

# Planning (Regulatory) Committee

Date: **Friday, 23 March 2018**

Time: **10:00**

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

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

## **Membership**

Mr C Foulger - Chairman

Mr S Askew                      Mr W Richmond

Mr R Brame                    Mr M Sands - Vice-Chairman

Mr D Collis                    Mr E Seward

Mr D Douglas                Mr C Smith

Mr D Harrison               Mr M Storey

Mr B Long                     Mr A White

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

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

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer ([committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Part 4.4 of the Constitution](#).

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

Julie Mortimer on 01603 223055 or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

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

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

## A g e n d a

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

2. To confirm the minutes from the Planning (Regulatory) Committee meeting held on 16 February 2018.

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3. **Declarations of Interest**

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

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

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

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

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

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

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

5. **C/1/2017/1003: Boundary Pit, Off Sandy Hills, Old Yarmouth Road, North Walsham**  
Report by the Executive Director of Community & Environmental Services.

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6. **Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road in Gayton**  
Report by the Executive Director of Community & Environmental Services.

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7. **Member Technical Briefing**  
Report by the Executive Director of Community & Environmental Services.

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

Date Agenda Published: 15 March 2018



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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 16 February 2018  
at 10am in the Edwards Room, County Hall**

**Present:**

Mr C Foulger – Chairman

Mr S Askew  
Mr D Collis  
Mr C Foulger  
Mr B Long

Mr W Richmond  
Mr M Sands – Vice-Chairman  
Mr E Seward  
Mr A White

**1 Apologies and Substitutions**

Apologies for absence were received from Mr R Brame, Mr D Douglas, Mr C Smith and Mr M Storey.

**2 Minutes from the meeting held on 1 December 2017**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 1 December 2017 were confirmed as a correct record by the Committee and signed by the Chairman.

**3 Declarations of Interest**

No declarations of interest were made.

**4 Urgent Business**

- 4.1 The Committee was reminded that the next Planning (Regulatory) Committee Member training session would be held on 19 March 2018 in the Edwards Room, County Hall commencing at 10am. The topics would be Flood risk in planning and Planning Enforcement.
- 4.2 The Planning Services Manager would circulate a proposed training schedule for 2018-19 in the near future, and would include a re-run of the Landscape and Planning and Ecology and planning sessions. The Committee asked to receive reminders 4 weeks, 2 weeks and then 1 week before all future scheduled training dates.

- 5 Y/2/2017/2010: Hillcrest Primary School, Hillcrest, Downham Market, King's Lynn, Norfolk, PE38 9ND.**
- 5.1 Proposal and applicant: Demolition of existing mobile classrooms, store and sheds. Extension and part refurbishment of existing school building, construction of a new standalone two-storey class base block and associated landscaping, to expand the school to a 3-form entry (630 pupil) school. External works to include additional car parking and hard play area (Executive Director of Children's Services).
- 5.2 The Committee received the report by the Executive Director of Community and Environmental Services seeking full planning permission for the erection of a standalone 2-storey class base block to expand the school to a 3 form entry (630 pupil place) and provide a permanent replacement for the existing temporary modular accommodation: an extension to the existing reception classroom and additional parking provision.
- 5.3 During the presentation of the report the following points were noted:
- 5.3.1 Paragraph 13.4 (Landscaping Scheme) of the report to be amended to allow the applicant to submit a revised landscaping scheme for the site which should include smaller tree planting along the boundary of the site adjacent to Civray Avenue. This was as a result of advice received from the Council's Natural Environment Team.
- 5.3.2 A further representation had been received from Mr T Howard in objection to the application. All the issues raised in the representation had been covered within the report.
- 5.4 Mr T Howard, as a resident of Civray Avenue and whose property backed onto Hillcrest Primary School, addressed the Committee in objection to the application on behalf of residents of Civray Avenue, Hillcrest and Sandringham Drive. Mr Howard raised particular concerns about the unsuitable road infrastructure and the loss of privacy in residents' back gardens due to the location of the proposed new building. Mr Howard also stated that the roads were not designed for the large numbers of vehicles using them and also that parents dropping off children at school often blocked resident's driveways, becoming abusive on some occasions when challenged by the residents. Parking down both sides of the road in Hillcrest Avenue had also caused problems for pedestrians and residents and made it impossible for emergency vehicles to access properties if needed. Mr Howard added that requests had been made to the Headteacher at the school and suggestions made about how to remedy the parking problems, but these had not been listened to.
- 5.4.1 In response to a question from the Committee about any formal approach made to the Headteacher to discuss parking issues and problems, Mr Howard said that he had spoken to the Headteacher last year with the Headteacher responding that he was unaware of the extent of the problem. The Headteacher had thought there was only a problem for about 10 minutes at each pick up/drop off time, rather than

residents having problems for up to an hour, twice a day.

- 5.5 Mr M Try, Headteacher at Downham Market School addressed the Committee in support of the application. Mr Try informed the Committee that the school had received a successful outcome at its recent Ofsted Inspection and that the proposed improved facility would allow 180 pupils currently taught in less than adequate classrooms, to be educated in better accommodation and receive a good quality education at a good school. Mr Try added that he understood residents' concerns but reassured the Committee that initially, the 180 children which would be schooled in the new building were already attending the school. Mr Try also said that parents were encouraged to co-operate with local residents and recent improvements to school travel plans had led to an increase in the number of pupils walking and cycling to school. Cycle proficiency training was now being offered to pupils in the lower years at the school and other ways of alleviating parking issues and finding safe drop-off areas were being considered.
- 5.5.1 The following points were noted in response to questions to the Headteacher from the Committee:
- 5.5.1.1 Although the school tried to ensure there was a nice learning environment for all children to be educated in, 180 pupils were currently being educated in cramped and inadequate mobile classrooms.
- 5.5.1.2 In response to a request to undertake some work to see if the school travel plans could accommodate the requirements of local residents, the Headteacher advised that, at the start of the planning process, an open invitation had been offered to all residents to view the plans and raise any concerns. Regular newsletters were produced and published on the school website, and these included information encouraging parents to park carefully and considerately. The Headteacher agreed to take the comments on board and see what else could be done.
- 5.5.1.3 The doors to the school opened at 8.45am. The school day commenced at 8.55am and finished at 3.30pm.
- 5.6 Ms I Horner, Sufficiency Delivery Manager, Norfolk County Council Children's Services addressed the Committee on behalf of the applicant. Ms Horner advised that the school expansion was needed due to the number of houses which had been built in the area over recent years. Ms Horner agreed to take on board the traffic and parking problems raised and advised the Committee that parking provision had been increased which would allow more school staff to park on the school site. She added that if further housing development was planned for Downham Market, Children's Services would liaise with the District Council to consider how to provide school provision outside the residential development area.
- 5.7 Mr A White, County Councillor for Downham Market Division, addressed the Committee as Local Member, during which he said he understood the resident's frustration about inconsiderate parking and that he would like to see the Traffic Regulation Order include sufficient double yellow lines. He added that he did not



wish to oppose the application but had concerns about ensuring traffic was kept moving in a built up area.

- 5.8 The Engineer - Highways Development Management, Norfolk County Council advised that there was an obligation on Children's Services, Norfolk County Council to fund and undertake a Traffic Regulation Order (TRO) investigation if planning permission was granted. He added that the recommended condition at paragraph 13.10 of the report (A Traffic Regulation Order for the provision of School Keep Clear Markings and yellow line markings) would look to better manage the school time parking to help address the issues raised at Hillcrest and Sandringham Drive. It was stressed that the scheme shown was 'indicative only' and the exact extents would be subject to a separate TRO consultation process, in consultation with Councillor White as the Local Member.
- 5.9 As part of the proposals, the school would be required to update their school travel plan, and additional cycle shelters had been proposed to encourage walking and cycling to school.
- 5.10 In response to questions from Committee Members, the following points were noted:
- 5.10.1 It was clarified that there were two primary schools in Downham Market. The Sufficiency Delivery Manager, NCC said she was conscious of where significant housing applications were being made, but existing schools needed to show they were operating at capacity before consideration could be given to finding a site for a new school. She added that regular discussions were held with District and Borough Councils where significant housing development applications were being made.
- 5.10.2 There was approximately 21m between the location of the new school block and the rear of the dwellings on Civray Avenue which was considered to be a sufficient distance with regard to overlooking. The position of the dwellings on Civray Avenue and the boundary treatments also limited the impacts of overlooking. The applicant had not been asked to submit a different location for the new classroom block as the distance of 21m was not regarded as causing overlooking which would amount to sufficient weight to warrant refusal of the application.
- 5.10.3 The provision of an onsite drop-off facility within the school could not be insisted upon and would be against policy. Such a proposal would allow parents to drive into the school, drop their children off, then drive out of the school. If such a scheme was provided it would need to be carefully managed by the school, particularly around safety risks and insurance liability.
- 5.10.4 Children's Services, NCC had not identified any other site within Downham Market to house a new school.
- 5.10.5 If planning permission was granted, it would be the responsibility of the applicant to fund the Traffic Regulation Order.

- 5.10.6 In response to a comment by a Member of the Committee, the Planning Services Manager advised that “overlooking” was a material planning consideration, although “loss of view” wasn’t. This was confirmed by the nplaw solicitor in attendance.
- 5.10.7 The ground floor of the building and the houses on Civray Avenue were already screened by fencing in part, trees and hedging. To lessen the impact of the new building, additional planting would be provided and would be a condition of any planning permission granted.
- 5.10.8 As the distance of 21m from the boundary was considered sufficient from a planning perspective, the applicant had not been asked to provide revised plans showing the new block further away from the boundary. The proposed siting of the block had been designed to ensure connectivity between the new block and the existing school, including the outside space.
- 5.10.9 Photovoltaic panels would be installed on the flat roof.
- 5.11 Upon the recommendations within the report being put to a vote, the Committee **unanimously RESOLVED** to:

Recommended that the Executive Director of Community and Environmental Services be authorised to:

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

The meeting concluded at 11.05am

**Chairman**



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# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/1/2017/1003: Boundary Pit, Off Sandy Hill lane, Old Yarmouth Road, North Walsham</b>
<b>Date of meeting:</b>	<b>23 March 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant:</b> Extension of waste recycling site and increase in annual throughput from 75,000 to 90,000 tonnes, to include additional area for inert storage, building extensions, installation of 12no. PV panels, picking line, perimeter bunding, vehicle parking area (part retrospective), re-excavation of eastern end of the site to remove deposited inert waste and achieve final level as approved under application C/1/2011/1003, off site highway improvements and consolidation of planning permissions (Carl Bird Limited).	

## Executive summary

Planning permission is sought to extend the overall size of an existing recycling and waste transfer facility that deals with inert construction and demolition waste, mixed skip waste and municipal waste, from approximately 4 hectares (ha) to 6ha. The application also seeks increase by 20% the site's permitted waste throughput from 75,000 to 90,000 tonnes per annum (tpa). The application includes development within the existing site consisting of a picking line, a new internal road layout and installation of PV panels to the office. The proposed physical extension outside of the existing site would effectively accommodate doubling the size of the existing waste transfer building (to include a picking line), allow for the retention of an unauthorised vehicle parking area, 3no. storage containers and provide a further area for the storage of processed inert waste material and empty skips. The application also details the re-excavation of unauthorised inert material in the eastern inert recycling area of the site to achieve the final site levels as previously approved.

The proposed extension would require the loss of approximately 2ha of greenfield land within the open countryside and accommodate an increase in the operational area within the site by just over 50% providing an additional 1ha (approximately). The extension area is not allocated for waste management use within County Council's Waste Site Specific Allocations Development Plan Document, and the proposal therefore represents a departure from the Development Plan.

Twenty-eight letters of support have been received (predominantly from customers of the applicant and neighbouring businesses), along with a 94 name petition from the applicant in support of the application, and the existing facility offers a valuable resource and encourages the movement of waste up the waste hierarchy. It is accepted that individual elements of the application such as the picking line, parking area, storage containers, PV

panels and installation of new plant are likely to be acceptable and broadly accord with the Development Plan, and no objections have been raised by consultees to the proposals on highway, ecology, archaeology and amenity grounds.

However the site has incrementally developed into a strategic sized facility with permission to process up to 75,000tpa in a non-strategic location and the proposed extension would therefore further increase both the size and capacity of the site. It is considered that adequate justification to expand the facility footprint, which would support the loss of greenfield land within the open countryside has not been submitted. The proposals are considered to be excessive in relation to the needs of the site, seeking an approximate 50% increase of operational land for a 20% increase in the site's throughput, and an objection has been received from the County Council's Landscape and Green Infrastructure Officer. The proposals are considered to be contrary to Norfolk County Council's Minerals and Waste Core Strategy and the National Planning Policy for Waste.

As a departure from the adopted Norfolk Minerals and Waste Core Strategy ('the Development Plan'), the default position is to refuse the proposal unless there are specific material considerations that outweigh the plan, and in this instance there are not material considerations that justify this departure from policy.

In accordance with the County Council's constitution the application can be determined under delegated powers, however the local Member has requested that the application be brought before members for consideration.

### **Recommendation:**

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

- I. Refuse planning permission for the reasons set out in Section 12.**

## **1. The Proposal**

- |     |                     |   |   |
|-----|---------------------|---|---|
| 1.1 | Location            | : | Boundary Pit, Off Sandy Hill Lane, North Walsham  |
| 1.2 | Type of development | : | Extension of waste recycling site to include increase in annual throughput from 75,000 to 90,000.   |
| 1.3 | Area of site        | : | 6.1 hectares including site access.   |
| 1.4 | Duration            | : | Permanent   |
| 1.5 | Plant               | : | <ul style="list-style-type: none"><li>• Parker Rock Ranger Crusher</li><li>• Finlay 520 Reclaimer Screener</li><li>• Finlay 390 Screener</li><li>• Finlay 50/30 Stockpiler</li><li>• Finlay 883 Reclaimer Screener</li><li>• Case 350B Excavator</li><li>• Volvo L150E Loading Shovel</li></ul> |

- Volvo A25C Dumptruck
  - Hitachi Loading Shovel
  - Case CX80 Excavator
  - JCB 53-170 Teleporter
  - Terex Slow Speed Shredder
  - Kiverco Trommel
  - Kiverco 6020 Picking Line
- 1.6 Vehicle movements and numbers : An average of 83 HCV movements to and from the site per day. Which represents an additional 15 HCV movements per day.
- 1.7 Hours of operation : 07:00 - 18:00 Monday to Fridays;  
07:00 - 17:00 Saturdays.  
Importation of green waste 08:00 - 16:00 (April to October)
- 1.8 Access : Access to the site is taken from Sandy Hills Lane, which joins to the Yarmouth Road (C557), and then onto the A149 at the Bengate junction. There is a routing agreement in place to ensure that this is adhered to.
- 1.9 Landscaping : Four to five metre high landscaped bund located around the perimeter of the northern extension, additional tree and hedge planting. Earthworks to accommodate the extension. Existing bund and planting around current site to be retained as previously approved.

## **2. Constraints**

2.1 The following constraints apply to the application site:

- The application extension area occupies grade 3 agricultural land.
- An overhead powerline cross the site.
- The site is identified in the North Norfolk Core Strategy Proposals Map as being located outside any defined development limit, within the countryside policy area.
- A public footpath (Worstead FP4) runs along a length of the private access road to the site.
- The site is located 4.7km from The Broads Special Area of Conservation (SAC), 7.6km from the Southrepps Common which is part of the Norfolk Valley Fens SAC, and 6.9km from Paston Great Barn SAC.
- The site is located within 5km of the Broadland Special Protection Area (SPA).
- The site is located within 5km of the Broadland RAMSAR.
- The site is located approximately 1.3km from Westwick Lakes SSSI and approximately 2.8km from Bryant's Heath, Felmingham SSSI.

### 3. Planning History

- 3.1 Recycling activities at the site were initially granted part retrospective planning permission in July 2001 under application C/1/2000/1006. This permission allowed for the recycling of 20,000 tonnes of construction and demolition waste and agricultural top soils per annum. Since this initial permission a waste handling building has been granted planning permission under ref C/1/2005/1003. Permission was then sought and granted to extend both the site and the recycling building under reference C/1/2008/1009. Following this approval a further application was approved to further extend the building under application C/1/2011/1003.
- 3.2 In addition to the above applications there have been numerous other applications granted to broaden the types of waste accepted and additional relatively minor development at the site.
- 3.3 The site now has permission to accept 75,000 tonnes of waste per annum, which the applicant advises is split equally between the 3 different waste streams (municipal, mixed skips wastes and inert construction and demolition waste). The current site occupies approximately 4ha, with a usable operational area of approximately 2ha.

