

# Planning Regulatory Committee

Date: **Friday 24 October 2014**

Time: **10am**

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

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

## Membership

Mr D Collis - Chairman

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr A Dearnley

Mr C Foulger

Mr A Grey – Vice-Chairman

Mr J Law

Mr B Long

Mr W Northam

Mr M Sands

Mr E Seward

Mr M Storey

Mr J Ward

Mr B Watkins

Mr A White

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.

**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)

Where the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

## **A g e n d a**

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

- 2 Minutes:** (Page 5)

To receive and agree the Minutes of the meeting held on 19 September 2014.

- 3 Members to Declare any Interests**

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

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

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

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

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

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

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

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

Reports by the Interim Director of Environment, Transport and Development.

- 5 Y/3/2014/3006. Breckland District Council. Old Buckenham. Provide a new build 110 pupil SEN School to replace Chapel Road SEN, Attleborough. Director of Environment, Transport and Development** (Page 10)

- 6 **C/3/2014/3008: Breckland District: Bittering Quarry, Reed Lane, Bittering, Dereham, Norfolk. NR19 2QS. Variation of conditions 1, 2, 15, 18 & 34 of Planning Permission C/3/2007/3044 to allow extraction until 31 December 2030 and restoration until 31 December 2032, with revised phasing and restoration: McLeod Aggregates Limited** (Page 43)

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

Date Agenda Published: 16 October 2014



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## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### **Crime and Disorder Act, 1998 (S17)**

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Human Rights Act 1998**

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

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

**Planning Regulatory Committee  
Minutes of the Meeting Held on Friday 19 September 2014  
at 10am in the Edwards Room, County Hall**

**Present:**

**Mr D Collis (Chairman)**

Mr S Agnew	Mr W Richmond
Mr M Baker	Mr M Sands
Mr B Bremner	Mr M Storey
Mr A Dearnley	Mr J Timewell
Mr A Grey (Vice-Chairman)	Mr J Ward
Mr B Iles	Mr B Watkins
Mr J Law	Mr A White
Mr W Northam	

**In attendance:**

Mr N Campbell	Planning Services Manager (Acting)
Mr C Colling	Senior Planning Officer
Mr R Cox	Principal Planner
Mrs F Croxen	Senior Solicitor, NPLaw
Mr J Shaw	Senior Engineer - Highways Development Management
Mrs J Mortimer	Committee Officer

**1 Apologies and Substitutions**

Apologies for absence were received from Mr C Foulger (Mr W Richmond substituted); Mr S Askew, Mr B Long (Mr B Iles substituted) and Mr E Seward (Mr J Timewell substituted).

**2 Minutes from the meeting held on 11 July 2014**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 11 July 2014 were agreed as a correct record by the Committee and signed by the Chairman.

**Matters arising**

**2.2 Application no. C/1/2013/1012: East Beckham.**

Paragraph 5.5. Members were reassured that the minerals extraction would not take place at weekends, although there would be limited amounts of maintenance work.

- 2.3 Paragraph 5.9. The Highways Officer informed the Committee that agreement on costs

had not yet been reached with the applicant but the prospect of speed activated signs on the A148 near the application site was still being investigated.

**2.4 Application no. 7/6/2013/6008 Caister-on-Sea.**

Paragraph 6.3. The non-provision of disabled access had been raised with the applicant and further feedback was awaited.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Urgent Business**

There were no items of urgent business.

**5 Broadland District: C/5/2013/5013: Reepham Road, Attlebridge: Variation of conditions 1, 3 and 10 of planning permission ref. C/5/2008/5016 to extend working and restoration until 31 December 2017, amend the timing of the phased extraction, and amend the arrangements for re-spreading of topsoil and subsoil: Cemex UK Operations Ltd**

- 5.1 The Committee received the report by the Interim Director of Environment, Transport and Development setting out the application. Planning permission was sought to vary 3 conditions of planning permission reference C/5/2008/5016 to allow a further period of time until 31 December 2017 to complete working and restoration, amend the timing of the phased extraction and amend the arrangements for re-spreading of topsoil and subsoil as part of the restoration arrangements.
- 5.2 During the presentation of the report it was noted that, although Attlebridge Parish Council had requested a condition be imposed preventing the use of Station Road, the road was already protected by a Traffic Regulation Order. A condition restricting the movement of vehicles along Station Road would therefore be inappropriate and unnecessary.
- 5.3 In response to a question from the Committee, it was noted that the Section 106 Agreement would include the management and upkeep of the woodland and restoration of the heathland.
- 5.4 Members asked for clarification about the possible routes the HGV lorries could use from the Attlebridge site to the processing site which was situated in Costessey and were informed that the lorries could use any of the roads which were not subject to a Traffic Regulation Order.
- 5.5 Kirsten Hannaford-Hill, Eastern Area Development Planner, Cemex addressed the Committee on behalf of the applicant. The Committee were informed that the existing Section 106 agreement had been continued throughout the mothballing period.

5.6 In response to a question from the Committee to Ms Hannaford-Hill, it was noted that a mixture of company vehicles and sub-contractor vehicles would be used to transport the excavated materials from the extraction site to the processing site at Costessey. Ms Hannaford-Hill confirmed that Cemex would work with the Highways Authority to determine the most appropriate route from the site and would be prepared to enter into a traffic routing agreement.

5.7 The Committee **RESOLVED** that the Interim Director of Environment, Transport and Development be authorised to:

- i) Grant planning permission subject to a Section 106 Legal Agreement in respect of the restoration and after care management and traffic routing of the site and the conditions outlined in section 12 of the report.
- ii) Discharge conditions (in consultation with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
- iii) Delegate powers to officers (in consultation with the Chairman and vice-Chairman of the Committee) to deal with any on-material amendments to the application that may be submitted.

**6 Development by the County Council. Applications Referred to Committee for Determination. Great Yarmouth Borough Council: Application C/6/2014/6003: Caister-on-Sea: Use of land for processing, storage and sales of inert highway materials: Director of Environment, Transport and Development**

6.1 The Committee received a report by the Interim Director of Environment, Transport and Development setting out the planning application which related to the proposal to use the land for the processing, storage and sale of inert highway materials within an existing highways depot.

6.2 In response to questions from the Committee, the following points were noted:

- The Highways Officer confirmed that, as there was no change from the current traffic movements at the site, no traffic problems were envisaged.
- It would not be appropriate for the County Council to impose a condition relating to signage, as the site was being used as a NCC Highways Depot and was not part of the nearby public recycling facility.
- In the event of flooding, an evacuation plan needed to be established and the Committee suggested the current evacuation plan could be updated to include the new application site.

- 6.3 The Committee **RESOLVED** unanimously that the Interim Director of Environment, Transport and Development be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the committee report.
  - ii) Discharge conditions (in consultation with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
  - iii) Delegate powers to officers (in consultation with the Chairman and Vice-Chairman) to deal with any non-material amendments to the application that may be submitted.

**7 South Norfolk District Council. Y/7/2014/7004. Installation of solar panels on roof of existing building at Harford Park and Ride. Interim Director of Environment, Transport and Development**

- 7.1 The Committee received a report by the Interim Director of Environment, Transport and Development setting out the planning application for the installation of 14 photovoltaic panels on the roof of the existing single storey storage/ticket office building at Harford Park and Ride site.
- 7.2 During the presentation of the report, it was noted that any surplus energy produced at the site would be fed back into the grid, creating revenue for the County Council.
- 7.3 Following a question about the risk of vandalism to the photovoltaic panels, it was noted that no additional security had been proposed at the site as it was felt that the risk of damaged property was no greater than that which already existed.
- 7.4 The Committee **RESOLVED** unanimously that the Director of Environment, Transport and Development be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the committee report.
  - ii) Discharge conditions (in consultation with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
  - iii) Delegate powers to officers (in consultation with the Chairman and Vice-Chairman) to deal with any non-material amendments to the application that may be submitted.



**8 South Norfolk District Council: Y/7/2014/7003. Installation of solar panels on roof of existing building at Thickthorn Park and Ride. Interim Director of Environment, Transport and Development**

- 8.1 The Committee received a report by the Interim Director of Environment, Transport and Development setting out the planning application which related to the installation of 14 photovoltaic (PV) Panels on the roof of the existing single storey storage/ticket office building at Thickthorn Park and Ride site.
- 8.2 The Committee **RESOLVED** unanimously that the Director of Environment, Transport and Development be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the committee report.
  - ii) Discharge conditions (in consultation with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
  - iii) Delegate powers to officers (in consultation with the Chairman and Vice-Chairman) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 11.05 am

**CHAIRMAN**



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**Applications Referred to Committee for Determination:  
Breckland District Council  
Y/3/2014/3006  
(Old Buckenham) Provide a new build 110 pupil SEN School to  
replace Chapel Road SEN, Attleborough.  
Director of Environment, Transport and Development**

Report by the Interim Director of Environment, Transport and  
Development

**Summary**

This is a full planning application for the construction of a Special Educational Needs school on a greenfield site in Old Buckenham, Norfolk. The site has an area of 3.6 hectares and is located within open countryside outside the development boundary of Old Buckenham.

The application has generated objections from Old Buckenham Parish Council and residents of Old Buckenham. Their concerns relate primarily to the impacts of the proposal on highways capacity & safety and with residential amenity.

The impacts of the proposal have been carefully considered, including the impact upon the open countryside, highways, archaeology, the public rights of way, design & visual amenity, landscape & trees, sustainability, drainage and ecology. There are no overriding objections from statutory consultees.

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

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

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to subject to no overriding objection from statutory consultees:

- (i) Grant planning permission subject to the conditions outlined in section 12 of this report.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## **1. The Proposal**

- 1.1 Location :
  - The site has an area of 3.6 hectares and is located within open countryside outside the development boundary of Old Buckenham.
- 1.2 Type of development :
  - The new school would provide education and care for 110 pupils ranging from 3 years to 19 years of age. The proposal would provide 4176m<sup>2</sup> of accommodation, which has been calculated against current guidance for SEN schools based on the projected pupil numbers of 110.
  - The accommodation would include 14 general classrooms and a selection of practical learning spaces including a library, ICT suite, art room, food technology, music & drama studio and a life skills flat. Seven group rooms will also be provided along with a range of therapy and sensory rooms, including a hydrotherapy pool, physiotherapy room and soft play room.
  - The development will also include a 140m<sup>2</sup> main hall, gymnasium, 6th form common room, a dining area as well as a range of staff and administration facilities.
  - Externally a Multi Use Games Area (MUGA), formal playing pitches, external learning area and wildlife and habitat zones along with the required staff, pupil and visitor parking and drop off areas are included in the proposal.
- 1.3 Access and parking :
  - A new access from the B1077 Attleborough Road would be created and would link to the north western corner of the site.
  - A barrier system positioned at the entrance which allows for vehicles to wait off the B1077 without causing interference to the free flow of traffic is being proposed along with a turning head for those vehicles no longer requiring access to turn round for exit in a forward gear.
  - The existing footway along the B1077 Attleborough Road would be extended to provide a continuous link between the school entrance and the wider village environment.

- The new access road would cross a public footpath (Old Buckenham FP4). A raised section is proposed at the crossing point.
- The on-site parking being proposed is:
  - Car Parking
  - Staff: 80 spaces
  - Visitors: 5 spaces
  - Disabled: 5 spaces
  - Minibus Parking
  - 8 spaces
  - Cycle Parking
  - 20 spaces

## 2. Constraints

- 2.1 Public Footpath (Old Buckenham FP4) crosses the site access being proposed. The site is situated approximately 4.8km from a Special Area of Conservation (SAC) (Norfolk Valley Fens). The site is in close proximity to the Old Buckenham Conservation Area and a number of listed buildings.
- 2.2 The site is identified in the Breckland Adopted Policies (Proposals) Map for Old Buckenham (January 2012) as countryside.
- 2.3 The proposed development is situated within flood zone 1.

## 3. Planning History

- 3.1 There is no relevant County Planning application history to this application.

## 4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) : Achieving Sustainable Development
  - 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
- 4.2 Adopted Breckland Core Strategy and Development Control Policies Development Plan Document (December 2009) : Policy SS 1 Spatial strategy
  - Policy CP 6 Green Infrastructure
  - Policy CP 8 Natural Resources
  - Policy CP 10 Natural Environment
  - Policy DC 1 Protection of amenity
  - Policy DC 12 Trees and landscape
  - Policy DC 13 Flood risk
  - Policy DC 14 Energy Generation and Efficiency

Policy DC 16 Design  
 Policy DC 17 Historic environment  
 Policy DC 19 Parking provision

## 5. Consultations

- |      |  |  |
|------|--|--|
| 5.1  | Breckland Council:<br>Planning Services,<br>Development Control.           | : No objection subject to conditions relating to boundary treatment and landscaping.   |
| 5.2  | County Councillor:<br>Mr Stephen Askew                                     | : No response received at the time of writing this report.   |
| 5.3  | Natural England  | : No response received at the time of writing this report.   |
| 5.4  | Norfolk Constabulary   | : No objection would've preferred early engagement at pre-application stage. Limited surveillance available from reception to the car park area.   |
| 5.5  | Norfolk Fire Service   | : No objection recommends a sprinkler system is incorporated in the final design.  |
| 5.6  | Highway Authority  | : No objection subject to conditions relating to relating to safe access, visibility splays, precise details of parking & onsite layouts, construction parking measures, construction traffic management plan, wheel cleaning, a Traffic Regulation Order to extend the 30mph limit, Travel Plan and the barrier system. |
| 5.7  | Environment Agency –<br>Planning and<br>Groundwater &<br>Contaminated Land | : No objection subject to conditions relating to surface water drainage.   |
| 5.8  | Sport England  | : Does not wish to raise an objection.   |
| 5.9  | Local Flood Authority<br>(NCC)   | : No response received at the time of writing this report.   |
| 5.10 | Norfolk Historic<br>Environment Service &<br>Conservation (NCC)            | : No objection subject to conditions requiring a programme of further archaeological evaluation.   |
| 5.11 | Green Infrastructure<br>Officer (NCC)                                      | : No objection. Requested a landscape maintenance plan.  |
| 5.12 | Arboriculture and<br>Woodland Officer (NCC)                                | : No objection.  |
| 5.13 | Public Rights of Way<br>Officer (NCC)                                      | : No objection following amendment.  |
| 5.14 | Defence Infrastructure<br>Organisation                                     | : No response received at the time of writing this report.   |
| 5.15 | Ramblers Association   | : No response received at the time of writing this report.   |

- |      |   |   |
|------|---|---|
| 5.16 | Breckland Council:<br>Environmental Health<br>Officer | : No objection following amendment subject to conditions restricting the hours of use of the MUGA and sports pitches to 08:00 to 18:00 and school controlled use only & the requirement for written approval of any additional flues/air ventilation.   |
| 5.17 | Old Buckenham Parish<br>Council                       | : Revised original support to object unless 8 conditions relating to mainly highways & external lighting are met.   |
| 5.18 | Ecology   | : No objection would recommend that a suitable programme for long-term maintenance of the roadside hedge is agreed.   |
| 5.19 | Local Residents                                       | : There were 15 letters of objection received from neighbours covering issues including: <ul style="list-style-type: none"> <li>▪ The site is outside the village boundary and in an unsustainable location and therefore contrary to the adopted development plan and the NPPF.</li> <li>▪ The design and size is not in keeping with the locality.</li> <li>▪ The statement of community involvement is inadequate and misleading.</li> <li>▪ The transport statement is misleading and factually incorrect.</li> <li>▪ Impact of the proposed development and access on highways safety grounds.</li> <li>▪ Capacity of the surrounding highways network.</li> <li>▪ No direct access to the site and the existing Primary and High School.</li> <li>▪ Unclear the extent of integration with mainstream schools.</li> <li>▪ Concern that integration would lead to additional vehicle movements.</li> <li>▪ Insufficient car parking provision on site.</li> <li>▪ Concern at the level of external lighting and hours of use.</li> <li>▪ Concern that MUGA and sports pitches which are potentially noise generating being located close to sensitive receptors.</li> <li>▪ Incorrect site plan red line and blue lines are misleading.</li> <li>▪ Impact on flora and fauna</li> <li>▪ Impact on archaeology</li> <li>▪ No access for emergency services</li> <li>▪ Facilities in Old Buckenham are unsuitable for the pupils</li> <li>▪ Impact during the construction phase.</li> <li>▪ Provision of mini-roundabout at the access</li> </ul> |

## 6. **Assessment**

### **Proposal**

- 6.1 This is a full planning application for the construction of a Special Educational Needs school on a greenfield site in Old Buckenham, Norfolk. The site has an area of 3.6 hectares and is located within open countryside outside the development boundary of Old Buckenham.
- 6.2 The new school would provide education and care for 110 pupils ranging from 3 years to 19 years of age. The proposal will provide 4176m<sup>2</sup> of accommodation, which has been calculated against current guidance for SEN schools based on the projected pupil numbers of 110. The accommodation will include 14 general classrooms and a selection of practical learning spaces including a library, ICT suite, art room, food technology, music & drama studio and a life skills flat. 7 group rooms will also be provided along with a range of therapy and sensory rooms, including a hydrotherapy pool, physiotherapy room and soft play room. The development will also include a 140m<sup>2</sup> main hall, gymnasium, 6th form common room, a dining area as well as a range of staff and administration facilities.
- 6.3 Externally a Multi Use Games Area (MUGA), formal playing pitches, external learning area and wildlife and habitat zones along with the required staff, pupil and visitor parking and drop off areas are included in the proposal. A new access from the B1077 Attleborough Road would be created and would link to the north western corner of the site. A barrier system which is situated to allow for a queue length of between 10 and 12 vehicles to wait is being proposed at the access with a turning head for those vehicles no longer requiring access to turn round for exit in a forward gear.
- 6.4 Local finance considerations are defined in section 70(4) of the Town and Country Planning Act 1990, as

“local finance consideration” means:-

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

In this case, the County Council will receive financial assistance from the Department for Education (DfE) which will provide £3.8 million grant for the scheme, this was confirmed by Norfolk County Council in a press release on 2 June 2014. The Applicant states that a condition of the funding is that it should be spent by 31 August 2015 and the school occupied from September 2015. However due to delay the Applicant has agreed with the DfE to extend this date to allow the school to be occupied from April 2016. The Applicant states that any further delay to the project would need to be negotiated with the DfE and could jeopardise the funding.

