Impact Assessment included within the ES and which made reference to the North Norfolk's Landscape Character Assessment concludes that although there would be a detrimental impact on the landscape; this is offset by the degraded nature of the existing landscape (against the backdrop of the landfill site), and as such effects on landscape character would be significantly less than they would in an area where the landscape character was in tact. Notably, this is also a point that North Norfolk District Council referred to in its consultation response and gave weight to when not raising an objection to the scheme. However, both the applicant, in the ES, and North Norfolk District Council, in their consultation response, have failed to appreciate that whilst the landfill site undoubtedly currently degrades the landscape, the landfilling operations are only temporary use of the land which are required in order to restore what is a former mineral working.
- 6.52 The initial justification for the landfill at this site was because it was here that the glacial deposit occurred hence a hole in the ground was left after extraction of the mineral. However, landfilling of the working was approved in order to restore the land to ensure activities would not have a permanent detrimental impact on the landscape. The final restoration scheme proposed for the landfill site requires the site to be restored to a mixture of woodland and grassland with an access road around the northern perimeter of the site (as approved last year under reference C/1/2012/1006). This will ensure the landfill site is not left 'degraded' and furthermore will provide positive enhancements to the overall landscape with both a final profile and landscape planting that will assimilate well with the wider landscape. Consequently, the County Planning Authority does not attach any weight to this argument detailed in the ES regarding the 'degraded landscape'.
- 6.53 The development would be a large industrial type structure within the countryside which would be served by vehicles travelling across the landfill site (albeit that element is now the subject of a separate planning application). The application would also require the re-contouring of the landfill site in order to accommodate the AD plant. The applicant has proposed a significant amount of woodland planting, which when mature (after 20 to 25 years) could form a valuable landscape feature. However, in the short to medium term the new structure would be clearly visible from the permissive footpaths to the south and west and would have a significant detrimental impact on the rural character of the Conservation Area and landscape.

- 6.54 Given the above, it is considered that the application would not preserve or enhance the character and quality of the Conservation Area. It is not considered that the design of the buildings proposed would be of a local quality or reinforce local distinctiveness, and would adversely impact on the character and setting of this sensitive location and landscape. Therefore it is considered the proposal does not comply with NMWDF Core Strategy Policies DM8 and CS14, North Norfolk Core Strategy Policies EN2, EN4 and EN8, and PPS10.

Biodiversity

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

6.56 Appropriate Assessment

While the proposed development would be approximately 1 kilometre from Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), following consultation with Natural England and the County Council's Ecologist, no issues have been raised that would indicate that this development would affect the integrity of this site. This view is consistent with the conclusion within the ES which concluded that there would not be a significant impact on designated sites in the area (including this one).

- 6.57 In accordance with an assessment under Article 61 of The Conservation and Habitats and Species Regulations 2010, because it is considered that the scheme is unlikely to have any adverse impacts on the ecology of the designated area, an Appropriate Assessment is not required.

- 6.58 In addition to the aforementioned internationally and nationally designated site, the wider surroundings of the site also include Edgefield Woods which is some 600 metres to the north. Neither the ES submitted nor the consultations carried out have given any indication that the scheme would result in significant damage to the area.

- 6.59 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including nationally designated sites.

Highways

- 6.60 NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory 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. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water.

- 6.61 Previously this application had included the construction of a bespoke 4 metre

wide concrete access road around the northern perimeter of the adjacent landfill site. As referred to in the proposed grounds of refusal of the original committee report, this however would detrimentally interfere with the approved restoration scheme for the landfill site which did not include such a road. At this time, there was also no indication that the operator of the landfill site would lodge an application to vary their approved restoration scheme. A further issue was that the landfill site was not due to be restored for a further three years hence it would have been premature to at the time have granted permission for a development that could not be utilized for up to three years (while the landfill site was restored) and furthermore no construction details had been provided on how the road would otherwise be constructed if this was to take place while the landfill site was still operational particularly given that from the drawing provided, it appeared to cross active cells of the landfill site that were still being filled.

- 6.62 Since this time, the operator of the landfill site has now obtained planning permission to vary their restoration scheme for the landfill site to make provision for a perimeter access road for the purposes of operational requirements to provide access to the gas extraction plant, and for the management and associated monitoring of the landfill site. The access road approved under that application would be 3.5 metres in width with a 12 metre passing place and constructed from loose crushed gravel. This formed part of an application that also obtained permission to extend the lifetime of the quarry for a further year.
- 6.63 In view of the difficulties explained above and potential conflict with the restoration of the landfill site a decision was made by the applicant to amend the application for the AD plant and use the permitted access road as the access to serve the proposed facility. In order to facilitate this in planning terms, the applicant withdrew the access road element of the scheme from this application and submitted a second application for the 'Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility'. A report for that application is to be read and determined in conjunction with this application. The point of contact to the public highway would however remain the same as originally proposed, i.e. access would still be via the B1149, just west of the junction with Rookery Lane (U14273).
- 6.64 With regards to vehicle movements themselves, the application states that the average daily movements are anticipated to be 42 large goods vehicles and 8 private light goods vehicles. These are detailed in section 1 of this report. The County Highway Authority's initial response to the application, as reported in the first committee report (Appendix 1) was no objection to the proposal subject to conditions concerning the widening of the vehicular access road for its first 15 metres and the provision of wheel cleaning facilities following the approval of details.
- 6.65 Since this report, the applicant subsequently submitted an explanation as to why wheel cleaning facilities and widening of the access would not be required as originally requested. The Highway Authority accepted the applicant's explanation that mud on the roads was not likely to be an issue due to the nature of the operations and access arrangements proposed for this development, and that the existing access that would be used has already been constructed from a concrete hard surface. Therefore these conditions would no longer be required if planning

permission is granted.

- 6.66 Despite a number of the objections referring to the highway safety risks posed by the development citing damage that has previously been caused and accidents, the highway serving the site (B1149) is specifically recorded within the Norfolk route hierarchy as a Main Distributor route available for through movement and local distribution. The B1149 is identified as being a suitable route for HGV traffic. In the circumstances the proposal is not expected to pose unacceptable risks/impacts to the safety of road users or to the capacity and efficiency of the highway network. Whilst these policies make reference to exploring options for transport of waste by rail or water, this is not considered feasible at this location. The proposal is considered consistent with policies CS15: *Transport* and DM10: *Transport*.
- 6.67 In the event of approval, objectors have asked for the existing 30mph urban speed limit to be extended northwards into open countryside. In order to be effective there has to be a reasonable expectation that traffic would adhere to any new speed limit. Given the characteristics of the environment, the Highway Authority concludes that traffic would simply continue to travel at the speed it was travelling at previously. Put simply, they do not believe lowering the speed limit will be safe, as compliance is likely to be poor and they are not supportive of such a condition.

Sustainability

- 6.68 Policy NMWDF policy CS13: *Climate change and renewable energy generation* promotes the generation of on site renewable energy with a minimum of 10% generated from a decentralised source and renewable or low carbon sources. When this application was originally reported to planning committee in December 2010, ground number 10 of the recommendation for refusal was that insufficient information had been submitted with regards to how the facility would directly meet at least 10% of its own energy requirements.
- 6.69 The applicant has subsequently submitted further information in respect of this matter including detail of the route of the electricity cable from the landfill gas plant to the AD plant that would enable the plant's electricity needs to be wholly met by the AD process, around 5% of the total estimated output figure of just under 5500 MWh.
- 6.70 It is now considered that sufficient information has been submitted in respect of this matter. Given that the proposal would generate 100% of its own electricity needs, the application is considered to be fully compliant with this policy.

Groundwater/surface water

- 6.71 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. NMWDF Core Strategy Policy CS14: *Environmental Protection* aims to ensure that there are no adverse impacts through development proposals on natural resources, including water, air and soil.
- 6.72 A number of measures have been proposed to ensure the AD plant would not pose a risk of contamination to surface groundwater resources or drainage. In addition to the use of a sealed drainage system within the building which would collect water to be stored in a sealed holding tank, a

concrete apron would be provided outside the waste reception/processing building which would slope to a central low point with gulleys to drain the surface water. Water would then be channelled through an oil interceptor to the balancing pond. From this balancing pond, which would also be feed with roof water, water would then drain away to the River Glaven. Potentially contaminated water from the compost storage area would be directed to a sealed tank and re-used to either dampen down compost or used in the digestion process.

- 6.73 Whilst limited details have been provided with regards to the balancing pond, in terms of drawings identifying its depth, gradients etc, the Environment Agency (EA) is satisfied there is adequate room on site to construct this pond. Subject to a condition concerning the submission of a comprehensive working practices procedure with regard to preventing pollution and minimizing environmental impacts of operations during construction, the EA has raised no objection with regards to the risk of contamination to ground or surface water.

Flood risk

- 6.74 The site is located in the EA's Flood Zone 1 but by virtue of the fact the site is area exceeds 1 hectare a Flood Risk Assessment (FRA) was required to determine whether the development would exacerbate flooding in the surrounding area. A Hydrological and Hydrogeological Assessment was also submitted as part of the ES.
- 6.75 The EA is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. An approval of this application would therefore need to be subject to a condition requiring the development to be carried out in accordance with the FRA submitted.
- 6.76 It is therefore considered that the proposal complies with NMWDF policy DM4, which only seeks to permit waste management sites that do not increase the risk of flooding.

Protection of best and most versatile agricultural land

- 6.77 NMWDF framework policy DM16: *Soils* states that where development is proposed on agricultural land there is a clear preference for locating it on grades 3b, 4 and 5. The application site is classified as grade 3 land however no further information has been provided to determine whether this is 3a or 3b. The policy is principally aimed at mineral extraction applications, and composting facilities, that require rural locations. As already detailed above, the presumption of the Core Strategy is that developments such as these should be located on industrial/employment land or previously developed land including that already in waste management use. However should Members be minded to depart from this land use requirement the application would not significantly undermine this policy.

Cumulative impacts

- 6.78 Third party comments were made in respect of the impact on of the proposal

in combination with other developments with particular reference made to the existing adjacent landfill site. NMWDF Policy DM15: *Cumulative Impacts* seeks to consider fully the cumulative impact of a number of waste sites located closely together, and if necessary phase development or impose other controls such as the routing of vehicles. This echoes PPS10 which also identifies the cumulative effect of previous waste facilities on the well-being of the local community as a material consideration.

6.79 A number of the objections received from local people refer to the fact that they have already suffered several years from impacts from landfill site with reference made to traffic, odour, noise and litter impacting on amenity, and that people have put up with these impacts on the basis that there was an end date in sight for closure of the landfill site. Therefore objections have been made that approval of the plant would prolong operations in this vicinity.

6.80 As discussed above the application is contrary to policy because of its countryside location and it is considered that there would be an unacceptable impact on the landscape and Conservation Area within which it is situated. This is the case regardless of the close proximity of the landfill site which is currently in the process of being restored to a landform that will assimilate with the surrounding landscape with appropriate planting taking place.

6.81 Whilst it would be regrettable for local residents that this new site would be adjacent to an existing longstanding development, the plant would operate after the closure of the landfill site and therefore in the context of this policy, there would not be a need to manage impacts such as vehicle movements etc to ensure there would not be an unacceptable impact of both developments operating concurrently. Although the landfill site has been the subject of a number of complaints in recent years with particular regards to odour, the proposed AD plant would be controlled by an Environmental Permit which would address matters such as odour dust and noise etc which would control any further impacts on local amenity in the event permission is granted.

Archaeology

6.82 NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Whilst English Heritage has confirmed that the site would not affect any Scheduled Ancient Monuments, it has however advised that the area has a high archaeological and palaeoenvironmental potential.

6.83 When the application was originally presented to the Planning (Regulatory) Committee in December 2010, ground 12 referred to the fact that at the time of committee, a further response was being awaited from Norfolk Historic Environment Service regarding information submitted by the applicant. Therefore at that moment in time it could not be determined whether the application was in accordance with the relevant development plan policy.

6.84 Since that committee, additional information was requested from the applicant under Regulation 19 (now Regulation 22 of the 2011 Regulations) of the 'EIA Regs' regarding a programme of archaeological work, the results of an archaeological evaluation, and a programme of archaeological mitigatory work.

- 6.85 Further to this, an archaeological evaluation was submitted by the applicant which identified pit features containing pottery of Neolithic and Bronze Age date associated with worked flint flakes. The presence of these features within the evaluation trenches indicates that there is a high probability that other heritage assets with archaeological interest would be present on site, and furthermore, the proposed terracing of the hillside on which these assets are located would result in the complete loss of their significance through their removal.
- 6.86 Notwithstanding this, Norfolk Historic Environment Service, after further consultation, has raised no objection subject to a condition requiring submission of a programme of archaeological work in accordance with a written scheme of investigation, should planning permission be granted. Subject to compliance with that condition the application would comply with NMWDF Policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

Other Issues

- 6.87 Ground 11 of the originally proposed reasons for refusal referred to inconsistencies within the drawings submitted which would result in an unenforceable planning consent should permission be granted. The ground also referred to the fact that the proposed access could not be constructed on site because the plans did not represent the current situation on site: an active landfill site.
- 6.88 In the interim period since the application was first reported to committee, amendments have been made to the drawings submitted to rectify the initial errors within them. With regards to the access road issue, that element has been withdrawn from this application and is now being considered under application reference C/1/2012/1010 which seeks to use the road that has since been permitted as part of the landfill's restoration scheme and is currently under construction.

Responses to the representations received

- 6.89 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.90 A number of concerns/objections were raised the vast majority have related to impacts on amenity (noise/dust etc), pollution of ground or surface water resources, flooding, landscape impact etc which have already been addressed in the report.
- 6.91 With regards to impact on house prices, this is not material in the consideration of the application.
- 6.92 In terms of the objection received from NEWS, the issue of whether the applicant has rights to cross the landfill site is a commercial matter and one to be resolved by the two parties: it does not prevent planning permission being granted for the development. NEWS also raised issues with regards to the application conflicting with their operations on site with regards to road layouts, the turning circle for HGVs and final restoration scheme. Since the applicant amended their scheme to withdraw the access road element and submit a separate application to change the use of access road permitted as part of NEWS' restoration scheme for the landfill, it is considered that that element of the objection has been addressed (as there is no longer a conflict).

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 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 Planning permission is sought for the construction of an AD plant to deal with some 30,000 tonnes of municipal, commercial and industrial waste per annum. The proposal also includes an ancillary office and weighbridge, provision of landscaping and the retention of existing landfill gas engines. The access road no longer forms part of the application but is considered under application reference C/1/2013/1010 (to be determined in conjunction with this application).

11.2 The application was previously reported to this committee in December 2010 and February 2011 with recommendations for refusal and a site visit respectively. The resolution of Members was to defer the application at the first committee pending the submission of the required information by the applicant to enable a legally enforceable permission to be issued (should Members be minded to), and not to hold a site visit at that time.

11.3 The proposed application site is situated on agricultural land in the open countryside within the Glaven Valley Rural Conservation Area. Because of the location of the site, the application is considered to be a departure from the Development Plan. Furthermore it is considered that the industrial nature of the building proposed and the re-contouring of the landform would have an adverse impact on the landscape and Conservation Area. 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. Therefore the starting point for this decision is for refusal.

11.4 With regards to material considerations that could justify an approval, the AD plant would move waste up the hierarchy and value would be recovered from in the form of energy from the biogas produced, and a digestate that would be used in agriculture or horticulture. However, as discussed in the report, there is not an overriding need for this development given that the Council adopted its Waste Site Specific Allocations DPD which identifies sufficient provision for the County's waste arisings over the next plan period, until 2026.