### 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) (NMWDF) | : | 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 |
|   |   | CS13 | Climate change and renewable energy generation                         |
|   |   | CS14 | Environmental Protection   |
|   |   | CS15 | Transport  |
|   |   | 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 |
|  | DM12 | Amenity                  |
|  | DM13 | Air Quality              |

			DM15	Cumulative impacts
			DM16	Soils
4.2	North Norfolk Local Development Framework, (2008 updated 2012)	:	EN2 EN4 EN6 EN9 EC3	Protection and Enhancement of Landscape and Settlement Design Sustainable Construction and Energy Efficiency Biodiversity and Geology Extensions of Existing Businesses in the Countryside
4.3	North Norfolk Landscape Character Assessment (2009) SPD			Supplementary Planning Document – Low Plains Landscape Character Typology
4.4	The National Planning Policy Framework (2012)	:	1 10 11 12	Building a strong competitive economy Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment
4.5	Draft revised National Planning Policy Framework (2018)		5 6 14 15 16	Achieving sustainable development Building a strong competitive economy Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment
4.6	National Planning Policy for Waste (2014)			
4.7	Waste Management Plan for England (2013)			

## 5. Consultations

5.1	North Norfolk District Council (Planning)	:	No objection is raised. Any processing stockpiling outside should be below the height of the boundary bunds and not negatively impact on the appearance of the surrounding area. Landscape – Does not support the extension of the waste site. However it would not cause significant harm to warrant an objection under the council's landscape policies. Local member has raised concern over any increase in traffic through residential areas of North Walsham.	
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5.2	Worstead Parish Council	:	No objection or comment.
5.3	North Walsham Town Council	:	No objection subject to a condition that the access road is repaired as frequent use by heavy vehicles has made the surface difficult and potentially damaging for residents' vehicles when they wish to access the household waste recycling centre.
5.4	Environmental Health Officer (North Norfolk)	:	No objections in relation to air quality and noise, subject to compliance with the details submitted (dust management plan and noise mitigation strategy) with the application.
5.5	Defence Infrastructure Organization (MOD)	:	No comments received.
5.6	National Grid	:	Apparatus within the vicinity of the proposed development. No objection subject to informatives.
5.7	Environment Agency	:	No objection. The applicant may need to vary their environmental permit to ensure that the extended area is covered within the permit boundary. The acceptance of an increased tonnage of combustible waste will increase the fire risk and a fire prevention plan will be required for the variation application.
5.8	Lead Local Flood Authority (NCC)	:	No objection.
5.9	Highway Authority (NCC)	:	No objection subject to conditions concerning: <ul style="list-style-type: none"> <li>• HGV routeing plan.</li> <li>• Localised off-site highway improvements (lining and signing improvements at Bengate Junction)</li> <li>• Construction traffic management plan</li> <li>• Throughput capped.</li> </ul>
5.10	Ecologist (NCC)	:	No objection subject to the mitigation measures being secured by condition.
5.11	Arboriculture (NCC)	:	No objection.
5.12	Landscape (NCC)	:	The proposed extension seeks to considerably increase the size of the current operational site which will undermine local landscape pattern and present an encroachment on the countryside. Notwithstanding the degradation of the



		agricultural land prior to the application, preventing adequate assessment of soil quality and eroding landscape value. A landscape objection is therefore raised to the extension in the interests of policies CS14, DM8, DM12 and DM16.
5.13	Public Rights of Way Officer (NCC)	: No objection. A public footpath runs along the boundary of the site, which is not affected, and is crossed by the main vehicular access. Vehicles should be made aware pedestrians have priority at the crossing and signs should be displayed in this respect.
5.14	Historic Environment (Archaeology) (NCC)	: No objection.
5.15	Public consultation	: No objections have been received, 20 letters of support have been submitted to the County Council and 8 to NNDC. Comments in summary are. : <ul style="list-style-type: none"> <li>• The applicant deals with waste to a high standard.</li> <li>• Clean, efficient, professional and legal waste disposal service.</li> <li>• Steady growth of business. Much needed facility in this location.</li> <li>• Increased staff and purchased modern efficient machinery to reduce emissions and noise.</li> <li>• If approved safer environment and remove waste from landfill.</li> <li>• Positive effect on local waste disposal sites.</li> <li>• Would be unobtrusive.</li> <li>• Reduce need to use primary aggregates.</li> <li>• The site is professionally managed and operated.</li> <li>• Boundary Pit offers a total waste management package and enables back loading of tipper vehicles.</li> <li>• Would be good to see additional capacity being provided by a kind and responsible company such as Carl Bird, Ltd.</li> <li>• Volumes of waste arriving at the site have increased and the extensions are desperately needed.</li> </ul>

- The site is essential to myself and other local businesses.
  - Expansion that helps to run the site more efficiently and safely gets our support.
  - Provides excellent service to the local businesses and local jobs.
  - Expansion is next logical step to further recycling and reduce landfill
  - Expansion would allow greater volumes of waste to be recycled.
- 5.16 County Councillor (John Timewell) : No comments received to this application. Previously advised on a similar submission which has been withdrawn and replaced with this application - Knowing the site and the operator who is professional and a credit to the waste industry. No objection and support the application.
- 5.17 Neighbouring County Councillor (Eric Seward) : No comments received to this application. But previously advised on a similar submission which has been withdrawn and replaced with this application – does not wish to fetter judgement in making comments on the application in advance of its consideration by the committee.

## 6. Assessment

### Proposal

- 6.1 Planning permission is sought to extend the existing waste management facility into greenfield land to the north and north-west of the site. The land is not allocated for waste use within Norfolk County Council's Core Strategy or Waste Site Specific Allocations Development Plan Document and the site has incrementally expanded into a strategic size facility (over 10,000tpa) with a permitted annual throughput of 75,000 tpa in a non-strategic location. The application therefore constitutes a departure from the Core Strategy and has been advertised as such.
- 6.2 The facility was first granted permission in 2001 on an area of land totalling 1 hectare for the recycling of construction and demolition wastes and agricultural topsoils with a maximum annual throughput of 20,000 tonnes. Since this date the site has incrementally increased in size and capacity and now totals 3.9ha with a permitted annual throughput of 75,000 tonnes of waste. The site accommodates an office building, a weighbridge and a further office/amenity building and a waste handling building with a floor area of 1,619m<sup>2</sup> which accommodates the skip and municipal wastes brought onto the site. Externally there is an inert recycling and storage area which was extended in 2009. The three waste streams accepted at the site are municipal, mixed skip wastes and

inert construction and demolition waste with the applicant advising that the annual throughput is split equally between the three waste streams.

6.3

The land identified for the proposed north and northwest extension would constitute greenfield agricultural land within the open countryside. The majority of the land has been 'tipped' with inert waste without the benefit of planning permission and this activity has continued up until submission of this application despite written warnings from the County Council's monitoring/enforcement officers. This tipping of waste has resulted in the land now being described as 'agriculturally derelict land', as stated in the agricultural land classification report submitted by the applicant. However as this is as a result of unauthorised activity, in planning terms the site would still be considered as greenfield land.

6.4

The proposals seek approximately a 50% increase to the operational area of the existing site, with a resultant total site area of 6 hectares which would include the site access and both the existing and proposed hard and soft landscaping.

6.5

The application details the extension of the existing waste handling building (1,619 sqm) by a total of 1,981 square metres. The extensions to this building would consist of a picking line to the south and an extension to the waste handling building itself to the north to accommodate an increased area for shredding, bulking up and onward transfer of municipal waste. The existing waste handling building and the proposed picking line would be used entirely for mixed skip wastes. The application also details the addition of a further waste stream to be accepted at the site which is wastes from human or animal care/and or related research, specifically detailed as 'wastes whose collection and disposal is not subject to special requirements in order to prevent infection e.g. dressings, linen and diapers.'

6.6

The application also details a north-western extension to the site in order to accommodate stockpiles of the processed inert recycled products and storage of skips. The plans submitted with the application show one way circulation tracks around the site, including the perimeter of the stockpile area in the north-western extension. In addition to these elements retrospective planning permission is sought to retain a vehicular parking area approximately 0.06ha which has been formed in an elevated position to the north of the existing office/weighbridge. The unauthorised parking area which has been constructed on site is larger than that which the applicant is proposing to retain in this application. As such the application details that this would be scaled back to allow for additional planting to aid in screening this area.

6.7

In order to accommodate the north eastern extension to the site it is proposed to form a landscaped perimeter bund of approximately 4 – 4.5m around the northern extension. The land at present is approximately 7 metres higher than the ground level of the closest part of the existing site. As such significant engineering operations will be required to remove this quantity of material to remodel the landform in order to accommodate the extension.

6.8

The final element of the proposal relates to the existing inert recycling area at the southern part of the site. Permission was granted for an extension to the

inert recycling area 8 years ago in 2009. This permission detailed the formation of a perimeter screening bund and the lowering of the internal site level in two stages. The application required that an interim ground level first be met with a limit on the height of stockpiles to 6m, following this the final base ground level was to be achieved and stockpile heights then limited to 8m. Whilst there was no condition specifying a timeframe for the final base level to be achieved, there is no provision within the permission for this to be altered once achieved. Since the date of this permission being issued, the applicant has confirmed that the final development base level has been achieved and the excavated sand removed from the site. However this part of the site has then been backfilled with inert waste material and the operating level (ground level) is now back at the interim level. This application now seeks permission to remove this material to again achieve the final base level as previously approved. The interim operating level is approximately 4m higher than the finished level which the site should now be operating at, thus resulting in a loss of operational space.

- 6.9 The applicant states that the proposals would allow the facility to handle an increased quantity of waste and meet an immediate local demand, the land for the extension is incapable of beneficial agricultural use, the additional infrastructure will enable greater segregation and a safer working environment, 5 additional jobs created and make a greater contribution towards the county-wide need for waste management facilities.
- 6.10 Existing routing arrangements would continue to be adhered to, with all vehicles traveling the most direct way to the A149, except for those deliveries and collections within a 1 mile radius of the site.

### **Site**

- 6.11 The application site is a waste management facility within the open countryside outside of any defined development limits. The site currently occupies in total approximately 4 hectares, including the perimeter bunding and access. Significant engineering works have taken place in order to accommodate the current site. This has resulted in the excavation of part of the hillside and the formation of landscaped bunds to the northern, southern and eastern boundaries of the site. To the north of the application site are agricultural buildings containing a potato merchants and growers (RBR), and a nursery garden centre (Hadfields), there are also agricultural fields and a hotel (Scarborough Hill House Hotel). To the south is the A149, beyond which is a solar farm. To the east and west are agricultural fields with residential properties beyond.
- 6.12 North Walsham is approximately 2km to the north of the application site, and the village of Worstead approximately 2km to the South. Access to the site is taken from Yarmouth road, which leads to the A149 Bengate junction, approximately 1.75km away.
- 6.13 The land is not within any statutory landscape designation but is identified within the North Norfolk Landscape Character Assessment SPD 2009 as a Low Plains Landscape Character Typology.

## **Environmental Impact Assessment**

- 6.14 The application has been screened in respect of any requirement for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs'). Though the proposal has been identified as meeting the threshold of Schedule 2 (11b in respect of being an installation for the disposal of waste in excess of 0.5ha in area), the scheme is not considered to be EIA development as it is not in or near a sensitive area and would not be likely to have a significant impact on the environment in the context of the EIA Regs.
- 6.15 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the Planning Authority remain of the view that the development is not EIA development.

## **Principle of development**

- 6.16 The underlying principle in respect of 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 policy documents in relation to this application to be 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"), Norfolk Waste Site Specific Allocations DPD (2013), and the North Norfolk Development Framework (2008). Whilst not part of the development plan, policies within the National Planning Policy Framework (2012), and the Government's National Planning Policy for Waste (2014) and their Waste Management Plan for England (2013) are also a further material considerations of significant weight.
- 6.18 The NMWDF Policy CS3 advises that the strategy within Norfolk for waste management is to provide sufficient waste management capacity to meet the expected arisings of municipal and commercial and industrial waste and to ensure that sufficient capacity is provided for inert recycling and disposal. As these proposals seek to increase capacity for dealing with these waste streams it is considered that the proposals would accord with the general aims of this policy at the current time. The site/operator currently has a contract with Norfolk County Council to deal with some of the County's municipal waste. The municipal waste received is shredded at the site, bulked up and sent for incineration. It is understood that this contract would continue to be fulfilled irrespective of this application as it would be based on the capacity of the existing site.

- 6.19 Policy CS4: *New waste management capacity to be provided* of the NMWDF, sets out the targets for the plan period up until 2026 for providing sufficient capacity to deal with the expected levels of waste arising. The application advises that the site currently deals with 75,000 tonnes of waste per annum, divided approximately equally between the 3 waste streams with 25,000 tonnes per stream (skip waste, construction and Demolition waste, and municipal. This application seeks to increase the throughput to 90,000 tonnes per annum (additional 5,000 tpa municipal and 10,000 tpa C&D). The planning application advises that the proposed picking line and upgrading of equipment would enable all municipal waste to be used for energy recovery and increase the quantity of skip waste recovered with a reduction in waste being sent to landfill. Given the additional waste capacity which would be provided it is considered that the proposals would accord with the aims of this policy.
- 6.20 The proposal also advises that the extension to the waste management building would accommodate replacement machinery (shredder and teleporter) and allow for the installation of a baler in the future. The future installation of a baler would allow for waste to be baled for onward transfer as a Refuse Derived Fuel. At present the waste is bulked up, with large items first being shredded and then transferred to a bulker for onward transport to be incinerated without baling. Whilst the installation of a baler is noted in the applicant's 'need case' submitted with the application, it does not form part of this application and therefore has been afforded little weight in determining the application as this is a future aspiration which does not form part of the current proposals.
- 6.21 With regards to the scale of the waste management building extension, this application seeks to deal with an additional 5,000 tonnes of municipal waste per annum, the building extensions proposed would effectively double the size of those on site. It is noted that all of the existing waste management building would be used solely for dealing with skip waste (which there would be no increase in tonnage) along with the addition of a picking line. The new waste management building extension would be used solely for dealing with municipal waste, which would be approximately the same size as the existing building which currently accommodates both the skip waste and municipal waste arriving at the site. In this respect the proposals are considered excessive due to the less intensive land use, as a result of the increase in floor space. It is noted that the application advises that the installation of a picking line could potentially reduce the amount of skip waste being sent to landfill by 5,000 tonnes and in this respect the benefits and addition of the picking line are considered to be acceptable. However with regards to the need to effectively double the size of the waste management building, site visits undertaken by officers have not been able to confirm that the existing buildings are being used to their full capacity. It is acknowledged that the extent of the buildings use will differ dependent upon the time of day, however the scale of the proposed extension in this instance is considered to be excessive and future aspirations for installing a baler to produce RDF can be given little weight in considering this application.
- 6.22 In the context of Policy CS5: *General location of waste management facilities* of the NMWDF, the site has incrementally increased in size from an initial 20,000

tonnes per annum up to its current permitted 75,000 tonnes per annum, as such the site is regarded as a 'strategic' sized waste facility by Policy CS5. As the site is not well related to any of the four major settlements listed in this policy (neither within the Norwich Policy Area, nor within 10 miles of Thetford, Great Yarmouth urban area or King's Lynn) the proposed extension would be contrary to this policy. This policy does however acknowledge that given Norfolk is a largely rural county there may be some potential sites which are more distant to the listed major settlements, subject to them being well related to the major road network, take advantage of cross border opportunities or enable the re-use of brownfield sites, may be more appropriate. It is noted that the facility is reasonably well related to the A149 and the application advises that 100% of mixed municipal waste is received from a 15 mile radius. However the extension is not situated on brownfield land and the proposals would further increase the size of a strategic sized facility in a non-strategic location. Whilst the site does serve the local area, these proposals seeks to increase the size of the facility to 90,000 tonnes per annum and would therefore be contrary to the aims of the locational requirements of this policy, which seek to meet the needs of the waste arising from the major urban areas by supporting facilities of this size in geographically well related locations close to or within the major settlements.

- 6.23 NMWDF policy CS7: *Recycling, composting anaerobic digestion and waste transfer stations* states that the development of new, or expansion of existing recycling facilities will be considered favourably as long as they would not cause unacceptable environmental, amenity or highway impacts. These impacts are assessed in the respective sections below.
- 6.24 Policy CS6: *Waste management considerations* of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable on the following types of land, provided they would 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.
- 6.25 Part of the application site is currently in waste management use, and this element of the proposal would therefore accord with the requirements of Policy CS6. However all of the 2ha which it is proposed to extend the site by, is classified as grade 3 agricultural land and would be considered as being within the open countryside (as confirmed in policy terms in the North Norfolk Development Framework 2008 Strategy Proposals Maps). The proposed site extension is not allocated in the adopted Waste Site Specific Allocations Plan and is therefore not located on any of the types of land specified in Policy CS6. The development therefore represents a departure from the development plan and was advertised as such, in both the statutory press and site notices posted.
- 6.26 Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, it needs to be determined whether there are sufficient material considerations that would justify a grant of permission and

outweigh this land use policy conflict. Also, because the site is not in conformity with the development plan, in accordance with the National Planning Policy for Waste (2014), there is also a requirement for the applicant to have demonstrated a need for the proposed facility.

- 6.27 With regards to this issue and specifically NMWDF policies CS3: *Waste management capacity to be provided* and CS4: *New waste management capacity to be provided*, the application sets out that the applicant considers there a need to expand the facility to meet the current demand, which the applicants states would increase inert construction and demolition waste accepted from 25,000 to 35,000 tpa and municipal waste by an additional 5,000 tpa. From the most recent figures available for the County's waste handling capacity it is accepted that there is currently a shortfall of residual waste treatment capacity compared to the target identified within the NMWLDF.
- 6.28 The application sets out a need case for the development advising that having considered those sites allocated within the Norfolk County Council's Waste Site Specific Allocations Plan and the North Norfolk District Council Site Allocations there are no suitable alternatives available. However there is no information as to the search criteria used. It is therefore unclear what size of site has been searched for, whether the search considered smaller sites and relocating part of the business in another location (for example carrying out all inert recycling in another location). The search in this respect is considered deficient.
- 6.29 One of the sites considered is Waste Allocation Site 94 (Cornish Way), the allocation is within North Walsham approximately 3km from the application site, and extends to 2.78ha, allocated within the NMWLDF Waste Site Specific Allocations DPD for composting and anaerobic digestion. In 2016 planning permission was granted for inert waste storage and recycling on 0.7ha of this allocation with a total annual throughput of 20,000 tonnes, However the applicant has cited that as the allocation is for composting and anaerobic digestion then this land would not be suitable for their proposed use. It should also be noted that whilst there is an acknowledgement within the application that a permission has been granted for inert storage and recycling on part of this site, there is no mention of the permitted throughput, or how this may meet any locally identified need which has been outlined within this application to extend the Boundary Pit site.
- 6.30 The applicant has given consideration to the other allocated sites within both the NMWLDF Waste Site Specific Allocations DPD (2013) and NNDC allocations DPD (2011). The applicant has discounted all of the allocated sites as either not being of an adequate size, potential amenity issues or being allocated for different uses. The assessment does not however consider any existing employment land which is available and in this respect it is considered to be deficient, as in principle existing employment land would be acceptable.
- 6.31 It is acknowledged that the applicant's current site offers a valuable local resource and produces various grades of recycled inert waste, whilst seeking to move all waste received further up the waste hierarchy and avoid sending waste to landfill. However whether this application is refused or approved the facility



can continue to operate within its currently approved parameters. The applicant states that if this application is refused then this could result in not all waste being recovered. The application advises that the proposed development could potentially save 5,000 tonnes of mixed skip waste going to landfill.