## **Site**

- 6.5 The application site is in open countryside on the north east edge of Old Buckenham. The land is classified as grade 3 agricultural and is currently being used for agricultural purposes. Public Footpath (Old Buckenham FP4) crosses the site access being proposed.
- 6.6 The neighbouring uses include Old Buckenham Community primary School which immediately abuts the south west boundary. Old Buckenham village hall which abuts the south-south west boundary, Old Buckenham High School is located to the south of the site across Abbey Road and there is open countryside to the north & east.

## **Principle of Development**

- 6.7 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents, in relation to this application are the Adopted Breckland Core Strategy and Development Control Policies Development Plan Document (December 2009). In addition, national planning policy in the form of the National Planning Policy Framework (NPPF) (2012) is another material consideration and also needs to be considered in determining this planning application.
- 6.9 The Applicant includes reference to paragraph 72 of the NPPF in their justification for the proposed school development. Paragraph 72 states that the government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. Great weight should be given to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted. The Applicant and Officer's have been involved in pre-application discussion regarding this proposal prior to submission of this application.
- 6.10 The Applicant in justifying the need for the new school state that the existing school in Attleborough is no longer fit for purpose. It was not originally designed to meet the specific needs of children and young people with special educational needs and disabilities and as such the dimensions of the classrooms, corridors and general areas are not suitable. The Applicant considers that a new improved



and larger school would be better suited to deliver the educational needs of the students. The new school has been designed in accordance with Building Bulletin 102, which is non-statutory guidance on planning and designing accommodation for new and existing schools in England. As such it is considered that the resulting design would provide attractive and accessible school buildings that would help ensure that children and young people with SEN and disabilities can participate fully in life at school and in the wider community.

The Applicant in explaining a need exists has provided details of the pupil numbers at the existing school which is at capacity with 60 pupils. The new school would provide facilities for 110 pupils with special educational needs and disabilities. The Applicant has confirmed that there is currently demand for these additional places and that the school will provide places through a phased implementation over a 3 year period from the current roll to 110 via three September intakes from 2016 to 2018.

- 6.11 Officers have considered the issues raised by the Applicant and conclude that there is sufficient need to justify the requirement for the proposed educational facility. In accordance with paragraph 72 of the NPPF great importance should be placed on ensuring sufficient choice of school places is available to meet the identified needs of the existing community. Therefore Norfolk County Council as the Local Planning Authority consider that a proactive, positive and collaborative approach to meeting this requirement would be appropriate in this instance. Subject to a full appraisal of all the relevant planning issues.

6.12 Location

The site is located adjacent to the village of Old Buckenham just beyond the development boundary as defined in Breckland's Core Strategy. The Applicant makes reference to Breckland's Core Strategy Policy CP4 (Infrastructure) and paragraph 72 of the NPPF as justification for the edge of settlement location. The Applicant also considers that the site area of the existing school site in Attleborough is not large enough to accommodate the new proposed school which requires a site area of 3.6 hectares. It is considered that there is little scope to increase the size of the existing site due to the surrounding uses which are mainly residential. The Applicant concludes that it would not be feasible to increase the number of floors in the existing building to provide the desired floorspace because of the impact this would have on the surrounding uses.

The Applicant has provided an appraisal of seven alternative sites in and around Attleborough all of which the Applicant has concluded are not suitable for the educational use for a variety of reasons. The reason include poor accessibility, loss of allocated open space, land already allocated for housing or employment uses and would be costly, flood risk, site remediation costs, poor links to local schools etc.

Officers have considered the points raised by the Applicant and conclude that a proactive and positive approach to ensuring that there is sufficient choice of school places available required through paragraph 72 of the NPPF should be adopted in this instance. Therefore the countryside location albeit not ideal is

supported. Breckland Council has not raised a policy objection to the proposal in this location subject to conditions to ensure there are no landscape issues as a result of the development. This point is covered in more detail in landscape and trees section of the report.

- 6.13 Policy SS 1 (Spatial Strategy) of Breckland's Core Strategy identifies Old Buckenham as a "service centre village." The supporting text for this policy states that service centre villages have a number of key facilities such as schools, healthcare facilities, local employment opportunities, public transport available to an appropriate standard and a convenience stores for the supply of day-to-day goods. The policy seeks to protect & enhance the services available and allows for development to meet local needs. Breckland Council has not raised a policy objection to the proposal in this regard. Officers consider that the proposed development would support the existing services both during the construction phase and during operation due to the number of staff using the site and the surrounding services.

Officers therefore consider that due to its position as a local service centre in the hierarchy of settlements Old Buckenham is an appropriate settlement for this type of development. The proposed development would support the aims of Policy SS 1 in that the development would help to protect the existing level of services in the village and would enhance the school provision in the village. Officers do however acknowledge that the school provision is not intended to meet a local need due to the catchment being wider than the local community.

6.14 Sustainability of the location

NPPF paragraph 14 is clear that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. NPPF paragraph 37 specifies that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. In this instance the requirement for sustainable development needs to be considered in the context of the requirements of NPPF paragraph 72 which supports a proactive and positive approach to school provision.

- 6.15 Appendix 2 of the Applicants planning statement contains an appraisal of alternative site options. Officers recognise the limitations of the appraisal and consider that the alternative sites options do not form part of this application. Officers have therefore concentrated the assessment of this application on the suitability of this particular site for the development being proposed and not on the discussions relating to alternative site options. However the appraisal of alternative options does contain some useful information worthy of consideration.

- 6.16 In the appraisal the Applicant notes that a site in a market town would be preferable to any sites in Old Buckenham in sustainability terms but concludes that no suitable alternatives exist in or around Attleborough.

- 6.17 The initial appraisal of the site (site 14) highlights a benefit being the proximity of the site to both a primary school and a high school which would potentially enable links to be formed between schools to provide a more inclusive learning environment. This point is also confirmed in paragraph 5.8.2 of the planning statement.
- 6.18 The appraisal mentions the issue of catchment size and the likely mode of transport for pupils. On this point and in support of the application the Applicant has provided details in Appendix B of the interim travel plan of the distribution of origins for students attending the existing school in Attleborough. This clearly demonstrates that the relocation of the school from Attleborough to Old Buckenham has a minimal impact on the distances travelled by pupils to get to school.
- 6.19 Officers therefore consider that even if the school were to be located in or around a higher order settlement such as Attleborough this would make little difference to the modes of transport employed to transport pupils to and from the school.
- 6.20 Turning to staff travel the Applicant confirms that staff numbers are set to increase from the 50 employed at the existing Attleborough school to between 80 and 90 teaching and support staff at the new school.
- 6.21 Officers note that the rural location would not encourage staff members to link trips to other services/facilities nor would it encourage staff to arrive to the site by foot or cycle. In mitigation the Applicant has provided an interim travel plan which includes measures to reduce the number of Single Occupancy Vehicle (SOV) trips to the school by staff members. These measures include further investigation of the scope for providing a shuttle bus for the cluster of staff living in the Attleborough area (demonstrated in appendix C of the interim travel plan). Cycle parking, shower and changing facilities, a cycle to work scheme, car sharing would be promoted with preferential parking spaces for car sharing. Personalised travel plans will be made available for staff, the school head teacher would be designated the Travel Plan Coordinator (TPC) for the school who would work with a steering group to investigate the feasibility to reduce the need for travel pre-occupation and post occupation. The extension of the footway along the B1077 Attleborough Road will ensure the site is accessible by foot from anywhere within the village.
- 6.22 The aim of the travel plan will be to provide a long-term management strategy for the school which seeks to deliver sustainable transport objectives through actions that is regularly reviewed. The interim travel plan introduces a target to achieve an 11% reduction in staff Single Occupancy Vehicle (SOV) trips to the school over a 5-year period from opening.
- 6.23 Norfolk County Council's Sustainable Travel Plan Officer is satisfied with the interim travel plan albeit with minor amendments relating to the shuttle bus, car sharing car parking spaces, covered cycle parking and processes around the review and requests a full travel plan which can be secured through condition should consent be granted.

- 6.24 Whilst the limitations of the site location in sustainability terms are appreciated. The measures being suggested in the interim travel plan for reducing the number of Single Occupancy Vehicle trips to the school by staff members are considered to assist in mitigating the potential for harm.
- 6.25 Officers therefore consider that the proactive and positive approach recommended in paragraph 72 of the NPPF to ensuring that there is sufficient choice of school places available to meet the identified needs of the existing community should be extended to the consideration of the suitability of this location in terms of sustainability and as such the location is considered acceptable in this regard subject to a condition requiring submission and approval of a full travel plan.
- 6.26 On balance it is considered that the principle of development should be established in this location and that the proposed development would satisfy the requirements of the NPPF and Policy SS 1 of the Breckland Core Strategy.

### **Design & Visual Amenity**

- 6.27 Policy DC 16 “Design” of Breckland Council’s Core Strategy states that all new development should achieve the highest standards of design. Section 7 of the NPPF “Requiring good design” specifies that the Government attaches great importance to the design of the built environment.
- 6.28 The site is located on a greenfield location on the edge of the Old Buckenham which is visible from the B1077 Attleborough Road. The application has been considered in respect of the scale, height and massing of the proposed school buildings and the potential for impact which this would have on residential and visual amenity. The scale should be sympathetic and well related of surrounding development.
- 6.29 The building will provide a 4176m<sup>2</sup> specialist SEN education facility within one building, which will be a mixture of single and double storey elements with a flat roof. The Applicant states that the building has been designed with the taller two storey block adjacent to the village hall to the west and the single storey block extending towards the open countryside to the east. The Applicant has stated that the scale of the new school building will be very similar to the adjacent village hall with its pitched roof and the nearby primary school in particular. Officers agree with this appraisal in respect of the school and village hall. The Applicant also states that the new SEN school building will be perceived as significantly larger than the buildings in the immediate vicinity. By this Officers think this statement refers to the surrounding residential buildings. Officers agree with this statement also but consider that the existing levels of screening and proposed landscaping would mitigate any impacts on residential amenity resulting from the scale or massing of the proposed buildings.
- 6.30 The Applicant in the design and access statement explains that the scale of the buildings being proposed will reduce to single storey as development extends into the countryside to the east. The new development includes hard and soft landscaping in order to establish formal pitches & multi use games area, event

space, play hill & ramp, feature trees, meadows, a woodland mix, amphitheatre, dining terrace, primary outdoor classrooms, paddock and sustainable drainage area. The landscaping and planting work would help to soften the development. It is proposed to retain the mature trees and hedges abutting the site, and those that are of most interest in terms of wildlife and visual amenities. It is acknowledged that the nature of the green field would change with this use and but this is considered acceptable in terms of visual amenities by Norfolk County Council's Senior Green Infrastructure Officer and Breckland Council, subject to new landscaping plans and suitable mitigation measures.

- 6.31 A series of pre-application meetings were held with the developer to discuss the development in general and the design. The materials selected for the proposed SEN school building include buff facing bricks and light render in combination which are variable in proportions and volumes which the Applicant consider will minimise the visual scale of the building. The design of the new buildings does offer modern buildings which Officers consider would create a feature that is in keeping with the existing school buildings in the area. The same cannot be said for the residential properties in the vicinity which are mainly constructed in a mixture of styles and materials including red and buff facing brick and light render with generally pitched roofs which are finished with either red or dark pantiles or thatch. However the existing and proposed screening and boundary fencing would soften the transition between styles.
- 6.32 Taking these matters into account, it is considered that the building's design, materials and landscaping plans are in accordance with section 7 of the NPPF and DC 16 "Design" of Breckland's Core Strategy.

### **Sustainability of the buildings**

- 6.33 Policy CP 8 "Natural Resources" of Breckland Council's Core Strategy states that all development must be consistent with the principles of the proper management of natural resources. Development will only be supported where it will enhance, or protect against the non-essential loss of the natural resources of the District. Policy DC 14 "Energy generation and efficiency" of Breckland Council's Core Strategy states that all new development above 1,000m<sup>2</sup> to supply at least 10% of the energy they require through on-site and/or decentralised renewable sources. Section 10 "Meeting the challenge of climate change, flooding and coastal change," of the NPPF specifies that in determining planning applications, local planning authorities should expect new development to comply with adopted local plan policies on local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.34 The Applicant states that just over 34% of the buildings energy demand will be from renewable technologies. The building will be designed in accordance with the Building Regulations, and will be highly insulated and fitted with high performance windows. The orientation of the building has been considered to maximise the benefit of solar gain and natural light, and a natural ventilation strategy has been developed with a high thermal mass construction method to reduce the need for mechanical ventilation and cooling. The Applicant also states

that the building will incorporate a ground source heat pump linked to an under-floor heating system and the hydrotherapy pool will utilise a combined heat and power (CHP) unit for heating. In addition 40m<sup>2</sup> of PV panels and 10m<sup>2</sup> of solar thermal panes will be installed on the roof of the building to provide electricity generation and hot water respectively. Officers consider that a condition should be included requiring details of the PV panels and solar thermal panels to be submitted and approved in writing by the local planning authority.

- 6.35 Taking these matters into account and subject to condition it is considered that the sustainability measures being proposed are in accordance with section 10 of the NPPF, policy CP 8 “Natural Resources” and policy DC 14 “Energy generation and efficiency of Breckland Council’s Core Strategy.