11.5 Therefore it is recommended that it is refused in accordance with the grounds of refusal detailed in Section 12 below.

12. Reasons for refusal

12.1 NMWDF policy CS5: *General location of waste management facilities* defines this proposal as a 'strategic' or major waste site given that the proposed throughput exceeds 10,000 tonnes per annum. This policy seeks to direct such facilities to sites that are 'well related' (within 10 miles) to one of four main settlements. The site does not fall within the Norwich Policy Area (the closest of these settlements) and furthermore is not well related to the major road network, does not take advantage of cross border opportunities for the efficient management of waste, or

does not enable the re-use of brownfield sites unsuitable for other uses. Therefore the proposal is considered contrary to this policy and there are not sufficient material considerations to justify a departure from this.

12.2 The application site is located in the countryside within the Glaven Valley Conservation Area as designated in North Norfolk District Council Local Development Framework (2008). The proposed site is therefore contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations* which requires waste sites to be developed on the following types of land provided they do not have unacceptable environmental impacts:

- a) land already in waste management use;
- b) existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan document;
- c) other previously developed land; and,
- d) contaminated or derelict land.

The proposed site does not fulfil any of these criteria and would have an adverse impact on the Conservation Area and landscape within which the site is located, as set out below. The proposal does not seek to make use of an unused or underused agricultural building as this policy and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) also make reference to. The application is therefore contrary to both this development plan policy and national guidance.

12.3 The application site lies within the Glaven Valley Rural Conservation Area as identified in North Norfolk District Council Local Development Framework (2008). Norfolk MWWDF Core Strategy Policy DM8: *Design, local landscape and townscape* states that development will only be permitted within a Conservation Area where the applicant can demonstrate the development would not adversely impact on the historic form, character and/or setting of these locations taking into account any mitigation measures. Furthermore, North Norfolk's Core Strategy, Policy EN 2: *Protection and Enhancement of Landscape Settlement Character* states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the setting of Conservation Areas, and Policy EN 8: *Protecting and Enhancing the Historic Environment*, adds that the character and appearance of Conservation Areas will be preserved and where possible enhanced. It is considered that the applicant has not demonstrated that the proposed development would preserve the character of the Conservation Area. Due to the location of the site, the industrial nature of the design and materials proposed, and the re-contouring of the landform, it is considered that the development would have an adverse impact on the Conservation Area and is contrary to these development plan policies, and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011).

12.4 The industrial nature of the proposed design, which would include cast concrete composter tunnels and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting, means the development is not considered to be designed to a high quality and would not reinforce local distinctiveness. Overall the design would not preserve or enhance

the character and quality of the Conservation Area or the landscape within which the site is in, and it is considered contrary not only to Norfolk MWWDF Core Strategy Policy CS14: *Environmental Protection* which states that developments must ensure there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape, but also North Norfolk LDF (2008) policy EN4 (Design) and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011).

- 12.5 Adequate sites are identified in the County Council's adopted Waste Site Specific Allocations Development Plan Document (DPD) for sufficient waste sites to deal with waste arisings in the County during the plan period with regards to Norfolk Minerals and Waste Development Framework Core Strategy policies CS3 and CS4. Therefore there is no demonstrable need that would outweigh the harm identified in the four reasons for refusal.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the reasons outlined in Section 12 above.

Background Papers

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

North Norfolk Local Development Framework Core Strategy and Development Control Policies (2008)

North Norfolk Local Development Framework Design Guide

North Norfolk Local Development Framework Landscape Character Assessment
The National Planning Policy Framework and technical Guidance (NPPF) (2012)

Application file references C/1/2010/1005 (and Environmental Statement)
C/1/2009/1015, C/1/2013/1010, C/1/2009/1020 and C/1/94/1013.

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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

Appendix B: Letter from Corporate Director (North Norfolk District Council)

Note to Norfolk County Council's Planning Regulatory Committee

For the attention of Chris Walton, Head of Democratic Services, Norfolk County Council

Edgefield Landfill Site – Proposal for Anaerobic Digestion plant

The meeting of Norfolk County Council's Planning Regulatory Committee held on 17th January 2014 considered an application Reference: C/1/2010/1005 for the "Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and provision of landscaping on land to the west of the Edgefield Landfill site for Buyinfo Ltd". At the same meeting consideration was also given to a related application Reference C/1/2013/2010 for the "Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility for Buyinfo Ltd."

The Committee resolved to approve both applications against officer recommendations to refuse and the local County Council member Cllr David Ramsbotham, who objected to the proposals on highway safety and environmental grounds, has asked for the decisions to be reviewed. It is understood that Cllr Ramsbotham's challenge of the decisions relates to his view that the Committee was unduly influenced by comments made by Cllr Russell Wright, Cabinet member for Economic Development at North Norfolk District Council who attended the meeting and spoke in support of the application(s) and has asked whether Cllr Wright in addressing the Committee was making a personal representation or was authorised to speak on behalf of the District Council.

Cllr Wright is North Norfolk District Council's Cabinet portfolio holder for Economic Development and attended the meeting of the County Council's Planning Regulatory Committee on 17th January 2014 in that capacity. Prior to attending the meeting he discussed the District Council's position with respect to the applications with a senior officer in the Council's Planning Department and was advised that the District Council had indicated in a consultation response to the principal application – ie C/1/2010/1005, that it had no objections to the proposal subject to a small number of conditions relating to noise and odour control, limitations on hours of delivery and site lighting, and this position is included in the consultation responses received within the published report on the Committee agenda.

North Norfolk District Council has in the recent past approved applications for anaerobic digestion plants at Scottow (generating electricity) and Egmere (generating gas) fuelled by agricultural feedstock, rather than municipal or commercial waste as per the Edgefield proposal, and has regarded these applications as making a positive contribution towards renewable energy production in the district, alongside offshore wind and solar pv schemes.

The Edgefield proposal is seen to accord with the policy objectives of North Norfolk Core Strategy policy EN7: Renewable Energy, subject to other policy considerations with respect to landscape impact, highway access / safety etc. Policy EN7 of the North Norfolk Core Strategy reads:-

Appendix B: Letter from Corporate Director (North Norfolk District Council)

Policy EN 7

Renewable Energy

Renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District.

Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on;

- the surrounding landscape, townscape and historical features / areas;
- residential amenity (noise, fumes, odour, shadow flicker, traffic, broadcast interference); and
- specific highway safety, designated nature conservation or biodiversity considerations.

In areas of national importance (**xxvi**) large scale (**xxvii**) renewable energy infrastructure will not be permitted unless it can be demonstrated that the objectives of the designation are not compromised. Small-scale developments will be permitted where they are sympathetically designed and located, include any necessary mitigation measures and meet the criteria above.

Large scale renewable energy proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.

It is understood that the two applications are to be considered further at the next meeting of the Planning Regulatory Committee scheduled for 21st March 2014. In order that there is clarity as to the position of North Norfolk District Council with regards the applications I would ask that this note be included within any further report on this matter considered by the Committee, either through its inclusion with the Committee papers or read out at the meeting.

Steve Blatch
Corporate Director
North Norfolk District Council

Applications Referred to Committee for Determination

Borough of King's Lynn & West Norfolk

C/2/2013/2006: Coxford: Continued extraction of sand and gravel from existing quarry (part retrospective) and restoration to agriculture and mixed woodland; extraction of sand and gravel from land east, west and south of existing quarry and restoration to agriculture and mixed woodland; use of ready-mixed concrete batching plant; Siltmaster plant; storage sheds; aggregate storage bays; importation, storage and recycling of inert waste; importation, storage and resale of aggregates; erection of plant and construction of hardstanding for the manufacture and storage of concrete blocks: Coxford Abbey Quarry, Docking Road, Syderstone, Fakenham, Norfolk: Longwater Gravel Co. Ltd.

Report by the Interim Director of Environment, Transport and Development

Summary

Planning permission is sought to extend Coxford Abbey Quarry into three areas to the east, west and south of the existing quarry, as well as permission to continue to extract the remaining sand and gravel from the existing quarry. If successful, the application will permit the extraction and processing of the remaining mineral reserves in this location and secure the future of the quarry for a further 13 years. The application also includes the processing of the sand and gravel at the site, concrete mixing, manufacture of concrete blocks and recycling of inert materials. The application has been assessed in accordance with the Environment Impact Assessment (EIA) legislation, given the nature and scale of the development. With the exception of the west extension area the entire site is allocated within Norfolk County Council's Mineral Site Specific allocations as MIN45.

No objections have been raised from Statutory Consultees, although one objection has been received from a nearby resident in respect of potential amenity impact. The proposals have been assessed within the report and are considered to be acceptable, without any unacceptable impact upon residential amenity, landscape, ecology and the local highways network. The proposals are considered to accord with all relevant planning guidance and policies.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of borehole monitoring, highway arrangements and tree protection, and the conditions outlined in section 12.
- (ii) To 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 Location : Land at Coxford Abbey Quarry, Docking Road, Syderstone, Fakenham, Norfolk, PE31 8TP
- 1.2 Type of development : Continued extraction of sand and gravel from existing quarry (part retrospective) and restoration to agriculture and mixed woodland; extraction of sand and gravel from land east, west and south of existing quarry and restoration to agriculture and mixed woodland; use of ready-mixed concrete batching plant; Siltmaster plant; storage sheds; aggregate storage bays; importation, storage and recycling of inert waste; importation, storage and resale of aggregates; erection of plant and construction of hardstanding for the manufacture and storage of concrete blocks.
- 1.3 Extraction area : 86.4 hectares
- 1.4 Total tonnage : The remaining reserve is estimated to be 1.56 million tonnes.
- 1.5 Annual tonnage : Approximately 120,000 tonnes
- 1.6 Market served : North Norfolk, West Norfolk and Norwich.
- 1.7 Duration : Further 13 years.
- 1.8 Plant : Siltmaster plant, processing plant, concrete batching plant, weighbridge, articulated dumper, tracked mobile screen, crawler excavator, wheeled loader.
- 1.9 Hours of working : 07:00-18:00 Monday-Friday
07:00-13:00 Saturday
No working Sunday or Bank Holidays
- 1.10 Vehicle movements and numbers :
 - Average of 30 No. 20-tonne HGV's leaving per day.
 - Average 10No. light vehicles per day.
 - Average 10No. flat bed articulated lorries per day.
 - Average 5No. lorries (bringing in concrete batch raw materials) per day
 - 3-4 staff own vehicles per day.
- 1.11 Access : The existing site access road would continue to be used which connects directly to the B1454

Docking Road and then onto the A148.

- 1.12 Landscaping : Hedgerow and trees screening to be planted, soil storage bunds, retained section of existing plantation woodland.
- 1.13 Restoration and after-use : Agriculture and Forestry.

2. Constraints

2.1 The following constraints apply to the application site:

- Four public rights of way border and cross some of the site (East Rudham FP4, FP3, FP5 and RB11).
- Agricultural land grade 3.
- Syderstone Common SSSI is located adjacent to the site on the opposite side of the B1454.
- Coxford Meadows County wildlife site runs adjacent to the application site.
- Tattersett conservation area is to the south east of the site.

3. Planning History

- 3.1 Planning permission was granted under reference D/2/1991/1877 for the extraction of approximately 2 million tonnes of sand and gravel, along with the erection of a processing plant, ancillary buildings and restoration to agriculture and lowland heathland. The permission was granted subject to a legal agreement requiring road and access improvements, measures to protect the hydrogeological integrity of the Syderstone Common SSSI and retention of tree belts. A time limit of 15 years was put on this permission giving a completion date of 15 September 2010.
- 3.2 A number of other planning applications have been approved within the site area of the existing quarry between 1999 and 2006, all of which have the same expiry date as that of the original permission (15/9/10), with the exception of the importation of inert materials which expires on 15/3/20. The following is a list of these applications:
- C/2/1998/2007 for the erection of a concrete batching plant and ancillary buildings.
 - C/2/200/2021 for the erection of a siltmaster plant, collection bays and control building.
 - C/2/2001/2029 for the erection of two wooden sheds to protect pumps and for the storage of flocculent and other items.
 - C/2/2003/2019 for aggregate storage bays.
 - C/2/2006/2020 for the importation of inert materials, the erection of recycling plant and ancillary operations.
- 3.3 Planning permission has also been granted for two extension areas to the south of the existing quarry. In 2005 permission C/2/2004/2001 was granted and then in 2007 permission C/2/2007/2004 was granted. The first extension has now been

worked and the land restored, extraction has also been completed in the second with restoration scheduled to be complete by Summer 2014.

4. Planning Policy

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS1	Minerals Extraction
		CS2	General locations for mineral extraction and associated facilities
		CS3	Waste management capacity to be provided
		CS4	New waste management capacity to be provided
		CS6	General waste management considerations
		CS7	Recycling, composting, anaerobic digestion and waste transfer stations
		CS13	Climate change and renewable energy generation
		CS14	Environmental protection
		CS15	Transport
		CS16	Safeguarding mineral and waste sites and mineral resources
		CS17	Use of secondary and recycled aggregates
		DM1	Nature conservation
		DM3	Groundwater and surface water
		DM4	Flood risk
		DM8	Design, local landscape and townscape character
		DM9	Archaeological sites
	DM10	Transport	
	DM11	Sustainable construction and operations	
		Amenity	
	DM12	Air quality	
	DM13	Progressive working, restoration and after-use	
	DM14	Cumulative impacts	
	DM15	Soils	
	DM16		
King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)	:	CS06	Development in Rural Areas
King's Lynn & West Norfolk Borough Council Local Plan (1998)	:	No relevant policies.	