- 6.32 The planning statement advises that the site currently accepts 75,000tpa of waste and that it is therefore operating at its current permitted capacity in terms of planning permission. However the annual returns submitted to the Environment Agency, which all such waste operators are required to submit, show that in 2015 the total amount of waste received at the facility was 61,964 tonnes, and in 2016 was approximately 67,000 tonnes which are both less than the permitted annual throughput of 75,000 tonnes. It would therefore seem that the facility is not yet operating at capacity (currently approximately 90%) as set out within the planning application and that in this respect the need argument is deficient.
- 6.33 It is unclear why the figures submitted with the planning application differ from the annual returns submitted to the Environment Agency, however this is a material consideration in assessing the need to increase the size of the capacity of the facility, with further extension into greenfield land in a rural location. The proposals in this respect are not considered to accord with the National Planning Policy for Waste in terms of demonstrating an adequate need for the proposed development.
- 6.34 The current permission for the site does not permit the importation and sale of primary aggregate (sand and gravel) from the site. The applicant is however importing and selling primary aggregate from the site. The planning enforcement officer has advised the applicant that this is unauthorised, however this use has continued. It is acknowledged that this is occurring on a relatively small scale, and the applicant has advised that the intention is to seek permission for this in the future. However this again suggests that the need to expand the site is not as great as set out within the application. If space is at such a premium on the site, and the facility is operating at capacity, then it would seem logical that importing primary aggregate which is outside the scope of the permission for the site, should not be occurring and the whole of the site should be being used for waste recycling as permitted under the planning permission.
- 6.35 With regards to policies in the North Norfolk District Council Core Strategy, policy EC3: *Extensions to Existing Businesses in the Countryside* advises that these will only be permitted where 'they are of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area. As stated above, the NMWDF directs this type of development to industrial/employment land. The scale of the development and impact on the character of the area are discussed later in this report. It is noted that North Norfolk District Council (Planning including landscape) have raised no objection to the proposed application.
- 6.36 In this instance, as outlined above, the application constitutes a departure from the NMWDF, as such the NPPfW requires the applicant to demonstrate an adequate need to justify the departure from the development plan in this

location. It is considered that in this instance adequate need has not been demonstrated as the site is not currently operating at capacity in terms of annual throughput. In addition to this there is some additional capacity available within the site if the ground level of the inert processing area reduced to those which have been approved. It is accepted that the proposals could offer additional waste capacity in Norfolk (5,000 tonnes municipal and 10,000 tonnes of inert), and would move waste up the waste hierarchy in accordance with the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013), however the need for the extension as set out within the application is not considered to be relative to the scale of the proposed development, and insufficient justification has been submitted to warrant the departure as set out within the application.

### **Amenity (noise, dust, light pollution, air quality)**

- 6.37 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where “...unacceptable impact to local amenity will not arise from the operation of the facility.” This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity.
- 6.38 NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA), or lead to the designation of new ones. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented ‘from contributing to unacceptable levels of air pollution’.
- 6.39 The nearest noise sensitive receptors are residential properties and a hotel. The closest residential property is Hadfield House which is located approximately 125m from the application site and has curtilage approximately 100m from the application site. Other residential properties close to the site are Kimberley House to the north, dwellings on Heath Road to the west and properties along Yarmouth Road. In addition to the residential properties there is a Country Inn (Scarborough Hill Country Inn), offering hotel accommodation, restaurant and wedding receptions. The hotel is identified within the noise report as being 140m from the boundary of the application site.
- 6.40 With regards to the actual regulation of an operation such as this, in accordance with paragraph 122 of the NPPF and the National Planning Policy for Waste, the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency (EA)). However, it is the role of the Environmental Permit as issued by the Environment Agency to actually control issues emissions such as noise and dust through conditions.
- 6.41 The EA in their consultation response commented that they had no objection to the proposal and that the applicant already holds an Environmental Permit for the treatment of 64,999 tonnes within the waste transfer building and up to

100,000 tonnes in the inert recycling area. Should this application be approved the EA have advised that the existing permit will need to be varied to extend the boundary to cover the full application area. Any operational changes would also need to be assessed as part of the permit application and a written Environmental Management System agreed.

- 6.42 As part of the application, a noise assessment was undertaken to identify the key noise sources associated with the development. The assessment concluded that subject to the proposed mitigation measures being in place, the change in noise level would be negligible in terms of impact. The conclusion also advises that the residential amenity of the nearest residential receptors should be adequately protected and not result in an unacceptable change in noise level.
- 6.43 The District Council's Environmental Health Officer (EHO) has raised no objections to the application. Clarification has been sought as to whether outdoor areas which would include residential curtilage and the marquee and grounds outside of the Scarborough Hill House Hotel, had been taken into consideration within the noise assessment. The EHO have advised that an addendum has now been submitted to confirm that outdoor areas have been adequately assessed and no objections have therefore been raised on these grounds.
- 6.44 The EHO has not recommend any conditions, therefore, in order to address this, in the event of planning permission being granted, it is proposed that the operating hours are conditioned as detailed in the application and the plant limited to that set out within the accompanying documents. Other amenity impacts such as noise would be regulated by the Environment Agency through an Environmental Permit.
- 6.45 In addition to these conditions there are bunds proposed around the site and significant earthworks required to accommodate the proposed development. It is therefore likely that there will be noise impact within the construction phase. In this respect if permission is granted it would be prudent to require a construction management plan to ensure the amenities of the close by residents are adequately protected, and an appropriate timescale is agreed for the works to be achieved. From the applicant's planning statement it is likely that all of the works proposed would take up to 3 years to complete, so it would be important that amenities are adequately protected.
- 6.46 With regards to dust and air quality, the conclusion of the submitted Dust/Air quality assessment is that the majority of dust generated from the proposed development will be larger particles which generally deposit within 100m of the source. The report concludes that it is highly unlikely that any significant decrease in air quality will occur due to the proposed development, and that any dust occurrence event would be limited and of a short duration, the impacts of which would be further controlled through a Dust Management Plan. The EHO has considered the detail of these reports and raises no objections on amenity grounds.

- 6.47 No lighting has been detailed in this application. However if permission is granted, given the site's sensitive location within the open countryside it would be normal practice to apply a condition preventing lighting that would cause glare beyond the site boundary, or a condition requiring details of all external lighting to be submitted and agreed in writing.
- 6.48 No objections have been received from the EHO or the EA on amenity grounds. Accordingly it is not considered that there would be an unacceptable impact to local amenity, and the application complies with both NMWDF Policies CS14 and DM12, Section 11 of the NPPF and the National Planning Policy for Waste (2014). It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.

### **Archaeology**

- 6.49 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.
- 6.50 The County Historic Environment Advisor has commented that based on currently available information, the proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work. The proposal is in accordance with policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

### **Landscape**

- 6.51 NMWDF Policies CS14: Environmental protection and DM8: *Design, local landscape and townscape* character both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. North Norfolk Core Strategy policies EN2: *Protection and Enhancement of the Landscape and Settlement Character* states that development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. The policy also requires developments to protect, conserve and where possible enhance special qualities of local distinctiveness including gaps between settlements, settlement character, field boundaries, visually sensitive skylines and hillsides.
- 6.52 North Norfolk Core Strategy policy EN4: *Design* states that all development will be designed with a high quality, reinforcing local distinctiveness. It also states that design which fails to have regard to the local context and does not preserve or enhance the character and quality of the areas will not be acceptable.
- 6.53 The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with Conservation Areas, AONB) in terms of the NMWDF policies and the NPPF.
- 6.54 The site is however situated within the Low Plains Landscape Character Typology, as set out within the North Norfolk Landscape Character Assessment

Supplementary Planning Document (2009). This SPD seeks to protect and support re-instatement of the special characteristics of this landscape through the control of new development. The SPD specifically recognises that landfilling and mineral extraction are activities which may erode the landscape character.

- 6.55 As stated above, the proposal is a departure from policy on the basis that the proposal seeks to extend a waste recycling facility in the open countryside. Normally the presumption for this nature of development would be to locate it on industrial land, or with regards to inert recycling within an existing quarry for the duration of the mineral working. The existing inert recycling site which was granted permission to be extended in 2009, is currently operating at a ground level circa 4m higher than the approval allows for. The ground level of the site was to be lowered in two stages, an interim level and a final level. The applicant has confirmed that the final level has been achieved, however this part of the site has now been incrementally backfilled with inert waste so that the ground level has now been raised back up to the interim level.
- 6.56 It was previously considered important that the final level is achieved and not altered as it was intended that this would reduce the visibility of the site and associated plant within the open countryside. This current application seeks permission to remove the unauthorised material and once again achieve the final development base level. In terms of landscape impact, the removal of this material would be beneficial in seeking to ensure that operations are less visible within this location. However irrespective of the outcome of this application this material will need to be removed as it is in breach of the extant consent, and has caused visibility issues with stockpile heights and machinery in the past which planning enforcement officers have needed to contact the site operator about to rectify the situation.
- 6.57 The current application seeks permission to extend the site in a northerly direction. The site is situated on a hillside, with substantial screening bunds to the southern, eastern and western boundaries. The proposed site extension would constitute a significant engineering operation within the context of the locality. The applicant has not quantified how much material would need to be removed, however from the plans submitted they show that the hillside would need to be excavated by a depth of approximately 7m over an area of 0.86ha.
- 6.58 It is proposed that the northern extension area is also to be surrounded by bunds of 4-5 metres in height. The application details that the screening bunds would be seeded with wildflower meadow seeding, with a native hedge and occasional trees planted at the toe of the bund. On top of the bunds it is proposed that gorse is planted. Landscaping on existing bunds around the site particularly the south eastern bund has not established as well as is shown on the plans submitted with the application. If this application is approved a schedule of maintenance should be agreed by condition to ensure that any additional vegetation is maintained and fully established. As this application seeks a consolidation of the whole site, it may also be worth revisiting the landscaping which has taken place to date to seek improvements. Both the provision of the proposed landscaping and revisiting of existing landscaping could be controlled by condition.

- 6.59 Part retrospective permission is also sought within this application for a vehicle parking area which has been formed in an elevated position on the northern boundary between the existing site and Carlton farm. The parking area is outside of the site areas enclosed by bunds. Given the elevated position of this parking area and the intention to use this for parking of up to 15 light vehicles and 8 HGV's (HGV's parked overnight), the applicant has proposed to reduce the size of the unauthorised parking area, in order to allow additional space to provide additional planting to help in screening the parking area. If the application is approved it is recommended that a detailed scheme of landscaping be agreed by condition.
- 6.60 The County landscape officer has noted that an access track and fencing is shown on sight line sections submitted with the application, around the northern perimeter of the site. This is outside of the application site and the track has already been formed (approximately 3 years ago). No planning permission was granted for this track and no agricultural prior notification submitted to the district council either. In this respect the track is unauthorised and should be considered as such in determining this application and when considering the authorised context of the site, including the historic field boundaries.
- 6.61 The District Council's landscape officer has raised no objection to the application, but has questioned whether such a large extension is appropriate in this rural location. Comments also advise that the landscape officer of the District Council does not support the extension, but does not consider that significant harm would be caused to warrant an objection.
- 6.62 The County Council's landscape officer has however raised an objection to the application. The objection notes the unauthorised activity which has taken place to the north of the site towards Kimberley House. This unauthorised activity involves the depositing of waste material outside of the application site. The depositing of material has now changed a former grade 3 agricultural field which was within agricultural production, to 'agriculturally derelict' land as described within the planning application documents. The landscape officer does not consider that the presence of nearby agricultural buildings, other nearby agricultural type uses or presence of a solar farm which is not inter-visible with the application site, as a suitable basis to draw the conclusion that the proposed development is appropriate to the location and suitable within the surrounding landscape context. It is also noted that the proposed development, particularly the extension to the northern part of the site would result in an amorphous shape taking the site up and onto a natural plateau, thus not respecting the natural, historic or traditional form of landscape development within the locality contrary to NNDC SPD.
- 6.63 The NNDC SPD also acknowledges that landfilling and mineral operations may erode the Low Plains character. It is worth acknowledging that both landfilling and mineral operations are temporary in nature with the land ultimately being restored once operations have ceased. This application seeks a permanent change to the landscape, and landform within this countryside location. It is accepted that the existing and proposed landforms around the site offer a good

level of screening, however they do represent a permanent landscape change in this locality.

- 6.64 With regards to landscaping it is considered that the design of the proposed buildings would be of a similar appearance to those existing, finished in materials to match which would be appropriate. The reduction in the height of the ground levels in the southern inert processing area, to that previously approved, would help reduce the visibility of activities within the site (although this would need to be achieved irrespective of the outcome of this application). The unauthorised parking area which it is sought to partially retain is an elevated position and not screened by any physical landforms. However this would be largely screened by existing and proposed vegetation. How well this establishes would be important to how effective the landscaping is as a visual screen. The northern extension accommodating the processed materials would be located within the hillside excavated to a depth of approximately 7m, with bunds formed around the perimeter to aid in reducing the visual impact of the development. The northern extension would not however respond to the historic and development patterns and would be of an irregular shape not typical of other development within this locality.
- 6.65 In summary it is considered that whilst the majority of the development could be visually screened by excavating the land, the formation of additional perimeter bunds and additional landscaping, the proposed development would be contrary to the NNDC SPD which seeks to protect the character of the Low Plains landscape typology. The extension and associated provisions would present an erosion of historic field and development patterns and would result in the permitting of a further extension to a permanent strategic sized waste development in the open countryside. The proposals are therefore considered to be contrary to policies CS14, DM8 and DM12 of the NMWLDF in that a significant extension to the site as detailed in the application would undermine the local landscape pattern and present an unacceptable encroachment into the open countryside.

### **Biodiversity and geodiversity**

- 6.66 NMWDF policy CS14: *Environmental protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites.
- 6.67 A habitat survey and assessment has been submitted as part of the application documentation, it could not fully assess the ecology of the site as the unauthorised deposition of waste of the northern extension area has resulted in the land now being described as derelict. The reports does however suggest mitigation and enhancement measures which could be incorporated as part of any approval. The report concludes that the 'site can be developed without significant negative impact on the local ecology and indeed the long term use of the development area could bring about ecological benefits'.
- 6.68 The County Ecologist has stated that the habitat survey and assessment is acceptable and that the proposals are not likely to have any adverse effects on

protected species or long term impacts on biodiversity. It has however been advised that any approval should be subject to a condition requiring all relevant mitigation to be followed, including timing and clearance works. The proposals from an ecological perspective are therefore considered to accord with policy CS14 of the NMWDLF.

6.69 Habitats Regulation Assessment

The site is 4.7 kilometres from the Broads Special Area of Conservation (SAC) and the Broadland Special Protection Area (SPA), 7.6km from the Norfolk Valley Fens SAC and 6.9km from Paston Great Barn SAC, however in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the development would be very unlikely to have any adverse impacts on the ecology of the designated areas hence an Appropriate Assessment is not required.

- 6.70 Therefore the proposal in this respect complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including internationally designated sites and chapter 11: *Conserving and enhancing the natural environment* of the NPPF.

**Transport**

- 6.71 NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities and extension to existing facilities which would lead to an increase in traffic, will in terms of access be satisfactory with regards to 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.
- 6.72 The site has a bespoke access which leads to Sandy Hills Lane, which then joins with the Yarmouth Road (C557), and then onto the A149 at the Bengate junction. There is a Section 106 routing agreement in place to ensure that all HGV's use this route with the exception of collections and deliveries within a 1 mile radius of the application site.
- 6.73 The application sets out that the site has a permitted annual throughput of 75,000 tonnes of waste split between three waste streams as municipal, skip and inert construction and demolition waste. The transport statement sets out that this equates on average to a total of 68 HCV's per day. It is proposed to increase the annual throughput to 90,000 tpa. The transport statement sets out that this would lead to a total of 83 HCV movements per day (an increase of 15 HCV's per day).
- 6.74 The transport statement advises that the applicant is proposing a series of localised signing and lining improvements at the Bengate junction to mitigate the increase in traffic. A lorry routing management plan has also been submitted with the application which outlines a continuation of the existing routing arrangements currently secured at the site through a Section 106 routing agreement.



- 6.75 The County Highway Authority has raised no objection to the proposal subject to a number of conditions concerning the HGV Management Plan for the routing of vehicles to and from the site, a construction management plan, limit on throughput (90,000tpa) and the provision of the offsite highway improvements works at the Bengate junction.
- 6.76 It is therefore considered that subject to the conditions outlined by the County Highway Authority, the proposal complies with NMWDF Policies CS15 and DM10, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.
- 6.77 North Walsham Town Council have raised no objections to the application but have advised that the frequent use of the road, which is used to access the site has resulted in the surface becoming difficult and potentially damaging for residents accessing the HWRC. It has been requested that a condition is attached if permission is granted to ensure that this road is repaired whenever damage occurs. However as this is a public highway the highway authority have a duty to maintain this for all uses, it would not be possible to condition that the applicant pay for damage which occurs. If the road is not of a suitable standard to accommodate the facility then this cannot be rectified with a condition to this application.