### **Residential Amenity**

- 6.36 Policy DC 1 “Protection of Amenity” of Breckland’s Core Strategy states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.
- 6.37 The Applicant has submitted as part of the application a lighting assessment which specifies that external lighting will be low source intensity and direct downward orientated and that to ensure light nuisance is minimised road way lighting and perimeter car park lighting will be primarily bollard light sources. The Environmental Health Officer for Breckland Council has raised no objection the lighting being proposed.
- 6.38 The nearest residential properties located on Abbey Road are approximately 23 metres from the south west boundary of the site where the MUGA is proposed. The Applicant has confirmed that the MUGA will not be floodlit. Access will be controlled by the school at all times, with no unauthorised use accepted and access to the MUGA will be via the schools entrance with no direct link to the village hall. The Applicant has requested that the MUGA is available for use by the school Monday to Friday and weekends 8am to 6pm. Following clarification from the Applicant of the aforementioned matters the Environmental Health Officer for Breckland Council removed his original objection to the proposal subject to conditions controlling the hours of operation for the MUGA and controlling air conditioning, ventilation and flues.
- 6.39 Officers considered that there is sufficient distance between the site and sensitive receptors to prevent any loss of amenity from noise or lighting. Therefore the proposal is compliant with DC 1 “Protection of Amenity” of Breckland Council’s Core Strategy subject to appropriate conditions.

### **Landscape & Trees**

- 6.40 Policy DC 12 “Trees and Landscape” of Breckland’s Core Strategy states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted. The retention of trees, hedgerows and other natural

features *in situ* will always be preferable. Where the loss of such features is unavoidable, replacement provision should be of a commensurate value to that which is lost. Appropriate landscaping schemes to mitigate against the landscape impact of and complement the design of new development will be required, where appropriate.

- 6.41 The Applicant as part of the application has provided sufficient information in the form of a tree survey plan, tree schedule and Arboricultural Impact Assessment to satisfy Norfolk County Council's Senior Arboricultural and Woodland Officer that the proposal will not have a detrimental affect on any of the existing trees on site.
- 6.42 The Applicant as part of the application has provided sufficient information in the form of Landscape Statement and a Landscape and Visual Impact Assessment. Norfolk County Council's Landscape and Green Infrastructure Officer has not raised an objection to the proposal. A landscape maintenance plan has been requested should permission be granted.
- 6.43 Breckland Council has requested conditions relating to boundary treatment and the requirement for a Landscape scheme.
- 6.44 It is therefore considered that the proposal is compliant with Policy DC 12 "Trees and Landscape" of Breckland Council's Core Strategy subject to appropriate conditions.

#### **Impact on Public Footpath**

- 6.45 NPPF paragraph 75 states that planning policies should protect and enhance public rights of way and access. In accordance with this requirement policy CP 6 "Green Infrastructure" of Breckland's Core Strategy states that green infrastructure (which includes public rights of way) of local and strategic importance will be protected and enhanced. All new development will be expected to contribute towards the protection and enhancement of the district's existing green infrastructure.
- 6.46 Public Right of Way (Old Buckenham FP4) crosses the access being proposed to the school. The Applicant has provided details of the treatment being proposed at the crossing which includes a raised area giving pedestrians priority and no gates to hinder the right of access.
- 6.47 Norfolk County Council's Public Rights of Way Officer suggested that the Applicant may wish to consider improvements to the Public Right of Way between the site and the Primary School to footway standard. In response the Applicant considers this not to be a necessary requirement of the planning application because only the more mobile pupils will use the footpath. They would prefer this issue to be dealt with as a *separate matter*. Officers agree that due the land not being in the control of the Applicant it would be difficult to seek these improvements as part of the Application and as such are satisfied with the application in its current form.

- 6.48 It is therefore considered that the proposal is compliant with policy CP 6 “Green Infrastructure” of Breckland Council’s Core Strategy and paragraph 75 of the NPPF.

### **Archaeology**

- 6.49 NPPF paragraph 128 specifies that in determining applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.50 Policy DC 17 “Historic Environment” of Breckland Council’s Core Strategy states that sites of archaeological interest and their settings will be protected, enhanced and preserved and development which has an unacceptable impact upon a site of archaeological interest will not be permitted.
- 6.51 The Applicant initially provided a desk based archaeological study. In response Norfolk County Council’s Assistant Historic Environment Officer (Countryside) requested further field evaluation due to the site having unknown potential to contain heritage assets with archaeological interest and that an archaeological desk-based assessment is unlikely to provide any further clarification of the potential. The Applicant then provided a report following a field based geophysical survey/evaluation. In response Norfolk County Council’s Assistant Historic Environment Officer (Countryside) concluded that further field assessment would be required prior to determination. The Applicant has now provided evidence from a series of trial trenches which show the presence of a number of significant heritage assets with archaeological interest (buried archaeological remains), previously identified by geophysical survey. Features included medieval ditches and pits, possibly of an industrial nature. The evaluation results indicate that the significance of the features will be affected by the proposed development. Norfolk County Council’s Assistant Historic Environment Officer (Countryside) therefore considers that a programme of archaeological work in accordance with National Planning Policy Framework (2012) paragraph 135 & 141 should be secured through condition.
- 6.52 It is therefore considered that subject to the imposition of a condition requiring a programme of archaeological work in accordance with National Planning Policy Framework (2012) paragraphs 135 & 141 the proposal is compliant with policy DC 17 “Historic Environment” of Breckland Council’s Core Strategy and section 12 “Conserving and enhancing the historic environment” of the NPPF.

### **Highway Safety**

- 6.53 NPPF paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. This application was accompanied by a transport statement and an interim travel plan. Whilst paragraph 32 states that development should only be



refused on transport grounds where the residual cumulative impacts of the development are severe, it also states that decisions should take account of whether safe and suitable access to the site can be achieved.

- 6.54 The site is on the edge of the village, access to the new school will be via a new priority junction directly onto the B1077, in close proximity to the terminal point where the posted speed limit changes from the national limit (60mph) to 30mph.
- 6.55 The application has been assessed by the Highway Authority and an assessment has been based on the following traffic generation figures as contained in the transport statement. That is over 90% of the pupils attending the current school in Attleborough arrive by dedicated school bus/taxi and only four pupils arrive with their parents. The transport statement assumes a pro-rata increase based on the proposed increase in pupil numbers at the new school and gives a forecast of just eight pupils arriving with their parents and the remaining pupils arriving in some 19 people carrier/minibuses. In terms of staffing numbers, there will be between 80 and 90 staff.

6.56 Visibility splays and the site access

In terms of visibility the Highway Authority advises that the provision of splays of 90m to the south and 120m to the north more than satisfies the requirements contained within guidance standards and that such splays are capable of being provided utilising land either under the direct control of the applicant or the public highway.

6.57 Further access arrangements and signage

The Highway Authority is satisfied that the access will be of sufficient width to cater for two-way flows of traffic without causing an impediment to the flow of vehicles on the B1077. Initial concerns regarding the positioning of the entry barrier have been resolved by the Applicant relocating the barrier and associated turning head closer to the car parking and further away from the B1077. This will reduce the likelihood of queuing vehicles causing impediment to traffic by spilling back onto the B1077.

- 6.58 At the time of writing this report there are a number of minor issues relating to (i) signage and (ii) the size of vehicles capable of using the turning head, upon which the Highway Authority has requested further clarification. The Applicant has yet to respond however (i) the signs require a separate legal process (Traffic Regulation Order) and the Highway Authority are satisfied that the signage issues can be resolved as part of that process and are covered by condition 11. Officers will update Members verbally at the meeting with regard to (ii) amendments to the size and radii of the turning head, however this point can be addressed by means of condition 13.

6.59 Car parking

The Highway Authority is satisfied that the car parking provision is in accordance

with adopted parking standards set out in Policy DC 19 Parking Provision of Breckland Council's Core Strategy.

6.60 Accessibility

Pedestrian access from the village would be enhanced by extending the existing footway along the B1077 Attleborough Road to the school's new access road. A new footway link adjacent to the school access road would then link to the school entrance. Public Right of Way (Old Buckenham FP4) which crosses the site access road, would enable further pedestrian access to village facilities. There are no off-road cycle facilities in the vicinity of the site. The bus route service is not adequate for commuters. Attleborough rail station is located approximately 4 km to the north of the proposed school.

6.61 The Applicant has confirmed that there are unlikely to be any additional vehicular movements from children travelling between schools. In any event, even if such movements were to take place, they would be outside peak hours. The able bodied children will walk to the primary and high schools using the existing Public Right of Way (Old Buckenham FP4). The much smaller percentage of motorised wheelchair users (3 per class, 1/3<sup>rd</sup> of pupils) can take a slightly longer route using the proposed footway extension along the B1077 Attleborough Road and then the existing hard-surfaced footpaths (via Attleborough and Abbey Road) to access the schools. The Applicant will discuss upgrading Public Right of Way (Old Buckenham FP4) with all parties who may have an interest in the route (which would enable wheel chair users to take the shorter route) but this will be done separately to the planning application.

6.62 Highways concerns raised by the parish Council

The Parish Council have raised a number of specific concerns:-

- *There will be a significant traffic increase especially considering these movements will take place during peak times.*

In response, the Highway Authority advises that the traffic numbers involved in relative terms still remain small. There will be an increase in traffic from this development, however the numbers involved are not significant.

The Highway response ties in with the NPPF paragraph 32 which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- *The Transport Statement describes no safety measures where the access road joins the B1077 at a point where cars could be travelling at 60mph. The document describes an 85th percentile speed of 35mph using the moving observer method, Sample sizes have not been disclosed.*

When assessing visibility requirements for a new point of access onto a public highway, the industry standard is to measure against the 85th percentile speed rather than the posted speed limit. Whilst the road is indeed subject to the

national limit (60mph), the access falls in close proximity to the terminal points for the 30mph restriction. Vehicles approaching the access from the Attleborough direction are in the process of decelerating and vehicles leaving the village envelope are still in the process of accelerating.

When assessing the suitability of the applicant's proposals, the Highway Authority conducted an assessment of 85th percentile vehicle speeds on three separate occasions: - 29 October 2013; again on 14 February 2014 (both occasions in the afternoon) and also in the morning of 2 July 2014.

The assessment revealed 85th percentile speeds of 35mph when leaving the village envelope and 44mph heading towards the village.

- *An 85th percentile speed of 42mph requires a 120m vision splay; the plans show a splay of only 90m on the south side.*

The assessment of the 85th percentile vehicle speeds in the southern direction was 35mph and not 42mph. In accordance with guidance standards the visibility splay to the south needs to be 54m in length. The submitted plans indicate that the applicants are proposing a splay of 90m to the south which adequately satisfies the Highway Authority requirements.

- *Insufficient parking spaces have been provided for staff when pupil numbers reach target.*

The parking is in accordance with adopted policy. The Highway Authority would object to more car parking spaces being provided as it would conflict with adopted parking standards; the aims of discouraging travel by private car; and also reduce the ability to achieve the target objective of an 11% reduction.

- *A target of 11% reduction in single occupancy journeys has been set, with no plans on how this will be achieved or what sanctions will be applied if target is not achieved; it therefore a meaningless aim.*

With regard to the travel plan, the Highway Authority intend to ask for an initial staff travel survey within three months of opening and use the figures from the survey as a baseline to reduce single vehicle occupancy over five years. The Councils dedicated Travel Planning team will work closely with the school to ensure the figures are met.

6.63 The Parish Council has also suggested a number of mitigation measures:

- *Move the 30mph limit to include the new entrance.*

In response - The Highways Area Manager has now undertaken a traffic study at this location and is in agreement for the 30mph sign to be re-located as part of this development. The applicants are aware of this and have agreed to pay for the sign to be moved.

- *Provision of a mini roundabout.*

The Highway Authority considers that the provision of a mini roundabout at this location would be dangerous and would not support its provision. This point has been the subject of consultation with the safety auditors who concur with that view.

Mini roundabouts suffer from low conspicuity, relying almost entirely on signage and, at night time, on good street lighting. They are therefore essentially an urban junction form. The character of the road on approach, and its influence on driver expectation, is an important consideration in their location.

The volume of traffic entering the school is low; seasonal; and also unevenly distributed. With such uneven traffic flows, such a proposal would make the junction more dangerous as B1077 road users would not be used to giving way to school traffic.

A mini roundabout would also need to be illuminated by street lighting, which the Highway Authority would not support on the edge of a rural village with no other street lighting.

- *Temporary 20mph.*

This requirement has already been accepted by the Highway Authority and they are currently working with the Parish Council through the parish partnership to implement this during the current financial year.

- *Installation of crossing refuges - Hargham Road junction and the Memorial junction.*

The View of the Highway Authority is that the traffic associated with this development will have minimal impact upon these junctions. It's not possible to use a planning application to resolve unrelated existing issues.

- *Traffic cap.*

The applicants have a legal right to use the public highway and we have no legal ability to restrict that use. Accordingly, such a condition would not be enforceable. In any event, the traffic volume is restricted by the scale of development proposed – i.e. the number of classrooms permitted. The imposition of such a condition would fail to meet the tests set out within paragraph 106 of the NPPF relating to the imposition of conditions.

- *Construction management plan*

The Highway Authority have confirmed that they will ask for a construction management plan to include reference to disciplinary measures.

- 6.64 The highway authority has no objection subject to conditions relating to safe access, visibility splays, precise details of parking & onsite layouts, construction

parking measures, construction traffic management plan, wheel cleaning, a Traffic Regulation Order to extend the 30mph limit, Travel Plan and the barrier system.

- 6.65 In conclusion, Officers consider that in Highway terms the proposal is acceptable. The proposed level of car parking is in accordance with adopted policy, the access arrangements are acceptable in highways terms, the measures being proposed for highways improvements within the transport network & through the interim Travel Plan would limit the impacts of the development and the safeguards being suggested during the construction phase would mitigate any harm. Officers acknowledge that the proposal would result in additional traffic on the highway network in and around Old Buckenham at school drop off and collection times but are satisfied that it would not be severe. Taking into account these matters, there is no substantive evidence of any additional risk to highway safety from the proposed development or from the small increase in traffic in the local area. As such the proposed development is in accordance with paragraph 32 of the NPPF.

### **Flood Risk & Sustainable Drainage**

- 6.66 Section 10 of the NPPF: Meeting the challenge of climate change, flooding and coastal change, encourages new development to seek opportunities to reduce the causes and impact of flooding.
- 6.67 Policy DC 13 “Flood Risk” of Breckland Council’s Core Strategy states that suitable measures to deal with surface water arising from development proposals will be required to minimise the impact to and from new development. The preference is to manage surface water through the incorporation of Sustainable Drainage Systems (SuDS) unless this is not technically feasible, or where it can be demonstrated that ground conditions are unsuitable for such measures.
- 6.68 According to the Environment Agency’s (EA) flood zone maps, the application site is situated in Flood Zone 1. The application proposes a number of SuDS features including surface water attenuation pond, swales and permeable surfacing.
- 6.69 The EA has not raised an objection to the proposed development but recommend a condition to include the requirement for a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development is submitted to and approved in writing by the local planning authority.
- 6.70 Officers considered that subject to the imposition of a condition requiring a surface water drainage scheme and an assessment of the hydrological and hydro geological context of the development the proposal is compliant with policy DC 13 “Flood Risk” of Breckland Council’s Core Strategy and section 10 of the NPPF.

### **Ecology**

- 6.71 Policy CP 10 “Natural Environment” of Breckland Council’s Core Strategy states that there is an expectation that development will incorporate biodiversity or geological features where opportunities exist. Development that fails to exploit opportunities to incorporate available biodiversity or geological features will not be considered appropriate.
- 6.72 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.73 The Applicant has submitted as part of the application an ecology report which Norfolk County Council’s Senior Green Infrastructure Officer considers to be fit for purpose and meets industry best practice guidelines. The surveys undertaken are considered appropriate and undertaken at a suitable time following Natural England guidelines.
- 6.74 The County Council’s Senior Green Infrastructure Officer also considers that the application site is primarily agricultural land and has very low ecological value and that there are no protected species on site. He acknowledges that the hedgerow on the southern boundary is to be retained which in his opinion will minimise the potential for impacts on legally protected nesting birds. He recommends that the removal or cutting back of the hedgerow must occur outside of the main bird nesting season to avoid damaging or destroying any active birds’ nests which are protected under the Wildlife & Countryside Act. Officers consider that this requirement could be included as an informative on any approval.

It is therefore considered that the proposal is compliant with policy CP 10 “Natural Environment” of Breckland Council’s Core Strategy and Paragraph 109 of the NPPF.

