

Planning Regulatory Committee

Date: **Friday 20 February 2015**

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 C Foulger
Mr A Grey – Vice-Chairman
Mr J Law
Mr B Long

Ms E Morgan
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

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 Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

Agenda

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

- 2 **Minutes:**

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To receive and agree the Minutes of the meeting held on 9 January 2015.

- 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 Executive Director of Community and Environmental Services

- 5 **South Norfolk District: C/7/2012/7017: Norton Subcourse Quarry, Loddon Road, Norton Subcourse, Extension to existing quarry involving the extraction of sand and gravel from three parcels of land with restoration to agriculture and heathland integrating with existing restored areas, retention of existing aggregate processing plant, silt lagoons, stocking area and access / haul road: Cemex UK Operations Ltd**

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- 6 **C/2/2014/2016. King's Lynn & West Norfolk Borough Council:** (Page 57)
Erection of a building to house a replacement waste baler and generator with associated improvements to bunding and landscaping arrangements. Glazewing House, Station Road, West Dereham, King's Lynn, Norfolk, PE33 9RR: Glazewing Limited.
- 7 **North Norfolk District Council: Y/1/2014/1007 RAF Coltishall** (Page 83)
Airfield. Erection of live fire training facility, enlargement of existing hard-standing area and retention of four fire training containers; plus change of use of Building 440 to provide briefing, mess and rest room facilities and Building 109A for ancillary storage: Executive Director of Community and Environmental Services
- 8 **Great Yarmouth Borough Council: Y/6/2014/6009. Change of use of** (Page 105)
former caretaker's accommodation (C3) to office accommodation (B1(a)) at the Time and Tide Museum, 16 Blackfriars Road, Great Yarmouth. Executive Director of Community and Environmental Services

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

Date Agenda Published: 12 February 2015



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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 9 January 2015
at 10am in the Edwards Room, County Hall**

Present:

Mr D Collis (Chairman)

Mr S Agnew
Mr M Baker
Mr B Bremner
Mrs J Chamberlin
Mr A Dearnley
Mr C Foulger
Mr A Grey (Vice-Chairman)
Mr J Law

Mr B Long
Mr W Northam
Mr W Richmond
Mr M Sands
Mr E Seward
Mr M Storey
Mr J Ward
Mr B Watkins

In attendance:

Mr R Cox	Principal Planner
Mrs F Croxen	NPLaw
Mr J Hanner	Highways Authority
Mr N Johnson	Planning Services Manager
Ms A Lambert	Principal Planner
Mrs J Mortimer	Committee Officer

1 Apologies and Substitutions

Apologies for absence were received from Ms E Morgan (Mr A Dearnley substituted); Mr S Askew (Mr W Richmond substituted) and Mr A White (Mrs J Chamberlin substituted).

2 Minutes from the meeting held on 21 November 2014

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 21 November 2014 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

There were no declarations of interest.

4 Urgent Business

There were no items of urgent business.

5 **King's Lynn and West Norfolk Borough Council: Y/2/2014/2014: Erection of extension comprising 8 no classrooms, a kitchen extension, a new school hall, staff room and ancillary accommodation. External works include sports pitch provision, MUGA, new car park and associated works at St Martha's RC VA Primary School, Field Lane, Gaywood, King's Lynn: Roman Catholic Diocese of East Anglia/Norfolk County Council on behalf of the Director of Children's Services**

5.1 The Committee received a report by the Interim Executive Director of Community and Environmental Services seeking planning permission for the erection of an extension to the school, external sports provision, a new car park and associated works.

5.2 The following points were noted during the presentation of the report:

- In paragraph 6.44 of the report on page 16 of the agenda, the words Planning Practice Guidance to replace the term Technical Guidance. This change did not affect the status of the application or the information contained within the report.
- As no finds had been made when the archaeological evaluation had been carried out, no further archaeological investigation work would be required.
- An additional letter of representation and some photographs had been received from Mr Paul Harris. The letter was read out to the Committee by the Planning Services Manager and the photographs circulated. The Committee was reassured that all the points raised in the letter were covered in the report.

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

- The Highways Engineers had considered the application carefully and had made their assessment and recommendation based upon the current situation in the area.
- The aim of the extension was to replace the mobile classrooms currently in use at the school with permanent classrooms.
- A travel plan would be established and adopted.
- It was proposed that a turning circle would be provided near the church for parents to drive into to drop children off. Pupils would then use a dedicated footpath within the school grounds to access the school and this drop off point would be managed by the school. The provision of a drop off point near the church was recognised as a relaxation of policy and had been agreed because of the larger catchment area associated with the catholic school and the known issues along Field Lane.

- If the Committee approved the application, the Highways Authority would be seeking conditions such as Traffic Regulation Orders to ensure no cars parked on the school markings or near the junction with Field Lane. It would also be proposed that provision for double or single yellow lines along the western side of Field Lane should be made to try to avoid other issues along this road, such as cars needing to reverse to allow other cars to pass.
- Bollards would be used to close off the existing access into the church to minimise the number of accesses in close proximity. These bollards could be easily removed to allow access into the church when necessary. All accesses will be simple footway crossings to ensure that pedestrians had priority through the accesses.

5.4 Mr Chris Hey, Head of Place Planning and Organisation, Children's Services, Norfolk County Council spoke on behalf of the applicant, during which it was noted that a need for additional places at the school had been identified which was partly because parental preference allowed parents to choose the school their children attended, and this needed to be managed. Parents would be encouraged to use different ways of getting their children to school, including walking and cycling, through the adoption of a travel plan which the committee noted would need time to embed.

5.5 Mrs Helen Bates, Deputy Director, Roman Catholic Diocese of East Anglia, addressed the Committee and reassured them that the school had already given permission for the church to use the school car park when the school was closed. The Church had also made a commitment to try to avoid school times when organising funerals and other events which required church use.

5.6 In response to questions from the Committee, the following points were clarified:

- There was no defined catchment area for Roman Catholic schools as the Diocese identified catchment areas using the parishes within its deaneries. St Martha's School was the only Catholic school in a 20 mile radius.
- The removal of the denominational transport had allowed more local children to attend St Martha's School.
- The Admissions Code of Practice adopted by St Martha's School was no different to any other local authority school admission policy.

5.7 Mr A McGovern, who had been the Headteacher at St Martha's School for 12 years, addressed the Committee. The Committee noted that the school had been graded "good" with outstanding features at its last Ofsted inspection and was well above the national attainment levels of reading, writing and mathematics. The School offered art and sporting opportunities and as the school was a faith school, prayer and worship were used to provide the children with an appreciation of the world around them.

He reassured the Committee that residents' concerns regarding traffic and noise had

been taken very seriously and that the opportunity would be taken to improve the traffic issues and ensure the travel plan was managed to address those concerns.

5.8 The following points were noted in response to questions from the Committee:

- A travel plan had been adopted to try to encourage all pupils to walk or cycle to school and work was being undertaken with parents to try to encourage the older children to walk to school.
- Members requested that condition 11 (set out in detail on page 30 of the agenda) should be implemented before the building work was commenced.
- The two nearby schools (Springwood Academy and Gaywood School) were both oversubscribed and had the maximum number of pupils enrolled.
- The proposed 420 places at the school was considered the optimal size for a primary school based on Diocese specifications; therefore the number of pupils would never exceed 420.
- The proposed turning space to circumnavigate the church to allow parents to drive in to drop their children near the school, was a new option and would be constructed on land which was under the ownership of the school.

5.9 Mr M Cutting, representing Springwood Academy Trust, advised the Committee that, due to safeguarding issues, no permission had been granted for the access between Springwood Academy and St Martha's School to be used as a general thoroughfare, although the gate could be used for school access purposes (such as school visits) only.

5.8 Mrs M Wilkinson, County Councillor for Gaywood South Division which covered the application site, addressed the Committee as Local Member. Residents in the area had contacted her to raise concern about the current traffic problems and the additional traffic issues expected if the application was approved.

5.9 The following points were noted in response to general questions from the Committee:

- 177 children lived less than 1 mile from the school and 10 children lived more than three miles from the school.
- No comments had been received from the Fire Service, who had been consulted as part of the application process.
- Some members of the Committee felt that a site visit should take place, although this was not agreed.

5.10 With 10 votes in favour, 4 votes against and 2 abstentions, the Committee **RESOLVED** that the Interim Executive Director of Community and Environmental Services should be

authorised to:

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

6 South Norfolk District Council: Y/7/2014/7011: Extension to Queens Hill Primary School, Costessey, comprising of 10 no. classrooms, new main school entrance, administrative and ancillary accommodation, new car park, external teaching spaces and play areas: Director of Children's Services

6.1 The Committee received a report by the Interim Executive Director of Community and Environmental Services seeking planning permission to extend Queens Hill Primary School, Costessey. The proposed development consisted of ten new classrooms; a new main entrance, including new lobby, administrative accommodation and toilets; a new car park adjacent to the new main entrance with 41 car parking spaces; new hard play areas with a new playing field, to create a 3 form entry 630 pupil school to meet the needs of the expanding Queens Hill development at Costessey.

6.2 The following points were noted in response to questions from the Committee:

- 41 additional car parking spaces would be provided for staff and visitor parking, which would provide a total of 80 car parking spaces at the school.
- Provision for a community centre, which had been included in the original planning permission which had lapsed, had already been built at a different location at Queens Hills. If the Committee approved the application, the land would be compulsory purchased to extend the school.
- The facilities at the school, including the multi-use games area (MUGA), would be available for the local community to use during out of school hours.
- A bus gate had already been established to allow buses to exit Queens Hills onto Ringland Lane.
- The site had not shown any signs of contamination following appropriate tests, although a gas membrane would be laid and had been included in the design as a safety precaution.