The National Planning Policy Framework (2012)	:	6 11 13	Building a strong, competitive economy Conserving and enhancing the natural environment Facilitating the sustainable use of minerals
Planning Policy Statement 10	:		Sustainable Waste Management
Technical Guidance to the National Planning Policy Framework	:		Minerals Policy

5. Consultations

- 5.1 Borough Council of King's Lynn & West Norfolk : No response received.
- 5.2 East Rudham Parish Council : Support the application.
- 5.3 Syderstone Parish Council : Support the application subject to a condition requiring the down-lighting to be switched off at night including the concrete plant in order to minimise light pollution.
- 5.4 Highway Authority (NCC) : The intention is to use the existing access to the B1454 Docking Road, which is recorded within the route hierarchy as a main distributor route. The access already benefits from a dedicated right turn lane and there are no recorded person injury accidents within the sphere of influence of the access.
- The road markings associated with the site access, in particular the give way lines and right turn lane, are showing signs of erosion and need replacing. Given the erosion is solely attributable to vehicles associated with the quarry and also this application seeks to extend the life of the quarry and number of vehicle movements, it will be a matter for the applicants to fund the cost of re-instating the road markings. This can be controlled by way of condition.
- 5.5 Environmental Health Officer (KL&WN) : No objections subject to conditions in relation to noise, dust and hours of working.
- 5.6 Norfolk Historic : The site based assessment accompanying the

	Environment Service (NCC)	application suggests that the site has potential for the presence of heritage assets with archaeological interest. No objections are therefore raised subject to agreeing a written scheme of investigation by condition.
5.7	Environment Agency	: No objections, subject to agreeing the correct licence, permits and any necessary variations in respect of waste, quarrying, restoration and water resources.
5.8	Natural England	: No objections. The Syderstone SSSI does not represent a constraint in determining this application, as the details submitted show that the proposals will not destroy, damage the interest features for which the SSSI has been notified. The authority should consider protected species, local sites, biodiversity and landscape enhancements in determining the application.
5.9	Ecologist (NCC)	: No objections subject to a condition requiring great crested newt mitigation strategy to be agreed.
5.10	Landscape and Trees Officer (NCC)	: No objections: - The exact profiles of the bunding sections need specifying with gentle slopes required on outer face and a drawing required showing this. -Confirmation required on the specifications for the exact time scales of phasing control the number of phases being operated at any one time. -The oaks within the hedge along the western section should be standards.
5.11	Arboriculturist (NCC)	: The woodland planting provides benefits of connectivity and diversity compared with the commercial monoculture woodland that is to be felled to facilitate the development. It is recommended that replanted woodland areas, hedges and other trees to be planted are maintained and in favourable condition for 25 years after planting to ensure lasting woodland cover and ecological benefit. Provided that the submitted arboricultural documents are adhered to, and an increased

- maintenance period is conditioned, no objection is raised to this application.
- 5.12 Public Rights of Way Officer (NCC) : No objections subject to a condition requiring dedication of public footpath by agreement with NCC within 6 months of the completion of extraction.
- 5.13 Ramblers Association : No comments received.
- 5.14 Health and Safety Executive : No comments received.
- 5.15 Norfolk Fire Service : No objections subject to a condition requiring either a fire hydrant to be installed capable of delivering a minimum of 20L of water per second, or where no piped water supply is available or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided.
- 5.16 Norwich Airport : The development will not provide a significant collision risk for aircraft operating in the vicinity of Norwich International Airport, thus we do not need to be a statutory consultee for future design and development and future applications at the site, unless a wind turbine becomes part of the proposal.
- 5.17 English Heritage Response awaited.
- 5.18 Local residents : One letter of objection has been received from the occupier of Heath Cottage, Tattersett. Comments in summary are:
- Noise pollution will increase with quarry extension closer to property.
 - Dust from prevailing winds with questions over health issues.
 - Traffic – increase in vehicles movements in area.
 - Concern over screening of the development, provision of adequate bunding and potential loss of existing tree screening.
 - Site in close proximity to SSSI, County Wildlife Site and River Tat wildlife corridor. Environmental damage and loss of biodiversity is bound to occur.
 - Allowing a large area of the Norfolk

countryside to be ripped apart will not enhance the landscape or local environment.

- Water pollution risk from any major chemical spillage or leaks at the quarry.
- The applicant intends to apply for grants for some of the tree replanting from the forestry commission which is not acceptable as they should be required to pay for this.
- Obligation will be required to ensure the restoration/remedial work is carried out.

5.18 County Councillor : No comments received.
(Michael John Baylis
Chenery of Horsbrugh)

6. Assessment

6.1 Proposal

- 6.2 This application seeks to extend Coxford Abbey Quarry into three areas to the east, west and south of the existing quarry, as well as permission to continue to extract the remaining sand and gravel from the existing quarry. If successful, the application will permit the extraction and processing of the remaining mineral reserves in this location and secure the future of the quarry for a further 13 years. The application also includes the processing of the sand and gravel at the site, concrete mixing, manufacture of concrete blocks and recycling of inert materials.
- 6.3 The existing quarry and the proposed south and east extensions are allocated within the Norfolk Minerals and Waste Local Development Framework as a specific site for mineral extraction (MIN45). The extension proposed to the west is not allocated but during investigations it has been identified that there are approximately 0.3 million tonnes of reserves within this area.
- 6.4 The quarry produces sand and gravel which is well suited for the production of ready-mixed concrete and other construction uses. The quarry also imports some material for re-sale, including recycled aggregates such as crushed concrete, brick, asphalt and screened topsoil. These activities and associated infrastructure are proposed to be retained during the life of the quarry.
- 6.5 Permission for the quarry was initially granted in 1995 for a period of 15 years however that timescale has lapsed without the site having been fully worked. Two other applications have also been granted during this period including two extension areas to the south granted in 2005 and 2007. Work has been completed in one of the extension areas and restoration is currently underway in the other. The other permissions which have been granted within the main quarry are for a concrete batching plant, siltmaster plant, importation and recycling of inert materials and aggregate storage bays. The current application seeks to consolidate these previous permissions within the original quarry, continue extraction of the original site and also seek consent for three extension areas

(east, west and south). The proposals also include the erection of plant and construction of hardstanding for the manufacture and storage of concrete blocks.

- 6.6 Completion of extraction and restoration of the original quarry has not been achieved within the 15 year permitted timescale due to the quantity of sand (from the lower deposits) being significantly more than was estimated at the time of the original investigations for the planning application. By itself, the sand is not commercially viable to extract, therefore there is a need to work the hoggin from the surrounding land to produce gravel for blending with the sand to make a suitable material for processing. Two extension areas, specifically permitted for the extraction of hoggin, have previously been granted permission. The first extension area has been worked and restored whilst extraction from the second was completed in late 2013. Final restoration of the second extension area is scheduled for completion this summer. Working these extension areas has enabled sand extraction to continue from the original quarry, although substantial reserves of sand remain.
- 6.7 The infrastructure and associated uses previously granted permission within the quarry would continue to be used in their current form and then be removed in accordance with the proposed restoration scheme.
- 6.8 Topsoil bunding and tree belts are proposed around the perimeter of the quarry and the proposed extensions, as mitigation measures during the phased extraction. The existing access into the site leading from the B1454 Docking Road, which subsequently links to the A148 would continue to be used.
- 6.9 The site would be restored to a mixture of agricultural land, mixed woodland planting, wet woodland, grassland and hedgerows interspersed with broadleaf trees.
- 6.10 The previous permission for the main quarry was subject to a Section 106 legal agreement in respect of borehole monitoring, retention of tree belts and highway/access improvements. If this application is approved a revised legal agreement would need to be entered into to ensure that these clauses continue to be adhered to.
- 6.11 **Site**
- 6.12 Coxford Abbey Quarry is situated approximately 9km to the west of Fakenham and approximately 20km East of Kings Lynn. Access is taken directly from the B1454 Docking Road. The village of Tattersett is approximately 1km south east of the site and the village of Syderstone is approximately 1km to the north.
- 6.13 The total site area covered by the application is 86.4ha, which can be broken down into 32.71ha of the original quarry, 21.65ha from the south extension, 6.93ha from the east extension and 25.11ha from the west extension. The proposed south extension is currently largely covered with a commercial conifer plantation and agricultural land, the proposed east extension is currently in agricultural use and the proposed west extension is also in agricultural use most recently used for pig farming.

- 6.14 The quarry is set within a rural landscape which is used predominantly for agriculture. Immediately to the east of the site is the B1454 beyond which is the Syderstone Common SSSI. The site is also bound along the eastern boundary by the Coxford Meadows County Wildlife Site, the River Tat and Core River Valley and the Saucer Barrow on Coxford Heath Scheduled Ancient Monument. To the south of the site are agricultural fields with a property to the south west known as Heath Cottage which is approximately 300m away from the nearest part of the application site. To the south east there is a further single residential property, also known as Heath Cottage which is approximately 0.56km away from the application site, and is situated on the opposite side of Tattersett Road (C42) to the application site. To the north of the quarry there is an existing conifer plantation providing dense screening from the north.
- 6.15 **Principle of development**
- 6.16 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”.*
- 6.17 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”) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework and Planning Policy Statement 10 are also a further material consideration of significant weight.
- 6.18 The principle of mineral extraction in the main quarry site was deemed acceptable when permission was granted for the working in 1995. Nevertheless, policy and circumstances have changed so it is necessary to undertake a re-assessment and ensure that the principle of allowing this to continue for a further period of time along with additional extensions is acceptable and complies with policy.
- 6.19 NMWDF Core Strategy policy CS1 states that the landbank for sand and gravel will be maintained between 7 and 10 years supply. NMWDF Policy CS2 explains that the availability of sand and gravel is located widely throughout the county and that preference will be given to those sites which are particularly well related via appropriate transport infrastructure to....Kings Lynn...or the main market towns of..... Fakenham, and that preference will be given to extensions of existing sites over new sites.
- 6.20 As of March 2014, the sand and gravel landbank stands at 6.84 years. The proposal at Coxford Abbey Quarry would, if granted, deliver additional mineral

reserves of 1.56 million tonnes. This would increase the landbank to 7.69 years. As CS1 indicates that the landbank should be maintained at between 7-10 years and as this proposal would contribute to increasing the landbank, it is considered to be compliant with CS1. The site is also well related to both Kings Lynn and Fakenham as identified within the policy as being favourable for sand and gravel extraction sites. As the proposals include extensions to the original quarry, this would also accord with the aims of policy CS2, which favours extensions to existing sites over new ones.

- 6.21 Para.144 of the NPPF underlines that planning authorities should give great weight to the benefits of mineral extraction, including to the economy. Pertinently it also states that planning authorities should recognize the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites. This applies to the application site, where the unexpected geology has required a revised way of working, which has necessitated additional time for extraction from the original quarry and the need for the extension areas.
- 6.22 The principle of extraction from the original quarry and the extension areas are considered to be supported, however it is also important to ensure that the proposal accords with other development plan policies in terms of the impacts and characteristics of the quarry.
- 6.23 The application also includes the retention and continued use of plant for the processing of sand and gravel, ready mixed concrete batching and recycled inert materials processing. In addition to this a new area of hardstanding and plant is proposed for the manufacture of concrete blocks. Policy CS2 of the NMWDF supports those facilities associated with mineral extraction on existing sites. Policies CS3, CS4, CS6, CS7 and policy CS17 support waste management facilities on existing mineral sites in locations close to major towns and with good transport links. The site would process up to 20,000 tonnes per annum of inert materials. Policy CS17 supports the use of secondary and recycled aggregates and in this respect the proposals would accord with the policy.
- 6.24 **Amenity (noise, dust, light pollution)**
- 6.25 The protection of amenity for people living in close proximity of mineral workings is a key consideration and NMWDF policy DM12 states that development will only be permitted where ‘...unacceptable impact to local amenity will not arise from the operation of the facility.’ This echoes the ethos of policy NMWDF CS13 which also seeks to avoid unacceptable impacts on amenity. This is also recognized in the Technical Guidance to the NPPF which states that residents living close to mineral workings may be exposed to a number of environmental effects and particular care should be taken in respect of any conditions that planning authorities attach to a grant of planning permission.
- 6.26 The original planning permission was subject to a comprehensive schedule of conditions concerning working hours, silencing of machinery, and significantly details of soil bunds, hedges and trees which provided screening

and a buffer for the operations (which are measures cited in policy DM12 as a means of mitigating these impacts). The site has not generated any significant levels of complaint whilst it has been operational. And extension areas to the south of the quarry which are closer to residential properties than the extensions detailed in this application have been previously approved and are now almost fully restored.

- 6.27 King's Lynn and West Norfolk Borough Council's EHO have raised no objections to the scheme but have requested a number of conditions in order to protect residential amenities and mitigate potential noise concerns identified within the noise assessment. These conditions are listed in full in section 12 of this report, but in summary they would consist of agreeing a noise management plan, restriction on the hours of operation including tighter restrictions on the hours of extraction and bunding works in the area (W3) closest to residential properties. Other conditions proposed include the environmental design measures and mitigation measures identified within the Dust Assessment being adhered to, provision of soil storage bunds and a noise management plan to be submitted and agreed.
- 6.28 In respect of noise the NPPF technical guidance states that periods of up to 8 weeks per annum are acceptable for noise levels elevated to 70dB LAEQ 1hour in order to construct bunds or other necessary work to enable extraction. The noise survey submitted with the application shows that this level would not be exceeded to carry out the necessary works and bund construction, and would not last longer than 8 weeks per annum. A further detail which will therefore need to be agreed as part of the noise management plan is that the sound shall not exceed 70dB LAEQ for a maximum period of 8 weeks per annum to ensure this is the case.
- 6.29 In summary in terms of noise impact it can be concluded that whilst some disamenity would be experienced, with the addition of a condition requiring the submission of a noise management plan to control the hours of operation and specific details in respect of the hours of working in area W3; along with the proposed temporary operations any adverse impact would be minimised to an acceptable level for the life of the quarry.
- 6.30 With regards to dust the assessment submitted with the Environmental Statement concludes that mitigation measures are required to reduce the risk of impact to an acceptable level. The application proposes a number of measures including topsoil screening bunds around each of the operational areas, along with retention of treebelts and vegetation to limit any impact from dust. The EHO have raised no objections to the application subject to the mitigation measures detailed within the dust assessment being adhered to. This can be controlled by way of condition, the mitigation measures detailed include avoiding dust generating activity during windy weather, speed limits for vehicles on site, dampening down stock piles, watering internal haul routes and loaded trucks being covered when leaving the site.
- 6.31 With regards to lighting the area within the quarry where lighting would be used is central to the site and is enclosed by surrounding land and

commercial tree plantations. The planning statement submitted with the application advises that all lighting would be angled downwards to prevent glare and light pollution. In addition to this the lighting would be controlled by timers and not used during the night to further reduce any light pollution. No lighting is proposed in any of the extension areas, with the exception of worklights fixed to mobile plant. Therefore lighting and associated light pollution is not considered to be an issue with this application. This was raised by the parish council who requested that this be controlled by condition, which is considered to be acceptable.

- 6.32 There are no outstanding objections from the EHO or the Environment Agency, and subject to the above mentioned conditions, it is considered that the proposal complies with both NMWDF Policies CS14 and DM12 which both seek to ensure there are no unacceptable adverse amenity impacts created. A single objection has been received from a property known as 'Heath Cottage' to the south east of the site in respect of noise and dust from the proposed development. It should be noted that this property is approximately 0.56km away from the nearest part of the application site. There are existing mature trees along the river Tat within the County Wildlife site which would provide screening of the proposed development, in addition to this there would be a soil bund created around the operational area. Extensions have also been previously granted for land which is in closer proximity to this property; these extensions have now been worked and are almost fully restored. All statutory consultees are satisfied that there will be no unacceptable impact upon amenity of the occupiers of this property subject to the conditions proposed. It is therefore considered that the proposals in this respect are acceptable.
- 6.33 **Landscape**
- 6.34 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. At a local level, policy CS06 of the King's Lynn and West Norfolk (KL&WN) Core Strategy states that the strategy for rural areas is to 'maintain local character and a high quality environment' and also 'to protect the countryside for its intrinsic character and beauty'.
- 6.35 Views across the site are not possible from the north and east, because there is an existing conifer plantation to the north, and to the east there is also a conifer plantation with some areas of existing broadleaf trees along the eastern boundary and the B1454. These areas of planting are proposed to be retained and will prevent views into the site from these directions.
- 6.36 Along the southern and western boundaries of the proposed extension areas it is proposed to construct a top soil bund around each phase to prevent views into the site. The topsoil bunds to the south would be up to a height of 2m and along the western boundary up to a height of 3m. In addition to this as there is currently no tree belt along the western boundary adjacent to the minor Rudham Road, it is proposed to plant a hedgerow interspersed with groups of oaks along this boundary. The details of the tree planting specification along this boundary have been requested to be agreed by

condition by the landscape officer. The soil bund which is to be constructed behind this hedgerow would have a gentle outer slope so that it does not appear overly dominant.