### **Statement of Community Involvement**

- 6.75 The Applicant has submitted a statement of community involvement which includes details of the consultations that took place prior to submission including the consultation events with the local community. A number of responses have been received from local residents that raise concerns relating to the content of the statement of community involvement.
- 6.76 Officers consider that the statement does demonstrate how the views of the local community have been sought but provides only adequate details of how the views of those directly affected by the development have been taken into account and how this has influenced the design of the development.

### **Procedural Matters**

- 6.77 Representation has been received which raises concern that the visibility splays extend beyond the red line area of the application. In response the Applicant has amended the site location plan to reflect this change. In the interests of efficient handling of planning casework, Officers consider this amendment to be minor in

nature due to the access point remaining the same, the land required for the splays is all within Norfolk County council's ownership and as such is achievable and in all other respects the application will remain the same. For completeness and to avoid confusion the Applicant has also altered the blue line to include the neighbouring sites that are within their ownership.

- 6.78 The government provides supports for this pragmatic approach in a Ministerial Policy statement titled "planning for schools development" produced by the Communities and Local Government which states that local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible.

### **Response to the representation received**

- 6.79 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper. Following the submission of further information regarding a revision to the location of the access barrier and archaeological survey results additional consultation was carried out.

There were 15 letters of objection in total received from neighbours covering issues including:

- The site is outside the village boundary and in an unsustainable location and therefore contrary to the adopted development plan and the NPPF.
- The design and size is not in keeping with the locality.
- The statement of community involvement is inadequate and misleading.
- The transport statement is misleading and factually incorrect.
- Impact of the proposed development and access on highways safety grounds.
- Capacity of the surrounding highways network.
- No direct access to the site and the existing Primary and High School.
- Unclear the extent of integration with mainstream schools.
- Concern that integration would lead to additional vehicle movements.
- Insufficient car parking provision on site.
- Concern at the level of external lighting and hours of use.
- Concern that MUGA and sports pitches which are potentially noise generating being located close to sensitive receptors.
- Incorrect site plan red line and blue lines are misleading.
- Impact on flora and fauna
- Impact on archaeology
- No access for emergency services
- Facilities in Old Buckenham are unsuitable for the pupils
- Impact during the construction phase.
- Provision of mini-roundabout at the access

The following points have been requested:

- The 30 mph limit to include the new entrance to the B1077
- 20 mph Temporary speed limit at school start and end times. To include B1077 to the Memorial , Hargham Road and Abbey Road.

- Crossing refuges at the Hargham Road junction and the Memorial junction are to be installed.
- Movements in and out of the school must be capped to levels set out in transport statement.
- Use of the access road by users of the recreation area and to the primary school y
- External lighting to be switched off by 22:00 at the latest.
- Relocate the pitch and Muga to the paddock area to reduce noise and light pollution.
- The barrier position is too close to the B1077.
- All contractors and suppliers are to commit to taking disciplinary action against drivers who ignore this requirement during the construction phase.

Many of the concerns raised mirror those of the Parish Council and it is considered that the matters that have arisen as a result of the public consultation period have received full consideration as part of the above assessment. It is considered that there are no matters that outweigh the relevant planning considerations.

## 7. **Resource Implications**

- 7.1. **Finance** : The Department for Education (DfE) will award a grant of £3.8 million, towards the cost of the project. Any further delay to the project would need to be negotiated with the DfE and could jeopardise the funding.
- 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 **Legal Implications** : There are no legal implications from the Planning Regulatory perspective.
- 8.2 **Appropriate Assessment**
- 8.3 In accordance with Article 61 of The Conservation of Habitats and Species Regulations 2010, an Appropriate Assessment is not considered necessary because the proposal is considered very unlikely to have a significant effect on a European designated site or species.
- 8.4 **Human Rights**
- 8.5 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.



8.6 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.

8.7 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.

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

8.9 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.

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

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

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

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

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

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

10.1 There are no risk issues from a planning perspective.

### 11. **Conclusion and Reasons for Grant of Planning Permission**

11.1 The proposal the subject of this application whilst in open countryside would provide much needed Special Educational Needs accommodation consisting of 14 general classrooms and a selection of practical learning spaces including a library, ICT suite, art room, food technology, music & drama studio and a life skills flat. 7 group rooms will also be provided along with a range of therapy and sensory rooms, including a hydrotherapy pool, physiotherapy room and soft play room. The development will also include a 140m<sup>2</sup> main hall, gymnasium, 6th form

common room, a dining area as well as a range of staff and administration facilities. A Multi Use Games Area, formal playing pitches, external learning area and wildlife and habitat zones along with the required staff, pupil and visitor parking and drop off areas.

The development would help to maintain the service provision in Old Buckenham. The school buildings proposed are of a high standard of design and incorporate a high specification of sustainability measures and generate 35% of the energy required from a renewable source. The development would result in highway improvements including re-location of the 30 mph speed restriction zone and a temporary 20 mph zone.

It is also a legislative requirement that local finance considerations are taken into account. Local finance considerations are defined as meaning a grant from a Minister of the Crown. In this case, the DfE will award a grant of £3.8 million, towards the cost of the project.

- 11.2 The proposed development is considered acceptable and in accordance with national and local planning policy therefore conditional full permission is recommended.

## 12. **Conditions**

- 12.1 It is recommended that the Director of Environment, Transport and Development be authorised to grant planning permission subject to the following conditions:

- 12.2 1. The development hereby permitted shall commence within three years of the date of this permission.

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

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

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

3. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 354-SFL-PA-L-094 Rev P3.3) in accordance with the highway light industrial access specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

4. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

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

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

6. Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

7. Prior to the commencement of any works a Construction Traffic Management Plan and Access Route shall be submitted to and approved in writing with the County Planning Authority in consultation with the Local Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

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

8. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the County Planning Authority in consultation with the Local Highway Authority.

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

9. No works shall commence on site until details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway.

10. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in condition 9.

Reason: To prevent extraneous material being deposited on the highway.

11. No works shall commence on the site until a Traffic Regulation Order to extend the 30mph limit has been promoted by the Highway Authority.

Reason: In the interests of highway safety.

12. Within three months of the first occupation of the development hereby permitted an update of the existing school travel plan (in respect to the revised location) shall be submitted to and approved in writing by the County Planning Authority in consultation with the Local Highway Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing in consultation with the Highway Authority as part of an annual review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking as shown on the approved plan.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

13. Notwithstanding the details indicated on the submitted drawings prior to the first occupation of the development hereby permitted a detailed scheme for the position of a barrier entry system across the site access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The barrier entry shall be installed in accordance with the approved details.

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

14. No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written

scheme of investigation.

Reason: To ensure adequate time is available to investigate any features of archaeological interest.

15. No development shall take place other than in accordance with the written scheme of investigation approved under condition 14.

Reason: To ensure adequate time is available to investigate any features of archaeological interest.

16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 14 the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure adequate time is available to investigate any features of archaeological interest.

17. Within 6 months of the date of this permission, details of all external lighting and hours of lighting operation shall be submitted for the written approval of the Local Planning Authority, and thereafter shall be implemented as approved.

Reason: In the interest of the amenities of nearby residents

18. The multi-use games area shall be used by the School in accordance with the following times Monday to Sunday 08:00 – 18:00 hours and shall not be used outside these times.

Reason: In the interest of the amenities of nearby residents

19. No external flood lighting should be provided to external sports areas including the proposed multi use games area (MUGA), formal football pitch and play hill / ramp without prior submission to and approval by the local planning authority.

Reason: In the interest of the amenities of nearby residents

20. No air conditioning plant, generators or compressor or any associated flues, ducts or vents shall be installed on the site without the prior written approval of the local Planning Authority, other than those shown on the submitted plans.

Reason: In the interest of the amenities of nearby residents.

21. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of

the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Detailed drainage calculations for the 1 in 2, 1 in 30 and 1 in 100 storm event, including an allowance for climate change over the lifetime of the development are submitted. These calculations must demonstrate that there will be no increase in run off rates or volumes from the pre-development conditions.
- Details of how the scheme shall be maintained and managed after completion.

Reason. To provide a satisfactory method of sustainable surface water drainage.

22. Prior to commencement, precise details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as may be agreed shall be carried out concurrently with the approved development.

Reason: To safeguard the amenities of the adjoining properties.

23. Prior to commencement, a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/march immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development. This condition is imposed in accordance with Policy DC12 of the Breckland Adopted Core Strategy.

24. Within 3 months of the date of this permission, full details of the solar photovoltaic and solar thermal panels shall be submitted to, and approved in writing by, the County Planning Authority. Such details shall include materials, appearance, orientation and angle. The solar photovoltaic panels and solar thermal panels shall be installed in accordance with the

approved details.

Reason: To protect the character and appearance of the area, in accordance with policy DC16 of the Breckland Adopted Core Strategy

25. Prior to the commencement of any works on site, details of the type and colour of the brickwork, mortar courses, colour of render and roofing materials, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall then be constructed and retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in accordance with policy DC16 of the Breckland Adopted Core Strategy

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to subject to no overriding objection from statutory consultees:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## Background Papers

The National Planning Policy Framework (NPPF) (2012):

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Breckland Council, Adopted Core Strategy and Development Control Policies Development Plan Document (2009):

<http://www.breckland.gov.uk/content/document-library-publications>

## Officer Contact

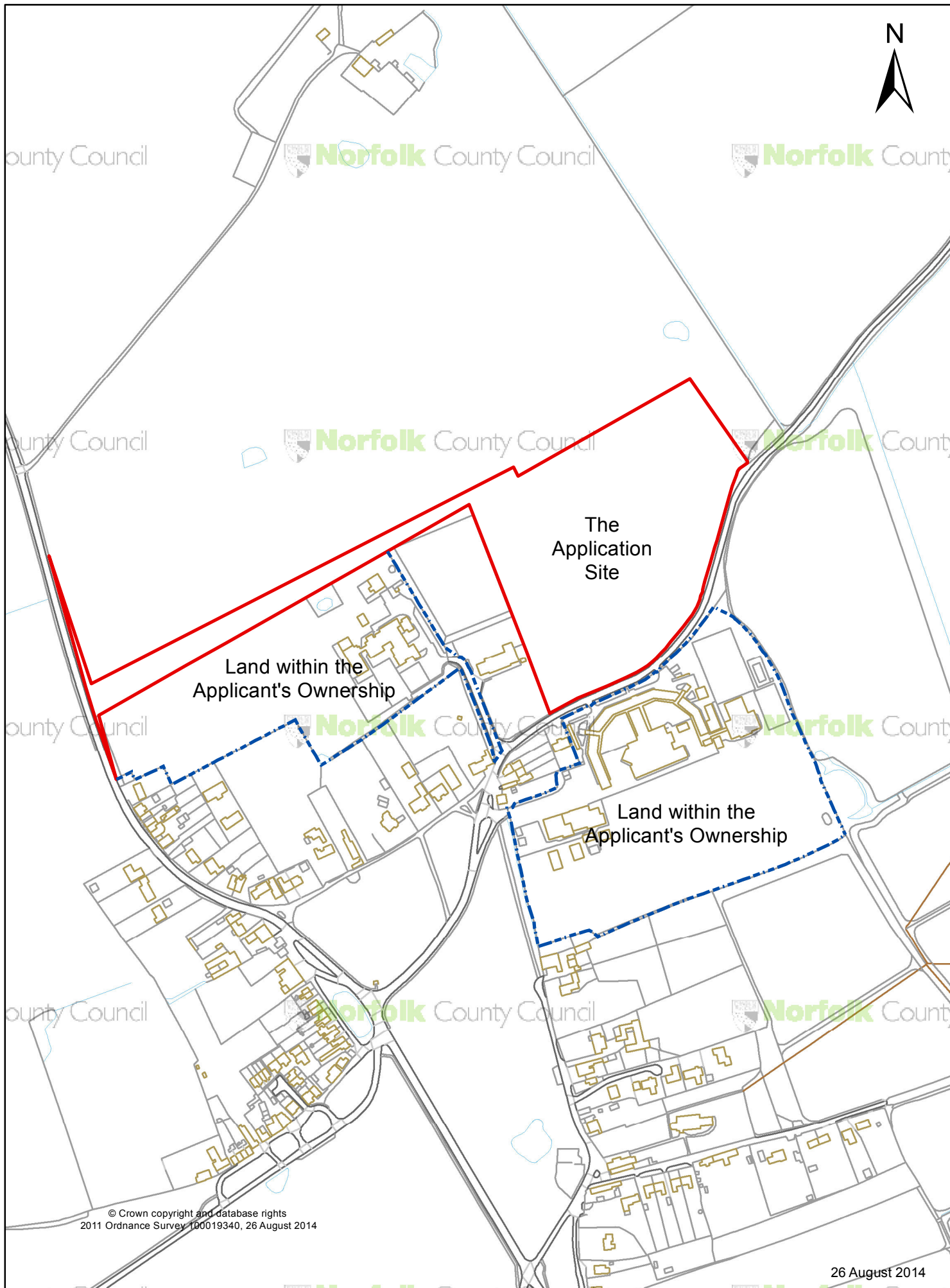
If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Neil Campbell	01603 222757	neil.campbell@norfolk.gov.uk



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

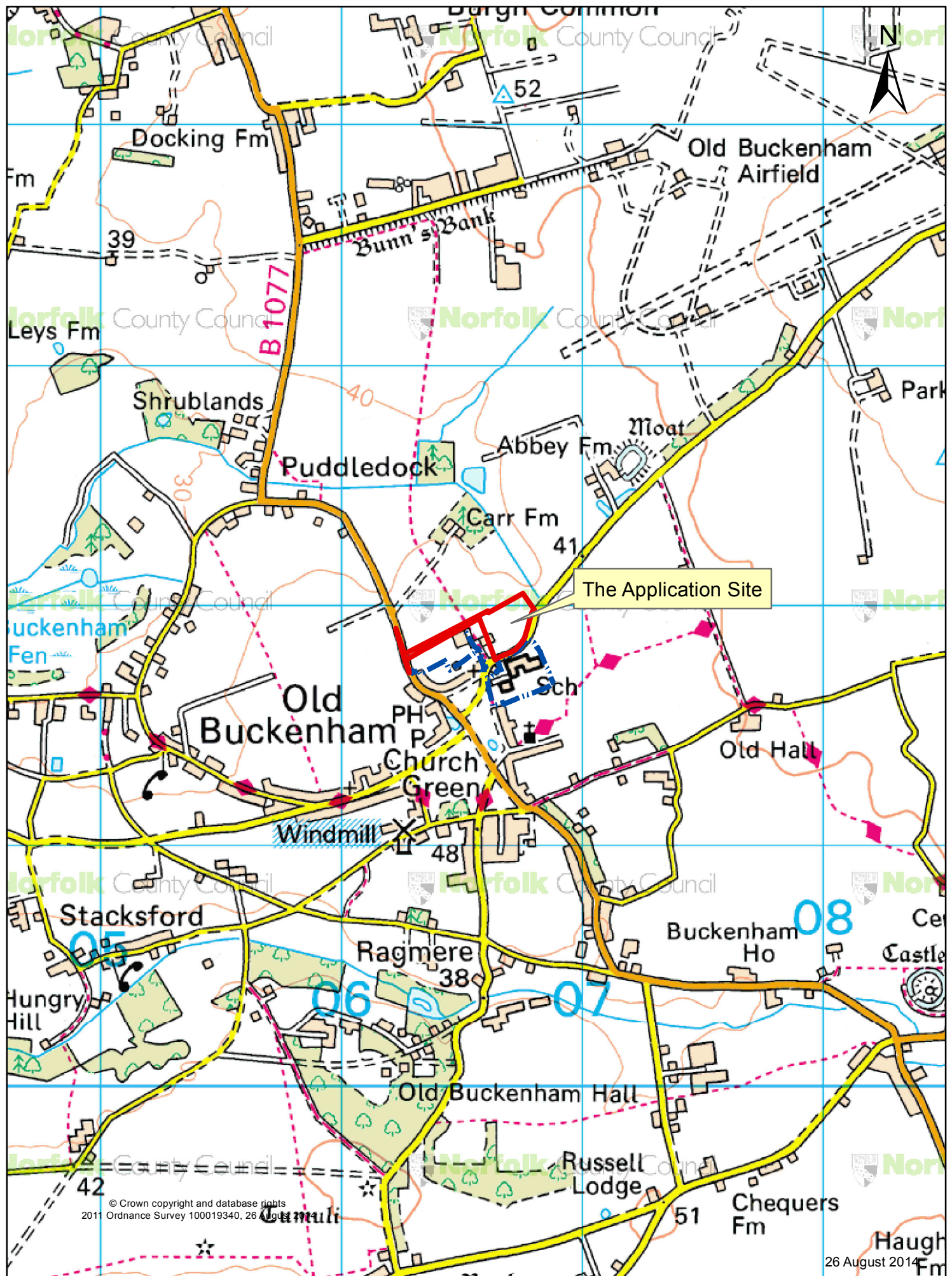




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Old Buckenham

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Metres

 **Norfolk** County Council  
Scale 1: 4000 Centred on 506482 291826



Y/3/2014/3006  
Old Buckenham

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**Norfolk** County Council  
Scale 1: 20000 Centred on 00362 291842



**Applications Referred to Committee for Determination:**

**Breckland District:**

**C/3/2014/3008: Bittering Quarry, Reed Lane, Bittering,  
Dereham, Norfolk. NR19 2QS**

**Variation of conditions 1, 2, 15, 18 & 34 of Planning  
Permission C/3/2007/3044 to allow extraction until 31  
December 2030 and restoration until 31 December  
2032, with revised phasing and restoration:  
McLeod Aggregates Limited**

Report by the Interim Director of Environment, Transport and Development

**Summary**

Planning permission is sought to vary five no. conditions of planning permission reference C/3/2007/3044 in order to extend the time periods for extraction of the remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030 and 31 December 2032, respectively, together with revised phasing and restoration scheme.