### **Cumulative Impact**

- 6.78 NMWDF policy DM15 seeks to ensure that there are no adverse cumulative impacts from developments of or at waste management facilities. In this instance there is a HWRC close to the site and the cumulative impact of this has been considered through the transport statement, to which there are no objections raised. There are no other sites within close proximity of the application site and the proposals are therefore considered to be compliant with this policy.

### **Sustainability**

- 6.79 NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure seeks to generate a minimum of 10% renewable energy from new development. The applicant proposes to provide 12no. Photovoltaic panels to the existing office/weighbridge building. No plans of the panels were originally submitted, however the applicant has now provided plans and asked that they be considered as part of the development. From the information and consumption figures provided with the application this number of panels would achieve the 10% renewable energy target required by the policy.

### **Groundwater/surface water**

- 6.80 NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. None of the proposed development site lies above a groundwater protection zone and the

Environment Agency has not raised any issues with regards to this. Accordingly the proposal is compliant with NMWDF policy DM3.

### **Flood Risk**

- 6.81 NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. Although the entirety of the application site falls in flood zone 1, a Flood Risk Assessment (FRA) was submitted as part of the application in accordance with chapter 10: *Meeting the challenge of climate change, flooding and coastal change* of the NPPF which requires an FRA for proposals of 1 hectare or greater in flood zone 1 (the application site area is 6.1 hectares).
- 6.82 The FRA concludes that development will not increase fluvial flood risk to the site nor increase fluvial flood risk elsewhere. The FRA also concludes that there is a low risk to the site from surface water (pluvial) flooding and a negligible risk of pluvial flooding beyond the site boundaries.
- 6.83 The EA has not raised any objection or provided any detailed comments in this respect. The Lead Local Flood Authority (LLFA) initially raised an objection to the application, advising that ‘insufficient information had been provided to demonstrate that surface water can be managed on the site and discharged to the ground via filtration without resulting in an increase in the risk of flooding’. The application proposes at least a 50% increase in buildings on the site and additional concrete access tracks and hard surfacing around the buildings. As such it is considered that the management of surface water on site needs to be adequately assessed. The applicant has subsequently submitted a revised surface water management scheme and consequently the LLFA has removed their objection. In doing so the LLFA recommended that the CPA ensures it is satisfied that the applicant can install soakaways at the same time as, or ideally prior to, the installation of any additional impermeable areas. It is therefore considered that the proposals are compliant with policy DM4: *Flood Risk* of the NMWDF and chapters 10 and 11 of the NPPF.

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

- 6.84 Some 2 hectares of the application site constitutes agricultural land. The remainder of the application site (4 hectares) is already in waste management use consisting of the access to the application site and the buildings, processing and storage areas. Due to the size of the application site, it is not necessary to consult Natural England for comments on this issue as the site is not over 20 hectares in size, nor would it cumulatively lead to a further loss of agricultural land amounting of 20 hectares.
- 6.85 The agricultural land is grade 3 however the applicant has been unable to submit any evidence to demonstrate whether it is grade 3a or 3b land, due to unauthorised depositing of waste which has taken place. Aerial photographs of the site and photographs from site visits from the County Council’s planning enforcement officers show that this land was in agricultural use (arable production) during 2011. Since this date however the land has been periodically

used for the unauthorised deposit of inert waste. The applicant advises that much of the waste constitutes potato washings from the previous owner, however aerial photographs show that this land was previously in agricultural use by the previous owner for arable farming. Site visits by the County Council's Enforcement officers have documented the authorised disposal of inert waste on this agricultural land, along with the storage of machinery outside of the site.

- 6.86 An agricultural land classification survey has been carried out which confirms that due to the quantity (1.5m in depth on over half of the site) of unauthorised disposal of inert waste on the land and subsequent compaction, the land is now in such a poor condition that it would be considered as 'non-agricultural' or 'land not surveyed' for the purposes of the report.
- 6.87 The proposal would result in the irreversible loss of this land given that the application would not only seek to change the use, but would also require significant engineering operations to bring the land down to the same level as the existing site (approximately 7m). If members are minded to refuse the planning application, it will be necessary to consider measures including enforcement action to remove the unauthorised waste and reinstate the land to its previous condition (i.e. suitable for agriculture).
- 6.88 Due to these factors, the proposal is not considered to be compliant with policy NMWDF Policy DM16: *Soils* which seeks to direct waste development onto either previously developed land or grades 3b, 4 and 5 agricultural land. Whilst it is acknowledged that in respect of paragraph 112 of the NPPF the proposal would not be considered to constitute a significant loss of agricultural land. The fact that the applicant has been unable to demonstrate the agricultural land classification due to unauthorised waste disposal, and the loss of this agricultural land is a material consideration in determining this application. The proposals are therefore in this respect considered to be contrary to Policy DM16 of the NMWDF, and that land would not constitute 'previously developed land' due to the unauthorised development which has taken place, as purported to in the application.

### **Heritage**

- 6.89 There are not any heritage assets in the vicinity of the application site that would be harmed, or have their setting be harmed, as a result of the proposed development. The Weeting Hill Conservation Area is approximately 1km from the application site, however it is not considered that the proposals would have any unacceptable impacts upon this in accordance with NMWDF Policies DM8 and CS14.

### **Public Rights of Way**

- 6.90 Public footpath (Worstead FP4) runs along a length of the private access road to the site. With the exception of increased vehicle numbers to and from the site, the current footpath arrangements would remain unchanged. No objection has been raised by the County Public Rights of Way officer, and existing signage

advises drivers using the access road that pedestrians have priority at the crossing. The proposals in this respect would accord with NMWDF Policy CS15 in that the development would not lead to an unacceptable risk to the safety of pedestrians.

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

- 6.91 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.92 The letters of support including the petition have been noted. It is clear that many of the customers, adjacent businesses (RBR, Hadfield's nursey and Lilly's Tearooms), employees of the business and associated contractors support the application, and reiterate that the facility offers a valuable resource within the locality. However limited weight can be given to these as the comments are made on personal experience of the facility/applicant and not a reflection of a quantifiable need. In addition to this the petition makes no reference of the actual planning application reference number or makes any reference to the material planning issues regarding this application including that the development proposal would constitute a departure from the County Council's Core Strategy, resulting in the loss of greenfield land within the open countryside. For members information the wording of the petition was as follows:

*'We need your support please! Carl Bird Limited has recently submitted a new Planning Application to Norfolk County Council to extend the Boundary Pit Waste Recycling Site and also the Waste Handling Building. Expansion of the site is needed to be able to improve our ability to cope with the increased quantities of waste being brought in and still be able to continue to operate a tidy and safe operation'.*

- 6.93 The recommendation to refuse this application is not a criticism of the operation of the applicant's current business, or a negative reflection of the valuable contribution which it makes towards dealing with the County's waste. The recommendation is based on an assessment of need and consideration of the material planning merits of the proposals as set out within the report, and little weight can be given to the developer.

### **Intentional Unauthorised Development**

- 6.94 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development must now be a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.
- 6.95 In this instance the applicant has indicated that the waste deposited on the extension area, which is now in such a poor condition it is incapable of being used for agricultural purposes, consists of inert waste, mixed with soils and potato washings. The application cites the former owner of the land as being responsible for depositing the waste. This may be the case to some degree,

however, it is clear that the applicant has also been responsible for depositing and storage of inert waste, and machinery on this land, and has continued to do so despite warnings from the County Council's Enforcement Officers. Waste has continued to be deposited on this land by the applicant up until May 2017.

- 6.96 The application documentation now describes this land as 'previously developed' due to the unauthorised waste depositing that has taken place. The applicant's planning statement suggests that the proposal would therefore meet with requirements of Policy CS6 of the NMWDF in that the land is now in a previously developed condition due to the damage which has been caused from the unauthorised waste disposal and storage.
- 6.97 It is considered that the applicant's continued deposition of waste onto this land, despite warnings is now a material consideration in determining this application. It is noted that the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. Whilst not in the greenbelt there still needs to be some recognition of the fact that waste has continued to be deposited on this land despite repeated warnings from the County Council's Planning Enforcement Officers.
- 6.98 It is not considered that the harm/damage caused to the agricultural land alone would represent grounds for refusing planning permission for this development, however this is a material consideration which should weigh against approval.

### **The Community Infrastructure Levy**

- 6.99 The local authority where the site is located does not have an adopted CIL charging regime.

### **Local Finance Considerations**

- 6.100 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 6.101 In this instance it is not considered that there are local finance considerations material to this decision.

## **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 Refusal of Planning Permission**

- 11.1 It is considered that the proposal is a departure from the development plan in terms of NMWDF policies CS6: *General waste management considerations* because of the location of the site on a greenfield site in the open countryside. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 In terms of waste planning policy and waste strategy at national and local level there is support for the development of new or enhanced waste management facilities in appropriate locations. The proposals in this respect are considered to be in accordance with policy CS3 of the NMWDF (waste capacity to be provided). However, the development does not fall within any of the land types and location listed in Policy CS6 and would not be in accordance with that policy. Furthermore, as outlined within the report the facility is not currently operating at capacity, additional capacity could also be gained from reducing the site levels of the inert recycling area in line with the permission for the site. The proposed extension requires significant irreversible engineering operations to accommodate the proposed development, without adequate need having been demonstrated in this specific location.
- 11.3 The extension would result in an increase to the size of the site by approximately 2ha but with only an approximate increase in operational area of 1ha. The proposed layout is considered to be an inefficient use of space with much of the extension being taken up with landscaping and internal roads, and finished materials being stored centrally.
- 11.4 As the application does not accord with the locational requirements of policies set out within the NMWLDF the applicant is required by the National Planning Policy For Waste to demonstrate a need for the facility. It is considered that adequate need has not been demonstrated in the application for the size of extension put forward.

11.5

Whilst regard has been had to the benefits associated with the proposals and the support received for the proposals, it is considered that on the whole, insufficient justification has been submitted to demonstrate that the development should be permitted contrary to Development Plan policies. The benefits of the scheme which include employment generation, improving recycling operations and reducing waste being sent to landfill, are not considered to outweigh the development on greenfield land in a non-strategic location, without sufficient justification to demonstrate a need for the development in this location. Whilst some elements of the proposals may on their own be considered acceptable, the development as a whole is unable to be supported.

11.6

The extent of engineering operations and landscaping which would be required in order to reduce the visual impact of the development within the landscape is considered to be excessive in terms of the operational land which would be gained. It is accepted that in terms of landscape impact the application demonstrates that the proposal could be adequately screened from public views within the locality. However, relative inconspicuousness is not considered to be sufficient reason for permitting intrusive permanent development in the countryside.

11.7

An objection has been received from the County Council's Landscape and Green Infrastructure officer advising that the proposals undermine local landscape pattern and present an encroachment on the countryside.

11.8

Whilst there are benefits in terms of moving waste up the waste hierarchy and providing additional waste management capacity, and it is acknowledged that the site could be screened from visual receptors, with no unacceptable highway, amenity or ecological impacts; the proposals are considered to be premature, excessive on the basis of the 50% increase in the size of the site to facilitate a 20% increase in throughput and would result in an unacceptable impact on landscape character. There is not considered to be adequate justification to support the departure from policy and the planning application is therefore recommended for refusal.

11.9

Whilst the principal national guidance for determining waste applications is the National Planning Policy for Waste (2014), the National Planning Policy Framework (2012) is also a material consideration. In the course of determining this planning application the Government published their proposed new replacement NPPF for consultation in March 2018. This is currently in draft form only and therefore this document has very limited weight however the policies within the revised NPPF do not give rise to any material considerations that would justify a departure from the Development Plan and therefore alter this recommendation.

11.10

As a consequence of refusing this application consideration will be given to enforcement action to remove the unauthorised inert waste deposited on land to the northwest of the site, and secure a scheme of works to return the land back to agricultural use. Enforcement action will also be given consideration to ensure that the deposited waste within the inert recycling area which has raised the



working level up higher than that which was previously approved, is re-excavated and the final base level is achieved as detailed in application C/1/2011/1003.

## **12 Grounds of Refusal**

- 12.1 The proposed development would lead to the loss of greenfield land within the open countryside. The proposed site for this element of the development is contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations* which requires wastes sites to be developed on land already in waste management use; existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan document, other previously developed land, or contaminated or derelict land. The proposed site does not fulfil any of these criteria and there are not sufficient material considerations (including need for the facility) to justify a departure from this policy or the National Planning Policy for Waste which requires need to be demonstrated where proposals do not accord with the development plan. Furthermore, the proposed extended site does not fulfil the locational requirements of NMWDF Policy CS5: *General location of waste management facilities* with a strategic-sized facility not within, well related, close to or within the major settlements.
- 12.2 The proposals would have a negative impact upon the landscape character and historic landscape patterns with the extended site presenting an unacceptable encroachment into the open countryside contrary to policies CS14, DM8 and DM12 of the NMWLDF (2010-2026), North Norfolk Landscape Character Assessment (2009) SPD and the National Planning Policy for Waste (2014).
- 12.3 The application proposes permanent development on, and the irreversible loss of some 2 hectares of Grade 3(a or b) agricultural land. Norfolk Minerals and Waste Development Framework Core Strategy Policy DM16: Soils requires that development onto either previously developed land or grades 3b, 4 and 5 agricultural land. Because the applicant has not been able to demonstrate whether the land is 3a or 3b, and that land would not constitute 'previously developed land' as purported to in the application, the proposals are therefore considered to be contrary to Policy DM16 of the NMWDF.

## **Background Papers**

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

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf?la=en>

North Norfolk District Council Local Development Framework (adopted 2008 updated 2012)

<https://www.north-norfolk.gov.uk/media/1370/3- core strategy - incorporating development control policies- adopted 2008 -updated 2012.pdf>

North Norfolk Landscape Character Assessment SPD (2009)

[https://www.north-norfolk.gov.uk/media/1271/landscape\\_character\\_assessment.pdf](https://www.north-norfolk.gov.uk/media/1271/landscape_character_assessment.pdf)

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

## Officer Contact

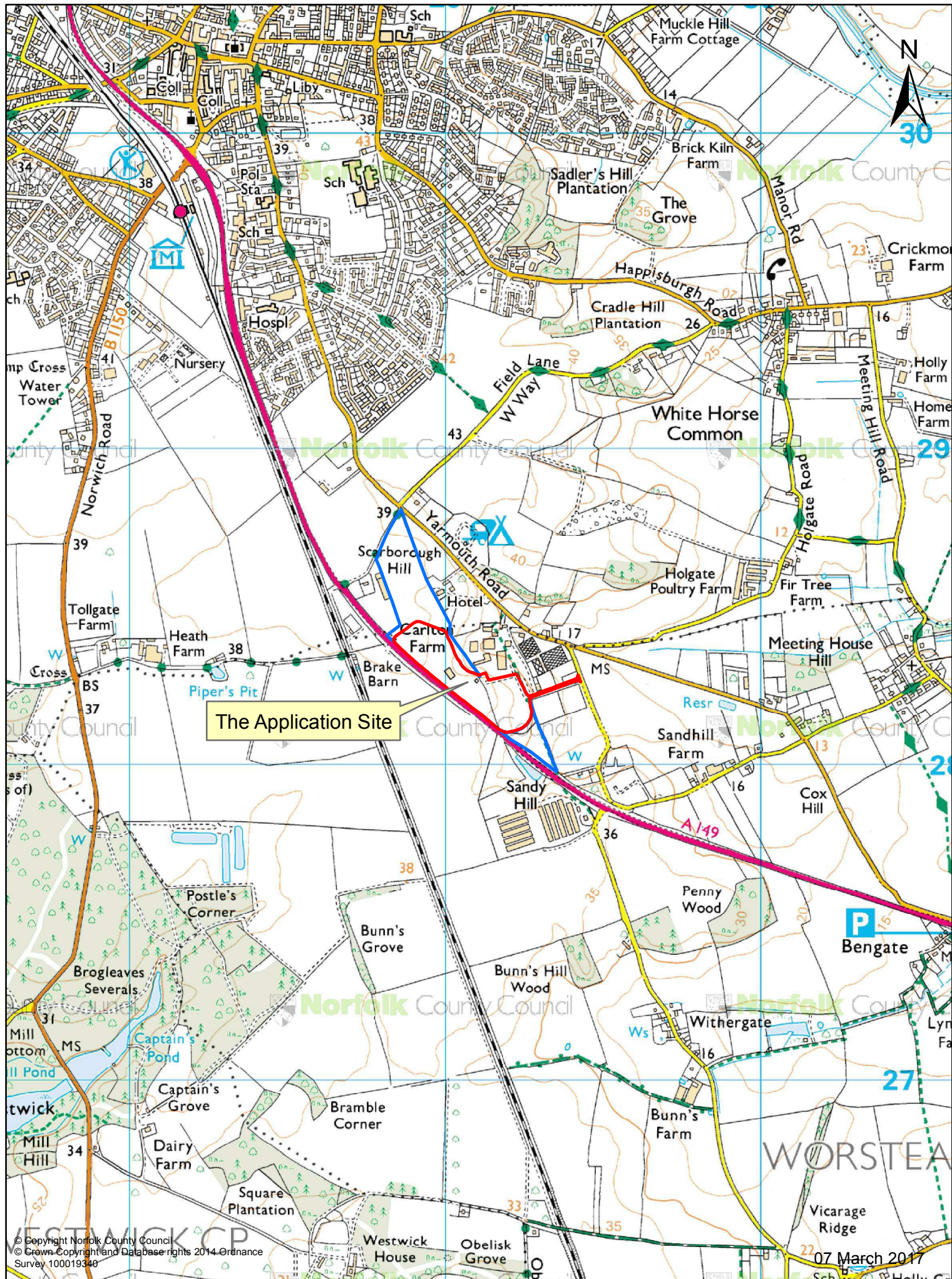
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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Ralph Cox or textphone 0344 800 8011 and we will do our best to help.