- 6.37 The trees which are to be felled to accommodate the proposed extensions are almost all commercial conifer plantations. The total number of trees which will have been felled once the whole quarry site has been worked would equate to 28.8 hectares. The restoration scheme proposes to replant with 24.8 hectares of mixed woodland trees. Whilst this is a net loss of 4 hectares of trees, it should be noted that these figures do not include 2.1 hectares of mixed woodland which have been planted at the site since permission was granted in 1995, nor does it include the hedgerow and native broad leaf planting which is proposed along the western boundary. It should also be acknowledged that the conifer plantations being felled have a lower value in terms of biodiversity benefits compared to that of the proposed broadleaf planting. The Arboricultural officer and Landscape officer have raised no objections although it has been requested that conditions are attached requiring the submitted arboricultural documents to be adhered, details of the specification of planting along the western boundary to be agreed and to an increased maintenance period for the woodland of 25 years after planting.
- 6.38 Views from Tattersett conservation area would be obscured by the retention of tree belts and existing mature trees along the river Tat County wildlife site and Core River Valley. As such there is considered to be no adverse impact upon the setting or appearance of the conservation area.
- 6.39 The proposals are considered to be well screened and without any significant detrimental impact upon the character and appearance of the area. Views of the site from public rights of way and the surrounding local road network would be obscured by the retention of existing tree belts, additional planting and the provision of top soil bunds. Subject to compliance with conditions outlined above, it is considered that there are no landscaping issues with the proposed quarry and extensions, and the proposals would accord with NMWDF policies CS14 and DM8 and KL&WN Core Strategy policy CS06.
- 6.40 **Biodiversity and geodiversity**
- 6.41 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally designated sites. The Syderstone Common Site of Special Scientific Interest (SSSI), a nationally designated site for its heath and grassland communities occupying a shallow valley in the headwaters of the River Tat, lies immediately to the east of the application site. This SSSI accommodates a colony of Natterjack toads and is one of only three breeding colonies now known in East Anglia.
- 6.42 An ecological impact assessment has been submitted with the application along with a great crested newt survey. The assessment concludes that -
- 'No statutory or non-statutory designated nature conservation sites and no

ancient woodland sites or veteran trees would be significantly adversely affected by the proposals.

The ecological assessment has identified no residual impacts of habitat loss and fragmentation upon woodland or other habitats of ecological value. The assessment has not identified any significant impacts to any priority habitats for conservation, e.g. UK BAP habitats. Long-term management commitments and restoration of woodland areas presented as part of the scheme will ensure that adverse effects upon important receptors are minimised. The proposed restoration and 20-year management plan is considered to generate net biodiversity gains at a local level in comparison to the predicted baseline.'

Natural England have been consulted on the application and have advised that they are satisfied that-

'the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notable. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. '

- 6.43 The County Ecologist's has also been consulted on the application and has raised no objections advising that the great crested newt survey is adequate and the proposed mitigation measures are acceptable.

Appropriate Assessment

The site is situated within close proximity to the Syderstone Common SSSI and is approximately 2.2km from the River Wensum Special Area of Conservation (SAC) which is an internationally protected sites. Neither Natural England nor the County Ecologist have raised any objection to the proposals subject to mitigation measures proposed, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

- 6.44 The proposals are therefore considered to comply with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites.

6.45 **Transport**

- 6.46 Policy CS15 of the Minerals and Waste Core Strategy states that development proposals will be satisfactory in terms of access, providing unacceptable impacts are not caused to the safety of road users and pedestrians, the capacity of the highway network, air quality, and damage to the roadside. Policy DM10 requires applicants to demonstrate with a Transport Statement that there is suitable highway access and suitable routes to the nearest major road.

- 6.47 No change is proposed to the access/egress arrangements, which are via a

single access/egress point to the north-east of the site, from the B1454 Docking Road. The B1454 has previously been widened to accommodate a right turn ghost island for lorries and other traffic turning into the site. The highways officer has commented that these road markings associated with the site access, in particular the give way lines and right turn lane, are showing signs of erosion and need replacing. As this can be solely attributable to the vehicles visiting the site it is recommended that these re-instated at the applicants cost, which can be controlled by way of condition.

- 6.48 A transport statement has been submitted with the application in accordance with Policy DM10. The Transport Statement and Environmental Statement submitted with the application conclude that there would be a marginal increase in traffic and that it is unlikely that there will be any significant impacts related to traffic from the development proposal at the quarry.
- 6.49 The application also includes the production of concrete blocks which is a new development not previously permitted at the site. The Environmental Statement identifies that the total number of vehicles collecting blocks could be up to 2,500 per annum; which would on average be ten per day. And the total number of vehicles delivering to the site (50% raw material for production needs to be brought in) could be up to 1,250 per annum; an average of 5 per day. The application does however set out that in practice the additional traffic generated by the block plant is likely to be significantly lower than identified, by virtue of efficient operational use of lorries. This is because in reality vehicles delivering to the block plant are likely to also leave with sand and gravel.
- 6.50 In summary the Transport Statement submitted with the application identifies that there will be no net change in the traffic flow generated by the proposed sand and gravel extraction. It is projected that there would be a maximum of 30 HGV's leaving the quarry per day. There would also be on average 10 light vehicles visiting the quarry in respect of the sand and gravel per day.
- 6.51 The Highway Authority have raised no objections to the proposals, advising that the B1454 Docking Road which it is proposed to continue using as an access point is identified within the highways route hierarchy as a main distributor route, and that there have been no recorded person injury accidents within the sphere of influence of the access. Subject to the re-instatement of the road markings at the junction and the land being continued to be dedicated as highway within the Section 106 agreement, it is considered that the proposals comply with NMWDF Policies DM10 and CS15, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.
- 6.52 **Groundwater/surface water & Flood risk**
- 6.53 The site is situated within Groundwater Protection Zones 2 and 3, in accordance with Policy DM3 of the NMWDF the application has therefore been accompanied with a Hydrogeological Risk Assessment. The site is also greater than 1 hectare in size and has therefore also been accompanied with a Floodrisk Assessment in accordance with Policy DM4 of the NMWDF.

6.54 The Hydrogeological Assessment concludes that:

‘The available monitoring data has confirmed that there is no groundwater present within the Sand and Gravel deposit present beneath the site, and that the regional groundwater table within the underlying Chalk aquifer is located well below the proposed base of the application site. It is therefore considered that there is ‘near zero’ to ‘low’ risk of the site having a significant potential impact upon the local or regional hydrogeology, including the habitat of the Natterjack toad at Syderstone Common SSSI.’

Policy DM3 of the NMWDF advises that applications will only be acceptable in principle where it is demonstrated that the extraction can take place safely in respect of groundwater protection. The Environment Agency have been consulted on the application and have advised that:

‘From a water resources perspective we have no concerns with the extension of quarrying as the Hydrogeological Risk assessment has shown that the aggregate will be dry worked and no dewatering will be required. The groundwater level is stated as being, at its shallowest, 6m below the base of the quarry.’

The proposals in this respect are considered to accord fully with the aims of Policy DM3 of the NMWDF.

6.55 Policy DM4 of the NMWDF only permits mineral extraction on sites greater than 1 hectare where it can be demonstrated that there would not be an increase in flood risk as a result of the extraction.

The submitted Flood Risk Assessment concludes that there are no historical records to show that the existing quarry or the proposed extension areas have ever been flooded by the nearby river Tat. The assessment also concludes that the development will have either no effect or a positive effect on flood risk both during the operational stage of the quarry or following restoration. Furthermore, the Environment Agency has no objections to the proposal. It is therefore considered that the proposal complies with NMWDF policy DM4, which seeks to only permit mineral extraction sites that do not increase the risk of flooding.

6.56 **Protection of best and most versatile agricultural land**

6.57 NMWDF Policy DM16 cites a preference that, where mineral extraction is proposed on agricultural land, it is land of agricultural grades 3b, 4 and 5. The application site is comprised of Grade 3b agricultural land. The proposals are therefore considered to be compliant with this policy.

6.58 **Progressive working, restoration and after-use**

6.59 Policy DM14 of the NMWDF requires proposals for new mineral workings to be accompanied by a scheme for the phased and progressive working and restoration of the site throughout its life. Consideration also needs to be given to the benefits of the aftercare proposed in terms of biodiversity,

geodiversity and landscape.

- 6.60 Sufficient reserves of sand already exist in the existing quarry and therefore future extraction of reserves from the east, west and south extension areas would be limited to working the upper layer of hoggin only (between a depth of 3 and 6m below ground level). This would involve removing the topsoil and placing it in 2-3m high bunds around the edge of the excavations to act as screening.
- 6.61 The application has been accompanied with a restoration/phasing schedule along with a Landscape and Visual Impact Assessment. It is proposed that the quarry is worked in phases, with each of the extension areas being worked and restored to agriculture or woodland as the next stage is worked. This would result in the landscape impacts being local and short term in nature and shows consideration of the need for a sensitive phasing schedule.
- 6.62 The restoration proposed for the existing quarry area would be a mixture of agriculture and woodland. The lagoon area would be left to naturally regenerate to wet woodland. Car parking for walkers provided at site entrance, open quarry face of existing quarry retained along northern margin of lagoons for geological study and sand martin habitat.

The extension areas would also be restored to a mixture of woodland and agriculture, with grassland margins maintained around field perimeters and a new hedge row with clumps of broadleaf trees planted along the western extension.

- 6.63 Waste silt would be used in the restoration of the main quarry site. This aspect of the development, as confirmed by the Environment Agency, is regulated by an Environmental Permit. No objections have been received from statutory consultees and both the landscape officer and ecologist are supportive of the proposed restoration plans. Norfolk Wildlife Trust initially raised concerns that adequate consideration had not been given to the creation of heathland within the Environmental Statement. However following additional information from the applicant, advising that the soil type within the site was not suitable to create this habitat and a re-consultation in respect of the additional information these concerns were satisfied, subject to the continued involvement of the county ecologist in the long term restoration of the site and to assist in meeting the aims of the Norfolk's Biodiversity Action Plan habitat restoration. The Environmental Statement concludes that the proposed restoration scheme should once complete generate a net biodiversity gain.
- 6.64 Taking into account the original use of the site, as predominately a mixture of agricultural land and commercial conifer plantations, it is considered that the proposed after-use is appropriate, and acceptable in landscape terms. The proposed phasing and restoration scheme is also considered to be acceptable and there are no objections from statutory consultees. It is therefore considered that the proposals comply with NMWDF Policy DM14, which seeks the most appropriate after-use for sites.

6.65 **Public Rights of Way**

- 6.66 The site is bounded by Rights of Way on three sides, (Footpath 3 and 5 on east and south side and Restricted Byway 11 on the north) sections of these routes are concurrent with existing vehicular access.

The application includes the creation of a link route near the western boundary to link FP 5, RB 11 and FP4. This would extend walking options for users and create circular walks around the restored quarry. The county council's rights of way officer has been consulted on the application and is supportive of the proposals subject to the dedication of this link as a public footpath being controlled by condition.

6.67 **Cumulative impacts**

- 6.68 Policy DM15 of the NMWDF advises that minerals and waste developments can, by virtue of their nature and scale of operations, generate significant environmental and amenity impacts. The policy requires applications to be supported by information to demonstrate how the proposals relates to other developments nearby and detail any cumulative impacts that may occur and how these could be adequately mitigated against.

- 6.69 A cumulative impact statement has therefore been submitted with the application. The statement advises that there are no existing or future minerals developments within five miles of Coxford Abbey Quarry , with the nearest existing minerals development being approximately nine miles away at Snettisham. However, there is an existing Household Waste Recycling Centre at Docking, approximately 4 miles away along the B1454. There was also previously a landfill in this location which has now been restored. The Environmental Statement and cumulative impacts statement accompanying the application conclude that:

'There is unlikely to be any significant cumulative impacts on noise, dust, HGV movements and traffic, air quality, landscape and ecology arising from the concurrent operation of Coxford Abbey Quarry and other existing and proposed minerals and waste developments in the near vicinity.'

- 6.70 It is considered that this is a reasonable conclusion given the distance that Docking is away from the site and that impacts in terms of noise, dust and visual intrusion will be generally localised. It should also be noted that both sites have been operating concurrently for the past 13 years with no cumulative issues having being raised as a problem. It is therefore considered that the proposal complies with NMWDF Core Strategy policy DM15, which seeks the avoidance of unacceptable cumulative impacts.

6.71 **Sustainability**

- 6.72 Policy CS13 of the NMWDF requires all opportunities for new minerals developments to generate renewable energy on site will be welcomed and should be explored fully, with a minimum of 10 percent generated from decentralised

and renewable low-carbon sources, wherever is practicable. Where it is not considered practicable this must be demonstrated with appropriate information.

6.73 The application has been accompanied with a Renewable Energy Viability Report which advises that photovoltaic panels either roof mounted or ground mounted would not be feasible due to the orientation of the roof and its size and also the dust levels in the location where ground mounted panels would be close enough to the grid connection to make them viable. The report has also considered installing a wind turbine, however with the existing tree cover around the site it has been determined that turbines would be unfeasible due to the level of wind shade. Other sites are available with less wind shade, however these would be over 650m from the nearest grid connection and are therefore considered not to be viable. The assessment carried out identifies that consideration has been given to producing on site renewable energy, however the site conditions are not suitable for providing appropriate locations for installing the necessary equipment. The proposals are in this respect considered to accord with the aims of Policy CS13 of the NMWDF.

6.74 **Archaeology and Historic Features**

6.75 Policy DM9 of the NMWDF seeks to protect and adequately mitigate against sites with a high potential for archaeological interest to be affected. Those sites posing a high potential risk are required to be accompanied with an appropriate desk based assessment. The policy also advises that where development would affect scheduled ancient monuments, there will be a presumption in favour of their preservation in situ.

6.76 The Environmental Statement includes an archaeological desk based impact assessment. This assessment advises that the likelihood of significant features being present is low, considering the lack of findings of note in the existing quarry. However it is still proposed that a watching brief will be undertaken in advance of extraction, during the soil stripping phases and any features of archaeological interest recovered prior to extraction taking place. The council's archaeologist has been consulted on the application and is in agreement with the findings of this assessment, raising no objection subject to a condition requiring a written scheme of archaeological investigation to be agreed.

6.77 It should also be noted that the Saucer Barrow on Coxford Heath is a Scheduled Ancient Monument and lies near to the southeast corner of the proposed development area. The standoff between the monument and the nearest point of extraction is likely to be in excess of 150m to the north-west and the setting of the monument will be protected through the retention of a 20-75m (depending on the angle and direction) tree belt. It is therefore considered that in accordance with Policy DM9 of the NMWDF there would be no significant effects on designated heritage assets.

6.78 **Responses to the representations received**

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

6.80 One letter of objection has been received from the occupier of Heath Cottage which is situated approximately 560m south west of the application site and 700m from the nearest point of extraction. The property Heath Cottage is separated from the application site by existing mature trees, the River Tat valley and the Tattersett Road. The objections relate primarily to noise, dust, traffic, screening, landscape impact, water pollution, funding for tree planting and obligation to complete restoration.

Many of these, including those that relate to amenity, have already been addressed in the report i.e. working hours, noise, dust, flood lighting, highway concerns, landscaping, flood risk and restoration. However for clarity a brief response will be provided.

6.81 With regard to the potential that the forestry commission may provide some grants for replanting, this is not a material planning consideration to this application.

6.82 In terms of potential impact from noise, the environmental health officer has requested a condition to ensure that noise levels are controlled so that they do not unacceptably impact upon amenity. It is also proposed to limit the hours of working in those areas which may have the potential to impact residential amenity. It is also noted that this property would have previously been within closer proximity of extension areas of this quarry which have now been restored. It is considered that the proposed stand-offs and mitigation measures proposed should ensure that impacts previously experienced do not re-occur to the detriment of nearby residential properties.