Objection has been raised by Beeston with Bittering Parish Council as well as residents of Bittering. Their concerns relate primarily to the duration of the proposed extended timescale and achievement of restoration.

The environmental impacts of the proposal have been carefully considered. No objections are raised by any statutory consultees, subject to conditions.

On balance, the proposal is considered to accord with all relevant development plan policies and national planning and minerals guidance and the extension of operations is considered acceptable in order to allow sufficient time for full restoration of the site. The original permission was subject to a legal agreement controlling vehicle routing to and from the site. A Deed of Variation to ensure the continuation of this agreement has been agreed and is being signed.

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of vehicle routing and the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## 1. The Proposal

- 1.1 Location : Land at Bittering Quarry, Longham / Beeston with Bittering.
- 1.2 Type of development : Sand and gravel extraction (and some inert waste import for restoration); retention of existing plant site; construction of silt lagoons.
- 1.3 Area : 110 hectares.
- 1.4 Total tonnage : Longham Quarry : 200,000 tonnes  
Spreadoak Land : 1.5 million tonnes  
**Total** : 1.7 million tonnes
- 1.5 Annual tonnage : Estimated average output 100,000 tonnes
- 1.6 Duration : Extraction until 31 December 2030, with final restoration for an additional 2 years (until 31 December 2032);
- 1.7 Hours of working : **Extraction:**  
07.00 - 18.00 Monday – Friday;  
07.00 – 13.00 Saturdays  
No operations on Sundays or Bank Holidays (as currently permitted)  
**Mineral Processing Plant:**  
08.00 - 18.00 Monday – Friday  
08.00 – 13.00 Saturdays  
No operations on Sundays or Bank Holidays (as currently permitted).
- 1.8 Access : Existing hardened site access to Reed Lane
- 1.9 Landscaping : Existing and additional screen bunding and existing planting belts
- 1.10 Restoration and after-use : Existing Plant Site – restoration to nature conservation  
  
Existing extraction area (Longham) – progressive phased restoration to agriculture, with small water body and permanent grassland buffer  
  
Approved Spreadoak extension – progressive phased restoration to agriculture and nature

conservation including species rich grassland

## **2. Constraints**

2.1 The following constraints apply to the application site:

### Scheduled Ancient Monuments:

Devil's Dyke ('The Launditch') is situated within the western boundary of the site;

The deserted medieval village of Little Bittering is situated some 260m north of the site;

Old Hall moated site is situated some 150 m north of the site

### Listed Buildings:

Church of St Peter, Bittering is situated some 130m north of the site;

Manor Farmhouse, Bittering, is situated some 450m north of the site;

Church of St Andrew and St Peter, Longham is situated some 280m south of the site;

Longham Hall is situated some 190m south of the site

### Special Protection Zones:

The south east corner of the site is located within Groundwater Protection Zone 3.

### Special Area of Conservation (SAC):

The application site is located within 10km of the River Wensum SAC and Norfolk Valley Fens SAC.

## **3. Planning History**

3.1 The site has a long history of mineral extraction dating back to the 1940s; the more recent history is as follows:-

### Longham Quarry

**3/83/1391** : Sand and gravel extraction and processing, and a concrete batching plant – Approved 1984. A westwards extension, fronting Salters Lane, was permitted in 1990 (3/89/1075).

**C/95/3013** : Consolidation, renewal and extension of Longham Quarry - Approved 1998. The quarry was owned for a short period by Lafarge Redland; Tarmac Limited acquired the quarry in October 2000.

**C/3/2002/3003** : Variation of conditions on planning permission C/3/95/3013, to revise working and restoration schemes, and a legal agreement attached to that planning permission – Approved 2007.

**C/3/2007/3044** : Continuation and extension of mineral working; retention of existing plant site; construction of silt lagoons; restoration of site to agriculture, woodland and nature conservation uses – Approved 2009

**C/3/2010/3036** : Variation of condition 1 of planning permission C/3/2005/3008 to permit the operation of the recycled aggregates facilities to operate for the duration of mineral extraction – Approved 2012

### 3.3 The plant site (Bittering Quarry)

**C/3/2010/3034** : Operation of the asphalt plant for the duration of mineral extraction - Approved 2011

**C/3/2010/3035** : Operation of concrete plant for the duration of mineral extraction – Approved 2011

**C/3/2007/3044** : Continuation and extension of mineral working; retention of existing plant site; construction of silt lagoons; restoration of site to agriculture, woodland and nature conservation uses – Approved 2009

**C/3/2010/3032** : Variation of condition 1 of planning permission C/3/2002/3050 to permit the retention of the quarry offices and welfare facilities for the duration of mineral extraction – Approved 2011

### 3.4 Spreadoak

**C/3/2007/3044** : Continuation and extension of mineral working; retention of existing plant site; construction of silt lagoons; restoration of site to agriculture, woodland and nature conservation uses – Approved 2009

## 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 (2011)	:	CS1	Minerals extraction
			CS2	General locations for mineral extraction and associated facilities
			CS3	Waste management capacity to be provided
			CS4	New waste management capacity to be provided
			CS6	General waste management considerations
			CS13	Climate change
			CS14	Environmental protection
			CS15	Transport
			CS16	Safeguarding mineral sites and mineral resources
			DM1	Nature conservation
			DM3	Groundwater and surface water
			DM4	Flood risk
			DM8	Design, local landscape character
			DM9	Archaeological sites
			DM10	Transport
			DM12	Amenity
			DM13	Air Quality
			DM14	Progressive working, restoration and after-use

4.2	Breckland Core Strategy and Development Control Policies (2009):	:	DM16 CP 8 CP 10 CP 11  DC 1 DC 12 DC 17	Soils Natural Resources Natural Environment Protection and Enhancement of the Landscape Protection of Amenity Trees and Landscape Historic Environment
4.3	The National Planning Policy Framework (2012)	:		1. Building a strong, competitive economy  3. Supporting a prosperous rural economy  4. Promoting sustainable transport  7. Requiring good design  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  13. Facilitating the sustainable use of minerals
4.4	Planning Practice Guidance Suite (2014)	:		Minerals
4.5	Government Planning Policy Statements:	:		Planning Policy Statement 10: Planning for Sustainable Waste Management

## 5. Consultations

- |     |                                       |   |   |
|-----|---------------------------------------|---|---|
| 5.1 | Breckland District Council            | : | No response received  |
| 5.2 | Beeston with Bittering Parish Council | : | <p>Raise objection on the following grounds:</p> <ul style="list-style-type: none"> <li>The time scale for the extension is far too long and takes it beyond the current Minerals and Waste Framework.</li> <li>McLeod Aggregates Ltd is a new mineral producer and as such the estimated extraction rate of 100,000 tonnes per year may not be the case. Once it is known with more accuracy what the extraction rate is and the end date for extraction then the applicant should apply again for any extension on existing planning permission C/3/2007/3044, which allows extraction until</li> </ul> |

2017.

- Concerned that no extraction should take place at Bittering Quarry until such time as extraction has ceased at Longham Quarry and all restoration apart from the final phase is complete.
- With the downturn in the economy and uncertainty over future demand, to grant an extension at this time would be excessive and unreasonable.

5.3	Longham Parish Council	:	No response received
5.4	Mileham Parish Council:	:	No response received
5.5	Necton Parish Council:	:	No response received
5.6	Wendling Parish Council:	:	No response received
5.7	Highways Agency:	:	No objection. The proposal is unlikely to affect the safety and operation of the A47 trunk road.
5.8	Environmental Health Officer (Breckland district)	:	No objections or comments on Environmental Protection grounds, subject to the development proceeding in line with the application details.
5.9	Norfolk Historic Environment Service	:	No response received
5.10	Environment Agency	:	No objection, subject to retention of part (d) of Condition 34, requiring a restoration scheme to be submitted within three months of the permission which includes details of the provision to be made for drainage of the site.

Comment that the site is currently regulated by the Environment Agency.

Provide informative in relation to transfer of the Environmental Permit.

5.11	Highway Authority (NCC)	:	No objection, subject to all current highway conditions associated with the current planning permissions remaining.
5.12	County Ecologist:	:	No objection, subject to condition in relation to



- |      |                                      |   |
|------|--------------------------------------|---|
| 5.13 | Senior Green Infrastructure Officer: | proposed tree and shrub species.<br>: No response received      |
| 5.14 | Public Rights of Way Officer         | : No response received  |
| 5.15 | English Heritage:                    | : No response received  |
| 5.16 | Health & Safety Executive            | : No response received  |
| 5.17 | Local residents                      | : Representations have been received from nine local residents. |

#### Objections and concerns

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

#### Timescale

- Consider the application is premature, excessive and speculative
- to grant an additional 18 years for working this site would be excessive and unreasonable.
- No necessity to grant such a long extension...the current permission (C/3/2007/3044) already allows the applicant sufficient time to extract the stated 300,000 tonnes left in Longham quarry at the extraction rate of 100,000 tonnes a year.
- The Spreadoak land has not been started since permission was granted in 2009 and is unlikely to start within the next 3 years, which demonstrates a clear lack of need for sand and gravel from this area until some time in the future.
- Consider refusal is appropriate at this time until Longham quarry is nearing completion, which would allow the applicant time to establish its market and be in a better position to reliably predict the length of time required to work and restore Spreadoak. This will provide residents with some degree of certainty and confidence in planning conditions, which has not been the

case in the past 30 years where end dates have been extended many times.

- Suggest that an extension of 5 years is granted initially, thereby enabling the Applicant to complete extraction on the Longham side, by which time it should be clearer how much extra time will be required to work Spreadoak and would also give residents some comfort and security to know the matter would be under review, rather than the threat and uncertainty of another 18 years of unrestricted activity.
- There are other quarries in this area already making it even more difficult to justify starting the Spreadoak extension
- If NCC had not approved linking the original Longham permission with the Spreadoak application the applicant would have had to finish the Longham site anyway before making an application for the other.

#### Restoration

- Given the reduced demand and increasingly slow extraction rate there is a risk of restoration not being achieved within a reasonable timeframe, as has been demonstrated on the Longham site. With Tarmac Ltd selling its interest in the site there is now no guarantee that restoration and aftercare obligations, will be delivered in the event of any lapses during the operational life of the permission.
- Restoration must be safeguarded and controlled by robust conditions to ensure that restoration is complete on one phase before working is progressed, limiting the amount of land which can be disturbed and left un-restored at any one time.
- Restoration on the Longham site has been slow, sporadic and has not followed the current extraction/restoration phasing plans or kept pace with extraction.
- An apparent shortage of inert materials is

one of the reasons given for delays in restoration of the Longham site, therefore if there are doubts concerning availability of materials for restoration then there must be considerable doubt on whether extraction can take place.

#### Highway

- Measures to control mud, stone and sand being deposited on the public highway and related dust generated from vehicles accessing/leaving the Longham site are inadequate...apart from obvious dangers to motorists and cyclists, our vehicles get coated, which is very frustrating.
- Lorries not within the control of the operator visiting/leaving the site heading north on Reed Lane have also increased contrary to the S106 Agreement; this road is not suitable for HGV's and meant to be controlled by the S106 Agreement.

#### Security

- More needs to be done to ensure that these areas are secure especially as this area is part of the Nar Valley walk...there are many places where it is possible to access these sites
- On one occasion I had to rescue a dog from a silt pond at Bittering
- The gates on the Longham site are frequently open and can be accessed quite easily

5.18 County Councillor (Mr Mark Kiddle-Morris): : No response received

## **6. Assessment**

### **6.1 Proposal**

6.2 Planning permission reference C/3/2007/3044 was granted in 2009 for, continuation and extension of mineral working; retention of existing plant site; construction of silt lagoons; restoration of site to agriculture, woodland and nature conservation uses. Permission is sought for variation of conditions 1, 2, 15, 18 & 34 of Planning Permission C/3/2007/3044 to extend timescales for completion of extraction and restoration, with revised phasing and restoration. The specific

changes proposed are as follows:-

6.3 Condition 1

Condition 1 relates to the cessation of development and the restoration scheme. Condition 1 requires cessation of mineral extraction and removal of mineral processing plant on or before 31 December 2017; cessation of waste and soil imports and deposit and removal of related plant and equipment on or before 31 December 2018, and restoration of the site by the 31 December 2019.

6.4 In relation to condition 1, the application under consideration seeks permission to extend each of the dates by 13 years and so extend the expiry date for the completion of (i) mineral extraction until 31 December 2030, (ii) import of waste and soils until 31 December 2031, and (iii) restoration until 31 December 2032.

6.5 The application states that the need to extend the timescale has been brought about by a number of factors which will result in lower rates of extraction and sale of minerals from the site than were anticipated in the original application, reference C/3/2007/3044. At the time of submission of application reference C/3/2007/3044, in 2007, it was estimated that the average annual output would be 200,000 tonnes.

- The recession in the construction industry has depressed sales over the last few years
- Removal of the asphalt plant and concrete batching plant from the plant site, which were responsible for a significant proportion of sales from the quarry, have resulted in a reduction in the capacity to process and sell mineral.
- Longham Quarry has been found to contain higher mineral reserves than anticipated.

6.6 Having reviewed the position, the applicant now anticipates an average output of 100,000 tonnes per annum and estimated current reserves of some 1.7 million tonnes. As a result, a further 17 years are sought for completion of mineral extraction, until the end of 2030.

6.7 Condition 2

Condition 2 relates to the development details, including phasing details. In relation to condition 2, it is proposed to amend the phasing of the Spreadoak land, such that it will continue to be worked in an anti-clockwise direction in six phases but extraction will now commence in the south west corner and the phases will be more uniform in size.

6.8 Condition 15

Condition 15 relates to the phased scheme of working and restoration of Longham Quarry. In relation to condition 15, the applicant seeks permission to amend the phased scheme. The application states that land in the south east corner previously thought to be barren of mineral has been found to contain workable reserves of sand and gravel. The revised phasing scheme provides for the extraction of mineral in this part of the site. The revised scheme provides for

the remaining area to be worked in an anti-clockwise direction in three phases. Restoration levels would be achieved using silts from the plant site, overburden and imported inert fill material.