- As the site was still under development and the sewerage and drainage systems had not yet been adopted by Anglian Water, an advisory note would be included in the list of conditions to ensure there were no flooding or drainage problems.
- 6.3 Mr P Bourgeois addressed the Committee as a resident of Queens Hills. Mr Bourgeois raised concern about the lack of local amenities such as shops and community facilities which had been included in the original planning application but had not yet been built. He was also concerned that provision for community facilities would be lost if the land was used to extend the school and no other site was identified to build the promised amenities.
- 6.4 Mr Chris Hey, Head of Place Planning and Organisation, Children's Services, Norfolk County Council spoke on behalf of the applicant. The Committee noted that it was considered crucial that children who lived at Queens Hills, and those that subsequently moved to the area, should be offered a place at the local school on the Queens Hill development.
- 6.5 Mrs P Shepherd, Headteacher at Queens Hill School, addressed the Committee stating that the school had opened in 2008 with 29 pupils. There were now 350 pupils on the register, speaking 13 different languages; it was not an average school.
- 6.6 The following points were noted in response to questions from the Committee:
- Most of the children who attended the school travelled there by car as the roads had not yet been adopted. The school encouraged pupils to get to and from school by walking or cycling and the school was deemed a safe area for children to walk to school as it was situated in a cul-de-sac.
 - The current reception class at Queens Hill School comprised of children from Queens Hill, or their siblings only.
 - It was hoped that various community activities could take place at the school, including using the MUGA, when it was not being used by the school.
- 6.7 With 15 votes in favour, 0 votes against and 1 abstention, the Committee **RESOLVED** that the Interim Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.

- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

7 Breckland District: C/3/2013/3017: Thetford Household Waste Recycling Centre: Retrospective minor material amendment: Variation of condition 2 of planning permission ref. C/3/2011/3021 to make changes to reuse shelter (PV panels), and layout of site (drainage layout, ramp, car parking and addition of safety bollards): Norfolk County Council, Interim Executive Director of Community and Environmental Services

- 7.1 The Committee received a report by the Interim Executive Director of Community and Environmental Services seeking planning permission to vary condition 2 of planning permission reference C/3/2011/3021 to authorise a number of minor changes to the existing Household Waste Recycling Centre at Telford Way, Thetford. The proposed changes were in respect of the number and configuration of photovoltaic (PV) panels of the roof of the re-use building and the layout of the site with regard to drainage arrangements, the ramp that connected the split levels, car parking and also the installation of safety bollards.
- 7.2 The Committee unanimously **RESOLVED** that the Interim Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 1.10pm

CHAIRMAN



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Applications Referred to Committee for Determination:

South Norfolk District:

**C/7/2012/7017: Norton Subcourse Quarry, Loddon Road,
Norton Subcourse**

**Extension to existing quarry involving the extraction of
sand and gravel from three parcels of land with restoration
to agriculture and heathland integrating with existing
restored areas, retention of existing aggregate processing
plant, silt lagoons, stocking area and access / haul road:
Cemex UK Operations Ltd**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for extension of mineral extraction onto three areas of land adjoining the existing quarry, over a period of between 11 and 21 years, with progressive restoration to agriculture and heathland. The proposal includes retention of the existing aggregate processing plant complex and access/haul road.

The application is before the Planning (Regulatory) Committee because the application is subject to the Environmental Impact Assessment (EIA) Regulations and also because more than four representations have been received.

Objections have been received from a small number of local residents, primarily raising concerns about the potential for amenity impacts on local residents.

The environmental impacts of the proposal have been carefully considered and there are no objections from statutory consultees, subject to conditions. The three parcels of land are formally allocated for mineral extraction and the proposal is in accordance with development plan policies and national planning guidance. It would contribute towards ensuring a local supply of minerals for South Norfolk and would assist in ensuring the County maintains a sufficient landbank of sand and gravel to meet future needs.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 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 adjacent Norton Subcourse Quarry, Loddon Road, Norton Subcourse
- 1.2 Type of development : Extraction of sand and gravel
Retention of existing aggregate processing plant, silt lagoons, stocking area and access/haul road.
- 1.3 Extraction area : 27 hectares
Total site area 39.1 hectares
- 1.4 Total tonnage : Approximately 2.37 million tonnes
(Access to 280,000 tonnes of this reserve is dependant upon removal of pylons that cross site).
- 1.5 Annual tonnage : 100-200,000 tonnes
- 1.6 Market served : South Norfolk / Norwich / Great Yarmouth / North Suffolk
- 1.7 Duration : 11-21 years
- 1.8 Plant : 360 hydraulic excavator
Dump truck
Wheel Loader
Bulldozer
Mobile screen
- 1.9 Hours of working : 07.00 – 18.00 hours Monday to Friday;
07.00 – 13.00 hours Saturday
No operations on Sundays or Bank Holidays
(as currently permitted)
- 1.10 Vehicle movements and numbers : 11 years duration : 200,000 tonnes per annum
35 x 20 tonne loads out per day = 70 movements

21 years duration : 100,000 tonnes per annum
18 x 20 tonne loads out per day = 36 movements

Average
23 loads out per day = 46 movements
- 1.11 Access : Existing purpose built haul road to Ferry Road
- 1.12. Landscaping : Screen bunding and existing planting belts
- 1.13 Restoration and after-use : To agriculture and heathland

2. Constraints

- 2.1 The following constraints apply to the application site:
- 2.2 The Broads Authority Area lies some 10m from the western boundary of the site and some 210m north of the site.
- 2.3 Hardley Flood SSSI is situated some 0.9km to the west of the site.
- 2.4 The site is located within 5km of the Broadland Special Protection Area (SPA) and Breydon Water SPA.
- 2.5 The site is located within 5km of The Broads Special Area of Conservation (SAC).
- 2.6 The site is located within 5km of Broadland RAMSAR, and Breydon Water RAMSAR.
- 2.7 The site is located some 3.6km from the Mid-Yare National Nature Reserve.
- 2.8 Wherrymans Way (Norfolk Trail) runs directly to the west of the site along Ferry Road

3. Planning History

- 3.1 The following is the planning history of this site, as determined by Norfolk County Council:
- 3.2 **7/L/3318** - Extraction of gravel - Approved 1967
The western part of the proposed north east extension subject of the application under consideration includes part of the site subject of permission reference 7/L/3318. This site is now classified as 'dormant' in the context of the Environment Act 1995, i.e. a site where no minerals development has been carried out to any substantial extent between 22 February 1982 and 6 June 1995. After 1 November 1995 it would not be lawful to carry on working a dormant site until full modern planning conditions have been approved by the Mineral Planning Authority.
- 3.3 **7/1989/0777** - Extraction and Processing of sand and gravel and infilling with inert waste - Approved 1990
- 3.4 **C/7/2001/7018** - Extraction of Sand & Gravel as an extension to existing quarry, with restoration to agriculture and woodland - Approved 2002
- 3.5 **C/7/2010/7017** - Variation of Condition 4 and 14 of PP C/7/2001/7018 to amend the restoration to heathland and agriculture - Approved 2010
- 3.6 **C/7/2012/7033** - Retrospective variation of condition 2 of Planning Permission C/7/2010/7017 to amend the plant site layout – Approved 2013
- 3.7 **C/7/2014/7025** - Variation of condition 1 of Planning Permission C/7/2012/7033 to amend the duration to complete mineral extraction until the 31 December 2017 and restoration until 31 December 2018 – Approved 2014
- 3.8 The three parcels of land subject of the application under consideration are broadly consistent with sites MIN 83, MIN 90 and MIN 91 allocated for sand and gravel extraction in the Minerals Site Specific Allocations Development Plan Document (DPD) (adopted October 2013) within the Norfolk Minerals and Waste

Local Development Framework.

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 CS13: Climate change CS14: Environmental protection CS15: Transport CS16: Safeguarding mineral sites and mineral resources CS17: Use of secondary and recycled aggregates DM1: Nature conservation DM3: Groundwater and surface water DM4: Flood Risk DM8: Design, local landscape character DM9: Archaeological sites DM10: Transport DM11: Sustainable Construction and operations DM12: Amenity DM13: Air Quality DM14: Progressive working, restoration and after-use DM15: Cumulative impacts DM16: Soils
4.2	Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013)			Policy MIN 83: Heckingham & Norton Subcourse Policy MIN 90: Norton Subcourse Policy MIN 91: Heckingham & Norton Subcourse
4.3	Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)	:	1	Addressing climate change and protecting environmental assets
			2	Promoting good design
			5	The economy
			18	The Broads

4.4	South Norfolk Local Plan (2003) Saved Policies	:	<p>ENV 5 Historic parklands</p> <p>ENV 8 Development in the open countryside</p> <p>ENV 9 Archaeological remains</p> <p>IMP 2 Landscaping</p> <p>IMP 8 Safe and free flow of traffic</p> <p>IMP 9 Residential amenity</p> <p>IMP 10 Noise</p> <p>IMP 15 Setting of Listed Buildings</p> <p>IMP 18 Development in Conservation Areas</p>
4.5	The National Planning Policy Framework (2012)	:	<p>1. Building a strong, competitive economy</p> <p>3. Supporting a prosperous rural economy</p> <p>4. Promoting sustainable transport</p> <p>7. Requiring good design</p> <p>10. Meeting the challenge of climate change, flooding and coastal change</p> <p>11. Conserving and enhancing the natural environment</p> <p>12. Conserving and enhancing the historic environment</p> <p>13. Facilitating the sustainable use of minerals</p>
4.6	Planning Practice Guidance Suite (2014)	:	
5.	Consultations		
5.1	South Norfolk Council	:	No objection, subject to imposition of (i) condition in relation to landscaping scheme and (ii) conditions requested by SNDC Environmental Services Department.
5.2	Broadland District Council	:	No comments received at the time of writing this report.
5.3	Broads Authority	:	The Broads Authority acknowledges that the existing quarry sits within robust and mature landscaping which helps screen the development and notes that the same type of landscaping is proposed to screen the new sections. The Authority advises that, if this screening is to be provided and become established before the extension to the quarry then it is considered that there would be negligible impact on the character

of the Broads.

The Authority would be supportive of sending the power cable underground.

Initially requested additional information in relation to the landscape and visual impact and, restoration scheme. On production of additional information in relation to these matters advised that, the additional information provided helps adequately assess the proposed impact on the Broads Executive Area and therefore the Authority have no further comments.