6.83 With regards to potential impact from dust a number of mitigation measures have been considered to be satisfactory these include topsoil screening bunds around each of the operational areas, retention of treebelts and vegetation to limit any impact from dust. A condition is also proposed to ensure that the mitigation measures detailed within the dust assessment are adhered to.

6.84 The issue of traffic impact has been assessed within the application. The access arrangements are to stay the same as previously approved, and the main route for vehicles to travel to and from the site would be along the B1454 Docking Road, which is considered to be a main distributor route in the highways hierarchy; The proposals are considered to be acceptable in highways terms as supported by the county's highways officer.

6.85 With regards to landscape impact the provision of screening bunds and retention of tree belts have been considered within the report and can be controlled by way of condition. Concern over loss of woodland outside of the site is not detailed within the planning application and is highly unlikely given the designation as a County Wildlife site. In addition to this adequate screening can be provided within the perimeter of the application site.

6.86 The landscape impact and proposed restoration of the site has been discussed within the application and is considered on balance to be acceptable, with visual

impact being at a local level for short periods of time due to the phased working arrangements. With regards to the obligation to carry out the restoration and maintenance this can be controlled by way of condition.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 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 and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought to complete the extraction of the remaining sand and gravel from the existing quarry and extend into three areas for additional hoggin. This permission would run for 13 years and would also include a consolidation of other activities previously granted permission at the site for the use of a ready-mixed concrete batching plant; siltmaster plant; storage sheds; aggregate storage bays; importation, storage and recycling of inert waste and the importation, storage and resale of aggregates. The application also includes the erection of plant and construction of hardstanding for the manufacture and storage of concrete blocks. Extraction would take place in line with a programmed schedule of phased works, with the site ultimately being restored to agriculture and mixed woodland.
- 11.2 The sand and gravel landbank currently stands at 6.84 years, below the target of 7-10 years as set out in NMWDF Core Strategy policy CS1. This application if granted would contribute towards increasing this landbank in line with Norfolk County Council's target.
- 11.3 The application and accompanying Environmental Statement are considered to accord with development plan policies and the NPPF as outlined in the report. The site with the exception of the extension area to the west is allocated within the Norfolk County Council's Mineral Site Specific allocations as MIN45. The extension area to the west which is not included is supported by other policies within the NMWDF in particular policy CS2 which favours extension to existing sites over new sites.
- 11.4 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations why it

should not be permitted. Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions and a Section 106 Legal Agreement concerning retention of tree belts, dedication of land as highway and bore hole monitoring (which formed part of the original permission).

12. Conditions

- 12.1 The development to which this permission relates shall cease within 13 years from the date of this permission and the site restored in accordance with condition 23 of this permission.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.2 The development must be carried out in strict accordance with the application form, plans and documents submitted with the application.

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

- 12.3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order), no further buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

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

- 12.4 Within 1 month of the date of this permission a scheme for the control of noise shall be submitted to and approved in writing by the local planning authority. The scheme must identify measures to reduce the potential for noise impact from noise to local residents, the scheme shall also include hours of operation for each phase, noise limits and noise management/control. The scheme shall be implemented as approved and maintained thereafter.

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

- 12.5 No operation shall take place except in accordance with the phased scheme of working shown on Drawing No. P01, dated March 2013, Ref 5907 and Appendix A: Extraction and restoration schedule dated march 2014.

Reason: To ensure orderly working in the interest of the amenities of the surrounding area, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.6 The height of any stockpile shall not exceed 68m AOD.
- Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.7 No operations shall take place such that the underlying chalk is disturbed or below a maximum depth of 6m within the approved extension areas E, W and S as shown on Plan ref. No.5907 Drg. No.P01, Illustrative Phasing Plan dated March 2013.
- Reason: To safeguard hydrogeological interests in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.8 Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.
- Reason: In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.9 No operations shall take place unless in accordance with the environmental design measures and mitigation measures set out with section 7 of the Dust Assessment : Coxford Abbey Quarry - Dust Assessment - SLR Ref : 403-04095-00001 dated February 2013 Version Rev2.
- Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.10 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.
- Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.11 Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.
- Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.12 Within 6 months of completion of extraction, the new footpath shown on plan Ref No.5907, Drg No.P03 dated Oct 2013, shall be dedicated as a public right of way in agreement with the County Planning Authority.
- Reason: For the avoidance of doubt and in the interests of achieving the proposed restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.13 Within 2 months of the date of this permission a Written Scheme of

Archaeological Investigation shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.14 No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 13.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.15 Extraction within the extension areas shall not be take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 13 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.16 Within 3 months of the date of this permission the specification for tree planting within the new hedge along the western boundary of the site shall be submitted to and agreed in writing with the county planning authority. The hedging and tree planting shall be carried out in accordance with the agreed details.

Reason:

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

- 12.17 Within 6 months of the date of this decision a scheme for replacement road markings at the site access to the public highway, including a timescale for their provision, shall be agreed and completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.18 Within 3 months of the date of this permission a scheme shall be submitted for the provision of a fire hydrant / alternative water supply on the development in a location agreed with the County Planning authority in consultation with Norfolk Fire and Rescue Service.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.19 No soil or overburden bunds shall exceed four metres in height and any heap which is to stay in position for more than six months shall be seeded with grass, weed killed and maintained in accordance with the scheme submitted to and agreed with the Mineral Planning Authority.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.20 No operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, within the main quarry site identified as areas A-J on Plan Ref. No.5907 Drg. No.P01 dated march 2013, Illustrative phasing plan, shall take place on Sundays or public holidays, or other than during the following periods:
07.00 - 18.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

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

- 12.21 An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/amenity/forestry/wildlife habitat shall be submitted for the written approval of the County Planning Authority in writing not later than 3 months from the date of this permission. The aftercare scheme as may be so approved, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase to ensure establishment. The planted hedges and trees will continue to be maintained for a 25 year period after planting in accordance with the aftercare scheme to be agreed.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.22 A plan showing the final restored contours of the site shall be submitted and

agreed in writing with the County within 3 months of the date of this permission. Restoration of the site shall then be carried out in accordance with the agreed contours.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.23 The restoration of the site shall be completed within 14 years of the date of this permission in accordance with Plan Ref. No.5907 drg. No.R01 dated February 2013 – Illustrative Restoration Plan and the mixed woodland planting schedule contained within the ‘Woodland management & woodland restoration plan Coxford Abbey Quarry’ prepared for Longwater Gravel and received 5 March 2013.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.24 Measures shall be taken to minimise dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.

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

- 12.25 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.26 Until the topsoil and subsoil have been stripped from the site, the land shall not be traversed by any plant or machinery, save that which is engaged in stripping operations, and all such machinery shall be used in such a way as to minimise soil compaction.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.27 Within 2 months of the date of this permission a mitigation strategy for great crested newts which includes applying for an EPS license and employing a licensed ecologist to carry out the actions at appropriate times shall be submitted to and approved in writing with the County Planning authority in consultation with the County Ecologist. The mitigation strategy shall then be adhered as agreed.

Reason: in the interest of conserving protected or priority species and their habitats in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.28 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries, the lighting shall not be used at night when the quarry is not operational.

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

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of vehicle routing and the conditions outlined in section 12 above.
- (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.

Background Papers

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

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011)

The National Planning Policy Framework and Technical Guidance (NPPF) (2012)

Planning Policy Statement 10 – Sustainable Waste Management

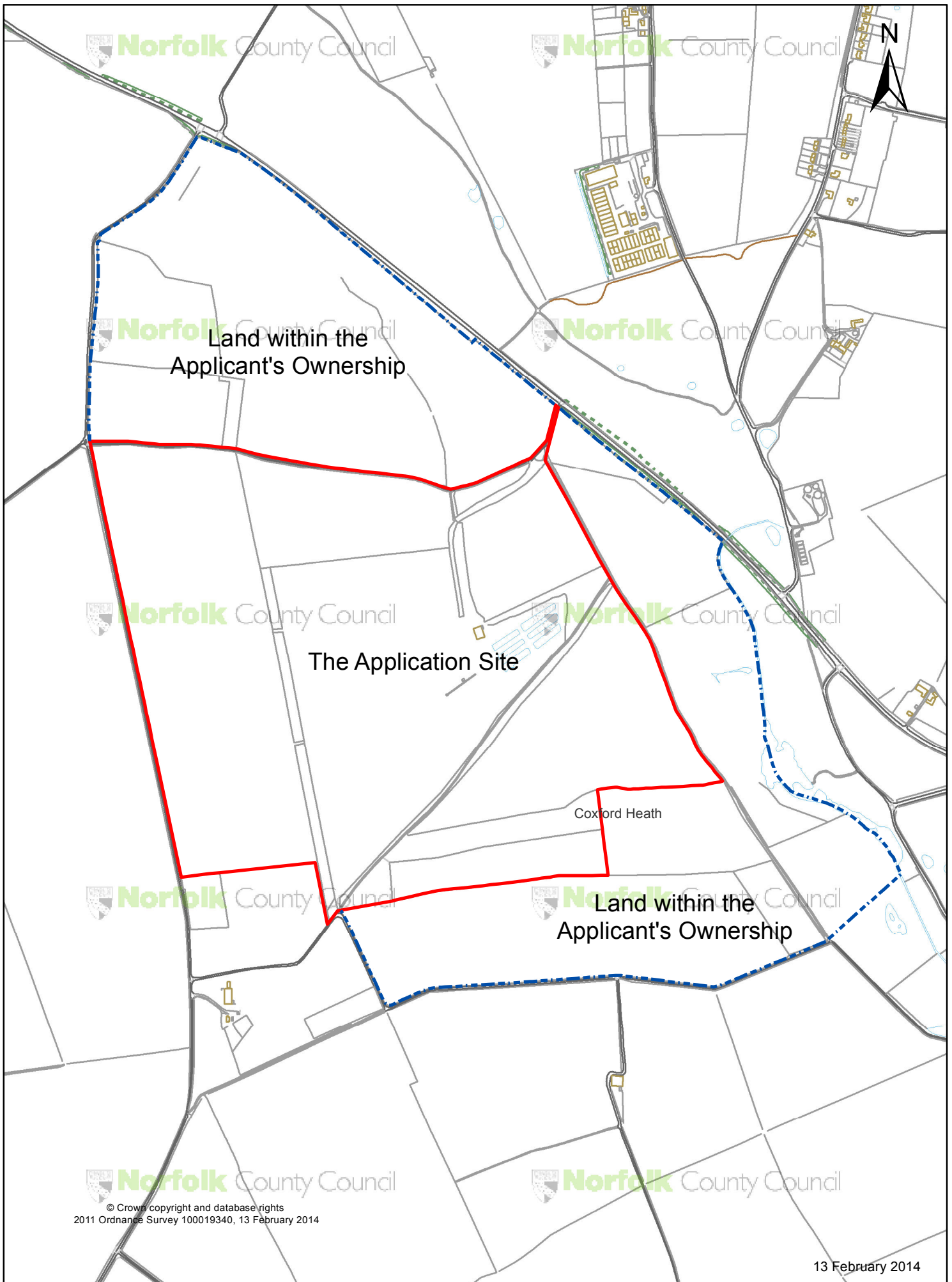
Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Charles Colling	01603 222708	charles.colling@norfolk.gov.uk



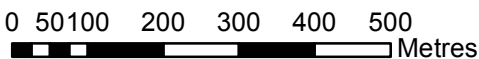
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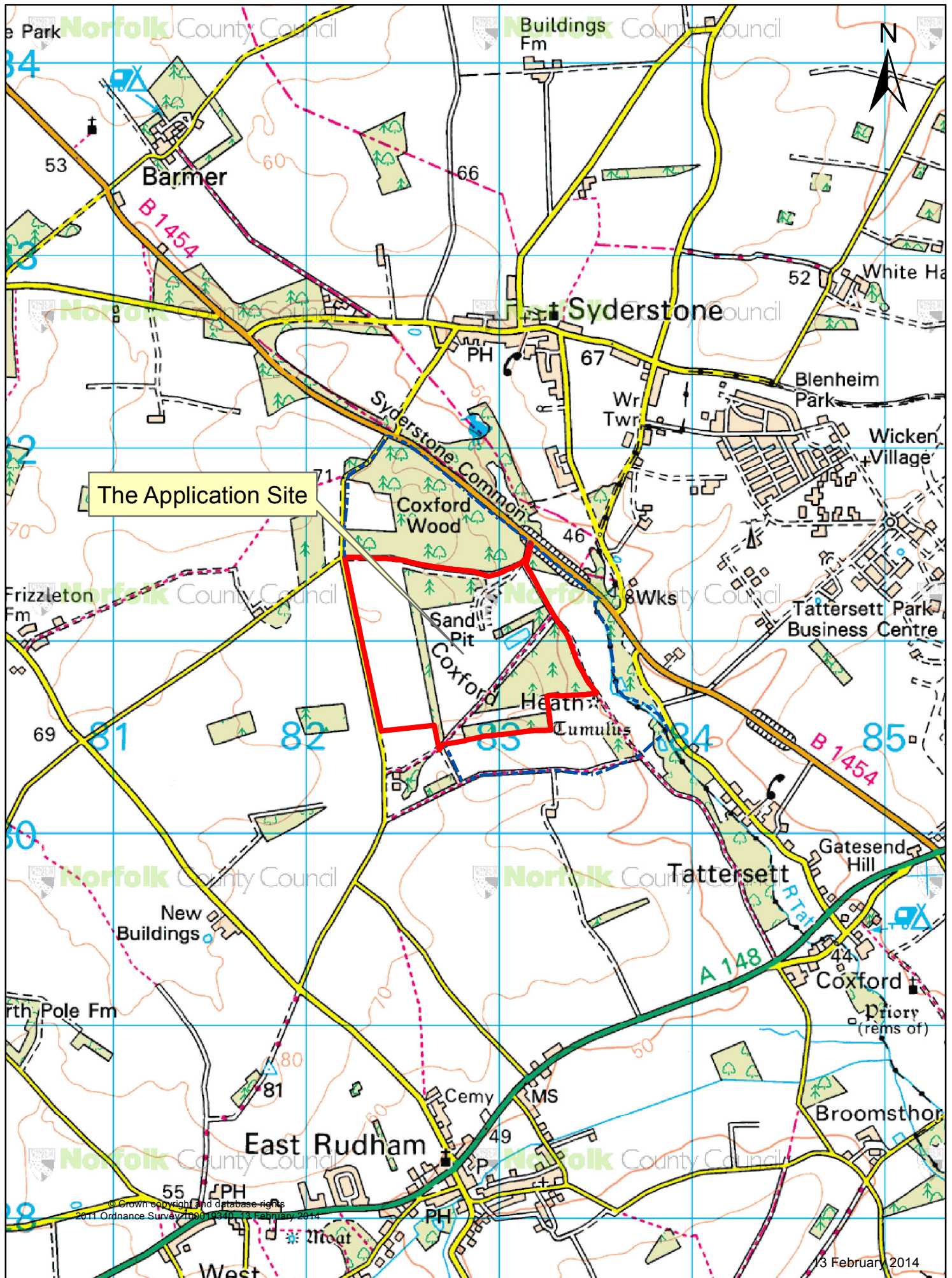
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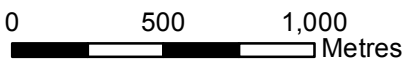
Norfolk County Council

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Centred on 87297 331010



C/2/2013/2006 - Coxford East Rudham



Norfolk County Council

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Applications Referred to Committee for Determination:

Broadland District Council:

Y/5/2013/5012:

Removal of existing modular classroom and erection of a permanent pavilion:

**Salhouse CE VC Primary School, Cheyney Avenue,
Salhouse, Norwich NR13 6RJ**

Director of Children's Services

Report by the Interim Director of Environment, Transport and Development

Summary

Planning permission is sought for provision of a single-storey, multi-purpose pavilion on the existing school site, within the defined settlement boundary of Salhouse. As well as being used by the primary school, the new pavilion will provide child care provision and will also be made available as a local community resource.