The Application Site





# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road in Gayton</b>
<b>Date of meeting:</b>	<b>23 March 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe - Executive Director, Community and Environmental Services</b>
<b>Proposal and applicant: Change of use of agricultural land to school / nursery use. Erection of new 210 place pupil (1FE) primary school, hard play area, sports pitch provision and erection of 52 place nursery with associated car parking area and associated works. (Director of Children's Services)</b>	

## Executive summary

Full planning permission is sought for the change of use of agricultural land and the erection of a new school and nursery to replace the existing school currently located on Lynn Road, Gayton. The application site, relates to an unallocated greenfield site, outside but on the edge of the development boundary identified for Gayton.

To date 44 letters of objections have been received raising concerns relating to site selection, design, flood risk, sewerage, highway safety and amenity issues. 43 representations in support of the proposal have also been received. An objection has been received from the Environment Agency (EA) and the applicant is working to resolve the issue raised. All other statutory consultees expect the planning issues to be resolved and, if granted suitably worded conditions imposed, where necessary.

In accordance with the Council's Constitution, the application will be reported to a future Planning (Regulatory) Committee because of the level of objection received, and as a departure cannot be dealt with under delegated powers.

The key issues are the impacts of the development of this greenfield site outside the development boundary, in an area of flood risk. The siting and design of the proposed development; the impacts of the development on the highway network, amenity, natural and historic environment, playing pitch provision, loss of agricultural land and sustainability.

In accordance with the Local Government Association advice, and given the nature of the application it is considered a planned site visit would be beneficial to view the site and its surroundings and obtain information relevant to the determination of the application, (as set out in Section 7 of this report).

### **Recommendation:**

**It is recommended that Members of the Planning (Regulatory) Committee note the content of the report and agree to undertake a site visit (to be arranged) before determination of the submitted planning application.**

## **1. The Proposal**

- 1.1 Full planning permission is sought for the change of use of agricultural land and the erection of a new 210 place (1 form entry) pupil school and the erection of a 52 place nursery, car parking and associated works. This is to replace the existing school currently located on Lynn Road, Gayton, which built in the early 20<sup>th</sup> century currently accommodates 152 pupils (on roll as at October 2016) and due to the age, condition and cost of maintenance is no longer fit for purpose.
- 1.2 In summary, the proposed scheme consists of:
- The change of use of agricultural land to educational use
  - Erection of a new single storey school building with pedestrian access off Back Street
  - Provision of 7 classrooms, group rooms, school hall, staff room, main office, library, kitchen, plant room and stores
  - Single storey standalone nursery building to accommodate 2 classes for pre-school children
  - Car parking provision with vehicular access off Winch Road
  - Cycle parking
  - External hard and soft play
  - External lighting to the buildings and car park
  - Hard and soft landscaping
  - Off-site highway improvements
- 1.3 The main pedestrian access to the school would be taken from Back Street, with vehicular access to the car park and nursery building to the west of the site off Winch Road. In terms of boundary treatments, trees and fencing would bound the school site.

## **2. Site**

- 2.1 The site is located outside the development boundary for Gayton, but on the southern edge of the boundary. The application site relates to a rectangular shaped piece of agricultural land owned by the Gayton Estate, approximately 1.6ha in size, located at the junction of Back Street and Winch Road in the village of Gayton. Drains bound the site to the north, south and west.
- 2.2 The site is approximately 0.7miles from the existing school, situated to the north-east of the development boundary.
- 2.3 Residential properties are situated opposite the application site to the north and west; the dwellings consist of a mix of single and 2-storey, red brick, or render external walling with pitched tile roofs and are within the defined development boundary. Open fields lie immediately to the east and south, outside of the defined boundary.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:
- The application site lies outside the development boundary for Gayton
  - Identified within flood zone 2/3 – medium/high risk of fluvial flooding and at high risk of surface water flooding according to the Environment Agency flood map

- Located within the Internal Drainage Board (IDB) Area and adjacent to IDB drains
- Adjacent to public right of way (PROW) Gayton FP6
- Grade 3 agricultural land

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

- 4.1 The planning history for the application site held by the County Council is as follows:
- 4.2 Y/2/2016/2005: Change of use of agricultural land for school use. Erection of new 210 pupil place (1FE) primary school, Multi Use Games Area (MUGA), sports pitch provision, car park and associated works. Application withdrawn on 5 July 2017

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

##### **5.1 King's Lynn & West Norfolk Local Plan – Site Allocations & Development Management Policies Plan (2016)**

- DM1: Presumption in Favour of Sustainable Development
- DM2: Development Boundaries
- DM9: Community Facilities
- DM15: Environment, Design and Amenity
- DM17: Parking Provision in New Development
- DM21: Sites in Areas of Flood Risk

##### **5.2 King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)**

- CS01: Spatial Strategy
- CS02: The Settlement hierarchy
- CS06: Development in Rural Areas
- CS08: Sustainable Development
- CS11: Transport
- CS12: Environmental Assets
- CS13: Community and Culture
- CS14: Infrastructure provision

##### **5.3 Gayton Neighbourhood Plan**

Gayton was designated as a neighbourhood area on 8 May 2017. However, currently there is no adopted neighbourhood plan in force for the area.

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

- 1: Building a strong competitive economy
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

5.5 **Draft Revised National Planning Policy Framework (2018) – Draft Consultation**

In response to consultations on the planning reform The Ministry of Housing, Communities and Local Government is currently consulting on a draft new National Planning Policy Framework (NPPF). Subject to consultation which concludes on 10 May 2018 the Government intends to publish a final policy framework before the summer. The emerging revised NPPF is a material consideration; given the early stages of the process, little weight is afforded.

5.6 • DCLG Ministerial Statement – Planning for schools development (2011)

**6. Consultations**

- 6.1 King's Lynn & West Norfolk Borough Council : Supports the community facilities subject to: a review of the design of the building; satisfactorily resolution of the flood risk issues; satisfactory resolution of issues in regards to transport and the need to take into account traffic movements in association with the recently permission 18 dwelling site on along Back Street; and the inclusion of suitable school drop-off points  
Re-consultation: No further comments to add. Refer to previous consultation response.
- 6.2 Gayton Parish Council : Does not object to the application, however the following issues should be addressed before the application is considered: flood risk; Anglian Water - sewerage issues; highways; location of development; number of school places; street lighting; vehicle access; building materials; design; and footpaths and footways  
Re-consultation: The consultation period has expired and no response was received at the time of writing this report.
- 6.3 District Emergency Planning Officer (Borough Council of King's Lynn & West Norfolk) : Because of its location in an area at risk of flooding and in line with best practice in business continuity, it is suggested that the occupiers: sign up to the Environment Agency flood warning system; install services at high levels to avoid the impact of flooding; and prepare a flood evacuation plan  
Re-consultation: The consultation period has expired and no response was received at the time of writing this report.
- 6.4 Environmental Health Officer (Borough Council of King's Lynn & West Norfolk) : **Environmental Quality:** No comment to make regarding contaminated land or air quality.  
**Community Safety and Neighbourhood Nuisance:** Whilst a construction management



scheme has been included within the submission, it lacks detail in a number of areas, and is rather brief in nature.

No objection to the proposal subject to the imposition of condition and formatives on any grant of planning permission to control the use of the site and afford protection to the residential amenity of occupiers of neighbouring dwellings.

Re-consultation: **Environmental Quality:** No comment to make regarding contaminated land or air quality

**Community Safety and Neighbourhood**

**Nuisance:** No objections raised subject to a condition relating to the hours of construction / deliveries, being imposed on any grant of planning permission.

6.5 Natural England

: No objections

Re-consultation: No objections.

6.6 Environment Agency (EA)

: No objection to the application. The modelling report accompanying the application has concluded that the site sits within Flood Zone 1. Until an 'evidence based review' is submitted, the site will remain in flood zone 3 on the EA flood map.

Re-consultation: Further to the LLFA consultation response the picture of the culvert contradicts what has been assumed in the flood model reviewed as part of the planning application. We have contacted our modelling team to find out what impact this reduced culvert capacity will have on our initial model review and will inform you. We would appreciate if you could hold off on your decision until we have been able to look at this.

Response received 4 January 2018: Having seen a photograph of a culvert on site more than 50% blocked, we consider that the model report we previously reviewed and accepted is no longer fit for purpose. The drawings and information we reviewed at the time did not indicate a permanent blockage and therefore it was not included in the model or allowed for in our review. We suggest that the applicant undertakes remodelling or the culvert is cleared out to allow for full capacity.

We consider the site to be in Flood Zone 3 (even if we supported the model, until our flood map is changed for the purposes of planning and application of the sequential test the site remains in Flood Zone 3). We would wish to object until either the applicant undertakes remodelling to show a revised model is fit for purpose and is supported by a revised FRA, or the culvert is cleared out to allow for full capacity and would therefore result in the current model being acceptable. Our response relates only to planning. Any submission with regard to a flood map review is entirely separate.

6.7 Water Management Alliance - Internal Drainage Board (IDB)

- : The IDB has put the following concerns to the applicant:
- Is it not feasible to have a lower discharge rate than 5l/s? That looks to be broadly equivalent to a 30-year greenfield event for the proposed developed area, and may well be higher than the Board is prepared to accept (this will not be established until a formal “consent to discharge” application is submitted and considered).
  - Having the system outfall at the same invert level as the existing pipe under the highway is likely to mean that the outfall is submerged most of the time (probably almost all the time).
  - Confirmation of what areas form the 0.631ha of total proposed impermeable surface, for clarity.

Consent from the Board for the culverting of the water course, access over the watercourse and discharges into the water course will be required.

Re-consultation: The IDB make the following comments:

- There are two Board-maintained watercourses adjacent to this site – Middleton Stop Drain, to the south of the site, and Pilkingtons Drain, which runs along the western side of the site.
- The board agrees in principle to accepting flows from the development that have been attenuated to 1.7l/s.
- We are also unaware of the riparian owned culvert that directs Pilkington’s Drain under the highway to the north having received any maintenance in the last 25 years (other than the removal of debris from the culvert inlet by ourselves). As such we are unable

to state whether this culvert is structurally sound and/or capable of receiving and conveying all flows to the Board's downstream network and therefore requests that if the applicant maintains the need to utilise this asset that they undertake an appropriate camera survey of the structure to determine its suitability for conveying a formalised surface water discharge from the site.

- A number of consents are required from the IDB.
- Some works and assets are currently proposed within 9 metres of the edge of a Board maintained drain. We note that the implementation of the current layout is dependent upon the Board approving these features. Currently no application has been submitted to the Board for consideration. The principle of the approach is acceptable to the Board however certain technical details will be required through the consenting process.
- The proposed culverts within the IDB area would need consent from the Board. No application has currently been made however, we have previously stated that the IDB would be willing to adopt the culverts subject to the construction details being approved by the IDB before construction commences, and the payment of the commuted sum – which would be invoiced 50% on approval of the culverts and 50% on completion of construction.

6.8 Lead Local Flood Authority (NCC)

: Given the reliance of the drainage strategy on the acceptance by the IDB of the connection to their network, the LLFA strongly recommend that the application should not be determined until this information has been submitted and therefore object to this planning application.

Re-consultation: The LLFA make the following comments:

- Request the EA be formally consulted to ensure the culvert has been appropriately represented in the fluvial flood risk modelling.
- Welcome the discharge rate of 1.7l/s.

- Remove previous objection subject to the imposition of appropriate drainage conditions being imposed on any grant of planning permission.
- 6.9 Highway Authority (NCC) : The Highway Authority is satisfied that the proposals satisfactorily deals with highway network and safety issues. It is recommended that conditions and informatives relating to the access, parking provision, construction traffic, off-site highway works and travel plan be imposed on any grant of planning permission.
- 6.10 Anglian Water : Re-consultation: No further comments to make.  
The consultation period has expired and no response was received at the time of writing this report.  
Re-consultation: The sewerage system at present has the available capacity for the flows from this development. Kings Lynn and West Norfolk Borough Council are currently considering a number of planning applications for residential development in Gayton, therefore it is important to note that Anglian Water is unable to reserve capacity within the foul sewerage network to accommodate a specific development. It is recommended that a foul drainage condition be imposed on any grant of planning permission.
- 6.11 Norfolk Historic Environment Service (NCC) : There are not likely to be any significant archaeological remains on the site, therefore does not recommend that any archaeological conditions are placed on the application.  
Re-consultation: The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.
- 6.12 Ecologist (NCC) : No objections or concerns with the application with regard to ecology.  
Re-consultation: The amendments to the proposed development will not raise any additional issues relating to ecology.
- 6.13 Senior Arboricultural and Woodland Officer (NCC) : Concerns raised relating to the no-dig specification; planting within the root protection zones and insufficient planting aftercare plan.

		<p><u>Re-consultation</u>: Holding objection. Planting within the Root Protection Areas (RPA) is not appropriate.</p> <p><u>Re-consultation</u>: Satisfied the amendments made address the majority of the concerns raised. In the absence of an updated AIA, should planning permission be granted it is recommended that a landscape (including tree maintenance) condition be imposed and the applicant's attention is drawn to the arboricultural watching brief in the AIA.</p>
6.14	Green Infrastructure Officer (NCC)	<p>: The principle of the development in terms of landscape is considered acceptable. However, clarity is required on the following: details of existing / proposed underground services and utilities; design of pedestrian entrance; detailed landscape scheme and colour and finish of boundary treatments.</p> <p><u>Re-consultation</u>: Comments have been addressed except for the watering and positioning of trees within the RPAs of trees.</p>
6.15	Sport England	<p>: Wish to advice that new sports facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.</p> <p><u>Re-consultation</u>: Refer to previous consultation response.</p>
6.16	Norfolk Fire and rescue Service (NCC)	<p>: The consultation period has expired and no response was received at the time of writing this report.</p> <p><u>Re-consultation</u>: The consultation period has expired and no response was received at the time of writing this report.</p>
6.17	UK Power Networks	<p>: No comments to make with respect to this application.</p> <p><u>Re-consultation</u>: The consultation period has expired and no response was received at the time of writing this report.</p>
6.18	Crime Prevention Design Officer	<p>: The consultation period has expired and no response was received at the time of writing this report.</p> <p><u>Re-consultation</u>: The consultation period has</p>

- expired and no response was received at the time of writing this report.
- 6.19 County Councillor (Mr Graham Middleton) : The consultation period has expired and no response was received at the time of writing this report.
- Re-consultation: The consultation period has expired and no response was received at the time of writing this report.
- 6.20 Representations  
The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.21 44 letters of concerns / objections were received, raising the following issues:
- Safety of children, parents teachers and the general public
  - Vehicles parking on pavements and grass verges causing obstruction
  - Increase in traffic – on both Back Street and Winch Road
  - Increase in flooding - the site is in flood zone 3
  - Issues with access
  - Issues with sewerage – properties regularly backs up with sewerage causing problems
  - This latest proposal does nothing to mitigate the concerns of flooding, access and sewerage and to amplify the problems extra facilities have been included
  - This site is not suitable for the location of a new school - an alternative more suitable site should be proposed and needs further investigation
  - Back street is a very narrow road that is not suitable for such an increase in traffic and the parking of cars of parents dropping children off at the school and nursery
  - The field is also prone to being waterlogged at times of heavy rain and the drains in East Winch Road also cannot cope now when there is a lot of water
  - Don't understand why the field at the back of the current school could not have been used, the school could have been built on the current school field and the playing field could have been put on the field behind the school
  - This current application has clearly not taken into account previous objections regarding, already ongoing, water and sewage facilities being inadequate, nor the suitability of the site from a traffic safety point of view
  - Health and safety of all children to attend the school is always a priority and this proposal will put all of them in great danger from fast moving traffic as Back Street is already used as a Rat Run at both ends of the day and is Winch Road
  - What is at present a quiet place to live with stretching views across farmland will turn into a noise polluted neighbourhood
  - Wildlife will be disturbed and move on elsewhere
  - The school is a Church of England school so should it not be located near to the church where there is a large plot of unused land

- Parts of Back Street do not have any pedestrian paths so this will be a safety issue for some children
- The design of the proposed school is not in keeping with any of the surrounding buildings
- Gayton needs a new school especially with an influx of children expected in the future, but not built on this soggy, dangerous corner plot of agricultural land
- Cars bringing children to school will increase dramatically traffic flow in Winch Rd and Back St.
- Where the new primary school is planned is a village lane unsuitable for the increased traffic that would be generated there
- This application shouldn't be pushed through as quickly as possible
- The present school is in, what I feel, a dangerous location for the children
- Although the village needs a new school the capacity of 210 children will not be enough for the development already agreed for the village
- I cannot see how it will be safe for children attending school to safely use their bikes
- Back Street and Winch Road with other traffic as well will be badly congested
- Additional demands for the provision of utility services, such as water, electricity and sewerage disposal
- Agricultural vehicles – large tractors with trailers use both roads. A track runs along the eastern boundary of the site chosen for the school
- The despoiling of the rural aspect in the area
- Back Street, Winch Road and The Willows will become waiting and parking areas at drop off time and collection from the school
- A further 57 houses approved in Back Street will add extra traffic and should be considered in decision making
- Cycling to school would be hazardous
- Back Street is used as a rat run
- There has been 3 unrecorded incidents at the junction in the last few years
- Sequential test to land adjoining current school re comments used for justification recent refusal for 50 houses, ref 16/000647/M were not relevant when site was originally deemed unavailable. A new school would not have the same visual impact near the church as 50 houses
- The land would be more expensive to CPO compared to the nominal cost of the land chosen that has many constraints and the long term may have higher maintenance costs
- The new school site might not be large enough with 9 metres lost around the perimeter and will always be surrounded by deep ditches and open water
- Property will be overlooked
- Light pollution on a naturally dark landscape / open agricultural land
- Loss of privacy
- The width of the carriageway in certain places and lack of footpath means children and parents must walk on the road
- With the numerous developments under proposed planning and construction for the village the school will not be large enough for the growing population