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|------|--|---|---|
| 5.4 | Norton Subcourse Parish Council | : | No objection, subject to all measures being taken to reduce noise, particularly from reversing vehicles. |
| 5.5 | Hales & Heckingham Parish Council | : | No objections. |
| 5.6 | Ravensingham Parish Council | : | No comments received at the time of writing this report. |
| 5.7 | Thurlton Parish Council | : | No comments received at the time of writing this report. |
| 5.8 | Environmental Health Officer (South Norfolk) | : | No objection in principle, subject to conditions in relation to noise limits, notification of temporary operations, reversing alarms and dust netting. |
| 5.9 | Environmental Health Officer (Broadland) | : | No comments received at the time of writing this report. |
| 5.10 | Norfolk Historic Environment Service (NCC) | : | Initially requested additional information in relation to an archaeological field evaluation. On production of additional information in relation to this matter, raise no objection subject to conditions in relation to scheme of archaeological investigation. |
| 5.11 | Environment Agency | : | No objection

Provide advisory comments relating to (i) Flood Risk and (ii) Environmental Permitting. |
| 5.12 | Natural England | : | No objection in relation to statutory nature conservation sites

Natural England does not wish to comment in relation to protected landscapes or, soils, land use and reclamation

Comment that the application may provide opportunities to incorporate biodiversity and landscape enhancements. |

- 5.13 Highway Authority (NCC) : No objection.
Comment that, whilst extending the life of the quarry, the proposal will not give rise to an increase in vehicle movements. The existing crossings of the county roads by the haul road are well maintained by the applicant.
- 5.14 Health and Safety Executive : From interrogation of the HSE website it would appear that the development does not meet the consultation criteria, and does not lie within the consultation distance of a major hazard site or major hazard pipeline.
- 5.15 Lead Local Flood Authority (NCC) : No objection.
- 5.16 UK Power Networks : UK Power Networks advise that, the line of pylons that traverses the site in an east-west alignment, roughly along the northern edge of the southern marked area, carry two sets of electrical circuits, energised at 132,000 Volts, that provide power to Great Yarmouth and Lowestoft, which therefore form a critical part of the regional electrical distribution network.

Whilst it is possible to relocate such lines, doing so tends to be a very expensive and time-consuming operation.

Should the applicant wish to pursue this option, then they will need to make a formal application for the diversion of the lines.

Comment that UK Power Networks have not yet been approached regarding the possibility of putting this section of line underground.

Provide advisory comments in relation to operations in the vicinity of the lines in the event that the lines remain in their present location.
- 5.17 National Grid (Transco) : No comments received at the time of writing this report.
- 5.18 English Heritage : English Heritage do not wish to offer any comments.
- 5.19 Ecologist (NCC) : No objection
Provides informative in relation to restoration to heathland.
- 5.20 Landscape Architect (NCC) : Initially requested additional information in relation to the landscape and visual impact. On production

- of additional information in relation to these matters, advised no comments to make.
- 5.21 Arboriculturist (NCC) : No objection subject to condition in relation to tree protection.
- Initially requested additional information in relation to replacement planting. On production of additional information in relation to these matters, advised no comments to make.
- 5.22 Countryside Access (NCC) : No comment to make
- 5.23 Climate Change Team (NCC) : No comments received at the time of writing this report.
- 5.24 Norfolk Wildlife Trust : No comments received at the time of writing this report.
- 5.25 Curator of Natural History and (Acting Curator of Geology) Norfolk Museums Service : Recommends a watching brief in relation to the palaeochannel being undertaken for the south west extension.
- 5.26 Norfolk Geodiversity Partnership : Initially requested additional information in relation to impact on geodiversity. On production of additional information in relation to this matter, request that a watching brief should be in place in case a palaeochannel is encountered elsewhere in the excavation and ask that restoration plans include a geological section.
- 5.27 Local residents : Representations have been received from five local residents.

Objections and concerns

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

Visual impact

Highly likely that the north east extension will be highly visible from Low Road.

The Landscape and Visual Impact Assessment concluded "...these effects would constitute a moderate magnitude change to a receptor of high sensitivity and a medium-high significance adverse impact during the construction phase ...", in respect of View 6 from Firs Farm (paragraph 4.5.6). Whilst we appreciate that Cemex will take measures to mitigate the visual impact, such as advanced tree planting and soil bunds, this assessment assumes that all mitigation proposals

are implemented and maintained. Therefore this is still of concern to us.

Amenity

This expansion would make it another 15 years before impact becomes negligible

At nearly 70 years old with poor health including breathing difficulties and heart problems it seems likely it will severely reduce my life span

Noise

Constant noise – mostly low level but when atmospherics are right, very loud

Highly likely that north east extension will be considerably more noisy from Low Road.

It is not clear from the Noise Assessment whether wind direction and speed is taken into account. This can have considerable impact on how sound travels and we wish to be assured that this has been taken into account.

We have been told that noise monitoring will take place, but as this cannot be done in windy conditions, we are concerned that such measurements will not be representative of the noise levels experienced.

One of the most irritating noises coming from the quarry is from the white noise alarms. The Noise Assessment implies that alternative warning devices, even silent ones, may be available. Request that Cemex are required to give these serious consideration or that an Lmax level is set.

Reversing beepers is most irritating aspect of the quarry. Believe white sound alarms are far less intrusive and should be fitted

Currently hear reversing signals from the quarry

Request that operating hours are limited to weekdays only, which we have been told is the current standard working practice.

Dust

We are inundated with dust

Lorries are rarely covered

Have yet to see water spraying

How likely is it that this dust will cause silicosis?

Highways

Lorries often going 40mph

The connection of Ferry Road to the Hales – Haddiscoe Road has become an overworked junction with much wear and tear and people alarmed by lorries.

On occasion the number of lorries appears to be very high

Some people have felt very unsafe where back roads cross the haul route and quite a few have altered their routes to avoid these crossing places adding to traffic on Low Road which has during this period been reduced from a 'B' road to an unclassified road.

Ecology

Perhaps if the site was returned to quietude the Hen Harriers would return

Household Insurance

Our house is about 350 yards from the site. Renewal of our household insurance policy is subject to our property not being within ¼ of a mile of a quarry or other excavation. Will Cemex provide full insurance back up?

Quicksand

We live on the thick crust of a deep pocket of quicksand. I suspect that at some point the pit meets quicksand and then what happens? Will removal of the vast weight of sand from over the quicksand make it likely that ground movements will occur and will this have an effect on river bank integrity? Are Cemex to cover us for effects to this that cause us problems?

Statement of Community Involvement

No leaflet has been received from the applicant.

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|------|--|---|--|
| 5.28 | County Councillor Mrs M Somerville (Clavering) | : | No comments received at the time of writing this report. |
| 5.29 | County Councillor Mr A Gunson (Loddon) | : | No comments received at the time of writing this report. |

6. Assessment

- 6.1 The application is before the Planning (Regulatory) Committee, in accordance with the County Council's Scheme of Delegation, because it is subject to the Town and Country Planning (Environmental Impact Assessment) Regulations

2011. The application was accompanied by an Environmental Statement, in accordance with the EIA Regulations. The application must also be determined by Committee due to the level of public representation. The Committee's decision must take into account the environmental information contained within the Environmental Statement, and any representations made about the environmental effects of the development. Further information was sought by the County Council during the course of the application under Regulation 22 of the EIA Regulations (2011) in relation to ecology, visual impact, restoration and archaeology. The environmental information is described in the following paragraphs, and the representations made are summarised above.

Proposal

- 6.2 The proposal is for an extension to the existing quarry, involving the extraction of approximately 2.37 million tonnes of sand and gravel from three parcels of land adjoining the existing quarry, retention of existing aggregate processing plant complex and access/haul road, and restoration to low level agriculture and heathland to complement the approved restoration scheme for the existing quarry.
- 6.3 It is expected that mineral would be extracted at a rate of 100-200,000 tonnes per annum (tpa) over a period of between 11 and 21 years; the extraction rate would be dependant upon local demand. The applicant company has stated that output from Norton Subcourse Quarry reached 200,000 tpa between 2000 and 2006. Whilst the recession has reduced sales the applicant company would hope to see sales rise back to 200,000 tpa.
- 6.4 The proposed extension would commence once extraction has ceased within the existing permitted area. Working would not take place below the water table. Bunding would be provided along the boundaries of the extension areas and restoration would be progressive. The mineral would be processed using the existing plant, situated in the eastern part of the existing working. Mineral would be transported from the extraction areas to the existing processing plant in dumper trucks along internal haul roads.

Site

- 6.5 The site, known as Norton Subcourse Quarry, occupies a position within an area of undulating countryside rising gently up from the low lying land of the Broads to the north and west. The site is being progressively worked for sand and gravel, and progressively restored to low level heathland and agriculture. As of the end of 2013 it was estimated that there were in the order of 4 years reserves remaining within the quarry, largely concentrated in the north west corner.
- 6.6 The existing site is bounded to the west by Ferry Road with agricultural land on all other sides. The Broads Authority Area boundary runs directly to the west of the site along Ferry Road; to the north of the site it is formed by Low Road some 280m from the site. The site is accessed from the south via an existing purpose built haul road off Ferry Road, Raveningham, close to its junction with the B1136 (Yarmouth Road).
- 6.7 The application site comprises of three parcels of agricultural land to the north west, north east and south west of the existing quarry and also includes the area of the existing aggregate processing plant / freshwater and silt lagoons / stockpile complex together with the existing haul route which would all be operational

during the working of the extension areas.

North West Extension

- 6.8 This parcel is some 4.4ha in area and is located to the north west of the active mineral extraction site. It is bounded to the west by an existing planting belt, beyond which is Ferry Road, and to the north by an existing planting belt. It is estimated that this parcel, which is currently in agricultural use, contains 440,000 tonnes of saleable sand and gravel reserves.