The application has generated objections from Salhouse Parish Council, Salhouse Village Hall Committee as well as residents of Salhouse. Their concerns relate primarily to the impacts of the proposal on residential amenity and competition with the village hall.

The environmental impacts of the proposal have been carefully considered. Although concerns have been raised by Broadland District Council as to whether this is the most appropriate position on the site for the building and whether the loss of an area of playing field is acceptable, there are no objections from statutory consultees, subject to conditions.

It is considered that the proposed development is in accordance with the development plan and national planning policy.

The proposal is therefore considered to be acceptable and there are no issues of sufficient weight to justify a refusal.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To 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 Planning permission is sought for provision of a detached, single-storey, pavilion for school and community functions, to replace an existing temporary classroom unit (in a different location). The footprint of the pavilion is 17.2m long by 7.7m deep, with approximate eaves height of 2.5m and maximum ridge height of 3.9m. The building, which would accommodate an entrance lobby, multi-use room with office and kitchenette, toilets and storage area, is being 'gifted' to the school by a local resident.
- 1.2 The application states that, the applicant is seeking to provide a permanent multi-purpose, stand-alone pavilion to replace an existing modular classroom located towards the rear of the existing main school building, which is approaching the end of its life and is to be removed from site.
- 1.3 As well as being used by the primary school, the new pavilion is to have all year round use and will provide Ofsted registered child care provision. The application states that, the existing childcare resource within the mobile classroom falls short of current Ofsted requirements. The pavilion will also be made available as a local community resource, providing accommodation for groups such as a local gardening club and occasional use by the local Brownie pack. The planning statement details that, these users already make use of the existing mobile classroom and other spaces at the school.
- 1.4 The proposed hours of opening are as the existing school:
07.45 – 18.00 hours Monday to Friday, with exception of monthly gardening club
19.00 – 21.00 hours
Occasional weekend sports and fete days during the summer months
- 1.5 The main design elements / materials to be used externally are as follows:
- Walls: green finished, composite horizontal "shiplap" type boarding;
 - Roof: pitched, terracotta coloured profiled panel with "tile" effect;
 - Windows: white uPVC;
 - Doors: white finished, composite uPVC;
 - Rainwater Goods: Black uPVC

Ramped Access and Level Platform

- 1.6 Hard landscaping, comprising of permeable brick pavers, will be laid adjacent the south east and north east elevations of the pavilion.
- 1.7 The footprint of the existing modular classroom, any base foundations and service runs will be removed and the ground reinstated as playing field
- 1.8 Vehicular and pedestrian access is direct from Cheyney Aveune.

2. Constraints

- 2.1 The following constraints apply to the application site:
- 2.2 Salhouse Conservation Area is located some 73m to the northwest and north of

the school.

- 2.3 The site is located within the consultation area for Norwich International Airport.
- 2.4 The site is located some 1.7km southwest of Bure Marshes National Nature Reserve (NNR), The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Broadland RAMSAR.

3. Planning History

- 3.1 The following applications have more recently been approved at the site by this authority:
- 3.2 **Y/5/2009/5009** – Construction of a conservatory - permission granted 10/07/2009
- 3.3 **Y/5/2008/5001** – Extensions to provide : Phase 1 – classbase & store, IT & MI rooms, new & remodelled toilets with circulation area; Phase 2 – hall & stores, headteacher and staff group rooms, circulation space, with playground extension and covered play area - permission granted 25/03/2008
- 3.4 **Y/5/2005/5005** – Formation of New Staff Car Park - permission granted 22/04/2005
- 3.5 **Y/5/2004/5020** – Erection of single storey building extension for use as teaching base and disabled toilet - permission granted 31/01/2005

4. Planning Policy

- 4.1 Broadland Local Plan saved policies (2006) : GS1: Settlement limits
GS3: General Considerations
ENV2: Layout and Design
ENV5: Natural features
ENV16: Conservation Areas
TRA8: Parking guidelines
TRA14: Highway Safety
RL8: Recreational facilities
CS1: Community services
CS2: Surface Water Drainage
CS12: Pollution Prevention
CS14: Noise levels
- 4.2 Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted 2011, amendments adopted 2014) : Policy 1: Addressing climate change and protecting environmental assets
Policy 2: Promoting good design
Policy 3: Energy and Water
Policy 7: Supporting communities
Policy 15: Service Villages
Policy 21: Implementation of proposals in the Broadland part of the Norwich

- 4.3 The National Planning Policy Framework (2012) : Policy Area
 Part 7: Requiring good design
 Part 8: Promoting healthy communities
 Part 10: Meeting the challenge of climate change, flooding and coastal change
 Part 11: Conserving and enhancing the natural environment
 Part 12: Conserving and enhancing the historic environment

5. Consultations

- 5.1 Broadland District Council: : Make the following comments:
- Given the potentially wider community use of the building is this the most appropriate position on the site for the building? Have other locations been considered and discounted for some reason?
 - Is the loss of an area of playing field acceptable?
- 5.2 Salhouse Parish Council : Raise objection on the following grounds:
- The proposed development is of such a size and proximity to the boundaries of adjacent properties in Topcliffe Avenue that the residents' amenity and enjoyment of their properties is likely to be diminished by loss of light, loss of view, light pollution, noise disturbance and general disturbance caused by activities continuing outside reasonable or current school hours.
 - The design statement refers to the fact that the development will be to replace the existing classroom both physically and in function; this is misleading as it appears the building occupies a completely different location on the site, has a larger footprint and is described as multi-purpose.
 - The Design statement of the planning application does not make clear the precise range of uses intended for the finished development, nor does it specify the number of hours, days or weeks that the new building will be in use. This lack of detail makes it difficult to evaluate the loss of amenity liable to be suffered by residents. However, as the application

describes year round use, this must indicate a significant expansion of activities and hours, so significant loss of amenity must be assumed.

- If the new development is to be for community use, then access to the site by the public will be required for much longer hours than at present. This compromises the security of the school itself and all adjoining properties, as at present the secured nature of the site outside school hours assists the security of these residents.
- The availability of this resource to the wider community puts it in competition with the existing Jubilee Hall, a community asset which is run by volunteers and whose viability could be jeopardised by this new development if it is made widely available.
- We note and endorse the comments made by local residents and Broadland District Council.

Taking these issues into consideration, Salhouse Parish Council requests that NCC requires the developers to reconsider the following points of their application:

- That the proposed new building could be accommodated elsewhere on the site, most notably on the approximate location of the existing mobile which will be demolished, with minimal disturbance to residents and with no additional loss of playing field space. (If, as rumoured, the problem of location is due to foul drainage issues, it should be recalled that the site next to the mobile classroom was previously occupied by a mobile toilet block, so drains must have existed for this facility in the past.)
- The Design statement of the PA should clarify and give more detail of the exact uses that the new development is intended for, or has the capacity to accommodate.
- The developer should be requested to give a better indication in the Design statement of the number of hours and days throughout the year that the facility will be in use. Some restrictions on operating hours may be

required.

- An access and security plan should be prepared and preferably access to the new building by the general public should be exclusive to that building and not to the site as a whole. This may be achieved more easily if the development is relocated as suggested above.

- 5.3 Environmental Health Officer (Broadland District) : No comments from a contaminated land or nuisance perspective.
- 5.4 Norfolk Historic Environment Service (NCC) : No known implications for the historic environment.
- 5.5 Landscape Officer (NCC) : No comments received at the time of writing this report.
- 5.6 Arboricultural Officer (NCC) : No objection, subject to conditions in relation to Arboricultural Requirements and Arboricultural watching brief.
- 5.7 Highway Authority (NCC) : No objection.
- 5.8 Sport England : No objection, subject to imposition of conditions in relation to (i) provision and maintenance of relocated mini-soccer pitch and (ii) removal of the existing modular classroom and reinstatement of its footprint to playing field use.

Originally objected on the following grounds:

1. There is a deficiency in the provision of playing fields in the area of the local authority concerned
2. The proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned

but, on production of additional information the objection was withdrawn.

- 5.9 Ecology Manager (NCC): : No comments received at the time of writing this report.
- 5.10 Salhouse Village Hall Committee : Raise objection on the following grounds:
- Although the application is not 100% clear on the intended use, it does state "...and will be made available as a local community resource." This therefore will be in direct competition to the Salhouse village hall and

puts its viability at risk.

- Salhouse village hall had already lost the play group with the loss of 1/3 of its regular income. In addition with what seems a 'shortage' of young people coming through the village we have also lost the Rainbows. Should the school become available for the wider community and then we run the risk of competing for the same limited income making the future viability of the village hall come under serious risk.
- The planning application proposed by the school can only accommodate small groups, and should the village hall be forced to close there would be no facilities left in the village left that could accommodate a group of any size resulting in a loss of a valuable community resource.
- It is our firm belief that the role of the school is for the support and education of children within the village, whilst the role of the village hall is for the wider use of the community

Whilst we do not object to the building going ahead we firmly believe that should planning be granted then a restriction of use should be put on it, limiting its use to the school, thus helping protect the future of the village hall for the wider community.

5.11 Local residents

: Representations have been received from 16 local residents.

Objections and concerns

Objections and concerns are raised by 12 residents on the following grounds (which are summarised).

Application Description

Application description fails to explain the intention to erect the pavilion in a different location to the existing modular building

Need

The application fails to justify the need for or size of the pavilion.

What accommodation not currently available at the School will be provided by the pavilion?

The application has not explained the full use to which the pavilion will be put.

Its size is over double that of the existing modular classroom, which is at present deemed adequate for its purpose as a childcare facility.

Believe there is sufficient spare space available for the existing childcare provision to take place within the main school building.

Attendance figures show a decline in school roll from 144 (2003), 150 (2007), 101 (2010) and 102 (2013). This brings into question why such a major addition is required.

The new Rackheath School has recently opened a preschool facility and offers an alternative to parents who have previously chosen to send their children to preschool facilities in Salhouse.

Question why a pavilion is required – believe that a sports hall built onto the school would be a better option.

Location

The application fails to justify the proposed location for the pavilion.

Location is too close to residential properties

The proposed location of the pavilion, close to residential properties, is not the best position for a development which is planned to have continual use.

Location will incur changes to the sports pitch.

Application does not justify why it cannot be located on site of current mobile.

A preferred position would be closer to / on the site of the existing modular class room, away from all residential properties. This location would also be closer to the school access, existing water, drainage, electrical and telephone infrastructure.

Proposed pavilion would restrict staff observation of the playing field – it could be possible for a child to enter the wildlife garden out of view of supervisors.

Costs

For the few children using the proposed pavilion within school hours, the ongoing expenditure will be unjustifiable.

Best use would be made of existing facilities, without incurring setting up costs.

A pavilion of this size will incur additional financial outgoings in respect of day to day costs and general maintenance.

Design

The industrial / warehouse style of the building is not in keeping with the surrounding buildings.

The building is unnecessarily high – at a height of 3.9m the structure would be considerably higher than the hedge.

A flat roof would be more appropriate

The proposed terracotta coloured tiles would not blend in with surrounding residential properties, which have green or brown roof tiles, or the school itself.

Consider that the two windows in the pavilion which directly overlook the northern boundary should have obscure glass

Concerned about the experimental nature of the construction – how easy would it be to maintain and what is the life span?

Amenity

Loss of residential amenity

Application fails to explain the hours in which the pavilion could be used.

If it is intended for year round and evening use its proposed position may have a greater effect on adjacent neighbours than is first apparent.

Concern there will be more activity at the school in and around the pavilion close to my property.

All windows in the living rooms of our property face south, directly towards the proposed site.

Proposal will affect our privacy

The pavilion would take up 84% of the length of the boundary of the nearest residential property and only be screened for the most part by a deciduous hedge.

The structure would be only 2m away from the hedge which currently allows additional light in during the winter months.

Productivity of fruit and vegetables on our garden adjacent to the boundary would be severely affected by lack of light.

More noise will be generated and could extend to before and after normal school hours.

Noise pollution and light pollution would have a negative effect when we are inside our home as well as in the garden.

The alarm in the existing modular classroom is frequently heard ringing at night – it is hoped that the alarm system in the proposed pavilion would be less easily activated.

Use by groups outside normal school hours and term times resulting in increased noise, light pollution, traffic and general disturbance.

The lighting will contribute to light pollution.

If lights are necessary, they could be activated by a P.I.R. sensor in order to save energy and reduce light pollution.

Despite the matter being brought to the attention of the school, lights on the existing school buildings illuminate gardens and shine directly into nearby properties at night.

Security

The rear of our properties will be made less secure because access to the school grounds will be open to all and sundry.

Property value

Proposal would be detrimental to the value of our property

Community Involvement

Residents were unaware of the plans.

Would it not have been courteous to discuss the proposal with local residents before committing to a final design?

Application Form / Statements

Note that application form indicates that the applicant is not related to any member of staff of the Council, but believe an error may have been made

Anomaly between information provided in application form and Design & Access Statements – implication is that extra activities will occur in the new pavilion, not previously catered for at the school, and that they will occur throughout the year, not just during school times.

In both Design & Access statements and the Agents letter no mention is made of the use of the School for the Parish Council meetings on a monthly basis which regularly last until 2200hrs.

Consultation timescale

The consultation period of 21 days is far too short and Salhouse Parish Council will be unable to respond in that time frame.

Community resource

The application has not explained in what way and to what extent the pavilion will be available as a local community resource?

Does the school intend to offer the pavilion as an alternative venue for village clubs and activities?

Concerned that there could be a risk to the continued viability of the village hall as a result of competition from the proposed pavilion – already

about to lose the Playgroup to the school.

A condition of planning approval should restrict use of the pavilion to playgroup and pre-school / after school groups

Gifting of building

The fact that this building is 'gifted' should not influence the outcome of this planning application as it is not a material consideration.

Support

Four local residents have written in support of the application and make the following comments:-

- It will benefit and support the pre-school age children within Salhouse, as well as the school age children at Salhouse Primary and beyond who access the after school and holiday club.

- the current facilities offer no integral toilet facilities, it also has insufficient space for storage, kitchen and cloak room facilities.

- the reason that Salhouse Playgroup has moved into the school is that it was financially unsustainable to continue at the Jubilee Hall and as a result the playgroup was facing imminent closure.

Better kitchen facilities, more storage and larger learning environment

5.12 County Councillor Mr T Garrod : No comments received at the time of writing this report.

6. Assessment

6.1 The Site

6.2 The application site is within the grounds of Salhouse Primary School, located within Salhouse village. The school is a 1970's building constructed of red brick, with mono-pitch and flat roofs, which has been extended and enlarged over the years. Situated within a predominantly residential area, the school is fronted to the northeast by Cheyney Avenue, with residential development on all other sides. Vehicular and pedestrian access is direct from Cheyney Avenue.

6.3 The application site is located on the existing school playing field towards the rear of the existing main school building, close to the northern boundary.

6.4 The proposed pavilion lies approximately 2.0 metres from the southern boundary of the nearest residential property, on Topcliffe Avenue, whilst the nearest

residential building is approximately 36 metres from the proposed pavilion.