6.9 Condition 18

Condition 18 relates to the scheme of landscaping; this condition was discharged with exception of part (a) which requires the screening of the operations by trees, hedges and soil bunds; the landscaping scheme would be revised to include the following:

- Replacement of advance planted copse in the south-east corner of the Spreadoak land with hedgerow planting.
- Revisions to arrangements for storage of stripped overburden on the Spreadoak land.

6.10 Condition 34

Condition 34 required submission of a detailed restoration scheme; this condition was not discharged. The restoration scheme would be revised to include the following:-

Longham

- Revised final restoration levels – graded contours sloping from north west to south east
- Amendment to restoration phasing
- Small water body in north west area surrounded by permanent grassland buffer

The plant site (Bittering Quarry)

- Reduced woodland planting towards the centre of site and substitution with species rich grassland
- Area for natural regeneration to east of site

The land at Spreadoak

- Amendment to restoration phasing
- Additional planting in south western corner and along southern boundary

6.11 **Site**

6.12 The site, known as Bittering Quarry, is located approximately 0.5km north west of the village of Longham, with Bittering some 0.5km to the north, and the village of Beeston some 2.5km to the south west. The site is well established with mineral extraction having taken place there since the 1940's. The site currently comprises of three main areas as discussed below.

6.13 Longham Quarry

The site, known as Longham Quarry, (which forms the current extraction area) is on an elevated area of agricultural land, west of Reed Lane. The site is being progressively worked for sand and gravel with operations advancing in an easterly direction. The mineral is transferred across Reed Lane to the plant site for processing. The site is undergoing progressive restoration to agriculture, with

on-site restoration materials being supplemented through importation of inert waste.

6.14 The plant site (Bittering Quarry)

Mineral extracted from Longham is processed within the existing plant site, known as Bittering Quarry, which incorporates the following operations:

- Stockpiling
- Sand and gravel processing, including washing and grading
- Silt treatment

The site is accessed via Reed Lane, which runs between Longham Quarry and the plant site / Spreadoak land and which joins Honeypot Lane to the south which in turn links with Wendling village and the A47 further south.

6.15 The land at Spreadoak

The site, known as Spreadoak, comprises the extension (permitted pursuant to PP C/3/2007/3044) to the current operations at Longham. The area, which is currently a field in arable cultivation, lies east of Reed Lane, north of Litcham Road, and west of the U35089, in the parish of Longham. The Spreadoak land is separated from the existing processing plant site by the Spreadoak Plantation on its northern boundary.

6.16 The nearest residential properties are a property at the junction of Ostrich Lane and Litcham Road (located some 15m from the south east corner of the Spreadoak land), a property at the entrance of Longham Hall (some 40m from the south west corner of the Spreadoak land), and a number of properties at Bittering, north of the site.

6.17 **Principle of development**

6.18 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

*“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*

6.19 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWLDF Core Strategy”), and the adopted Breckland Core Strategy (2009). Whilst not part of the development plan, policies within the National Planning Policy Framework are also material to consideration of the application.

6.20 The principle of development which this application seeks to vary was considered

acceptable in 2009 (ref C/3/2007/3044). When assessing this application to vary the existing consent, the proposal must be assessed against any new planning policy or guidance that has been published since the grant of permission, and account must be taken of any material changes in circumstances at the site since the grant of permission, as well as the actual changes sought.

- 6.21 New national planning policy guidance relevant to the proposal has been introduced since the application was considered by the Planning (Regulatory) Committee at their meeting of 18 April 2008, including the National Planning Policy Framework (NPPF) (2012). Paragraph 144 of the NPPF requires local planning authorities to give great weight to the benefits of mineral extraction, including to the economy. It is therefore considered that the proposal would be in general accordance with the aims of the NPPF.
- 6.22 In addition, Norfolk County Council has produced a Minerals and Waste Local Development Framework. The NMWLDF Core Strategy was adopted in September 2011. The application site is designated in the NMWLDF: Core Strategy Proposals Map as an existing mineral extraction site, for safeguarding purposes.
- 6.23 Since grant of planning permission C/3/2007/3044, the quarry has recently been taken over by McLeod Aggregates from the previous operator, Lafarge Tarmac Limited.
- 6.24 The essence of this planning application is to extend the timescale for completion of mineral extraction and restoration, together with revised phasing and restoration. Given the above, it is considered that the proposal would be acceptable in principle. It therefore needs to be determined whether the variations sought are acceptable in terms of the potential impacts they may have, primarily upon residential amenity, visual amenity and highway safety.
- 6.25 **Mineral Supply / Need**
- 6.26 NMWLDF Core Strategy Policy CS1 sets out the requirement for the sand and gravel landbank to be maintained at between 7 and 10 years' supply. Paragraph 145 of the NPPF requires MPAs to make provision for the maintenance of at least a 7 year supply of sand and gravel.
- 6.27 It is important to recognise that this site already benefits from planning permission for mineral extraction. As such the site is already included within the County's existing permitted landbank for sand and gravel. In addition, Longham Quarry has been found to contain higher mineral reserves than originally anticipated. The application states that the site contains a reserve of 1.7 million tonnes of which the Spreadoak land contains 1.5 million tonnes.
- 6.28 As at the end of September 2014, the estimated landbank for sand and gravel, based on the past 10 years average sales, stands at 9.28 years and therefore complies with the supply targets referred to in the NPPF and NMWLDF CS Policy CS1.
- 6.29 **Principle of location**

- 6.30 Policy CS2 of the NMWLDF Core Strategy sets out the principles for the locations for sand and gravel production in the County, and places a preference for sites which are “close and/or well related” to the major urban areas. “Close” is defined in paragraph 6.8 of the Core Strategy as a distance of 10 miles (16km) or less.
- 6.31 The planning application is to extend the timescale for completion of mineral extraction and restoration in respect of an established mineral site. The site is well connected to the strategic road network, with a site access onto Reed Lane, a road classified by the NCC Route Hierarchy as an HGV access, and being some 6km from the A47 trunk road. In addition, the site is within 10 miles of Dereham. Given the above, it is considered that the proposal is compliant with the requirements of policy CS2.
- 6.32 **Importation of waste**
- 6.33 Policies CS3 and CS4 of the Minerals and Waste Core Strategy set out the aims to provide sufficient waste management capacity for the County and targets for different waste management facilities, including for inert landfill/quarry restoration void space. Policy CS6 states that sites at existing mineral workings will be acceptable in principle, as long as they are restricted to a temporary permission.
- 6.34 In addition to use of on-site restoration materials, restoration of the Longham site is being supplemented through importation of inert waste. Similarly, the Spred oak site would be progressively restored through the use of site won material and imported inert materials. The proposal to carry out restoration with the aid of quarry waste and imported inert waste accords with these policies.
- 6.35 **Amenity (noise, dust, light pollution etc)**
- 6.36 Policy DM12 of the NMWLDF Core Strategy seeks the protection of amenity for people in close proximity to minerals extraction sites, whilst policy DM13 seeks effective minimisation of harmful emissions to air. The principles of the above policies are reiterated through Policies DC 1 and CP 8 of the Breckland Core Strategy. Guidance within the NPPF requires local planning authorities to ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise-sensitive properties.
- 6.37 The impact of the development on neighbouring occupiers was considered acceptable when permission was originally granted in 2009. The proposed extension of time will allow working and restoration of the site to be completed. It is considered that the extension of time would not cause impacts significantly greater than those that already take place. Based on the information provided with the application, Breckland EHO has raised no objection to the development.
- 6.38 There are a number of conditions on the existing permission which are aimed at protecting the amenity of neighbours and it is recommended that these are retained should permission be granted. It is considered that the extension of timescales, and revised phasing and restoration will cause no material harm



to the amenities of neighbouring occupiers or the local area, and the proposal therefore complies with NMWLDF CS Policies DM12 and DM13, Policies DC 1 and CP 8 of the Breckland Core Strategy, and objectives of the NPPF.

6.39 **Landscape**

- 6.40 Policy CS14 of the NMWLDF Core Strategy requires developments to ensure that there are no unacceptable adverse impacts on the character and quality of the landscape, whilst Policy DM8 states that, development will be permitted if it will not harm the conservation of landscape character, taking into account any appropriate mitigation measures. Policy CP 11 of the Breckland Core Strategy requires the protection and enhancement of the landscape, whilst policy DC 12 requires landscaping schemes to mitigate against landscape impact, where appropriate. The NPPF sets out the Government's objectives for conservation and enhancement of the natural environment, including landscapes.
- 6.41 The proposal is within 'Beeston Plateau' as defined in the Breckland Landscape Character Assessment (2007). The Assessment states that the landscape in the Beeston Plateau is relatively weak in ecological terms and the strategy for the area needs to be one of new native tree planting and woodland creation, combined with new hedgerows and field margins.
- 6.42 The application site comprises of an existing active sand and gravel working (Longham), associated plant/processing site (Bittering), and a permitted extension area for mineral extraction, currently arable farmland (Spreadoak). There are significant areas of tree cover in and around the site and these in combination with landscaped bunds play an important visual screening role for the development. The landscape impacts of the site under consideration were assessed during the determination of permission reference C/3/2007/3044 and were found to be acceptable in this landscape context.
- 6.43 The proposed restoration scheme would introduce revised restoration levels and a small water body with fringing grassland on the Longham extraction area, reduced woodland planting and substitution with species rich grassland and scrub on the plant site (Bittering), and alternative woodland areas on the Spreadoak land. It is not considered that the proposed extension of time for completion of extraction and restoration, and revisions to phasing and restoration would cause impacts significantly greater than those that already take place. No response has been received from the consultation with the Council's Landscape Officer.
- 6.44 It is considered that the proposal respects the character and landscape assets of the Beeston Plateau Character Area and there is no conflict with the strategy for this area. As such, it is considered that the development accords with the landscape principles set out in policies CS14 and DM8 of the NMWLDF: Core Strategy, Policies CP 11 and DC 12 of the Breckland Core Strategy, and also accords with the requirements of the NPPF.
- 6.45 **Biodiversity and geodiversity**
- 6.46 Policies CS14 and DM1 of the NMWLDF Core Strategy seek the protection of biodiversity, whilst Policy CP 10 of the Breckland Core Strategy requires the

protection of the natural environment. The NPPF also recognises the weight of protection afforded to international, national and local conservation sites, individual species and the importance of conserving and enhancing biodiversity.

- 6.47 The site carries no particular nature conservation designation and is not located adjacent to any designated nature conservation site. The application is for an extension of time for working and restoration of the site, together with revised phasing and restoration. The proposed revised restoration scheme would introduce a small water body with fringing grassland on the Longham extraction area, species rich grassland and scrub on the plant site (Bittering), and alternative woodland areas on the Spreadoak land. It is considered that the changes to the restoration phasing will not have any significant implications for biodiversity, and the changes to the tree planting areas will not have negative implications for biodiversity.
- 6.48 The proposed restoration scheme has conservation potential. The Council's Ecologist has been consulted on the application and raises no objection on ecological grounds, subject to condition in relation to proposed tree and shrub species; this would seem to be a reasonable request. Subject to the aforementioned condition, the development is considered to be acceptable and compliant with NMWLDF: Core Strategy policies CS14 and DM1, Breckland Core Strategy Policy CP 10, and objectives of the NPPF.
- 6.49 *Appropriate Assessment*  
The application site is located within 10km of the River Wensum Special Area of Conservation (SAC), and Potter & Scarning Fens, and Badley Moor, Dereham, being component parts of the Norfolk Valley Fens SAC. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.
- 6.50 **Historic Environment**
- 6.51 Policies CS14, DM8 and DM9 of the NMWLDF Core Strategy set out how development must ensure that there are no unacceptable adverse impacts on heritage assets and their settings, whilst Breckland Core Strategy policy DC 17 seeks the preservation and enhancement of the historic environment. These principles are also contained within the NPPF, Part 12.
- 6.52 A Scheduled Ancient Monument, (Devil's Dyke ('The Launditch')), is situated within the western boundary of the Longham Extraction Area. Two further Scheduled Ancient Monuments, (Little Bittering Deserted Medieval Village and Old Hall moated site) are both situated within 260m of the northern boundary of the site, separated by arable farmland and woodland.
- 6.53 Two listed buildings (St. Peter's Church, Little Bittering and Manor Farmhouse, Bittering), lie within 450m of the northern boundary of the site, separated by arable farmland and woodland, and a further two listed

buildings (Longham Hall and Sts. Andrew and Peter's Church, Longham) lie within 280m of the southern boundary.

- 6.54 The heritage impacts of the site under consideration were assessed during the determination of permission reference C/3/2007/3044 and were found to be acceptable. As regards Devil's Dyke (The Launditch), this part of the site has already been worked and restored. As regards the two other Scheduled Ancient Monuments and the two listed buildings situated north of the site, the site is screened to the north by existing landscaped bunding. As regards the two listed buildings situated south of the site, the Spreadoak land would be screened to the south by landscaped bunding.
- 6.55 With exception of proposed new bunding along the western boundary of the Spreadoak land and revisions to advance planting, the application under consideration does not seek to make any alterations to the existing screening arrangements at the site. No response has been received from the consultation with English Heritage.
- 6.56 It is not considered that the proposed extension of time for completion of extraction and restoration, and revisions to phasing and restoration would cause impacts significantly greater than those that already take place. It is therefore considered that the proposed development would not have a detrimental impact on the setting of the Scheduled Ancient Monuments, or any significant impact on important aspects/elements of the setting of the listed buildings and there is no material detriment to the significance of the heritage assets. It is therefore considered, taking into account the above, that the development is compliant with NMWLDF policies CS14, DM8 and DM9, Breckland Core Strategy policy DC 17, and government objectives of the NPPF.
- 6.57 **Transport**
- 6.58 Policy CS15 of the NMWLDF Core Strategy seeks to ensure that minerals development can be suitably accessed and would not cause unacceptable impacts on road user safety, network capacity, residential and rural amenity, and damage to road infrastructure, whilst Policy DM10 requires applications to demonstrate that there is suitable highway access and suitable routes to the nearest major road. The NPPF sets out the Government's national planning policies in relation to transport.
- 6.59 The Highway Authority raised no objection to the original application permitted in 2009, subject to a S106 Routeing Agreement. Planning permission reference C/3/2007/3044 is subject to a S106 Agreement requiring vehicles to run south via the C229 to Wendling, or east towards Gressenhall, or west towards Litcham. There is also provision in the agreement for no more than six vehicles per day to visit or leave the site from/to the north (Stanfield). No increases in vehicle movements or changes to the existing access arrangements are proposed as part of this planning application to extend the time period for completion of extraction and restoration.
- 6.60 Local residents raise concern about measures to control mud and loose debris

being deposited on the public highway crossing point between the Longham and Bittering sites. A condition of planning permission C/3/2007/3044 requires measures to be taken to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway. This matter has been drawn to the attention of the applicant who responds that he is not aware of any recent problems in relation to debris but the situation will be kept under close supervision by the quarry manager. The site is also regularly inspected on an unannounced basis by the Council's Monitoring and Control Team as part of the Council's monitoring regime and it has been established that on the occasions that the site has been inspected the crossing point has been clear of mud.

- 6.61 A local resident raises concern with an increase in lorries not within the control of the operator visiting / leaving the site from/to the north of the site, contrary to the provisions of the existing S106 Agreement. This matter has been drawn to the attention of the applicant who responds that he is committed to observing the restrictions placed on vehicle movements by the S106 Agreement and the situation will be monitored by the quarry manager.
- 6.62 The Highways Agency raises no objection, and the Highway Authority raises no objection, subject to the vehicles following the designated access route already secured under the existing Section 106 Agreement and all current highway conditions associated with current planning permissions being re-imposed. Given the rural road network, this would seem to be a reasonable request.
- 6.63 A Deed of Variation of the existing S106 Agreement, to reflect the planning application under consideration, has been agreed and is being signed. Subject to the aforementioned conditions and conclusion of the Deed of Variation, the development is considered compliant with the principles of NMWLDF: CS policies CS15 and DM10, and the government objectives of the NPPF.
- 6.64 **Climate change and renewable energy generation**
- 6.65 NMWLDF Policy CS13 addresses issues relating to climate change and renewable energy generation. Where possible applicants should aim for incorporation of renewable or low carbon energy to generate a minimum of 10 per cent of their energy needs. Where this is not considered practicable, appropriate evidence should be provided. The NPPF sets out how planning should provide resilience to the impacts of climate change.
- 6.66 The application advises that consideration has been given to the possibility of how the development could generate its own energy from wind power, solar power and incineration of combustible wastes or fuel pellets. As regards wind power, it is considered that erection of a wind turbine(s) would severely compromise the integrity of the site screening, would be likely to result in some increase in noise disturbance, and the proposed extension period is not of sufficient timescale to obtain a financial return on the investment. Similarly, the proposed extension period is not of sufficient timescale to obtain a financial return on installation of solar panels. As regards incineration, the conclusion reached is that such generation is financially unviable given the timescale involved.