South West Extension

- 6.9 This parcel is some 13ha in area and is located to the south of the active mineral extraction site. It is bounded to the west by an existing / advanced planting belt, beyond which is Ferry Road, to the south by an advanced planting belt, beyond which is Loddon Road, and to the east by the existing haul road. High voltage, above-ground electricity lines supported by pylons run east to west across the northern part of the parcel. The proposal includes the removal of this section of electricity pylons and associated cables in order to release the underlying mineral reserves. It is estimated that this parcel, which is currently in agricultural use, contains 1.213 million tonnes of saleable sand and gravel reserves, albeit access to 280,000 tonnes of this reserve is dependant upon removal of the pylons.

North East Extension

- 6.10 This parcel is some 8ha in area and is located to the north east of the existing silt lagoons / plant site complex and is bounded by hedgerow to the east, and advance tree planting to the north and west. It is estimated that this parcel, which is currently in agricultural use, contains 720,600 tonnes of saleable sand and gravel reserves.
- 6.11 The site is located approximately 0.5km north west of the village of Norton Subcourse, with the hamlet of Nogdam End some 0.4km to the north, and the village of Hales some 1.75km to the south west.
- 6.12 The closest residential properties are a property directly abutting the site's western boundary on Ferry Road, a property located opposite the south west corner of the site across Ferry Road, a property opposite the south east corner on the north side of Loddon Road, and a number of properties on Low Road / Ferry Road, north of the site.

Principle of development

- 6.13 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”.*
- 6.14 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted 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”)(2011), the adopted Norfolk

Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013), the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014), and the saved Development Control policies contained within the South Norfolk Local Plan (2003). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration.

- 6.15 The Mineral Site Specific Allocations DPD has gone through the formal Examination process and was adopted by the Council on 28 October 2013 and therefore forms part of the current development plan. The three parcels of land subject of the application under consideration are broadly consistent with sites MIN 83, MIN 90 and MIN 91 allocated for sand and gravel extraction in the Minerals Site Specific Allocations DPD.
- 6.16 With exception of the addition of the southern edge of an existing semi-mature planting belt adjacent the northern boundary of site MIN 83, the proposed north west parcel is otherwise consistent with allocated site MIN 83.
- 6.17 With exception of the addition of a strip of land underneath high voltage overhead electricity cables that run east to west adjacent the northern boundary of site MIN 91, the proposed south west parcel is otherwise consistent with allocated site MIN 91.
- 6.18 The proposed north east parcel is consistent with allocated site MIN 90.
- 6.19 The presumption is that appropriate mineral development would be permitted on the allocated sites that is consistent with the site allocation policy requirements in the plan and relevant local and national planning policies.
- 6.20 As regards operation of the area of the existing aggregate processing plant / freshwater and silt lagoons / stockpile complex together with the existing haul route which would all be operational during the working of the extension areas, the principle of development was first assessed in 1990 and was considered acceptable subject to conditions.

Mineral Supply / Need

- 6.21 Guidance within paragraph 144 of the NPPF requires local planning authorities to “give great weight to the benefits of mineral extraction”. Paragraph 145 of the NPPF requires MPAs to make provision for the maintenance of at least a 7 year supply of sand and gravel. 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.
- 6.22 As at the end of January 2015, the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stands at 8.95 years. If approved, the proposal would increase the landbank to 10.33 years worth of supply.
- 6.23 The proposal would lift the landbank slightly above the 10 year’s supply required by policy CS1. The reason for a 10 year maximum in Policy CS1 is “to ensure that an excessive reserve of sand and gravel is not permitted for extraction at any one time. This is to provide a satisfactory degree of confidence that there will not be undue delays in the final cessation of extraction and eventual restoration at permitted sites” (M&WCS paragraph 6.3). The Planning Practice Guidance advises that, “There is no maximum landbank level and each

application for minerals extraction must be considered on its own merits regardless of the length of the landbank.” The wording of current guidance is consistent with the previous Mineral Planning Statement 1 (MPS 1) in this regard. MPS 1 was the extant guidance at the point of examination of the Core Strategy. Policy CS1 was accepted as a local refinement to national policy with regard to mineral landbanks accounting for the wide extent of sand and gravel in Norfolk. Therefore, Policy CS1 is still relevant and up-to-date regardless of the change in guidance.

- 6.24 Notwithstanding that the proposal would temporarily lift the landbank slightly above 10 years, there are site specific reasons why this application is considered acceptable. This application accords with Policy CS2 which states that extensions to existing sites will be preferred to new sites. The preference for extensions, which is consistent with National Guidance, is to ensure supply to established processing plants and markets. As detailed earlier in this report, as of the end of 2013 it was estimated that there were in the order of only 4 years reserves remaining within the quarry. The allocated extensions provide an opportunity to improve the amount of reserves available to the processing plant, which is a material consideration. Therefore, there is a justification for the application to be permitted to secure the processing plant operations, and supply its existing market.

Principle of location

- 6.25 South Norfolk Local Plan saved policy ENV 8 states that, permission for development in the open countryside, outside the Development Limits and Village Boundaries of existing settlements and areas identified for development in the Plan, will only be granted if it is justified to sustain economic and social activity in rural communities, and demands a rural location...
- 6.26 Sand and gravel can only be extracted where reserves exist. Furthermore, it should be noted that the saved Local Plan Policies have not been formulated to specifically address minerals developments and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most eminent policy document for assessment of the proposal.
- 6.27 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, but it is recognised that sand and gravel can only be extracted where reserves exist, and that sites more than 10 miles away may be acceptable if they lie very close to a Principal Road. Furthermore, policy CS2 expresses a preference for extensions to existing sites rather than new sites.
- 6.28 The site is well connected to the strategic road network, with a site access onto Ferry Road, Raveningham very close to it’s junction with the B1136, a road classified by the NCC Route Hierarchy as a Main Distributor Route, and being some 1.5km from the A146 and some 5km from the A143, both principal Primary Routes which have the highest category on the hierarchy. In addition, the site is some 15km (9 miles) from the Great Yarmouth urban area, so complies with the requirements of Policy CS2 in this respect.
- 6.29 Given the above, in principle therefore, it is considered that the proposal is

acceptable in relation to the requirements of policy CS2 of the NMWLDF.

Amenity (noise, dust, light pollution etc) / Air Quality

- 6.30 Policy DM12 of the NMWLDF CS states that, development will be permitted only where it can be demonstrated that unacceptable impact to local amenity will not arise, whilst Policy DM13 requires applicants to demonstrate that proposals effectively minimise harmful emissions to air.
- 6.31 NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require a programme of mitigation measures to deal with amenity impacts.
- 6.32 Saved policy IMP 9 of the South Norfolk Local Plan requires avoidance of significantly adverse impacts on nearby residents, whilst saved policy IMP 10 restricts development that would create significant noise disturbance.
- 6.33 Norton Subcourse Parish Council raises no objection, subject to measures being taken to reduce noise, particularly from reversing vehicles. Concern has also been raised by local residents in relation to environmental nuisance from dust and noise, including vehicle reversing alarms.
- 6.34 There are a number of residential properties within close proximity to the site. As regards the north west extension, the nearest sensitive receptor is Hill House which lies approximately 115m south of the proposed extraction boundary. Hill Cottages lie approximately 130m south west of the proposed extraction boundary, separated by Ferry Road. There are further properties on Ferry Road and Low Road at Nogdam End to the north of the site which are between 370m and 400m distant.
- 6.35 As regards the north east extension, the nearest sensitive receptors are a number of properties on Low Road to the north of the site, which are between 330m and 360m from the extraction boundary.
- 6.36 As regards the south west area, the nearest sensitive receptor is Beacon Farm which lies approximately 70m west of the proposed extraction boundary, separated by Ferry Road. Other sensitive receptors include a number of properties on Norton Road, some 135m west of the site and further properties on Loddon Road to the east, between 200m and 240m distant.

Noise

- 6.37 A Noise Assessment has been undertaken as part of the Environmental Statement, which evaluates the contribution from each significant specific noise source arising from the proposal, comprising of soil and overburden stripping, bund formation, mineral extraction, processing of material, transportation within and from the site, and final restoration processes.
- 6.38 Noise mitigation measures including perimeter bunds between excavation areas and sensitive residential receptors are proposed and a Noise Monitoring Scheme has been submitted detailing measures to be taken should any noise levels be contravened including, if necessary, further mitigation measures. The Assessment also suggests that the use of quieter or silent types of alarm or warning devices that are more environmentally acceptable should be explored.
- 6.39 The Noise Assessment includes proposed noise limits at the nearest

dwellings. The Assessment concludes that the site can be worked while keeping noise emissions to within environmentally acceptable limits and that the proposals comply with the criterion for noisier, temporary operations such as soil stripping, bund formation and final restoration processes.

Dust

- 6.40 Dust may be generated by soil handling, mineral extraction, stockpiling, loading and transportation of material. An Air Quality Assessment and Dust Management Scheme have been submitted as part of the Environmental Statement. The Assessment notes that the proposed extraction material is damp in nature, thereby reducing dust nuisance.
- 6.41 Proposed dust mitigation measures include spraying of stockpiles and haul road with water, sheeting of vehicles and a 20mph speed limit along the internal haul road. Dust monitoring, in the form of sticky pads, will be undertaken at points on land within the applicant's control to assess the effectiveness of the control measures. The Assessment explains that the bulldozer and dump trucks operating at the site are fitted with exhaust equipment in accordance with EU legislation.
- 6.42 The Assessment concludes that, the proposed dust mitigation measures together with dust monitoring and management procedure for dust control will ensure that the extraction operation could be established and operated in a manner which would eliminate any impact from dust on the surrounding environment or adverse effect on local amenity. The Management Scheme details that in the event of any complaint being received by the operator regarding dust from the site, where necessary a scheme of mitigation measures or monitoring shall be submitted to the CPA for its approval and subsequent implementation.
- 6.43 South Norfolk Council EHO has been consulted on the application and raises no objection in principle subject to conditions in relation to noise limits, notification of temporary operations, reversing alarms and dust netting.
- 6.44 The EHO has recommended that householders are given one month prior notice before the temporary operation works with a 70 db LAeq, 1 hour freefield noise limit take place. National Planning Practice Guidance recognises that mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered. Taking account of National Planning Practice Guidance, such a condition is considered not necessary, and the condition is therefore not recommended. It is, however, recommended that the EHOs comments be attached to the decision notice as an informative.
- 6.45 As regards concerns raised in relation to reversing alarms, such alarms may potentially be particularly intrusive in a quiet rural area and, in response to historic local complaints, a number of years ago the operator changed to a then new style of 'White Noise' reversing alarm which emit a more localised "ssh ssh" sound rather than the standard bleeping. The EHO comments that the South Norfolk Environmental Protection Team are aware of the concerns from neighbours with reversing alarms, including the 'broadband'/'white' noise reversing alarms that have been employed to be less intrusive. Given

these concerns and the noise assessment's recommendation that quieter or silent reversing alarms should be used, the EHO recommends the use of an alternative system which provides the driver with an in-cab audible and visual warning of both stationary and moving objects, as an alternative to fitting standard reversing beepers to warn site workers. Given the concerns raised this would seem to be a reasonable request.