6.5 Principle of development

6.6 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”.

6.7 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014) and the Broadland Local Plan (2006). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of potentially significant weight.

6.8 The proposed development is wholly within the existing school site, and the principle of the use of the site for education use is therefore established.

6.9 Concern is expressed that the application fails to justify the need for or size of the pavilion. It is believed there is sufficient spare space available for the existing childcare provision to take place within the main school building. Local residents have also questioned what accommodation not currently available at the school will be provided by the pavilion.

6.10 As regards the school roll, the Director of Children’s Services has confirmed that there has been a decline over recent years. Currently there are 101 children on the school roll and forecasts up until 2018/19 based on catchment suggest that the school roll will remain at at least 95.

6.11 The proposal provides for replacement of an existing mobile classroom with a footprint of some 57sq.m, with a pavilion of some 132sq.m. The application states that, the new pavilion will provide Ofsted registered child care provision. The existing childcare resource within the mobile classroom has no sanitary accommodation and falls short of current Ofsted requirements. The application states that the size of the proposal is in accordance with current Ofsted requirements for the number of children to be catered for and reflects the additional sanitary and office accommodation. The pavilion also incorporates a kitchenette and storage area.

6.12 Joint Core Strategy Policy 7 seeks to ensure that services are available as locally as possible, and directs that provision will be made for sufficient, appropriate and accessible education opportunities, including wider community use of schools. The proposal is considered to be consistent with these objectives because it would enhance educational provision at the school, and provide wider community use.

6.13 Joint Core Strategy Policy 15 states that in each designated Service Village (of which Salhouse is one) small-scale employment or service development appropriate to the scale and needs of the village and its immediate surrounding will be encouraged. As detailed elsewhere in this report which assesses the development in relation to the relevant development plan policies, it is considered

that the proposed development is fully compliant with Policy 15.

- 6.14 Broadland District Local Plan saved policy CS1 requires that, it will be necessary to demonstrate that a need exists for proposals for community facilities and services outside settlement limits. As detailed elsewhere in this report, the application site is situated within the defined settlement boundary for Salhouse.
- 6.15 Paragraph 72 of the National Planning Policy Framework (NPPF) states that planning authorities should take a proactive, positive and collaborative approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities, and to development that will widen choice in education. LPAs should give great weight to the need to create, expand or alter schools. Great weight is therefore attached to the education facility provided by the new building, which ensures an improvement in the quality of the educational environment offered to the community.
- 6.16 The proposed development would ensure an improvement in the quality of the educational environment offered to the community, which is considered sufficient to secure compliance with these Core Strategy policies, and meet the objectives of the NPPF. It is considered therefore that the principle of development is acceptable.
- 6.17 **Principle of location**
- 6.18 The Joint Core Strategy settlement hierarchy identifies Salhouse as being situated within the Norwich Policy Area. The Broadland District Local Plan Proposals Map identifies the application site as being situated within the defined settlement boundary for Salhouse. Broadland Local Plan saved policy GS1 accepts the principle of new development within the settlement limits, whilst saved policy GS3 seeks to avoid unacceptable effects from new development including in terms of, residential amenity and, character and appearance of the surrounding area. Saved policy CS1 directs that community facilities will be permitted in appropriate locations.
- 6.19 Whilst not raising objection, Broadland District Council has questioned whether, given the potentially wider community use of the building, this is the most appropriate position on the site for the building and whether other locations have been considered and discounted for some reason. Concern has been raised by local residents that the application fails to justify the proposed location for the pavilion.
- 6.20 Salhouse Parish Council and local residents have suggested that the proposed building could be accommodated on the approximate location of / closer to the existing modular classroom. Concern has also been raised that the application fails to justify why the building cannot be located on the site of the current mobile classroom. It is the applicant, not the Council, that decides what proposal to submit; the Council then has to determine that application on its merits, whatever other form it would prefer the application to take.
- 6.21 Whilst within 2.0 metres of the boundary of the nearest residential property, on Topcliffe Avenue, the proposed pavilion is approximately 36 metres from the nearest residential building.
- 6.22 The planning statement submitted in support of the application states that, consideration has been given to alternative positions for the pavilion on the site.

The statement concludes that, the proposal has been positioned in what is considered to be the most favourable and least detrimental to adjacent properties for the following reasons:-

- The position on site is the furthest possible from any of the adjacent residential properties, whilst still making best use of the external play and grass area.
- The position of the existing mobile classroom currently blights full use of the hard play area as a netball court, as the run-off area is restricted.
- The position of the existing mobile classroom restricts staff observation and supervision of the playing field from the hard play area during play periods.
- Access to various service connections is similar whatever the position of the proposal.

6.23 As is detailed elsewhere in this report, which assesses the development in relation to the other relevant policies of the development plan, it is considered that the proposed development would not cause unacceptable environmental impacts. It is therefore considered taking into account the above that the location of development is acceptable in principle in accordance with the provisions of saved policies GS1, GS3, and CS1.

6.24 **Design and Historic Environment**

6.25 Policy 1 of the Joint Core Strategy seeks the conservation and enhancement of the built environment and wider historic environment, whilst Policy 2 requires all development to be designed to the highest possible standards, creating a strong sense of place and respecting local distinctiveness. Saved policy GS3 of the Broadland District Local Plan seeks to avoid unacceptable effects from new development including in terms of, character and appearance of the surrounding area, and the historic environment. Saved policy ENV2 requires a high standard of layout and design, with regard given to the scale, height and other aspects of the development, whilst saved policy ENV16 seeks the protection and enhancement of the character and appearance of conservation areas, and sets out that new development must be sympathetic to the character of the area, having regard to siting, density, form, scale, design, materials and landscaping. These principles are also contained within the NPPF Part 7: *Requiring good design*, and Part 12: *Conserving and enhancing the historic environment*.

6.26 The nearest part of Salhouse Conservation Area is located some 73m to the northwest and north of the school grounds, separated by residential development.

6.27 The proposed works are entirely within the school grounds and consist of the removal of an existing modular classroom located to the rear of the main school building and provision of a modular, stand-alone pavilion close to the northern boundary.

6.28 Concern has been raised regarding the design and height of the proposed building. The existing school buildings consist of an original 1970's red brick, single storey building, with mono-pitch and flat roofs, which has been extended and enlarged over the years with similar single storey buildings incorporating a mixture of brick, render and cladding, with mono-pitched

sheet clad roofs.

- 6.29 The school is situated within a predominantly residential area, which includes a mix of detached bungalows and, detached and semi-detached houses. Although pleasant, there is no homogeneous building design theme here for the proposed pavilion to comply with.
- 6.30 The key design theme is to link the design to the existing main school buildings. The existing school buildings provide a scale and use of materials which the pavilion design picks up on, hence the new pavilion is single storey, with a shallow pitch sheet roof and uses cladding as a facing material. Consequently the single storey, pitch roof construction of the proposed pavilion relates adequately to the existing school buildings and would not look out of character given the adjacent single storey, pitch roof residential development. With the removal of the existing temporary classroom from the site, the proposed new building will stand in its own grounds as a well designed modern pavilion, fit for purpose, and appropriate for its location.
- 6.31 Whilst the proposed exterior cladding and roof covering are acceptable in principle, the applicant is currently unable to provide examples of the external finishes for consideration. It is therefore recommended that conditions are imposed requiring samples of external materials and colours to be submitted for approval.
- 6.32 As regards the roof covering, the application proposes that terracotta coloured tile profile sheets would be used although to compliment the existing school and surrounding residential area a darker colour would be preferable. It is recommended that a condition is imposed requiring details of the roof sheet colour to be submitted for approval.
- 6.33 In terms of impacts beyond the immediate vicinity, the site is open to oblique views from residential properties to the south. Partial screening from other residential properties, including Topcliffe Avenue, is provided by existing boundary hedgerows and trees, and existing school buildings. Given the positioning and single-storey form of the development, it is therefore considered that the proposed modular pavilion is unlikely to have any detrimental impact upon visual amenity or the established characteristics of the school or locality.
- 6.34 As regards the Salhouse Conservation Area, the pavilion is located within the school grounds and is screened to the northwest and north by existing residential development. It is therefore considered that the proposed pavilion would not have a detrimental impact on the character, appearance, setting or views into or out of the Conservation Area.
- 6.35 Concern has been raised regarding the ease of maintenance and lifespan of the building. The exterior walls are to be clad with shiplap board formed with composite materials whilst the roofing system comprises of profile sheeting. The planning agent has advised that, the proposed lifespan of the building is in excess of 60 years. The manufacturers' specification confirms that the buildings come with a 20 year warranty.
- 6.36 Subject to imposition of conditions in relation to external materials and colours, it is considered that the development proposed is of an acceptable scale, design and appearance in the locality, and is considered to comply

with Policies 1 and 2 of the JCS, saved policies GS3, ENV2 and ENV16 of the Broadland Local Plan, and Parts 7 and 12 of the NPPF.

6.37 Impact on neighbour amenity

6.38 Broadland District Local Plan saved policy GS3 seeks to avoid unacceptable impacts from new development including in terms of residential amenity, whilst saved policy ENV2 seeks to avoid spillage of light beyond the specific area that is to be lit and saved policy CS14 seeks minimisation of any potential noise impacts. Part 11 of the NPPF seeks to limit impact of noise and light pollution from new development.

6.39 It is clear that there is strong concern for the amenities of local residents. Objection has been raised by Salhouse Parish Council and by a number of local residents in respect of a number of amenity impacts including loss of privacy, noise and light pollution, and views of the pavilion from habitable rooms.

6.40 The location of the proposed development is wholly within the existing school site, on the existing school playing field. The proposal would introduce a pavilion into the northern part of the school site adjacent a residential area (Topcliffe Avenue). The school occupies a relatively level site relative to Topcliffe Avenue. Whilst the proposed building would be located approximately 2.0 metres from the nearest residential property boundary, it is single storey in height with a low pitch roof (eaves height of approximately 2.5m and ridge height of 3.9m) and is approximately 36 metres from the nearest residential building.

6.41 Partial screening is provided by existing hedging and trees adjacent the northern boundary of the school. From inspection of the site, it would appear that the roof of the proposed pavilion would be visible above the existing hedge from habitable rooms and gardens of a number of bungalows on Topcliffe Avenue. High level windows in the north facing elevation of the pavilion would restrict overlooking of adjacent dwellings. In response to concerns raised by local residents, the proposal has been amended such that the north facing windows are to be top opening and fitted with obscure glazing. It is therefore considered that the height and distance of the proposal from residential buildings would not cause any materially adverse impact upon neighbour amenity with regard to overlooking, overshadowing or any overbearing impact.

6.42 As regards concerns raised regarding the precise range of uses for the proposed pavilion, clarification has been sought on this matter. The applicant has confirmed that, as well as being used by the primary school, the new pavilion is to have all year round use and will provide Ofsted registered child care provision. The pavilion will also be made available as a local community resource, providing accommodation for groups such as a local gardening club and occasional use by the local Brownie pack. The planning statement details that, these users already make use of the existing mobile classroom and other spaces at the school.

6.43 As regards concern raised by local residents in relation to hours of opening, the applicant has clarified that the hours of opening are to be as the existing school.

6.44 *Noise*

6.45 The planning statement submitted in support of the application states that, the proposal will use “low noise” extract fans to the kitchenette and sanitary areas of the building. The proposal is also supported by a Noise Assessment including ventilation/extraction statement which concludes that no noise pollution or loss of amenity will be caused. It is therefore not considered that any materially adverse noise disturbance would arise.

6.46 As regards concern raised by local residents in relation to an alarm on the school premises, the applicant’s agent has confirmed that the existing modular classroom does not have an alarm. Notwithstanding, this matter is not considered material to the determination of the application under consideration.

6.47 *Lighting*

6.48 The proposal is also supported by a Lighting Assessment. The assessment proposes that light fittings over the door positions in the north east and south east elevations of the building will be shaded from the existing residential properties to the north west.

6.49 In response to concerns raised by local residents, the proposal has been amended such that outdoor lighting activated by PIR sensor (passive infra red) will be installed. It is therefore not considered that any materially adverse light nuisance would arise.

6.50 As regards concern raised by local residents in relation to lights on the existing school building, this matter is not considered material to the determination of the application under consideration but has been forwarded to the applicant’s agent for investigation.

6.51 The EHO has been consulted on this application and has raised no objection on amenity grounds. On balance, the proposal is therefore not considered to give rise to any material detrimental impacts on neighbour amenity. Given the above, the proposal is found to be in compliance with saved Policies GS3, ENV2 and CS14 of the Broadland Local Plan, and objectives of the NPPF.

6.52 **Biodiversity**

6.53 The proposal is not accompanied by an Ecology Report. The proposed development will be erected on a close-cut grassed area within the existing school grounds. A site inspection revealed no evidence of biodiversity issues, and it is therefore considered that the proposed development will not be detrimental to biodiversity. The footprint of the existing modular classroom will be removed and the ground reinstated as playing field.

6.54 It is therefore considered that the proposal complies with Broadland Local Plan saved Policies GS3 and ENV5, and objectives of the NPPF.

6.55 Habitat Regulations

The application site is located within 5km of The Broads SAC, Broadland SPA and Broadland RAMSAR, which are European protected habitats. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the

information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.56 Highways and Traffic

6.57 Broadland District Local Plan saved policies GS3 and TRA14 seek appropriate transport arrangements, whilst saved policy TRA8 seeks appropriate parking provision. Part 4 of the NPPF sets out the Government's national planning policies in relation to transport.

6.58 The planning statement details that, the proposed users of the building already make use of the existing school buildings and as a result there will be no change in parking requirements or any additional traffic movements. No increase to the existing number of on-site parking spaces is proposed.

6.59 The Highway Authority has been consulted on this application and has raised no objection in relation to highway issues.

6.60 Accordingly, the development is considered to be acceptable and compliant with Broadland District Local Plan saved policies GS3, TRA8 and TRA14, and the government objectives of the NPPF.

6.61 Sustainability

6.62 Policy 1 of the Joint Core Strategy requires all development to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather, whilst policy 2 requires all development to be designed to the highest possible standards, including as appropriate the use of sustainable materials. Policy 3 aims to minimise reliance on non-renewable high-carbon energy sources and maximise sustainable construction technologies. The NPPF sets out how development should promote sustainability.

6.63 The design of the building encompasses a number of sustainable elements. The application states that the design of the proposed pavilion utilises an energy efficient construction method with the wall, roof and partition elements of the building formed with modular panels moulded from bonded aerated recycled glass beads. The proposed thermal performance will exceed current Building Regulation standards. The proposal also includes low energy light fittings, low energy mechanical extraction fans and low water use type sanitary fittings.

6.64 It is therefore considered that its sustainability credentials are sufficient to meet the aims of JCS Policies 1, 2 and 3, and the objectives of the NPPF.

6.65 Groundwater/surface water & Flood risk

6.66 Joint Core Strategy Policy 1 requires development to be located to minimise flood risk and protect groundwater sources. Saved policy GS3 of the Broadland District Local Plan seeks to avoid unacceptable effects from new development including in terms of, land drainage. Saved policy CS2 seeks use of sustainable drainage systems for new development where appropriate, whilst saved policy CS12 requires development to address any pollution risks.

6.67 The application site is located in Flood Zone 1 so there is a low risk of tidal

and fluvial flooding.