- 6.67 The application therefore concludes that, in the circumstances, renewable or low carbon energy generation is unviable. Although it is disappointing that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance.
- 6.68 **Flood risk**
- 6.69 NMWLDF Policies CS13 and DM4, and Policy CP 8 of the Breckland Core Strategy address issues relating to flood risk. The NPPF also sets out how planning should take full account of flood risk.
- 6.70 The site lies within Flood Zone 1, which is an area at low risk of flooding. The application provides for changes to the phasing of extraction and restoration, including revised restoration levels and a small water body on the Longham area. Based on the information provided, the Environment Agency has raised no objection on flood risk grounds. It is therefore considered taking into account the above, that the development is compliant with NMWLDF policies CS13 and DM4, and Policy CP 8 of the Breckland Core Strategy.
- 6.71 **Groundwater/surface water**
- 6.72 Policy DM3 of the NMWLDF Core Strategy seeks to ensure that development does not pose a risk to groundwater/surface water quality and resources. These principles are also reiterated through Policy CP 8 of the Breckland Core Strategy. The NPPF sets out how, to prevent unacceptable risks from pollution, planning decisions should ensure that development is appropriate for its location.
- 6.73 The south east corner of the land at Spreadoak is located within Groundwater Protection Zone 3. With exception of amendment to restoration phasing and tree planting locations, the application does not provide for any amendment to the approved working or restoration scheme for the Spreadoak land. The Environment Agency has been consulted and raises no objection, subject to condition requiring submission of a restoration scheme which includes provision for site drainage. Given the site's location, this would seem to be a reasonable request.
- 6.74 It is therefore considered that there would be no conflict with the NMWLDF CS policy DM3, Breckland CS Policy CP 8, or the NPPF.
- 6.75 **Protection of best and most versatile agricultural land**
- 6.76 NMWLDF CS policy DM16 states that, when mineral extraction is proposed on agricultural land of grades 1, 2 or 3a it will only be permitted where provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality. Policy CP 8 of the Breckland Core Strategy seeks to avoid unnecessary loss of high-grade agricultural land. The NPPF sets out how planning should take into account the economic and other benefits of the best and most versatile agricultural land.
- 6.77 A soil resources assessment of the Spreadoak land was undertaken pursuant to application C/3/2007/3044. The land comprises of grades 2 and 3b agricultural land. The available soil resources will be used to restore all the agricultural profile

to potential grade 2 land and the conservation profile to grade 3b quality. The impact of the development on soil resources was considered acceptable when permission was originally granted in 2009.

- 6.78 There are a number of conditions on the existing permission which are aimed at ensuring the productive afteruse of the land and it is recommended that these are retained should permission be granted. It is considered that the extension of timescales, and revised phasing and restoration will cause no material harm to the soil resources, and the proposal therefore complies with NMWLDF CS Policy DM16, Policy CP 8 of the Breckland Core Strategy, and objectives of the NPPF.
- 6.79 **Progressive working, restoration and after-use**
- 6.80 NMWLDF policy DM14 requires schemes for the phased and progressive working and restoration to high quality, distinctive landscapes and enhancement to the ecological network. The application is for an extension of time for working and restoration of an existing permitted site, together with revised phasing and restoration. This application seeks to retain the existing progressive relationship between extraction and restoration such that all restoration would be completed within two years of extraction being completed.
- 6.81 Concern is expressed by Beeston with Bittering Parish Council and local residents that the proposed extended timescale is excessive – the application seeks to extend the life of the site by thirteen years beyond the current planning consent. The National Planning Practice Guidance underlines that planning for the supply of minerals has a number of special characteristics that are not present in other development and recognises that mineral working is a temporary use of land, although it often takes place over a long period of time.
- 6.82 As detailed elsewhere in this report, the proposal to extend the timescale has been brought about by a number of factors which will result in lower rates of extraction and sale of minerals from the site than were anticipated in the original application, reference C/3/2007/3044. The requested timescale is a function of the projected rate of extraction / restoration and the current permitted reserve. When permission reference C/3/2007/3044 was granted, the permitted timescale was based upon the applicant's estimated timescale for completion of extraction and restoration, which would have been based upon historic and predicted sales from the site and availability of restoration material. Given that sales volumes of sand and gravel are dependant upon demand, the economic downturn has led to a decline in sales from this site, in common with other mineral workings. In addition, subsequent removal of the asphalt plant and concrete batching plant from the plant site (Bittering), have resulted in a reduction in the capacity to process and sell mineral. Furthermore, Longham Quarry has been found to contain higher mineral reserves than anticipated. The applicant has therefore had to revise the proposed timescales for completion of mineral extraction and restoration, accordingly.
- 6.83 Representation is made that the applicant is a new mineral operator and as such the estimated extraction rate of 100,000 tonnes per year may not be the case. It is suggested that the applicant should re-apply for any time extension on planning permission C/3/2007/3044 once the applicant has established its market

and it is known with more accuracy what the extraction rate is and the end date for extraction. The applicant has responded that, whilst he has only been operating the site since the beginning of the year, sales of mineral are as anticipated and indeed at the same level as the previous 3 years under the previous operator.

- 6.84 Representation is made that a timescale of five years should be granted. This matter has been drawn to the attention of the applicant who has responded that such a timescale would be unsatisfactory and would make it difficult to justify investment in new plant and machinery given the uncertainty such a situation would create.
- 6.85 Representation is made by Bittering with Beeston Parish Council that the proposed development timescale goes beyond the Norfolk Minerals and Waste LDF timescale of 2026. It is realistic to expect that applications for mineral extraction will come forward during the Core Strategy period that include an extraction timescale beyond the Core Strategy period of 2026. For example, application reference C/2/2013/2006 for extraction of sand and gravel at Coxford Abbey Quarry, Syderstone was granted planning permission on 20 May 2014; the permission provides for mineral extraction to cease within 13 years from the date of this permission, i.e. by 20 May 2027.
- 6.86 Given the reduced extraction rate and different 'economies of scale' associated with a smaller company working a wider range of the mineral deposit, it is considered that working and restoration are both feasible and achievable within the timescale proposed.
- 6.87 The application proposes a broadly similar restoration scheme to the previously agreed one but would introduce a small water body on the Longham area, species rich grassland and scrub on the plant site (Bittering), and alternative woodland areas on the Spreadoak land. As detailed elsewhere in this report, it is considered that the proposal respects the character and landscape assets of the Beeston Plateau Landscape Character Area, the changes to restoration phasing will not have significant implications for biodiversity, and the changes to the tree planting areas will not have negative implications for biodiversity.
- 6.88 Concern has been raised that restoration on the Longham site has not followed the current extraction/restoration phasing plans or kept pace with extraction. Concern is also made in relation to an apparent shortage in availability of inert materials for restoration being one of the reasons for delays in restoration of the Longham site and the risk of restoration not being achieved within a reasonable timeframe. This matter has been pursued with the applicant who acknowledges that it has been the case that due to the recession the availability of restoration materials has been limited and as a result restoration has lagged behind extraction. However, this is no longer the case and restoration is now progressing swiftly and catching up again. This issue has also been discussed with the Council's Monitoring and Control Team and it has been established that more inert materials have been received at this site since other sites in the area have finished, and recent efforts have been made to 'catch up' on restoration progress using such inert waste.
- 6.89 As detailed elsewhere in this report, the Spreadoak site would also be progressively restored through use of site won material and imported inert

materials The approved restoration scheme for the Spreadoak site illustrates contours that can be achieved without the need to import inert material for restoration purposes, and as such represents the “fall back” position.

- 6.90 Concern has been raised that with Tarmac Ltd selling its interest in the site there is now no guarantee that restoration and aftercare obligations will be delivered in the event of any lapses during the operational life of the permission. The National Planning Practice Guidance underlines that conditions must be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare can still be fulfilled, whether by a new operator or in the case of default, by the land-owner. In common with most planning permissions for mineral extraction, permission reference C/3/2007/3044, which includes conditions in relation to restoration and aftercare, runs with the land. Therefore responsibility for requirements in relation to restoration and aftercare has passed onto the new operator and, if necessary compliance with these conditions could be secured by enforcement.
- 6.91 Representation is made by Beeston with Bittering Parish Council and local residents that restoration must be safeguarded and controlled by robust conditions to limit the amount of land which can be disturbed and left un-restored at any one time. The National Planning Practice Guidance underlines that in framing planning conditions, mineral planning authorities should seek to have ‘progressive’ or ‘rolling’ restoration and aftercare to minimise the area of land occupied at any one time by the mineral working. A scheme of phasing to link the consents for Longham and Spreadoak in order to minimise the amount of land disturbed at any one period was conditioned pursuant to permission reference C/3/2007/3044. A condition to maintain this requirement is recommended.
- 6.92 To conclude on the working and restoration issues, the proposed extension of time would enable the remaining permitted mineral reserve to be extracted and restoration of the site to be completed. Although the extension of time would prolong any impacts on nearby residents, the impacts are limited and are considered to be outweighed by the benefits of restoration of the site. As detailed elsewhere in this report, it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts. On balance, subject to compliance with conditions concerning working and restoration, it is considered that the proposal is in accordance with NMWLDF: Core Strategy Policy DM14, and the government objectives of the NPPF.
- 6.93 **Responses to the representations received**
- 6.94 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.95 A number of objections/concerns were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the ‘Assessment’ section of this report.
- 6.96 Other Quarries
- Representation is made that there are other quarries in this area already making it even more difficult to justify starting the Spreadoak extension. Para 145 of the



NPPF underlines that minerals planning authorities should plan for a steady and adequate supply of aggregates by ensuring that large landbanks bound up in very few sites do not stifle competition.

6.97 Site security

Concern has been expressed by a local resident in relation to site security issues, including the Longham site and silt ponds at the Bittering site. This matter has been drawn to the attention of the applicant who has responded that, as with all quarries it is not advisable to allow dogs to run off-lead or allow children to be unmonitored when close to the quarry. The applicant further advises that the quarry gates are kept closed and locked when the quarry is not in operation.

- 6.98 This matter has also been discussed with the Council's Monitoring and Control Team and it has been established that the site does have warning signs in place. Given that the site is also regulated by the Environment Agency, this matter has also been referred to the Agency. The Agency confirms that security at the Longham site (namely the entrance gate) has recently been addressed with the operator and they have decided to change to having a heavy chain across the entrance, to be locked in place when the site is closed. The remainder of the Longham site is bounded by trees/shrubs and the Agency considers it is impractical to ask the operator to fence the entire boundary of the site. No response has been received as a result of the consultation with the Health & Safety Executive.

## 7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## 8. Other Implications

8.1 **Human rights**

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the

economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

8.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

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

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

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

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

## 11. **Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The proposal is to vary five no. conditions of planning permission reference C/3/2007/3044 in order to extend the time periods for extraction of the remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030 and 31 December 2032, respectively, together with revised phasing and restoration scheme.

- 11.2 Objection has been raised by Beeston with Bittering Parish Council as well as

residents of Bittering. Their concerns relate primarily to the length of the proposed extended timescale and achievement of restoration.

- 11.3 With exception of the revised timescale, phasing and restoration, the impacts of this proposal were addressed and considered acceptable when permission for the Spreadoak land, reference C/3/2007/3044, was originally granted. The environmental impacts of the proposal under consideration have been carefully considered. The extension of time sought is considered reasonable in light of the downturn in the economy with resultant reduction in mineral sales and the associated delay in establishing the Spreadoak land. No objections are raised by any statutory consultees.
- 11.4 For the reasons detailed in this report, on balance, the proposal is considered to accord with all relevant development plan policies and national planning and minerals guidance and the extension of operations is considered acceptable in order to allow sufficient time for the completion of extraction and restoration of the site. The original permission was subject to a legal agreement controlling vehicle routeing to and from the site. A Deed of Variation to ensure the continuation of this agreement has been agreed and is being signed.
- 11.5 The proposed development is therefore considered to be acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **12. Conditions**

- 12.1 1. The mineral extraction to which this permission relates shall cease and all mineral processing plant shall be removed on or before 31 December 2030; waste and soil imports and deposit shall cease and all related plant and equipment shall be removed on or before 31 December 2031, and the site shall be restored in accordance with conditions 2, 34, 36, 37, 39 and 40 below by the 31 December 2032.
- Reason:  
To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.2 2. Except as modified by the details agreed pursuant to conditions numbers 17 and 34 of this permission, and contents of the application forms, plans, drawings and other documents, as detailed below:
- Application Area; Plan No 1; dated March 2014
  - Spreadoak Extraction Area; Plan No 4; Dated March 2014
  - Spreadoak Extraction Area; Plan No 5; Dated March 2014
  - Spreadoak Extraction Area; Plan No 6; Dated March 2014
  - Spreadoak Extraction Area; Plan No 7; Dated March 2014
  - Spreadoak Extraction Area; Plan No 8; Dated March 2014
  - Spreadoak Extraction Area; Plan No 9; Dated March 2014
  - Spreadoak Extraction Area; Plan No 10; Dated March 2014

- Spreadoak Extraction Area; Plan No 11; Dated March 2014
- Spreadoak Development Cross-Section Through Screening Bund; Plan No 12
- Longham Quarry : Extraction Areas; Plan No 13; Dated March 2014
- Longham Quarry : Restoration Phases; Plan No 14; Dated March 2014
- Longham Quarry : Concept Restoration; Plan No 15; Dated March 2014

the development hereby permitted must be carried out in strict accordance with the application form, drawings, statements and other documents and details approved pursuant to application reference C/3/2007/3044 as supplemented by the planning application response to consultations dated November 2007, agricultural and soil details set out in the agent's e-mails to the County Planning Authority dated 31 January 2008 14:39 hrs and 19 February 2008 15:06 hrs, phasing details as set out in the agent's e-mail to the County Planning Authority dated 19 February 2008 14:23 hrs (as attached to Decision Notice reference C/3/2007/3044), and the following plans:

- Lagoon Design; Dwg. No. 06-295-D-001; dated Oct 06
- Lagoon Design; Dwg. No. 07-056-D-001; dated Feb 07
- Cross Sections; Dwg. No. 07-056-D-002; dated Mar 07
- Lagoons Summary; Dwg. No. 1595/PA003; dated May 2007

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

- 12.3      3.      No development shall take place within the Spreadoak land until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority.

Reason:

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

- 12.4      4.      With the exception of water pumping on the Spreadoak land, no operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall take place on Sundays or public holidays, or other than during the following periods:-

Longham Quarry land and Spreadoak land:  
07.00 - 18.00 hours Mondays to Fridays  
07.00 - 13.00 hours Saturdays.

Bittering Quarry:  
07.00 - 18.00 hours Mondays to Fridays  
07.00 - 13.00 hours Saturdays

(save that:

(a). no operation of the sand and gravel processing plant at Bittering Quarry, shall take place on Sundays or public holidays, or other than during the following periods:

08.00 - 18.00 hours Mondays to Fridays

08.00 - 13.00 hours Saturdays

(b). no soil stripping operations, bund formation and the final restoration processes shall take place on Saturdays, Sundays or public holidays, or other than during the following periods:

08.00 - 18.00 hours Mondays to Fridays).

Reason:

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

- 12.5     5.     Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles.