- 6.46 As regards concerns raised in relation to dust, the EHO notes that several properties appear to be within 100m of the proposed workings and recommends a condition to require erection of dust netting between these properties and the workings when they are taking place. This should ensure that respirable (breathable) dust does not reach the properties, or the amenity area immediately around them that is commonly used as a garden. This would seem to be a reasonable request.
- 6.47 The agent has advised that should residents feel impacted by noise or dust they could contact the site in order for the applicant to alleviate / mitigate disturbance where possible.
- 6.48 Subject to the above mentioned conditions, it is therefore considered that no material harm would be caused to neighbouring occupiers and the proposal is therefore considered to be in accordance with NMWDF CS Policies DM12 and DM13, NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91, and Government guidance in paragraph 144 of the NPPF.

Landscape / Design

- 6.49 Whilst the site in itself has no landscape designation, the Broads Authority Area lies some 10m from the western boundary of the site and some 210m north of the site. Due to its proximity to this designated area it is sensitive in landscape terms, and any development would require careful screening and sensitive restoration in order to be acceptable.
- 6.50 The Broads Authority area is subject to a high level of protection in the development plan; policy CS14 of the NMWLDF requires developments to ensure that there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape, including the Broads.
- 6.51 Policy DM8 of the NMWLDF expects applicants to show how proposals will address landscape impacts and states that, development will be permitted if it will not harm the conservation of, or prevent enhancement of, its surroundings with regard to landscape character, taking into account mitigation measures.
- 6.52 NMWDF Mineral Site Specific Allocations DPD policies MIN 83, MIN 90 and MIN 91 require a scheme of working and restoration which provides landscape gains and does not impact adversely on the Broads Authority Executive Area, whilst Policies MIN 90 and MIN 91 also require a screening scheme which includes successful mitigation for views from properties along Low Road, the PROW and surrounding roads.
- 6.53 In addition, Policy 2 of the Joint Core Strategy expects development proposals to be designed to the highest possible standards and to respect local distinctiveness including, the landscape character and historic environment,

taking account of the wider countryside and the Broads area, whilst Policy 18 states that, “In areas in close proximity to the Broads Authority area particular regard will be applied to maintaining and enhancing the economy, environment, tranquillity, setting, visual amenity, recreational value and navigational use of the Broads...”

- 6.54 South Norfolk Local Plan saved policy IMP 2 requires new development to incorporate a high standard of landscaping to ensure development will be integrated into its surroundings.
- 6.55 Concern is raised that the north east extension will be highly visible from Low Road and in relation to implementation and maintenance of measures to mitigate the visual impact, such as advanced tree planting and soil bunds.
- 6.56 During the determination process additional details relating to the landscape and visual impact were requested. This resulted in further detailed plans being provided by the applicant to supplement the Environmental Statement and demonstrate the impacts that would arise during the various phases of development and upon restoration.
- 6.57 In the South Norfolk Landscape Assessment (2001), the site is identified as lying within the C2; Thurlton Tributary Farmland with Parkland landscape character area. This comprises land which rises gently from the low lying Waveney valley with areas of flatter plateau cut by narrow tributaries which create local undulations in the landform. Predominantly arable farmland with woodland, this area is a landscape of both openness and enclosure with open views to The Broads and enclosure provided by the varied topography and tree cover.
- 6.58 The overall landscape strategy is to conserve the peaceful, rural farmland character of the character area with its distinctive historic parklands and tributary corridors and role as the setting to The Broads. This will include consideration of opportunities to re-instate field boundaries, extend and link woodlands, and creation of new woodlands. Heathland re-creation on sand and gravel sites along the edge of the Waveney Valley maybe an option.
- 6.59 The application includes a number of measures to mitigate the landscape and visual impacts of the proposed extension. Measures would include retention of existing advanced boundary planting (with exception of a reduction in the width of a section of advanced planting to the north of the north west parcel and removal of an advanced planting belt between the existing working and south west parcel), and phased extraction and restoration. It is proposed that this internal advanced planting be removed to enable integration between phases and provide a more natural landscape. Un-worked margins would be left to reduce impacts on residential properties and temporary screen bunding would be used on the boundaries of individual phases to give additional protection to sensitive receptors.
- 6.60 The proposal includes the removal of a line of electricity pylons and associated cables that traverse the northern edge of the proposed south west extension in an east-west alignment, in order to release the underlying mineral reserves, and its diversion underground. Additional consent for relocation of the line would be required from UK Power Networks. The applicant would pursue the relocation of the power lines in the event that planning permission for mineral extraction is forthcoming. Restoration schemes have been submitted for the proposal which

illustrate the contours that can be achieved with and without the removal of the pylons, the latter representing the “fall-back” position.

- 6.61 A Landscape Assessment of the proposed development has been undertaken, which concludes that, providing the proposed mitigation measures are implemented and maintained, the proposed development could be accommodated with a medium-low to low significance impact, and that such impacts would reduce in time as planting becomes effective.
- 6.62 As regards the Broads, to the north/north east and west of the site, the Assessment recognises the high sensitivity of the landscape and the visual connections between the site and the Broads. The Assessment concludes that the proposed extraction would have a short term adverse impact on the visual quality, setting and amenity value of the Broads, particularly in relation to the north east parcel, which is located on north facing slopes with less developed screening. Given that the workings are temporary, it further concludes that there would be no long term impact on the Broads landscape once advanced planting becomes effective and the land is restored. This results in a negligible magnitude change, resulting in negligible impact significance.
- 6.63 The Broads Authority has been consulted on the application and acknowledges that the existing quarry sits within robust and mature landscaping which helps screen the development and notes that the same type of landscaping is proposed to screen the new sections. The Authority advises that, if this screening is to be provided and become established before the extension to the quarry then it considers that there would be negligible impact on the character of the Broads. The Authority would be supportive of diverting the power cables underground.
- 6.64 Whilst it has been established that short term adverse impact would occur to the visual quality, setting and amenity value of the Broads, particularly in relation to the north east parcel, significant weight is attached to the fact that the workings are of a temporary nature, the north east parcel would be the last of the three extension areas to be worked and the existing advanced planting will, in the long term, mitigate the impact of the working on the Broads.
- 6.65 The proposed restoration is to a lower level, and has been designed to ensure that the final landform complements the restoration scheme for the existing mineral working.
- 6.66 The proposal includes the loss of the southern edge of a young tree planting belt within the north west parcel, removal of a planting belt within the south west parcel and removal of a total of nine mature oak trees from field boundaries on the south west and north east parcels, to enable the development to proceed. A Tree Survey and Arboricultural Implications Assessment (AIA) has been undertaken which concludes that, the loss of the mature trees will have an immediate, if very local, impact on the amenity of the site for the duration of the mineral extraction. Whilst it would take many decades to recover the amenity lost with the removal of the field boundary trees, new planting will place new trees into the landscape as part of a wider landscape scheme for the whole site which will reclaim the long term character.
- 6.67 The proposed restoration scheme provides for replacement hedgerow and woodland planting within the site. The Arboricultural Officer has been consulted on the application and raises no objection.

- 6.68 Whilst it is considered that the proposal complies with the provisions of NMWLDF Policies CS14 and DM8, NMWDF Mineral Site Specific Allocations DPD policies MIN 83, MIN 90 and MIN 91, South Norfolk Local Plan saved policy IMP 2 and Policy 2 of the Joint Core Strategy, it does not comply with all of the criteria within Policy 18 of the Joint Core Strategy, for example, it cannot be said that it will maintain the tranquillity of the area. However, it is considered that no material harm will be caused to The Broads or its setting and the proposal therefore broadly complies with the requirements of the policy.

Biodiversity and geodiversity

- 6.69 Policy CS14 of the NMWLDF: Core Strategy states that, developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to biodiversity and geodiversity, whilst policy DM1 states that, development that would harm locally designated nature conservation and geodiversity sites, habitats, species or features identified in biodiversity and geodiversity action plans, will only be permitted if it can be demonstrated that sufficient mitigation measures can be put in place. Policy DM14 requires any important geology or geomorphology on the site to be retained in sample exposures for study purposes.
- 6.70 NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require:
- a scheme of working and restoration which provides biodiversity gains;
 - a noise and dust assessment, with particular reference to the designated sites, to the satisfaction of NCC in consultation with Natural England;
 - A lighting scheme to be agreed with NCC in consultation with Natural England
 - Opportunities during working for any geodiversity assets to be studied, and if compatible with landscape and ecology objectives an open face to be included within any restoration scheme for future scientific study, close cooperation between the operators and Norfolk Geodiversity Partnership will be required during all phases of the operation.
- 6.71 Policy 1 of the Joint Core Strategy requires planning authorities to protect, maintain, restore and enhance the environmental assets of the area, whilst policies 2 and 18 require development to avoid harmful impacts on key environmental assets, in particular SACs, SPAs and Ramsar sites.
- 6.72 Paragraph 117 of the NPPF requires planning to aim to prevent harm to geological conservation interests.
- Biodiversity
- 6.73 Representation has been made that, “Perhaps if the site was returned to quietude the Hen Harriers would return”.
- 6.74 The three areas of land which form the extension comprise agricultural land that has historically been sown with cereals, and plantation woodland. As detailed elsewhere in this report, the proposal includes loss of a number of planting belts and hedgerow field boundaries, including mature oaks. The

main potential impact on ecology is with regard to disturbance to trees and foraging networks that may be used by bats.