- 6.68 The development proposes a connection to the main sewer for management of foul water, whilst roof rain water runoff would be directed to a soakaway. In addition, the new “hard” landscaping pavers and sub base are permeable. There are no particular concerns with these methods, and the Environmental Health Officer has raised no objection to the proposal.
- 6.69 It is therefore considered that the proposed development would not cause any adverse effects in terms of flood risk, ground or surface water pollution, and the proposal complies with JCS Policy 1, Broadland Local Plan saved policies GS3, CS2 and CS12, and the aims and objectives of the NPPF.
- 6.70 **Landscape and Trees**
- 6.71 The Arboricultural Report which accompanies the application recommends root pruning of one Silver Birch on the northern boundary of the playing field, crown pruning of two Silver Birch to facilitate the construction works and protection of retained trees.
- 6.72 The Council’s Arboricultural Officer has been consulted on this application and has raised no objection, subject to conditions in relation to Arboricultural Requirements, and Arboricultural watching brief. This would seem to be a reasonable request.
- 6.73 Given the above, the application is not considered to be in conflict with saved policies GS3 and ENV2 of the Broadland District Local Plan, or the aims and objectives of the NPPF.
- 6.74 **Playing pitch provision**
- 6.75 Broadland Local Plan saved policy RL8 seeks to prevent the loss of existing or potential recreational or sporting facilities.
- 6.76 The application states that, the proposed pavilion would be sited on the existing school playing field. It is proposed that following removal of the existing modular classroom and reinstatement of the ‘footprint’ that the existing sports pitch can be relocated to avoid the new pavilion. The proposal would result in the net loss of a relatively small part of the playing field.
- 6.77 Whilst not raising objection, Broadland District Council question whether the loss of an area of playing field is acceptable and local concern is also raised that the proposed location will incur changes to the sports pitch.
- 6.78 Sport England has been consulted and offers no objection on the basis that the development will not have a significant adverse impact on playing field provision on this site, subject to conditions in relation to provision and maintenance of a relocated mini-soccer pitch and, removal of the existing modular classroom and reinstatement of its footprint to playing field use. This would seem to be a reasonable request.
- 6.79 It is therefore considered that the proposal is acceptable and compliant with Broadland Local Plan saved Policy RL8, and Paragraph 74 of the NPPF, which seeks the protection of existing playing fields.
- 6.80 **Responses to the representations received**

- 6.81 The application was advertised by means of neighbour notification letters and two site notices.
- 6.82 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.83 **Other issues**
- 6.84 'Gifting' of building: The fact that this building is being 'gifted' by a local resident is not a material planning consideration.
- 6.85 Loss of view: As regards concerns raised by the Parish Council regarding loss of view, the protection of a person's particular view from a property is not a material planning consideration.
- 6.86 Loss of light: Concern has been raised by local residents regarding loss of light to a residential garden. In terms of planning considerations, rights to light do not attach to gardens and would not be sufficient reason for rejecting a proposal.
- 6.87 Security: As regards concerns raised by the Parish Council and local residents regarding loss of security to neighbouring properties and the school itself arising from community use of the pavilion, the applicant's agent has confirmed that there will be no extension to the existing hours of opening and no additional users.
- 6.88 Property Value: Concern has been expressed by a local resident that the proposal would be detrimental to the value of their property. However, the perceived loss of property value is not a material planning consideration.
- 6.89 Costs: Concern has been raised by local residents regarding setting up costs, and financial outgoings in respect of day to day costs and general maintenance. As this aspect does not relate to the use and development of land, it is therefore beyond the scope of planning control.
- 6.90 Sports Hall: A local resident has questioned why a pavilion is required and believes that a sports hall built onto the school would be a better option. It is the applicant, not the Council, that decides what proposal to submit; the Council then has to determine that application on its merits, whatever other form it would prefer the application to take.
- 6.91 Viability of Salhouse Village Hall (Jubilee Hall): It is clear that there is strong concern for the viability of Salhouse Village Hall as a result of competition from the proposed pavilion. With regard to the need to include a planning condition to restrict use of the pavilion to playgroup and pre-school / after school groups, Circular 11/95 – *Use of conditions in planning permission*, requires that planning conditions should be relevant to planning. However, potential competition is not a material planning consideration and can not be taken into account. Notwithstanding, the applicant's agent details that there are to be no additional proposed users.
- 6.92 Application Form: Concern is expressed that an error may have been made regarding the application form in relation to whether the applicant or agent is related to any member of staff or elected member of the council. Given that the application is being made by the head teacher on behalf of the Director of

Children's Services it is considered that the form has been completed correctly.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 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 and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought for provision of a detached, single-storey, pavilion for school and community functions, to replace an existing temporary classroom unit.
- 11.2 For the reasons detailed in this report, on balance, the proposed development is considered to be in accordance with the development plan and national planning policy.
- 11.3 The proposal is therefore considered to be acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 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.

- 12.2 2. Except as modified by details to be approved pursuant to condition nos. 3 and 4 below, the development must be carried out in strict accordance with the application form, plans and documents detailed below:
- a) Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse; No: 227a Revision; dated Feb 14; received 7 February 2014
 - b) Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse; No: 227b Revision; dated Mar 14; received 6 March 2014
 - c) Arboricultural Impact Assessment at Salhouse Primary School, Cheyney Avenue, Salhouse; unreferenced; prepared by A.T. Coombes Associates; dated 25th November 2013
 - d) Design and Planning Statement, including drainage assessment, landscaping details, open space and pitch assessment, lighting assessment and noise assessment and demonstration of compliance with National and Local Planning policies - Re: Removal of existing modular "mobile" classroom and erection of a permanent, single story modular pavilion, Salhouse Primary School, Cheyney Avenue, Salhouse, NR13 6RJ – 3rd Revision February 2014; prepared by Nigel Jackson; dated

January 2014; received 7 February 2014

- e) the contents of the letter from Nigel S Jackson BSc (Hons) Building Surveyor & Design Consultant to Norfolk County Council dated 05 February 2014

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

- 12.3 3. Prior to the commencement of the development hereby permitted, details of an arboricultural watching brief for site supervision and monitoring during the construction works shall be submitted to and approved in writing by the County Planning Authority. The development shall thereafter take place in accordance with the details as approved.

Reason:

To ensure the protection of existing trees on the site and in the interest of the amenity of the area, in accordance with saved policies GS3 and ENV2 of the Broadland District Local Plan (2006).

- 12.4 4. Prior to the commencement of any works on site, details of the type and colour of all external materials and roofing materials, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall then be constructed and retained in accordance with the approved 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) and saved policy ENV2 of the Broadland District Local Plan (2006).

- 12.5 5. No development shall take place until the relocated mini-soccer pitch as indicated on the submitted Drawing, Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse - No: 227b Revision, dated Mar 14 has been marked out and is ready for use. The relocated pitch shall thereafter be maintained in this position.

Reason:

To ensure that existing sports pitch provision is maintained on this site, in the interests of sport/recreational provision, in accordance with saved policy RL8 of the Broadland District Local Plan (2006).

- 12.6 6. Within six months of the occupation of the building hereby permitted, the temporary classroom unit sited adjacent to the school hard play area, as indicated on the Submitted Drawing, Proposed Modular Pavilion, Salhouse Primary School, Cheyney Av. Salhouse – No 227b Revision, dated Mar 14, shall be removed and the site reinstated to playing field use.

Reason:

To compensate for the loss of playing field as a result of the proposed pavilion, in

the interests of sport/recreational provision, in accordance with saved policy RL8 of the Broadland District Local Plan (2006).

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12 above.
- (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.

Background Papers

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted 2011, amendments adopted 2014)

Broadland Local Plan (2006) – saved policies

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

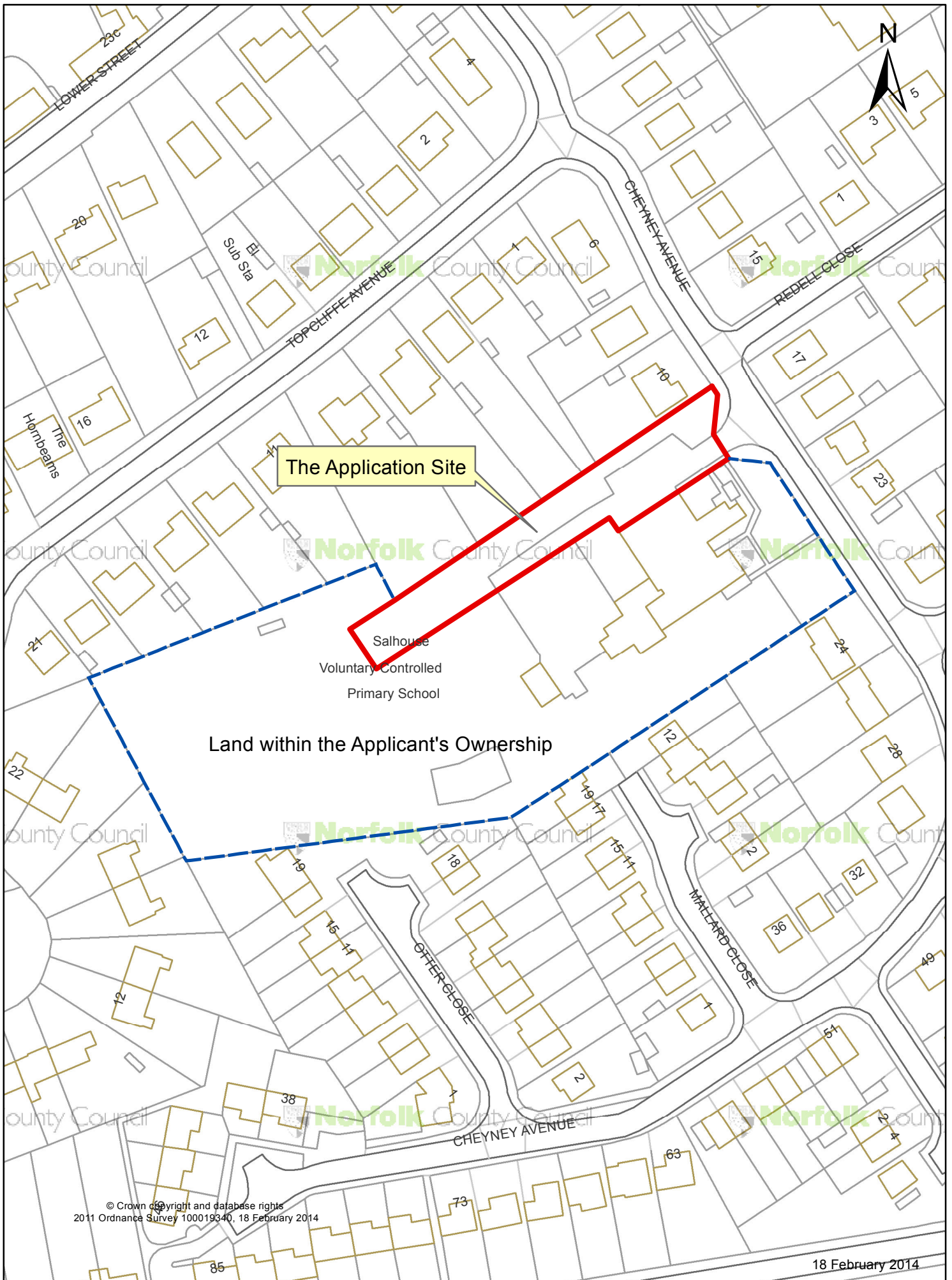
Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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Andrew Harriss	01603 224147	andrew.harriss@norfolk.gov.uk



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

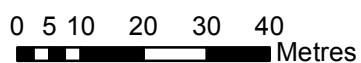


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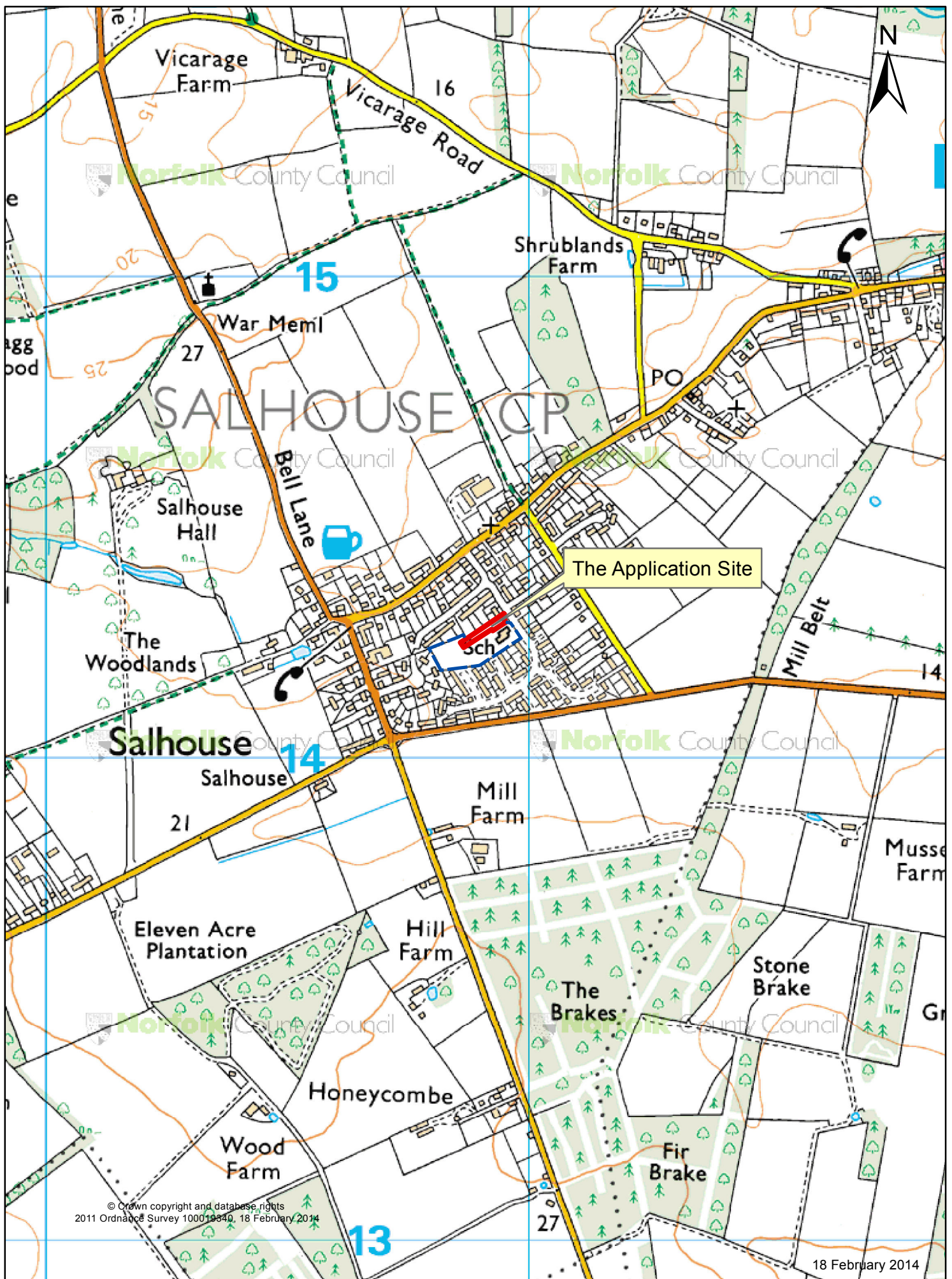
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 Norfolk County Council

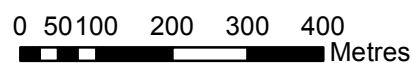
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Salhouse



Norfolk County Council

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