- Parking, congestion, speed and traffic flows
- Why is it that this site still seems to be the favourite location when other sites have better foot access from all directions for the children to access therefore reducing the cars coming too close to the actual school, also the other sites have no deep water filled dykes around the site
- Noise and disturbance resulting from the site
- Layout, density / adverse impact / over bearing / form and character
- Over-looking / loss of privacy
- Light pollution
- Incorrect calculation of pupil concentration
- Public health – kitchen and bin beside a dyke are a great attraction for vermin
- Materials of construction not in keeping with area and excessive use of slate

6.22 43 letters of support were received, comments summarised below:

- We badly need a new school and therefore fully support this application
- This development is a great opportunity for improvement of the wonderful primary school in Gayton
- Norfolk County Council treat Gayton primary school as a real priority in the next few months and our children and the teachers are given the facilities they deserve
- The school has outgrown its present building and with Gayton being a growing village a new school is a priority
- The proposed location for the new school and nursery is perfect
- Its a great school but more space is very much needed for the kids already attending not just the children that are going to attend in the future
- Gayton is a popular and lovely village and I believe it deserves the investment
- The village is getting bigger. More children and babies born and bigger families we need a updated and more equipped school for our kids
- The current site footprint is simply too small for a 7-class school. The current 6 classrooms are at capacity in terms of space and whilst continuing to grow the schools number on role has not reached the maximum allowable, the current site does not have the space to accommodate 210 pupils without further reduction in the outdoor space for play and activities which will impact severely on the 'school experience' for the children of Gayton
- The school design and proposed site which now formally includes the Gayton Goslings preschool will be an amazing development for the Gayton community
- Detailed consultation and extension of the re-submitted plans beyond simply the school building will also ensure a safer route to school for children, onsite parking will minimise inconvenience to those living locally. The carefully considered design of the building will match the village character and provide the much-needed class room and outdoor space the current school site so desperately needs
- Support this application to give an amazing school the facilities it needs



- and deserves to help this and future generations of school children
- It will make a great school even greater and give so many more children the chance to experience a truly lovely and brilliant school
  - I believe the current proposal is the only viable option within a sensible timescale and hence has my full support for the sake of the current and future children of our village school
  - We are bursting at the seams & need our new school as soon as possible
  - I feel strongly that the school's current site is becoming less able to accommodate the increasing numbers of pupils on roll. The village is fast expanding and it's time a decision is made to build another school that is fit for purpose now and for the future
  - The buildings and site it occupies are not fit for purpose for 21st century education
  - The positives of this application and of having a new school far outweigh the negatives... a new school with great facilities will be an asset to the village as a whole, not just parents
  - Having a new school is such a great opportunity for the Children of Gayton to thrive and progress well in their future
  - Our present school is excellent with fantastic staff who deserve up to date facilities in which to continue their excellent level of teaching. We are lucky to live in such a thriving village which will benefit from a school located within safe walking distance of a large amount of the housing in the village
  - In favour of the new school...we have a thriving village and need to accommodate its growth. I am just sad that it cannot remain in the centre of the village
  - We desperately need a new school and new infrastructure in the village to cope with this growth
  - An acceptable location for a school; the proposed new school would be a quantum leap in terms of space and facility and is much needed to accommodate the number of pupils already at Gayton Primary and future demand for school places within this growing community
  - A building that will greatly improve the lives and learning capabilities of the children attending

6.23 In response to the representation received, the applicant makes the following comments:

Public representation: Concerns and responses

- This is a response to representations from private individuals, in respect of objections to the planning application. It does not respond to corporate representations, all of which were largely in support of the application.
- There were approximately 40 representations from members of the public, with a 50/50 split for/against - with some objections being objections to specific details of the proposal, rather than objections to the project as a whole.
- A letter from the Gayton Parish Council effectively collates the full range of concerns made by individuals.

### Location / Amenity & Environment

As detailed within the Design & Access Statement this site was chosen after consideration of fourteen local sites and numerous environmental criteria, not least of which was “sequential testing”. In our opinion the current site represents the best compromise between numerous vying priorities.

The availability of this current site represents close collaboration with the Gayton Estate, thus avoiding a much more protracted compulsory purchase route for other sites.

The main building volumes form an effective sound and vision buffer between houses on Back Street and the main outdoor play areas to the south of the proposed school.

Public concerns with respect to light pollution from evening community use of the school hall (and other areas) will always constitute a delicate balance between competing community benefits. However, external lighting has been minimised to a relatively small number of wall mounted down-lighters, and five 5m column lamps around the car park. This column lighting will be largely shielded from houses on Back Street by the main body of the school hall.

Furthermore, all external lighting will be timer-controlled by the school. In the context of the existing street lighting on Back Street this additional lighting will be relatively unobtrusive.

A few concerns have been raised regarding the surrounding dykes and watercourse in so far as they are a danger to children. However, the proposal allows for a continuous perimeter fence.

### Flood Risk

A thorough technical re-assessment of the site, corroborated by the Environment Agency, shows the site to be at considerably lower risk of fluvial flooding (from adjacent watercourses) than previously anticipated. The site has now been re-categorised by the EA as a Flood Zone 1, rather than a Flood Zone 3. As such the Environment Agency has no objection to the development of the new school.

With respect to surface water flooding (as a consequence of potentially prolonged rainfall) the risk of flood for this site has been calculated as being 3% in any given year – or 1 in 30 years. To further alleviate this risk the ground floor of the building has been raised to a height where this risk becomes 1 in every 100 years (1%).

The proposed scheme allows for a new network of land-drainage pipework, servicing permeable areas of the site. The land-drainage was designed by Create Consulting Engineers.

Non-permeable areas of the site (the building itself, the car park and hard-play areas) will drain into a large underground attenuation tank with sufficient capacity to release outflow into dykes and drains at a pumped rate of 1.7 litres per second. This outflow rate has been set by the Internal Drainage Board.

### Pupil Numbers

The physical size of the school, providing 210 places (1FE) has been carefully calculated using the Education Funding Agency's Schedule of Accommodation spreadsheet.

Furthermore the school has been designed on the site so that it is suitable for longitudinal expansion - in the event that a strategic decision is taken by NCC that this is necessary for the long-term future of Gayton. The landowner is fully aware of this situation and is willing, in principle, to make further agricultural land available

### Design / Materials

It is conceded that the majority of recent development on Back Street uses red/brown/grey clay and concrete tiles. However, the existing school is exclusively slate roofed. Grey slate roofing is consistently used throughout Norfolk, with school buildings in particular, and often used in higher-end period buildings.

The size of the proposed roofs naturally coincides with a larger new school building. The pitch of the roof (40 degrees) is also consistent the general local roof style.

The intention of the design as a whole, with its brick walls, slate roof and metal windows, is to provide a fairly contemporary interpretation of the same educational ethos of the original school. Within the constraints of an education budget the building details will allude to a self-consciously high standard of design, creating a very high quality learning environment.

### Sewerage

The sewers of Gayton have been historically problematic. Until recently they were cracked and leaky, becoming quickly inundated, and therefore backing-up in bad weather.

However, in recent years these problems have been largely resolved by Anglian Water - by lining the sewers with a plastic coating.

Nonetheless, the Gayton system is close to full capacity. In response to three recent major planning applications AW have explained that there is only sufficient mains capacity for one of these developments to be connected to the mains system.

However, in respect of this last point, it needs to be remembered that the school is being relocated, and therefore that the net increase in capacity will be for 58 school places, rather than 210. Furthermore it is unlikely that any of the three above applications will be implemented in advance of the new school. Anglian Water concludes:

*"Anglian Water has subsequently completed their hydraulic modelling exercise, and has confirmed that the proposed development, based on the study undertaken will not cause any significant detriment to the capacity of the sewer*

system.”

(AW: “Addendum to the Planning Statement to provide an update from Anglian Water & The Environment Agency” – October 2017)

### Vehicles

The Local Highway Authority (LHA) acknowledges that the new school presents several challenges in terms of traffic management. However, it also acknowledges that *“given the mitigation measures proposed, this is unlikely to generate a significant highway safety concern and reason for a highway related recommendation for refusal”*.

The new car park constitutes an off-highway one-way circulation route, offering very considerable safety advantages over the existing school.

The 37 space car park provides on-site parking for the entire anticipated parking need, for all staff.

The car park gyratory route has been designed (tracking-tested) by civil engineers - to allow its use by minibuses and coaches.

The gyratory route has been designed to allow on-site drop-off and pick-up for parents – i.e. without the need for parents to park in the 37 spaces.

The pavement along Back Street will be significantly enhanced and extended as part of the development, enhanced road markings and signage will be provided.

The LHA response to the planning application points out that *“the school will have a key role in addressing some of the public nuisance issues raised, which can be addressed in part via a new school travel plan”*. Indeed the LHA recommends that the travel plan be fully reviewed six months after the first occupation of the building – as a condition of planning approval.

## **7. Purpose of the site visit**

- 7.1 Members may recall that a planning application for a new school and nursery at Gayton (appendix 3), to replace the existing school, was included on the agenda for the Planning (Regulatory) Committee meeting scheduled for 5 January 2018.
- 7.2 A consultation response received from the Environment Agency (EA) on 4 January 2018, raising an objection to the application resulted in the applicant requesting the application be withdrawn from that agenda. The applicant has since been liaising with the Internal Drainage Board (IDB) at addressing the issues raised by the EA with a view to submitting additional and/or revised information for further consideration.
- 7.3 Given the nature of the application, it is considered that a planned site visit would be beneficial to enable Members of the Planning (Regulatory) Committee to understand: the details of the proposed development; the site and its surroundings; and issues raised by both consultees and local residents. This would also avoid any further delay to the project programme of deferring determination of the application to undertake a site visit when Members of the

Planning (Regulatory) Committee formally consider the application.

- 7.4 As set out in the Local Government Association (LGA) advice a site visit is only likely to be necessary if: the impact of the proposed development is difficult to visualise from the plans and any supporting materials, including photographs taken by officers; the comments of the applicant and objectors cannot be expressed adequately in writing or; the proposal is particularly contentious.
- 7.5 In accordance with the LGA advice the purpose of the site visit is not to debate the merits of the proposed development, but to obtain information relevant to the determination of the application. To point out features (including drainage features) of the site and its surroundings, and if necessary visit the alternative sites put forward by the applicant in the sequential test matrix (appendix 4) and other development in the vicinity that is relevant to the application. Members of the public are not normally invited to attend such site visits.
- 7.6 It is important that all Members of the Planning (Regulatory) Committee have access to the same amount of information to determine the application, therefore there is an expectation that only those Members that attend the planned site visit can take part in the debate and voting at the Planning (Regulatory) Committee meeting where the application will be presented for formal consideration.

## **8. Resource Implications**

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

## **9. Other Implications**

### **9.1 Human rights**

- 9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 9.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

- 9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 9.5 **Equality Impact Assessment (EqIA)**
- 9.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 10. Section 17 – Crime and Disorder Act**
- 10.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 11. Risk Implications/Assessment**
- 11.1 There are no risk issues from a planning perspective.

## **Background Papers**

King's Lynn & West Norfolk Local Plan – Site Allocations & Development Management Policies Plan (2016)

[https://www.west-norfolk.gov.uk/info/20093/site\\_allocations\\_and\\_development\\_management\\_policies\\_plan/514/adopted\\_plan](https://www.west-norfolk.gov.uk/info/20093/site_allocations_and_development_management_policies_plan/514/adopted_plan)

King's Lynn & West Norfolk Borough Council Local development Framework – Core Strategy (2011)

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

The National Planning Policy Framework (NPPF) (2012)

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

National Planning Practice Guidance (2014)

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

Ministry of Housing, Communities and Local Government, Draft revised National Planning Policy Framework (2018)  
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

DCLG Policy statement – planning for schools development (2011)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6316/1966097.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6316/1966097.pdf)

Local Government Association – Planning Committee Management Briefing Note  
<https://www.local.gov.uk/sites/default/files/documents/planning-committee-management-1cd.pdf>

### **Officer Contact**

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

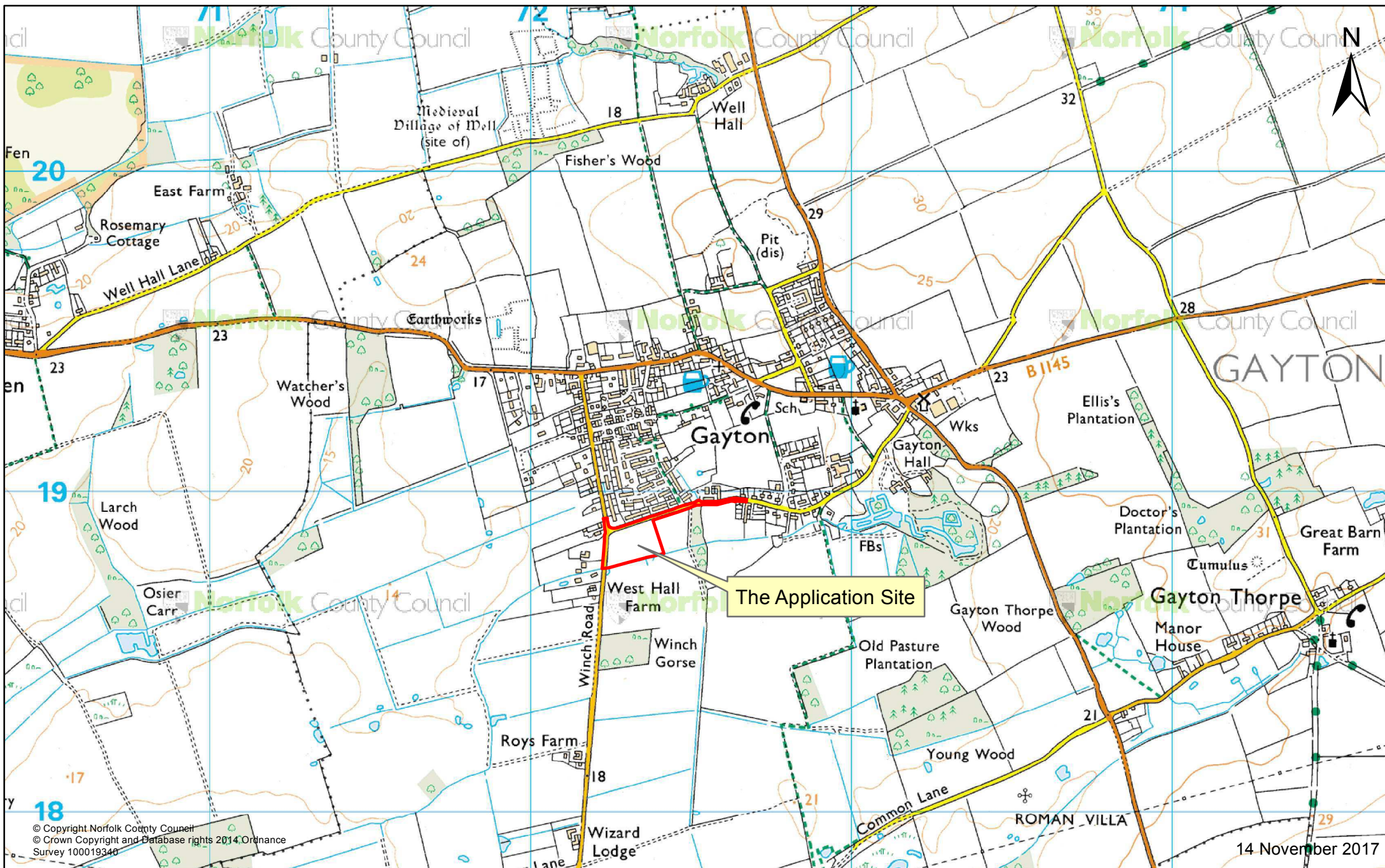
**Officer name :** Angelina Lambert                      **Tel No. :** 01603 223806