- 6.75 The nearest internationally protected site is Hardley Flood SSSI, being part of the Broadland SPA, Broadland Ramsar and The Broads SAC, which lies some 0.9km west of the site. It is important, therefore, to ensure that no development is undertaken which would adversely affect this feature.
- 6.76 During the determination process additional details relating to updated ecological surveys, methods of landscaping and heathland management were requested. This resulted in an updated ecological assessment and outline aftercare scheme being provided by the Applicant to supplement the Environmental Statement. The Ecological Assessment of the proposal concludes that the proposed extension areas shall not have a negative impact upon the local or wider environment or ecological habitat. Mitigation measures / compensation measures are proposed including enhanced restoration.
- 6.77 The applicant proposes to protect groundwater levels and flows by leaving a minimum of 0.5m depth of unworked material above the highest recorded water table; no dewatering is proposed.
- 6.78 A Hydrological Assessment has been undertaken which concludes that, since there will be no groundwater dewatering or discharge of effluent from the site there will be no impact on the designated sites.
- 6.79 The proposal provides for restoration to low level agriculture and heathland to complement the approved restoration scheme for the existing quarry. The proposed restoration includes provision of significant biodiversity enhancements in the form of creation of heathland, replacement hedgerow and woodland planting and, provision of nectar rich wildflower mix for turtle doves and invertebrates.
- 6.80 As detailed elsewhere in this report, a Noise Assessment, Air Quality Assessment and Dust Management Scheme have been submitted as part of the Environmental Statement. The application advises that no additional lighting is proposed.
- 6.81 Natural England has been consulted on the application and raises no objection to the proposal in relation to statutory protected sites.
- 6.82 The County Council's Ecologist has assessed the proposal and raises no objection. The Ecologist is satisfied with the surveys that have been carried out and the proposed restoration.

Geodiversity

- 6.83 The desk-based archaeology assessment details that a substantial early Middle Pleistocene palaeochannel has been recorded close to the current access road to the quarry and states that, on the assumption that the surface of the palaeochannel is fairly constant there is sufficient depth of ground in the proposed development area for the channel to survive to its full depth.
- 6.84 The Norfolk Geodiversity Partnership has requested that a watching brief should be in place in case a similar channel is encountered elsewhere in the excavation and also ask that the restoration plans include a geological

section.

- 6.85 An archaeological watching brief is a formal programme of observation and investigation conducted during any operation carried out for non-archaeological reasons. The programme will result in the preparation of a report.
- 6.86 During the determination process additional details relating to geodiversity were requested. This resulted in a Palaeolithic mitigation strategy being provided by the Applicant to supplement the Environmental Statement. The applicant company has confirmed that it does not propose to disturb the Palaeolithic deposit through the proposed sand and gravel extraction which is why no information has been presented with regard to evaluation or archaeological watching brief. To protect the archaeological feature of the Palaeolithic channel a number of mitigation measures are proposed including standoff of 5m horizontally and 1m above. It is further proposed that trial trenching would be undertaken to define the presence / absence of the channel in accordance with a design brief to be produced in consultation with the County Planning Authority. The applicant company has further confirmed that it would be happy to notify the Geodiversity Partnership of soil stripping and extraction commencing within the mitigation area.
- 6.87 Norfolk Museums Service has been consulted on this application and recommends a watching brief is undertaken in relation to the palaeochannel, on the south west extension only.
- 6.88 As regards a geological section, the applicant does not consider it appropriate to leave a face open in view of the depth of extraction, stability, landscape character and proposed afteruse.
- 6.89 Whilst it is accepted that the proposal omits a geological section, the arguments put forward by the Applicant are accepted in this instance.
- 6.90 On the basis of the information submitted with the application, and the consultation responses from Natural England, the Council's Ecologist and Norfolk Museums Service, subject to condition it is considered that the proposal is acceptable in terms of the relevant development plan policies and the NPPF.
- 6.91 Appropriate Assessment
- The application site is located within 5km of the Broadland Special Protection Area (SPA), Breydon Water SPA, The Broads Special Area of Conservation (SAC), Broadland RAMSAR and Breydon Water RAMSAR. 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.

Historic Environment

- 6.92 Policy CS14 of the NMWLDF CS requires developments to ensure that there are no unacceptable adverse impacts on, and ideally improvements to, heritage assets and their settings, whilst Policy DM8 states that,

development will only be permitted where it would not adversely impact on the historic form, character and/or setting of registered Historic Parks or Gardens, conservation areas or listed buildings, taking into account any appropriate mitigation measures. In addition, policy DM9 of the NMWLDF: CS states that, development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings).

- 6.93 NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require an archaeological evaluation of the site and additional fieldwork if features are identified.
- 6.94 Policy 2 of the Joint Core Strategy requires development proposals to respect the historic environment.
- 6.95 Saved policy ENV 5 of the South Norfolk Local Plan seeks the protection of the settings of historic parks, whilst saved policy ENV 9 contains a presumption against proposals which would have a significant impact on the setting of visible archaeological remains. Saved policy IMP 15 requires special attention to be paid to the design, scale and impact of proposals affecting the setting of listed buildings, whilst saved policy IMP 18 restricts development that would affect the character, appearance, setting or views into or out of conservation areas.
- 6.96 Paragraph 132 of the NPPF requires great weight to be given to a designated heritage asset's conservation, when considering the impact of a development on the significance of the asset.
- 6.97 Section 66 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses
- 6.98 There are no designated heritage assets within the boundary of the proposed site itself. However, Raveningham Hall Historic Park and Garden, and Langley Park (Historic Park) are some 1.5km and 3.5km from the nearest area of working respectively, Hardley Cross (A Scheduled Ancient Monument (within the Broads Authority Area)) is some 1.2km north of the site, Loddon Conservation Area and, Loddon & Chedgrave Conservation Area lie some 2.8km west of the site and, Halvergate Marshes Conservation Area and Haddiscoe Conservation Area lie some 2.7km north east of the site (the latter two areas within the Broads Authority Area). In addition, there are a number of listed buildings in the surrounding area.
- 6.99 A Landscape and Visual Impact Assessment has been undertaken which concludes that the proposed development would have no impact on the character or visual qualities of any registered parks or gardens, and no physical impact or visual influence on the character or setting of the Loddon Conservation Area and Loddon & Chedgrave Conservation Area.
- 6.100 As regards listed buildings in the surrounding area, the Assessment concludes that the works would have a negligible significance adverse impact during construction, from St. Mary's Church, Norton Subcourse. From other listed buildings, any discernable views of the working phases would be

of negligible significance.

- 6.101 As regards Hardley Cross, the Assessment recognises that the works themselves would have a slight impact during early stages of construction, but this would be very short term and temporary, as advanced planting becomes effective. It further concludes that the proposal would have no long term impact on the visual setting of the cross.
- 6.102 With regards to Halvergate Marshes Conservation Area and Haddiscoe Conservation Area, as detailed elsewhere in this report, the Landscape Assessment concludes that the proposed extraction would have a short term adverse impact on the visual quality, setting and amenity value of the Broads, particularly in relation to the north east parcel. However, given the temporary nature of the workings, there would be no long term impact on the Broads landscape once advanced planting becomes effective and the land is restored. This results in a negligible impact significance.
- 6.103 Paragraph 134 of the NPPF states that, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”
- 6.104 As recognised by paragraph 142 of the NPPF, “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs”. The proposal would enable the continued supply of construction materials to the local markets and thus continue contributing to the local economy. The proposal would also maintain employment for existing staff; the existing mineral working employs a maximum of five full time staff. Further public benefits arising from the proposal include the biodiversity enhancements proposed.
- 6.105 Furthermore, paragraph 144 of the NPPF requires local planning authorities to “give great weight to the benefits of mineral extraction”.
- 6.106 Whilst it has been established that: (i) short term adverse impact would occur to the visual quality and setting of the Broads, (ii) the works would have a short term, slight impact on the visual setting of Hardley Cross, and (iii) the works would have a negligible significance adverse impact during construction, from St. Mary’s Church, Norton Subcourse, significant weight is attached to the fact that the workings are of a temporary nature, and the existing advanced planting will, in the long term, mitigate the impact of the working on these heritage assets. South Norfolk Council, the Broads Authority and English Heritage have been consulted on the application; no objection is raised by South Norfolk Council or the Broads Authority, and English Heritage do not wish to offer any comments.
- 6.107 On balance therefore, it is considered that the public benefits of the proposal, combined with the significant mitigation and restoration proposed, outweigh the “less than substantial” harm to the setting of Halvergate Marshes Conservation Area, Haddiscoe Conservation Area, Hardley Cross and St. Mary’s Church.

Archaeology

- 6.108 A Desk-based Assessment of Archaeology and Historic Features has been undertaken which concludes that, on the available evidence, the principal potential for archaeological remains being present is seen as the Roman period.
- 6.109 During the determination process additional details relating to an archaeological field evaluation were requested by Norfolk Historic Environment Service (NHES). This resulted in an archaeological evaluation being provided by the applicant to supplement the Environmental Statement, to demonstrate the results of field walking and trial trenching. The evaluation concluded that, on the available evidence, the overall importance of the heritage assets have been assessed as 'low' and of 'local significance' only.
- 6.110 NHES raise no objection to the application subject to conditions in relation to a scheme of archaeological investigation.
- 6.111 Whilst there is considered to be a degree of conflict with NMWLDF Policy DM8, in that there would be an adverse impact on the setting of Halvergate Marshes Conservation Area and Haddiscoe Conservation Area, a Scheduled Ancient Monument and listed building, it is considered that the public benefits are a material consideration which outweighs this issue. No material harm would be caused to any other heritage assets, and in all other respects, the proposal is considered compliant with NMWLDF policies CS14, DM8 and DM9, NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91, policy 2 of the Joint Core Strategy, saved policies ENV 5, ENV 9, IMP 15 and IMP 18 of the South Norfolk Local Plan, the NPPF and the Planning (Listed Buildings and Conservations Areas) Act 1990 .