Reason:

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

- 12.6     6.     The development of the Spreadoak land shall only be carried out in accordance with the Dust Action Plan approved under discharge application C/3/2010/3031, a copy of which is attached to this notice.

Reason:

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

- 12.7     7.     Screens, chutes and hoppers shall not be used unless they are lined with rubber or such similar material as may have been approved in writing by the County Planning Authority.

Reason:

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

- 12.8     8.     Prior to the dewatering of the Spreadoak land, a scheme of dewatering shall be submitted to and approved in writing by the County Planning

Authority. The scheme shall provide for:

- i) details of the proposed sound attenuating measures to the pump(s) OR the provision of electric submersible pumps only; and
- ii) the period of pumping;
- iii) the positioning of the pump(s) throughout the period of working;
- iv) arrangements for settlement and discharge.

Dewatering shall be undertaken in accordance with the details as approved.

Reason:

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

- 12.9     9.     With the exception of noise emitted from the site during soil stripping operations, bund formation and the final restoration processes, the noise caused by all operations at Longham quarry, Bittering quarry processing site and the Spreadoak land shall be attenuated and in any event shall not exceed:-

Monday - Friday 06.00 - 08.00 hours 42 dB LAeq (1 hour) free field  
Monday - Friday 08.00 - 18.00 hours 45 dB LAeq (1 hour) free field

Saturday 06.00 - 08.00 hours 42 dB LAeq (1 hour) free field  
Saturday 08.00 - 13.00 hours 45 dB LAeq (1 hour) free field

at the locations shown on Plan A as attached to this notice.

Reason:

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

- 12.10    10.    Noise levels caused by soil stripping operations, bund formation and the final restoration processes shall not exceed the levels specified in Condition number 9 above other than for a period of eight weeks in any 12 month period. At such times the noise level at the locations shown on Plan A as attached to this notice shall not exceed 70 dB LAeq (1 hour) free field.

Reason:

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

- 12.11 11. The development shall only be carried out in accordance with the scheme of noise monitoring, to ensure adherence to the noise limit pursuant to Condition number 9 of this permission, approved under discharge application C/3/2010/3031, a copy of which is attached to this notice.
- Reason:  
To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.12 12. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specifications.
- Reason:  
To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.13 13. The development shall only be carried out in accordance with the scheme for the attenuation of noise from reversing alarms at the site approved under discharge application C/3/2010/3031 and held on that file.
- Reason:  
To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.14 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.
- Reason:  
To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or safety, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.15 15. There shall be no vehicular access to or from the Longham quarry land west of Reed Lane except via the haul road and direct crossing of Reed Lane as permitted by the County Planning Authority on the 7 April 2003 under reference C/3/2002/3052.
- Reason:  
In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.16 16. The development of the Spreadoak land shall not commence until details

of the vehicular movement between Bittering Quarry and the Spreadoak land have been submitted to and agreed in writing with the County Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

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

- 12.17 17. Within three months of the date of this permission a scheme for the screening of the operations on the Spreadoak land (including haul roads and vehicle movements) by trees, hedges and soil bunds shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance, and details of the construction and maintenance of the soil bunds. It shall include provision for:
- (a) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
  - (b) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.
- The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

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

- 12.18 18. Except as modified by the provisions of application reference C/3/2014/3008, the development shall only be carried out in accordance with those requirements of the scheme of landscaping approved under discharge application C/3/2010/3031 and held on that file.

Reason:

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

- 12.19 19. No stockpiles of material shall be placed on the Longham quarry land or Spreadoak land except for:

- a) mineral which is stored temporarily pending transport to the Bittering processing plant which may be placed only within excavated areas;
- b) imported material to be used for restoration which may be stored temporarily pending its final placement within the excavated areas.

No stockpile shall exceed a height such that it is visible from outside the confines of the site.



Reason:

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

- 12.20 20. The development shall only be carried out in accordance with the scheme showing the height and locations of stockpiles on Bittering Quarry approved under discharge application C/3/2010/3031 and held on that file.

Reason:

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

- 12.21 21. No material shall be brought onto the Longham quarry land and Spreadoak land other than inert waste (as defined within the Landfill Directive).

Reason:

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

- 12.22 22. No excavation shall take place on the Longham quarry land at a depth greater than ten metres below the original ground level.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.23 23. No excavations shall be carried out on the Spreadoak land at a depth below 50 metres A.O.D.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.24 24. No dewatering of excavations on the Longham quarry land shall be carried out.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.25 25. Prior to the commencement of any dewatering activities at the Spreadoak land, a surface water management scheme, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the County Planning Authority in consultation with

the Environment Agency. Such scheme as may be so approved shall be implemented before any dewatering activities are started and the development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.26 26. Prior to the commencement of any dewatering activities, full design details of the wetland incorporating sustainable drainage principles shall be submitted to and approved in writing by the County Planning Authority in consultation with the Environment Agency. The scheme as may be so approved shall subsequently be implemented in accordance with the approved details before any dewatering activities are started.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.27 27. Within three months of the date of this permission, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and agreed in writing by the County Planning Authority in consultation with the Environment Agency. The works/scheme shall be constructed and completed in accordance with the plans/specification at such time(s) as may be so approved and the development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.28 28. The development shall only be carried out in accordance with the scheme for the provision and implementation of dust, soil and silt minimisation approved under discharge application C/3/2010/3031 and held on that file.

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.29 29. Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways, and all oil or chemical storage tanks, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.30 30. Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.
- Reason:  
To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.31 31. There shall be no discharge of foul or contaminated water from the site into groundwater or any surface waters, whether direct or via soakaways.
- Reason:  
To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.32 32. Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.
- Reason:  
In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.33 33. No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.
- Reason:  
To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.34 34. Within three months of the date of this permission a scheme of restoration in accordance with the principles shown on Plan No 3 Overall Restoration Plan dated March 2014 and Plan No 2 Composite Phasing Concept Plan dated March 2014 shall be submitted to the County Planning Authority for its approval in writing. The said scheme shall include details of:
- (a) dates for the starting and completion of each phase of restoration;
  - (b) a maximum area of disturbed land which at any time is unrestored;
  - (c) contours of the restored land shown by plans and sections;
  - (d) the provision to be made for drainage of the site;
  - (e) areas to be seeded or planted with trees, including provision for re-seeding and re-planting during the following planting season where such action is necessary as a result of any failure which occurs within a period of five years from the date of initial planting;
  - (f) details of tree species to be planted;
  - (g) bank profiles, batters and shoreline contours.
- Reason:  
To ensure the proper and expeditious restoration of the site, in accordance

with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason:

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

- 12.36 36. An even layer of subsoil shall be re-spread on the Longham quarry land to a depth of 300mm.

Reason:

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

- 12.37 37. An even layer of topsoil shall be re-spread on the re-spread subsoil layer on the Longham Quarry land to an even depth of at least 300mm

Reason:

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

- 12.38 38. No topsoil bund shall exceed three metres in height nor shall any subsoil or overburden bund exceed four metres in height and any heap which is to stay in position for more than six months shall be seeded with grass, weed-killed and maintained in accordance with a scheme to be submitted to and agreed in writing by the County Planning Authority before such bunds are constructed

Reason:

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

- 12.39 39. Measures including ripping and/or subsoiling shall be carried out to the satisfaction of the County Planning Authority after soil replacement so that the compacted layers and pans are broken up to assist free drainage.

Reason:

To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD

2010-2026.

- 12.40 40. The final one metre of fill shall comprise inert cover material which shall be free of materials likely to interfere with final restoration, drainage or subsequent after-use.

Reason:

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

- 12.41 41. Notwithstanding the provisions of the aftercare scheme approved under discharge application C/3/2010/3031 and held on that file, an aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for the proposed uses as detailed on Plan No 3 Overall Restoration Plan shall be submitted for the written approval of the County Planning Authority not later than six months from the date of this permission. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason:

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

## Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of vehicle routeing and the conditions outlined in section 12 above.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)  
Breckland LDF - Core Strategy (2009)

The National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance Suite (2014)

Planning Policy Statement 10: Planning for Sustainable Waste Management

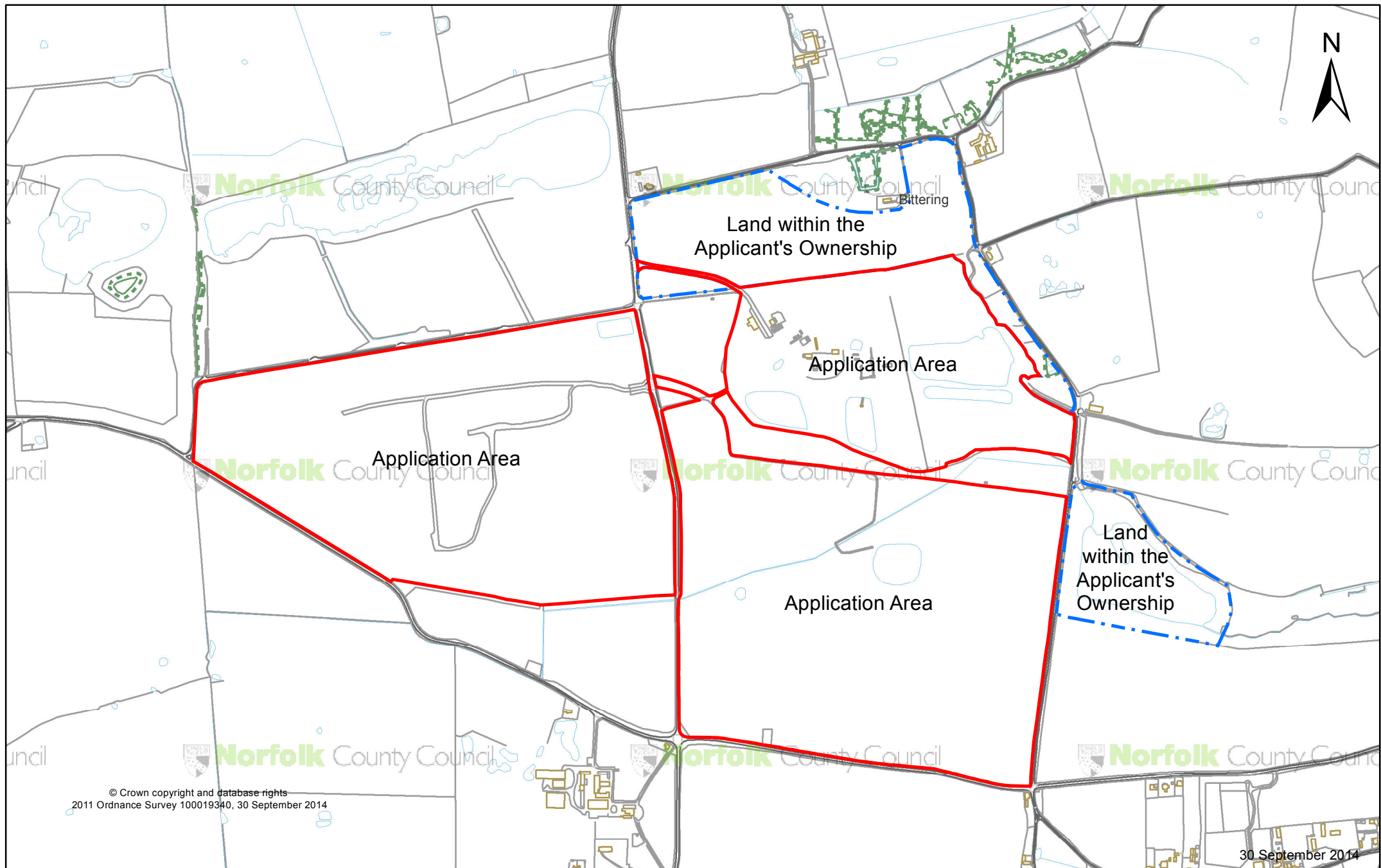
## Officer Contact

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

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Andrew Harriss	01603 224147	andrew.harriss@norfolk.gov.uk



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



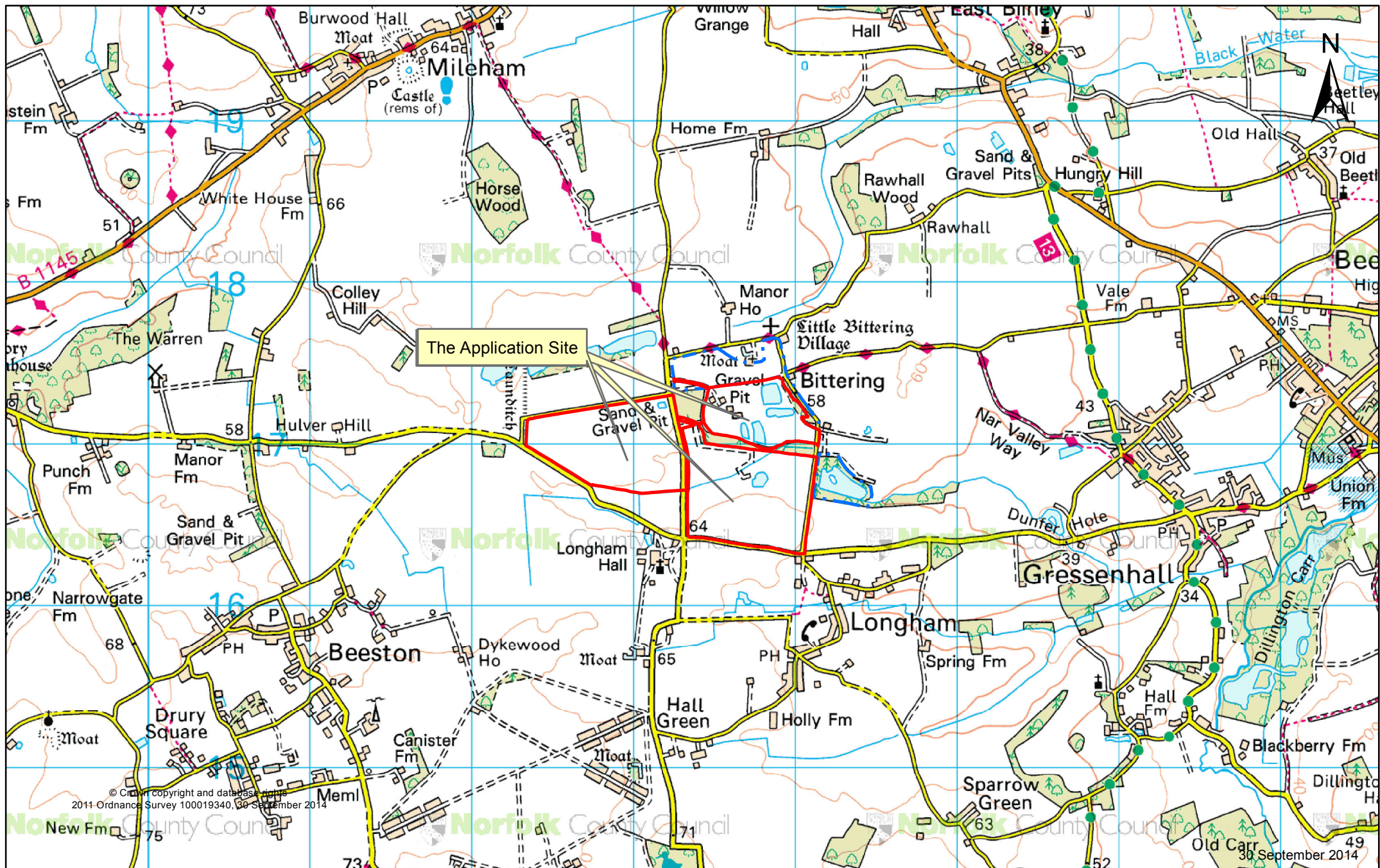
C/3/2014/3008  
Longham/Bittering

0 100 200 400 600  
Metres

 **Norfolk** County Council

Scale 1: 10000 Centred on 59 367 317038





C/3/2014/3008  
Longham/Bittering

0 250 500 1,000 1,500  
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 **Norfolk** County Council

Scale 1: 30000 Centred on 59°36'7" 317038