**Email address :** angelina.lambert@norfolk.gov.uk



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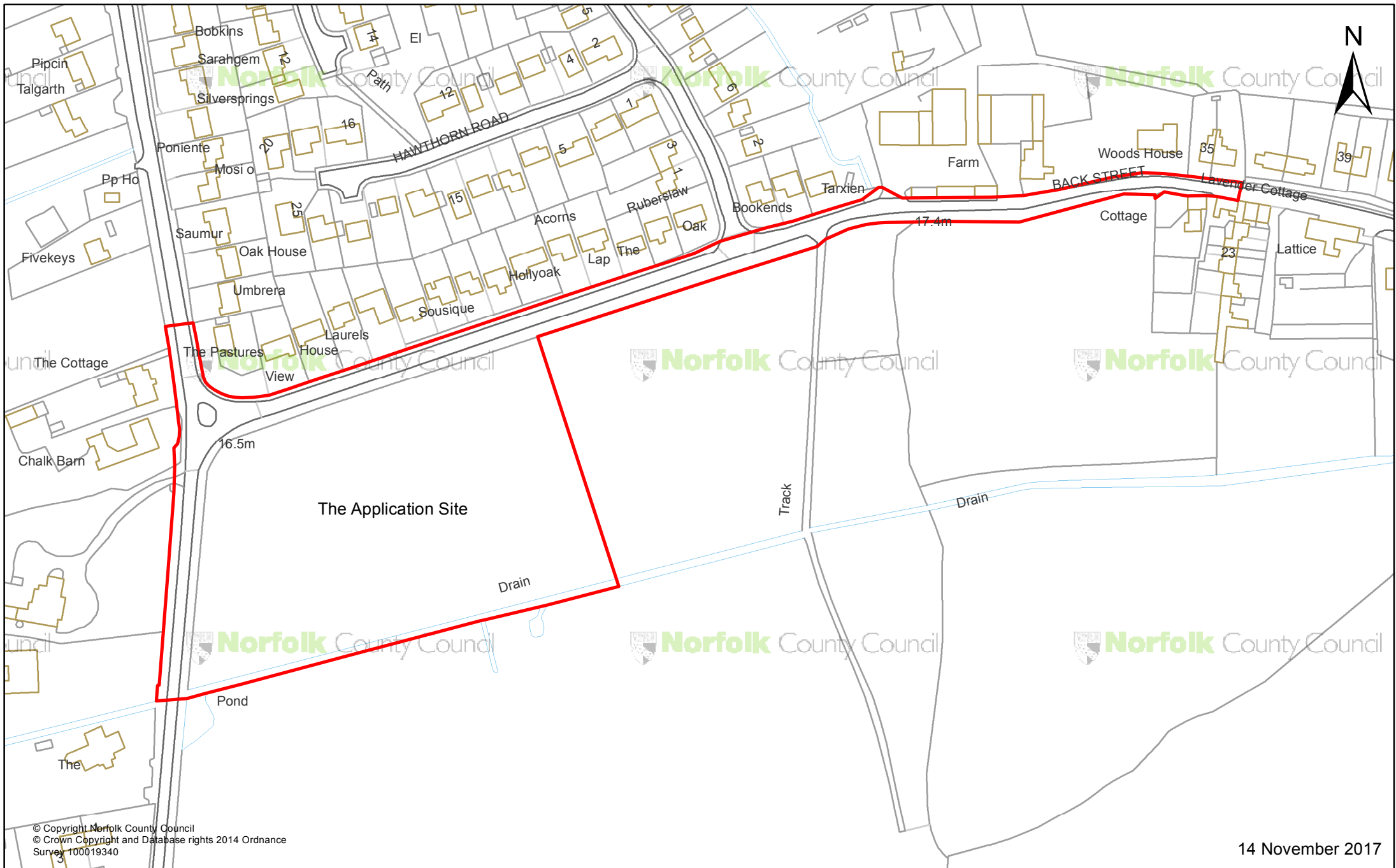
Y/2/2017/2009 - Gayton CE VC Primary School  
Gayton

0 250 500 1,000  
Metres

**Norfolk** County Council

1:15,000





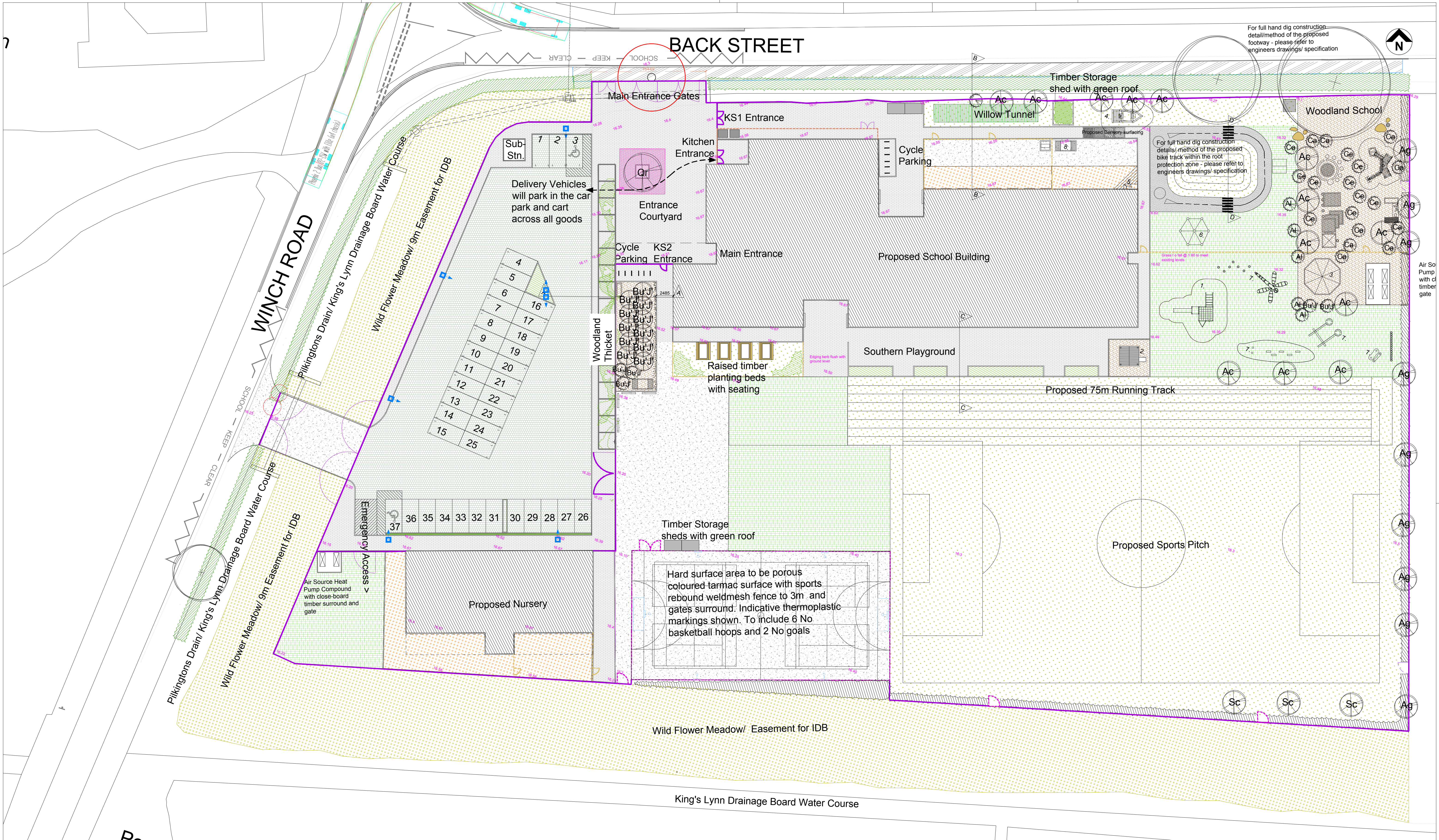
Y/2/2017/2009 - Gayton CE VC Primary School  
Gayton

0 15 30 60 90 120  
Metres

 **Norfolk** County Council

1:2,000





NOTE:  
For further details regarding the highways proposals along the northern and western boundary of the site please refer to drawing: RLL-DR-C-101

**Key**

- Application boundary
- Proposed 2m high perimeter weld mesh 'flat form' fencing with associated Sentry Security Swing Gates by Jacksons or similar approved.
- Proposed 1.8m high kitchen yard timber featherboard fencing with associated gates by Jacksons or similar approved
- Proposed 3.0m high weld mesh 'flat form' fencing with associated gates by Jacksons or similar approved
- Proposed 1.2m high internal palisade timber fencing with associated gates by Jacksons or similar approved
- Existing trees to be retained

Existing hedgerow to be retained and enhanced where possible

Proposed trees

Proposed small trees

Proposed willow tunnel

Proposed grass seed

Proposed wildflower meadow mix

Proposed artificial grass

Proposed bark mulch

Proposed linear flag paving, colour: silver & mid Manhattan by Tobermore or similar approved

Proposed climbing plants on arbor structure

Proposed wet pour surfacing

Proposed tarmac paving, colour: silver & mid grey - Hydropave fusion by Tobermore or similar approved

Proposed linear timber benches, Hardwood timber seat type 8 by Woodscape or similar approved

Proposed cycle hoops and shelter by broxap or similar approved

Proposed play equipment

Proposed timber storage shed with green roof by falco or similar approved

300K LED luminaire with grey finish mounted on 5 metre steel column.

Existing tree to be removed

New levels.

Sleeper steps and walls

Soil volume

Legacy play equipment location as follows (numbers indicated on plan): NB. all legacy items are subject to inspection by contractor at the time of relocation, following re installation all equipment should be inspected by a rospa certified consultant.

- Climbing apparatus
- The timber 'Den'
- Megan's Den
- Pirate ship
- Water play apparatus
- Den poles
- Dragon sculpture
- Large sand pit

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SCALE BAR - 1:250

0m 2.5 5.0 7.5 12.5

ORIGINAL SHEET SIZE **A1**

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CLIENT  
**Norfolk County Council  
Children's Services**

PROJECT  
**Gayton CE VC Primary School**

TITLE  
**Site Layout Plan**

Revised planning issue

P6	BT	18/12/17	PD	18_12_17	PD	18_12_17
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Revised planning issue

P5	BT	03/10/17	PD	03_10_17	PD	03_10_17
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REV

REV	DRAWN	DATE	CHECKED	DATE	APPROVED	DATE
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**nps group**

NPS Property Consultants Ltd  
Head Office: 10 Central Avenue, 2nd Floor, Bury Park, Bury, Greater Manchester, M8 2JF. Tel: 0161 251 1000. Email: nps@npsgroup.co.uk

Discipline: **LAND ARCH**

Project Number: **16-1-1107**

Drawing Number: **NPS-00-00-DR-L-(00)-860**

Rev Code: **P 6**

Status Code: **S2**

Purpose of Issue: **PLANNING APPROVAL**

Drawn By: **BT**

Date Plotted: 18 December 2017 16:12:27

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**Gayton Primary School: Site Assessment – Planning Suitability Matrix**

Site	Sufficient Site Size (hectares)	Site Location	Accessibility	Greenfield (G)/ Brownfield (B)	In existing defined settled / built-up boundary	Loss of Open Space	Wildlife Impacts	Heritage Impacts	Current Use	Impact on setting of village	Impact on landscape features	Flood Risk Issues	Key Issues/ Comments			
														Not Viable	Potentially Viable	Viable without any constraints
1	Land east of Grimston Road (B1153)	Yes (Min 1.62 ha's)	Poor / fair (North-east side of village). Poor in relation to pupil catchment living area.	Poor/Fair (network of roads / footpaths leading to the site)	Greenfield	No – but adjacent to existing defined boundary and existing housing	No	Unlikely Only perimeter hedgerows.	Nearby Listed Buildings (new school unlikely to impact on setting)	Agricultural – Arable (Partial loss would not impact operationally)	Potential	No	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – Not on site, but part of road to frontage. 1 in 1000 chance – No.	Nearby busy Lynn Road junction, but with relatively narrow access & lack of continuous footway on B1153 Grimston Road. Site is positioned remotely from the main residential core of the village. Nearby Listed Buildings – possible design implications? Edge of village location with wider landscape views/potential impact and somewhat remote from main centres of population. The site has been submitted for residential/ mixed use development under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future.		
2	Land north of Lime Kiln Road/ west of Grimston Road (B1153)	Yes (Min 1.75 ha's)	Poor (North-east side of village). Poor in relation to pupil catchment living area.	Poor/Fair (network of roads / footpaths leading to the site, although some are poor/or not available)	Greenfield	No – but adjacent to existing defined boundary and existing housing	No	Potential botanical interest & mature hedgerows	Yes. NHE suggests site has archaeology interest. Former limekiln / chalk pit	Agricultural – Grazing. Undulating site.	Unlikely, given enclosed nature of site	Possibly, extensive trees / landscape features on boundary	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – Yes, small areas 1 in 100 chance – Yes, slightly larger than 1 in 30 1 in 1000 chance – Yes, wider parts of site.	Poor location, lack of footway provision on parts of Grimston Road/Lime Kiln Road and narrow nature of both Lime Kiln Road and existing footway provision back to the main village. Site positioned remotely from main residential core of the village. Possible landscape, topographic, ecology and archaeology issues. Parts of the site are shown to be susceptible to surface water flooding. The site has been submitted for residential use under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future.		
3	Land part Jubilee Gardens and part Allotments S&W of Lime Kiln Road	Yes (Min 1.5 ha's)	Fair (North side of village). Poorly related to existing housing. Poor in relation to pupil catchment living area.	Poor (no direct access off Lynn Rd – only off unmade section of Lime Kiln Road)	Greenfield	No, but adjacent to in part.	Allotment site/ Informal open space?	Possibly – an established hedge bisects identified area	Unknown in terms of archaeology.	Allotment / vacant/ Agricultural - grazing	Unlikely, given enclosed nature of site	Unlikely to be any major impacts	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – No 1 in 1000 chance – No	Poor location particularly for vehicular access with likely congestion issues etc, lack of footway provision on parts of Lime Kiln Road. Access appears to be private track (and PROW) which would not be suitable to serve a school. May result in loss of allotments, unclear whether statutory and removal of long section of hedge. Likely to be more than one landowner involved. Poor location in relation to pupil catchment living area.		

Gayton Primary School: Site Assessment – Planning Suitability Matrix

Site	Sufficient Site Size (Hectares)	Site Location	Accessibility	Greenfield (G)/Brownfield (B)	In existing defined settled /built-up boundary	Loss of Open Space	Wildlife Impacts	Heritage Impacts	Current Use	Impact on setting of village	Impact on landscape features	Flood Risk Issues	Key Issues/Comments			
														Not Viable	Potentially Viable	Viable without any constraints
4	Land north of Lynn Road/East of Blacksmiths Row	Yes (Min 1.7 ha's)	Good. Relatively close to pupil catchment living area.	Poor (lack of public access)	Greenfield	No – but adjacent to existing defined boundary and existing housing	No	Potential botanical interest & mature hedgerows	Unknown in terms of archaeology, but unlikely to be serious constraint given extant Outline Planning Permission.	Vacant/grazing.	Unlikely, given enclosed nature of site	Unlikely to be any major impacts	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – Yes 1 in 100 chance – Yes 1 in 1000 chance – Yes, major parts of the site	Although good location the site has poor access, unless additional 3 <sup>rd</sup> party land was acquired. Part of site has benefit of outline planning permission for 29 dwellings (PP15/01776/OM). Parts of the site are shown to be susceptible to surface water flooding.  <b>Conclusion – some planning issues including poor accessibility. Part of site has benefit of outline planning permission for 29 dwellings (PP15/01776/OM), therefore unavailable for alternative school use. Parts of the site are susceptible to surface water flooding.</b>		
5	Land north of Lynn Road	Yes (1.5 ha's)	Good. Close/within pupil catchment living area.	Poor, particularly for pedestrian / vehicular access	Greenfield	No – but adjacent to existing defined boundary and existing housing	Vacant / grazing	Potential botanical interest & mature hedgerows /trees on boundaries	Unknown in terms of archaeology.	Vacant/grazing.	Unlikely, given enclosed nature of site	Yes	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – No 1 in 1000 chance – Yes, small parts of potential access	Although good location the site has poor access for pedestrians/vehicular use, particularly due to its restricted width. 3 <sup>rd</sup> party land acquisition may be required for access?. Should access be available this may still have unacceptable impact on amenities of neighbouring residential properties given surrounding context. Landscape/ecological implications with loss of landscaping. Although site is of sufficient size, poorly located for educational use/facility given its backland location, and therefore lack of community presence.  <b>Conclusion – some planning issues including poor accessibility/impact on neighbouring residential amenity.</b>		
6	Land west Gayton / north of Lynn Road B1145	Yes (Min 1.6 ha's)	Fair / Good. North-west side of village, Close/within pupil catchment living area.	Good – directly off Lynn Road	Greenfield	No – but adjacent to existing defined boundary and existing housing	No	Historic meadow habitat with likely botanical interest and mature hedgerows	Yes (Medieval Settlement / Scheduled Ancient Monument (SAM))	Enclosed land (part of SAM)	Yes, prominent gateway site	Perimeter features	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – Yes, small area within centre of site plus road frontage. 1 in 1000 chance – Yes, larger parts of site and road frontage.	Land forms part of Scheduled Ancient Monument (SAM) with high potential of heritage conflict. Impact on setting of village, with wildlife and landscape impact. Parts of site susceptible to surface water flooding.  <b>Conclusion – some planning issues, including severe impact on SAM. Not a viable site.</b>		



**Gayton Primary School: Site Assessment – Planning Suitability Matrix**

Site	Sufficient Site Size (Hectares)	Site Location	Accessibility	Greenfield (G)/ Brownfield (B)	In existing defined settled /built-up boundary	Loss of Open Space	Wildlife Impacts	Heritage Impacts	Current Use	Impact on setting of village	Impact on landscape features	Flood Risk Issues	Key Issues/ Comments			
														Not Viable	Potentially Viable	Viable without any constraints
7	Land west of Winch Road	Yes (Min 2.6 ha's)	Fair / Good (south western side of village. Close to main school catchment living area	Good / Fair	Greenfield	No, but adjacent to existing residential to east	No	Potentially, given trees that divide the site.	Unknown in terms of archaeology.	Agricultural – Arable.	No	Possibly, including line of trees that splits the site.	Flood Zone 2 (fluvial) – no modelling undertaken <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – Small part of site 1 in 1000 chance – Yes, significant areas of site.	Land appears to be within different ownerships. Site falls within flood zone 2, no modelling undertaken to confirm whether falls within zone 1. Small parts of the site are susceptible to surface water flooding. Vehicular access may give rise to neighbouring residential amenity concerns. Potential landscape concerns. Line of trees within centre and drain may have adverse impact on educational layout.		
8	Land corner of Back Street / Winch Road	Yes (Min 1.6 ha's)	Fair / Good (south western side of village. Close to main school catchment living area.	Fair. Provision of access from Winch Road would appear feasible. Pedestrian improvement likely to be required along Back Street.	Greenfield	No, but adjacent residential on north and west sides	No	Unlikely, although note drains on boundaries of the site.	No. Archaeological evaluation indicates the site has low interest.	Agricultural - Arable	Limited	Unlikely, other than on boundaries of site.	Flood Zone 3 (fluvial), although modelling indicates site within Flood Zone 1 <u>Surface Water Flooding</u> 1 in 30 chance – Yes within site and parts of Winch Road 1 in 100 chance – Yes, larger area within site and parts of Winch Road. 1 in 1000 chance – Yes, significant areas of site.	Good location, minimal wider landscape impacts given contained nature of site. Site shown as falling with Flood Risk Area 3, but modelling undertaken indicates that site falls within flood zone 1. Site susceptible to surface water flooding.		
9	Land to far north of Back Street and west of St Nicholas Close	Yes (Min 2.6 ha's)	Good, central location. Close to main school catchment living area.	Good / Fair No direct access off Back Street. Access could be made available from allocated site which has benefit of OPP or from St Nicholas Close	Greenfield	No, but adjacent to boundary and existing residential	No	Unlikely	Possibly, from information submitted as part of extant planning permission to south.	Agricultural – Arable & Paddocks	No	Unlikely	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – Yes, small parts of site. 1 in 1000 chance – Yes, significant areas.	Land to south has benefit of extant outline planning permission (15/01888/OM) for 40 dwellings and estate road. Land may have archaeological interest. Previous refusal of permission on site (16/00444/OM) stated that loss of open land would cause harm to character of the area. The site has been submitted for residential/mixed use development under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future. Permitted road width from site to south would not be capable of serving a school without improvements, which may have implications for extant permission.		
														Conclusion – Given previous planning history and current submission for call for sites, site is not considered to be available within timescale for new school provision.		