Transport

- 6.112 Policy CS15 of the NMWLDF: CS states that, minerals proposals will be considered satisfactory in terms of access where anticipated HGV movements do not generate unacceptable risks to road user safety and unacceptable impacts on the highway network, whilst Policy DM10 requires applications for minerals sites to demonstrate suitable access arrangements and routeing proposals.
- 6.113 NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require use of the haul route from the existing processing plant to the highway network and a limit on maximum extraction volumes of the quarry to no more than the maximum volumes permitted for the existing Norton Subcourse extraction.
- 6.114 The application proposes a timescale of between 11 and 21 years duration. The requested timescale is 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. A timescale of 11 years duration is dependent upon an annual output of 200,000 tonnes per annum which, based on 20 tonne loads, would generate 35 loads out per day (70 movements). A timescale of 21 years is based upon an output of 100,000 tonnes per annum which, based on 20 tonne loads, would generate 18 loads out per day (36 movements). An average of 23 loads out per day (46 movements) is proposed.
- 6.115 The site would be accessed by an existing purpose-built haul road linking onto

the highway at Ferry Road, close to its junction with the B1136. With the exception of local deliveries, vehicles associated with the proposal would not, therefore, need to use Ferry Road beyond the site entrance but would exit and enter from the B1136 only, which is designated a Main Distributor Route in the Route Hierarchy Network. The purpose-built access road removes the need for quarry-related traffic to travel on the network of local lanes to the detriment of local amenity.

- 6.116 The Environmental Statement concludes that, the current arrangements for traffic associated with the site remain suitable for the continuation of extraction.
- 6.117 The Highway Authority has been consulted on the application and has confirmed that when assessing a proposal of this nature it looks at the worst case scenario rather than the average. Given the suitability of the highway network at this point, the Highway Authority would not raise any objection based on worst case figures.
- 6.118 Accordingly, the development is considered compliant with NMWLDF: CS policies CS15 and DM10, Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91, and the government objectives of the NPPF.

Climate change and renewable energy generation

- 6.119 NMWLDF: CS policy CS13 addresses issues relating to climate change and renewable energy generation. Where possible, applicants should aim for the incorporation of renewable or low-carbon energy to generate a minimum of 10% of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.
- 6.120 During the application process additional details relating to renewable energy generation were requested. Consideration has been given to the possibility of how the development could generate its own energy from wind power and solar power. As regards wind power, it is considered that erection of a wind turbine(s) would not be appropriate in landscape terms due to the potential impact upon The Broads. As regards solar panels, the cost of installation over the proposed extension period would only be offset by sale of electricity to the grid which would be contrary to the terms of the applicant's current lease.
- 6.121 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.

Sustainable Construction and Operations

- 6.122 NMWLDF policy DM11 encourages operators to adopt an environmental management system (EMS), such as ISO 14001, to minimise environmental impacts from operations, and requires evidence as to how sustainable construction and operation of a proposal will be implemented. In light of the NPPF, there is a presumption in favour of sustainable development.
- 6.123 The Environmental Statement details that Norton Subcourse has ISO 14001 accreditation which reviews environmental management including energy efficiency and impact upon climate change. The proposal would utilise existing infrastructure and environmental mitigation.
- 6.124 As detailed elsewhere in this report, it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts. The development is therefore considered to be acceptable and consistent with the

aims of NMWLDF policy DM11 and the NPPF.

Groundwater and surface water

- 6.125 Policy DM3 of the adopted NMWLDF: Core Strategy requires applicants to demonstrate that proposals would not adversely impact upon groundwater quality or resources and surface water quality or resources.
- 6.126 NMWLDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require a hydrological assessment to identify any potential impacts to groundwater and provide appropriate mitigation for those impacts identified.
- 6.127 Policy 1 of the Joint Core Strategy expects development to protect groundwater sources.
- 6.128 The site is not located within a Groundwater Source Protection Zone. As detailed elsewhere in this report, excavation will not extend below the water table and no dewatering is proposed. It is proposed that potentially polluting activities on site will be strictly controlled in accordance with a Pollution Prevention Plan.
- 6.129 A Hydrological Assessment has been undertaken, which concludes that the proposed development will not have an adverse impact upon the local groundwater level, quality or flows therefore reducing any adverse impacts on the surrounding hydrology.
- 6.130 The E.A. has been consulted on the application and raises no objection. It is therefore considered that there would be no conflict with NMWLDF: CS policy DM3, NMWLDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 and, JCS policy 1. Accordingly, the development is considered compliant with the NPPF.

Flood risk

- 6.131 Policy CS13 of the NMWLDF CS requires developers to demonstrate that mineral sites can be developed and restored without unacceptable flood risk to the site itself, and downstream land uses, whilst policy DM4 seeks to ensure flood risk is not increased as a result of extraction.
- 6.132 Policy 1 of the Joint Core Strategy expects development to be located to minimise flood risk.
- 6.133 The site lies within Flood Zone 1, which is an area at low risk of flooding. Because the site is greater than 1 hectare a Flood Risk Assessment is required.
- 6.134 The Hydrological Assessment concludes that there is a negligible risk of fluvial flooding of the site and the site itself will not increase the risk of flooding elsewhere in the Yare or Chet river valleys. Since there will be no dewatering or discharge of water from the site, it further concludes that the risk of flooding of surrounding areas will not be increased as a result of the development.
- 6.135 The Environment Agency has been consulted on the application and has raised no objection. It is therefore considered taking into account the above that, the development is compliant with NMWLDF policies CS13 and DM4, Joint Core Strategy Policy 1 and government objectives of the NPPF.

Protection of best and most versatile agricultural land

- 6.136 NMWLDF: CS policy DM16 states that, where development is proposed on agricultural land, there is a clear preference for locating mineral extraction on

land of agricultural grades 3b, 4 and 5. When development 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 during restoration, or the benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.

- 6.137 The three parcels of land are currently in agricultural use. A Soils and Agricultural Land Classification survey has been undertaken which has established that the site can generally be classified as Grade 3 agricultural land with the majority of the site sub grade 3b and with small patches of sub grade 3a. The Environmental Statement concludes that, upon restoration agricultural land classifications shall remain between sub grade 3 and 4.
- 6.138 The proposal would result in the loss of agricultural land on those areas to be restored to heathland. However, given that the majority of this land is of lower agricultural grade, and significant biodiversity enhancements are proposed, the proposal is considered to be compliant with Policy DM16.

Progressive working, restoration and after-use

- 6.139 NMWLDF: CS policy DM14 requires a scheme for phased and progressive working and restoration of the site, and expresses a preference for after-uses and restoration that enhance the Norfolk Ecological Network and create new, high-quality, distinctive landscapes.
- 6.140 NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 require a scheme of working and restoration which provides landscape and biodiversity gains.
- 6.141 The proposed extension comprises three parcels of land which would be divided into six phases in total, and which will be worked and restored consecutively. Working of the extension would commence in the north west parcel, followed by the south west parcel and finally the north east parcel. The proposed extension would commence once extraction has ceased within the existing permitted area.
- 6.142 Detailed restoration proposals were included within the application and following negotiation with the Applicant have been further enhanced. The site, which comprises areas of arable land, will be restored to low level heathland and agriculture to complement the approved restoration scheme for the existing site.
- 6.143 The proposal includes provision of biodiversity and landscape enhancements in the form of:-
- Creation of heathland;
 - replacement hedgerow and woodland planting within the site;
 - Provision of nectar rich wildflower mix for turtle doves and invertebrates
- 6.144 The restoration is considered acceptable by the Council's Ecologist. Given the above, it is concluded that the proposal accords with CS Policy DM14, Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91 and, the requirements of the NPPF in this respect.

Cumulative impacts

- 6.145 The NPPF and NMWLDF set out how planning should take into account the cumulative effect of multiple impacts from mineral sites and waste management facilities.
- 6.146 The nearest other active mineral workings are at Mundham, Kirby Cane and Burgh Castle, some 5.8km, 6.5km and 9km from the site, respectively, which are considered sufficient distances to ensure no material cumulative impacts would arise.
- 6.147 The nearest waste management facility is at Crossways Farm, Thurlton, some 2.3km to the south east. The County Council is currently considering an application in relation to this site for, Retention of topsoil bund, walls, hardstanding and storage tank, repositioning of storage tanks, variations to secondary containment structure and lagoon, and a replacement drainage ditch.
- 6.148 The proposed extension to mineral extraction at Norton Subcourse will not result in a change in historic annual output or vehicle movements, working arrangements or hours of working. As detailed elsewhere in this report it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts. It is therefore considered taking into account the above, that this proposal is compliant with NMWLDF Policy DM15, and the government objectives of the NPPF.

Responses to the representations received

- 6.149 The application was advertised by means of neighbour notification letters, site notices, and advertisement in the Eastern Daily Press newspaper.
- 6.150 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.151 As regards concerns raised in relation to highway safety and wear and tear, these matters have been referred to the Highway Authority, who have inspected the access onto the highway and the haul road/highway crossings and can see no reason for raising any highway issues. No personal injury accidents have been recorded on the highway network under review.
- 6.152 The matter regarding silicosis has been referred to the South Norfolk EHO, who would not expect silicosis to be an issue for residents, as there should be very little respirable sand at their properties due to the distance and there are no 'high silica sand' quarries in South Norfolk.
- 6.153 As regards concerns raised as to whether wind direction and speed are taken into account in the Noise Assessment, the applicant's acoustic consultant has confirmed that the site noise calculations contained in the noise assessment have a 0 dB(A) wind allowance, i.e. neutral conditions. South Norfolk Council EHO has been consulted on the application and has raised no objection subject to conditions.
- 6.154 Representation has been made that the operating hours are limited to weekdays only. In common with the approved hours of working on the existing Norton Subcourse Quarry, the proposed hours of working are from 0700 - 1800 hours Monday to Friday and 0700 - 1300 hours on Saturday. The proposed hours of

working fall within the parameters of 'normal working hours' for mineral workings in Norfolk and there are relatively few properties close to the site in this case. South Norfolk Council EHO has not raised objection on grounds of working hours. Taking this into account, it is not considered that there will be undue disturbance from the working hours.