Gayton Primary School: Site Assessment – Planning Suitability Matrix

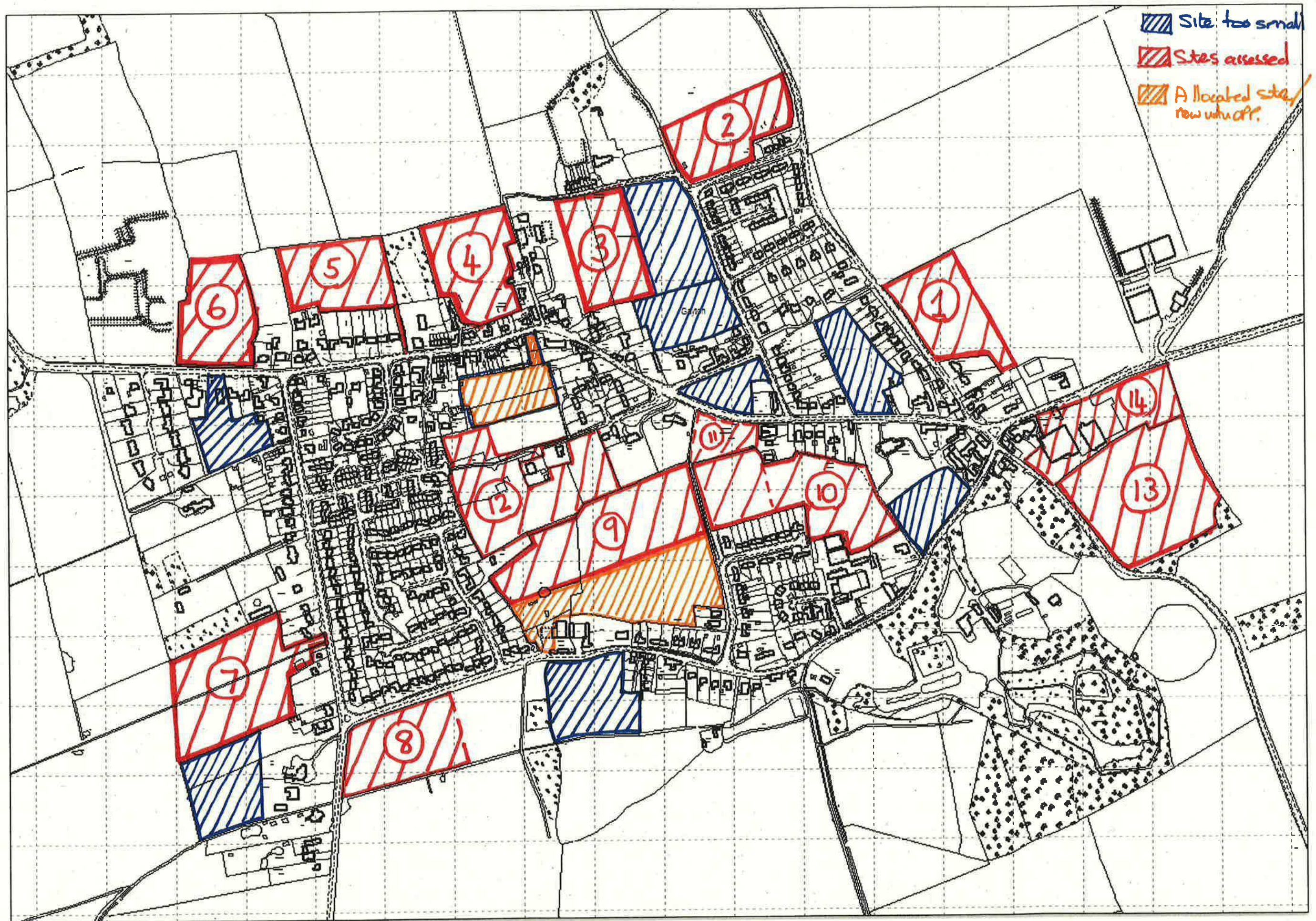
Site	Sufficient Site Size (Hectares)	Site Location	Accessibility	Greenfield (G)/ Brownfield (B)	In existing defined settled /built-up boundary	Loss of Open Space	Wildlife Impacts	Heritage Impacts	Current Use	Impact on setting of village	Impact on landscape features	Flood Risk Issues	Key Issues/ Comments			
														Not Viable	Potentially Viable	Viable without any constraints
10	Land to north of St Nicholas Close	Yes (2.67 ha's)	Good, central location	Poor. Vehicular access would not appear to be available without 3 <sup>rd</sup> party land acquisition.	Greenfield	No, but adjacent to boundary and existing residential	No	Unlikely	Unknown in terms of archaeology. Nearby Listed Buildings (new school unlikely to impact on setting)	Agricultural – Arable	No	Unlikely	Flood Zone 1 (fluvial)	Previous refusal of permission on site (16/006474/OM) stated that loss of open land would cause harm to character of the area. Vehicular access would not appear to be available without 3 <sup>rd</sup> party land acquisition.		
													<u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – No 1 in 1000 chance – Yes, western portion of site.	<b>Conclusion – Some planning issues. However, given previous planning history and reasons for refusal and lack of available access the site is not considered to be available/viable.</b>		
11	Playing field and part of land north of St Nicholas Close	Yes (1.5 min ha's)	Good, central location	Good / Fair. Access off Lynn Road	Greenfield (Part existing school playing field)	Existing school playing within development boundary. That part outside is adjacent to boundary and existing residential.	Yes (loss of existing school playing field). S77 issues.	Possibly, given presence of existing trees along southern boundary of the playing field site.	Unknown in terms of archaeology.	School playing field and enclosed arable land.	No	Possibly, substantial trees along the southern boundary of the existing playing field.	Flood Zone 1 (fluvial)	Initial investigations indicate that southern boundary of the playing fields had a history of contamination that was considered risk prohibitive. Possible landscape issues. Possible S77 issues with building on existing playing field. Previous refusal of permission on the southern part of the site (16/006474/OM) stated that loss of open land would cause harm to character of the area.		
													<u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – No 1 in 1000 chance – Yes, major parts of the southern site	<b>Conclusion – Some planning issues. However, given previous planning history and reasons for refusal the site is not considered to be available.</b>		
12	Land at end of cul-de-sac at east end of Springvale and Rowan Drive	Yes (2.6 ha's)	Good – central. Close to main school catchment living area.	Fair/Poor. Cul-de-sac location with restricted width to serve a school. Public footpath bisects part of site. Access from Rowan Drive would appear to be constrained due to ransom.	Greenfield	No, but adjacent and with residential to north, west and part east.	No	Number of existing trees within the site. Site not positively managed at present, therefore could be wider biodiversity interest.	Possibly from initial discussions/ investigations as part of allocation process.	Paddock/ informal habitat	No – but forms access link through central part of village	Yes. A number of the existing trees are subject to a TPO.	Flood Zone 1 (fluvial)	Possible heritage implications in the form of archaeology. Public right of way bisects the site, time delays with formal stopping up procedure and relocation would probably be required. Overhead cables would need to be re-routed. Cul-de-sac not favoured by NCC planners for school locations and initial highway view is that site would not be suitable due to access off residential cul-de-sac which does not appear suitable by virtue of its width to serve an alternative school site. Layout issues re position of adjacent housing and amenity implications. Access would not appear possible from Rowan Close. Part of the site has been submitted for residential development under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future.		
													<u>Surface Water Flooding</u> 1 in 30 chance – No, apart from small part of access track through site 1 in 100 chance – No, apart from small part of access track through site and surrounding highway approaching site 1 in 1000 chance – Yes, small parts of site and track and roads approaching site	<b>Conclusion – Some planning issues that are not likely to be resolved within the timescale/delivery of the new school. Highway/access concerns. Not therefore a reasonably available site.</b>		



Gayton Primary School: Site Assessment – Planning Suitability Matrix

Site	Sufficient Site Size (Hectares)	Site Location	Accessibility	Greenfield (G)/ Brownfield (B)	In existing defined settled /built-up boundary	Loss of Open Space	Wildlife Impacts	Heritage Impacts	Current Use	Impact on setting of village	Impact on landscape features	Flood Risk Issues	Key Issues/ Comments			
														Not Viable	Potentially Viable	Viable without any constraints
13	Land east of B1153 East Walton Road and south of B1145	Yes (3.1 ha's)	Poor (On eastern edge of village). Furthest away from school catchment living area.	Poor. No footway provision along B1153 East Walton Road.	Greenfield	No, but adjacent.	No	Possibly, given presence of existing trees along southern boundary of site.	Not known.	Arable/paddock	Yes, highly visible site Gateway site to village.	Unlikely.	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No 1 in 100 chance – No 1 in 1000 chance – No	Serious landscape impact given open nature of site. Lack of footpath provision along B1153 East Walton Road. Remote from main centre of school catchment population. Site has been submitted for residential development under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future.		
Conclusion – Not a viable or reasonably available site.																
14	Former Works site South of Lynn Road	Yes (1.7 ha's)	Poor (On eastern edge of village). Furthest away from school catchment living area.	Poor. No footway provision along B1145.	Part brownfield/ Part Greenfield	In part.	No	Possible given existing trees within the site and existing vacant/ poor condition of buildings.	Not known.	Part of site comprised now redundant industrial units. Part Agricultural - Arable	Yes – former works site adjacent to listed mill and other buildings on B1153 junction	Unlikely.	Flood Zone 1 (fluvial) <u>Surface Water Flooding</u> 1 in 30 chance – No. 1 in 100 chance – No. 1 in 1000 chance – No.	Brownfield site – demolition required and possible contamination issues. Adjacent listed building, issues with setting/impact. Poor location due to lack of footpath provision. Recent refusal of permission on part of site on grounds of conflict with national and local countryside protection policies. Part of site has been submitted for residential development under the 2016/17 Call for Sites exercise. This effectively makes the site unavailable for anything other than its existing use until such time as the process and the Local Plan itself is complete and approved, which will not be within the immediate future.		
Conclusion – Given previous planning history and current submission for call for sites, site is not considered to be viable or available within timescale for new school provision.																







# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>Member Technical Briefing</b>
<b>Date of meeting:</b>	<b>23 March 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal: To provide members of the planning committee with a technical briefing service to update members on general planning matters prior to planning committees.</b>	

## Executive summary

Officers will now be providing members of the planning committee and designated substitutes with a technical briefing service which will take place prior to a committee meeting. The purpose of the briefing is to update members on general planning matters, such as recent changes in policy and planning legislation that may be relevant to the items on the agenda. This briefing is offered in addition to the annual training programme provided for members of the committee and the existing informal channels of communication between Members and officers. Attendance at briefings is thus entirely optional and details of the matters arising at the briefing will be provided at the subsequent Committee meeting. Moreover, Members can still contact planning officers directly to discuss planning matters as is currently the case.

### Recommendation:

**It is recommended that Members of the Planning (Regulatory) Committee note the content of the report**

## 1. Proposal

- 1.1. Training for Members who are members of the planning committee is not a statutory requirement. However it is strongly recommended and in almost all authorities, including Norfolk, it is a mandatory requirement, by virtue of the council's constitution. Norfolk County Council currently provides six training events each year and members must attend at least 1 training session before they can sit on the committee. Members of the committee are also strongly advised to attend training on a regular basis to ensure that they remain up to date on planning matters
- 1.2. Planning considerations can encompass a wide range of issues and while it is not the role of planning to duplicate other regulatory regimes, Members are often required to consider detailed technical matters such as pollution control or flood risk, in order to come to a view on a proposal.
- 1.3. The exact issues that need to be considered vary from case to case reflecting both the nature of the proposals themselves and the site put forward. As a result it is difficult to reconcile the timely delivery of training on a given topic with its relevance to the committee items under consideration at any one time. Moreover,

whilst the officer's report will provide an assessment of all the material issues, including an explanation of the relevant policy and factual background, the familiarity of individual members with specific issues will vary and a member may wish for clarification. It can also often happen that consultation response, additional information etc. are received after the report has been finalised. As a result Members have expressed a view that while they find the training very helpful, it would be useful to have an update on matters that may be relevant to specific items on the committee at a point in time closer to the actual committee. It is therefore proposed to introduce a "Technical Briefing" which will precede the committee.

## **2. What the briefing will cover**

- 2.1. For each item on the committee the officer will provide the following updates to the officer's report.
  1. **Technical matters** - In the event that the planning judgement may require reference to technical issues, a brief update on the technical matters will be provided. (For example if a flood risk sequential test is required and the applicant has provided further information or an updated consultation response has been received, officers will provide an explanation and a refresh on the sequential and exception test criteria).
  2. **Policy updates** - In the event that there have been changes to policy or guidance. The nature of these changes will be explained. Changes could include, ministerial statements, new national policy or guidance, or consultation proposals
  3. **Case law** - In the event that recent case law applies to policy application or interpretation an explanation of the case and its context will be provided
  4. **Legislative updates** - In the event that there has been recent changes to legislation that may be relevant to the application these will be explained. For example changes in the Environment Impact Assessment Regulations.
  5. **Informative** - As to whether there will be a need to notify members of any updates since the report was published, (the actual details of any updates will not be raised or discussed).

Members will also be given an opportunity to raise any general questions or queries in relation to the updates provided or to ask for clarification of factual matters contained in the officers' report.

## **3. What the briefing will not cover**

- 3.1. The briefing is strictly limited to the provision of information and clarification of factual matters arising from proposals. It is intended merely to provide a useful forum to supplement the existing informal channels of communication (email, phone etc.) through which members can be updated on proposals and raise questions arising from reports. Accordingly, no comment, debate or discussion regarding the details of a proposal or its planning merits will be permitted in the briefing. Members must also refrain from discussing details relating to any item

on the agenda between themselves during the briefing.

#### **4. General Matters**

- 4.1. No decisions would be made at the technical briefing and it does not form part of the formal annual training schedule. Attendance would be optional and the briefing would supplement, not replace, existing opportunities for Members to be updated and raise questions. Accordingly, no formal approval to initiate the technical briefing service is necessary. However in the interests of openness and transparency it is considered that if members are minded to make use of the service a formal record of its inauguration and purpose should be made.
- 4.2. Where a briefing has taken place, at the subsequent meeting of the Planning (Regulatory) Committee members will be notified of the fact along with details of the matters that were included in the briefing.

#### **5. Resource Implications**

- 5.1. **Finance:** The proposal represents an additional work load for planning officers. However it is envisaged that it will be adsorbed within existing planning resources.
- 5.2. **Staff:** The provision of a technical briefing has no staffing implications from the Planning Regulatory perspective.
- 5.3. **Property:** The provision of a technical briefing has no property implication from the Planning Regulatory perspective.
- 5.4. **IT:** The provision of a technical briefing has no IT implications from the Planning Regulatory perspective.

#### **6. Other Implications**

- 6.1. **Human rights**
- 6.2. The requirements of the Human Rights Act 1998 must be considered. However, given the limited scope and purpose of the briefings it is not considered that any material implications for Human Rights will arise.
- 6.3. **Equality Impact Assessment (EqIA)**
- 6.4. The Council's planning functions are subject to equality impact assessments. None have been identified in this case.
- 6.5. **Legal Implications:** Subject to the restriction of the briefing to the matters highlighted in the report there are no legal implications from the Planning Regulatory perspective.
- 6.6. **Communications:** There are no communication issues from a planning perspective.
- 6.7. **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 6.8. **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.

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

- 7.1. It is not considered that there are any issues of crime and disorder.

## **8. Risk Implications/Assessment**

- 8.1. Provided that the technical briefing is limited as detailed above there are no risks from a planning perspective. Indeed, it should aid planning assessment as it provides an additional opportunity for members to be updated and seek clarification. However, third parties may criticise decisions (or even try to challenge them by way of a judicial review) on the basis that the technical briefing means that not all members of the committee had access to the same information for them to make the decision, or that by the time of the actual committee members were already pre-determined of biased. It should be possible to effectively rebut such claims provided that the briefing's scope, limitations and process (as set out above) are strictly adhered to.

### **Officer Contact**

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

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