- 6.155 One local resident raised concern about not receiving a leaflet from the applicant detailing the proposed development. The submitted Statement of Community Involvement advises that the applicant issued a leaflet to sensitive receptors, elected members and Parish Councils. The agent confirms that leaflets were hand delivered to residents and apologises if one was not received.
- 6.156 Concern has been expressed by a resident of Low Road regarding ground movements arising from removal of sand from over the 'quicksand' and the effect on river bank integrity. The agent advises that whereas the proposed extension sits within the Haddiscoe Sand and Gravel formation, Low Road is most likely situated on the older Corton Sand formation, which the British Geological Survey (BGS) describe as a 'fine to very fine sand'. It is suspected that it is this deposit that is referred to as 'quicksand'. The agent confirms that because the proposal seeks to extract a mineral deposit which exists higher up in the geological sequence (and topographically higher) this will not affect the geotechnical stability of the Corton Sand formation. Leading on from this, the agent concludes that the quarrying activity will not have any impact on the property at Low Road. The E.A. has been consulted on this application and has raised no objection in relation to impact on river bank integrity.
- 6.157 The matter regarding increased household insurance premiums is not considered to be a material planning consideration. Notwithstanding, the applicant has offered to ring the house insurance policy provider on behalf of the householder to discuss this matter.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

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

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

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

8.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

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

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

10. **Risk Implications/Assessment**

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

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

- 11.1 Planning permission is sought for extension of sand and gravel extraction onto three areas of land adjoining the existing Norton Subcourse quarry, over a period of between 11 and 21 years, with progressive restoration to agriculture and heathland. The proposal also includes retention of the existing aggregate processing plant complex and access/haul road.

- 11.2 The three parcels of land are broadly consistent with sites MIN 83, MIN 90 and MIN 91 allocated for mineral extraction within the Adopted Minerals Site Specific Allocations DPD which forms part of the Norfolk Minerals and Waste Local Development Framework.

- 11.3 Objections have been received from a small number of local residents, primarily raising concerns about the potential for amenity impacts on local residents.

- 11.4 No objection is raised by the Highway Authority in relation to the proposed access arrangements and the level of vehicle movements proposed. In addition, it is considered that subject to compliance with conditions no material harm would be caused to neighbouring occupiers or the rural character of the area.
- 11.5 No objections are raised by South Norfolk Council and the Broads Authority in relation to the visual impact of the proposal, including the impact on the nearby Broads Authority Area. Natural England and the Council's Ecologist are satisfied that no material harm would be caused to biodiversity, and it is considered that the restoration design includes provision of biodiversity and landscape enhancements.
- 11.6 The site is formally allocated for mineral extraction and for the reasons detailed in this report the proposal is considered to accord with all relevant development plan policies and national planning guidance. It would contribute towards ensuring a local supply of minerals for future construction in South Norfolk and would assist in ensuring the County maintains a sufficient landbank of sand and gravel to meet future needs. The impacts of the proposal would be successfully mitigated and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

Reason:

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

- 12.2 The extraction of sand and gravel to which this permission relates shall not commence before extraction is completed on phase 9 and restoration completed on Phase 8 of the adjacent site (reference C/7/2014/7025) and shall cease and the site shall be restored in accordance with condition number 23 within 21 years of the date of this permission.

Reason:

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

- 12.3 Except as modified by the provisions of the documents and plans as detailed below,

E-mail from Cemex to Norfolk County Council of 10 January 2015 22:16 hours;

Application form; dated 28/2/2013; received 29 Aug 2014;

Norton Subcourse – Volume 4 – Regulation 22 – Additional Information; dated August 2014; received 29 Aug 2014

Initial Ecological Assessment of land at Norton Subcourse; prepared by Andrews Ecology; dated September 2013; received 29 Aug 2014

Norton Subcourse, Norfolk – Restoration to Agriculture and Heathland – Outline Five Year Aftercare Scheme; dated September 2013; received 29 Aug 2014

Restoration Plan; Drawing No. P2/982/4C Rev C; dated Sept 2013; received 29 Aug 2014

Cross Section Locations Existing Situation May 2012; Drawing No. 18-08_NSUB_XSEC_SITEPLAN; dated 10/09/13; received 29 Aug 2014

Site Cross Sections; Drawing No. 13-08_NSUB_XSEC; dated 09/09/13; received 29 Aug 2014

Extension Areas Method of Working; Drawing No. P2/982/10 Working Phases; dated Dec 2014; received 12 Jan 2015

Extension Areas Method of Working; Drawing No. P2/982/10 Phase 10-15 inclusive; dated Dec 2014; received 12 Jan 2015

Extension Areas Method of Working; Drawing No. P2/982/10 Rest. Phase 14; dated Dec 2014; received 12 Jan 2015

Extension Areas Method of Working; Drawing No. P2/982/10 Final Restoration; dated Dec 2014; received 12 Jan 2015

Landscape and Visual Impact Assessment; prepared by the landscape partnership; updated December 2013; received 29 Aug 2014

Archaeological evaluation northern and southern extensions Norton Subcourse Quarry, Norfolk; Report No. 14/20; prepared by MOLA; dated November 2013; received 29 Aug 2014

Norton Subcourse – Regulation 22 – Palaeolithic Mitigation Strategy; dated 2014; received 29 Aug 2014

Climate Change and renewable energy generation; undated; received 29 Aug 2014

C7/2012/7017 Norton Subcourse Volume 2 - Environmental Statement; dated August 2014; received 29 Aug 2014

Site Plan; Drawing No. P2/982/2_6; dated Aug 13; received 29 Aug 2014

Norton Subcourse Volume 1 - Planning Statement; dated August 2014; received 29 Aug 2014

Electricity Line; Drawing No. P2/982/7 Rev 5; dated Feb 13; received 29 Aug 2014

And details to be approved pursuant to condition numbers 5, 7, 8, 9, 10 and 14 below and the provisions of condition number 4 below;

the development hereby permitted must be carried out in strict accordance with the plans and documents detailed below:

Norton Subcourse – Environmental Statement; Appendix 1 – screening / scoping; dated February 2013

Cemex Quarry – Norton Subcourse – Tree Survey, Arboricultural Implications Assessment and Method Statement; prepared by the landscape partnership; dated November 2011

Norton Subcourse – Environmental Statement; Appendix 4 – A hydrogeological assessment of the proposed extension to Norton Subcourse Quarry, Norfolk; reference TM4099.CMP.020810; prepared by Cemex UK Operations Ltd; dated 28/02/13

Norton Subcourse – Environmental Statement; Appendix 5 – Noise Assessment; prepared by Walker Beak Mason; dated 11 August 2010

Norton Subcourse – Environmental Statement; Appendix 6 – Dust Management Scheme; dated February 2013

Norton Subcourse – Environmental Statement; Appendix 7 – A Desk-Based Assessment Archaeology and Historic Features; Proposed NE Extension (no.3) to Norton Subcourse Quarry; prepared by the Guildhouse Consultancy; dated January 2011

Norton Subcourse – Environmental Statement; Appendix 7 – A Desk-Based Assessment Archaeology and Historic Features; Proposed Extensions to Norton Subcourse Quarry; prepared by the Guildhouse Consultancy; dated January 2008

Norton Subcourse – Environmental Statement; Appendix 8 – Proposed North-West Extension; Soils and Agricultural Land Classification; prepared by Dr S G McRae; dated April 2010

Norton Subcourse – Environmental Statement; Appendix 8 – Proposed South-West extension; Soils and Agricultural Land Classification; prepared by Dr S G McRae; dated April 2010

Norton Subcourse – Environmental Statement; Appendix 8 – Proposed North-East extension; Soils and Agricultural Land Classification; prepared by Dr S G McRae; dated April 2010

Norton Subcourse – Environmental Statement; Appendix 9 – List of relevant guidance and development plan policies; undated

Norton Subcourse – Environmental Statement; Appendix 10 – Glossary; undated

Norton Subcourse – Environmental Statement; Appendix 11 – Statement of Community Involvement / Leaflet; undated

Norton Subcourse – Environmental Statement; Appendix 12 – Sustainable Development and Socio Economic Statement; undated

Norton Subcourse – Non Technical Summary – February 2013

Area to the North East of the Quarry; Geological Assessment Report; reference 10-107-R-SLH-002; dated April 2011

Area to the North West of the Quarry; Geological Assessment Report; reference 10-107-R-SLH-003; dated April 2011

Area to the South of the Quarry; Geological Assessment Report; reference 10-107-R-SLH-001; dated April 2011

Norton Subcourse Quarry; Soil Handling Scheme; dated February 2012

Location Plan; Drawing No. P2/982/1B Rev A; dated Jan 13

Norton Subcourse Plant Site; Drawing No NSUB_PLA_982_CAW_251012; dated October 2012

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

- 12.4 Should for any reason, reprofiling and regrading in the area of phases 11, 12 and 13 underneath the electricity pylons not be undertaken as indicated on Drawing Nos. P2/982/10 Phases 11-15 inclusive; P2/982/10 Rest. Phase 14a and P2/982/10 Final Restoration, phases 11, 12 and 13 shall be worked and restored in a progressive manner as shown on Drawing Nos. P2/982/3B Rev C Phase 11, P2/982/3C Rev C Phase 12, P2/982/3D Rev C Phase 13, P2/982/3E Rev C Phase 14, P2/982/3D Rev C Phase 15, P2/982/3E Rev C Rest. Phase 14, P2/982/3F Final Restoration, all dated Aug 13, all received 29 Aug 2014, in support of the application, and the restoration drawing (pylons retained) to be approved pursuant to condition number 14 of this permission.

Reason:

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

- 12.5 No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
- a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment

- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall take place in accordance with the approved scheme.

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.

- 12.6 No operations shall take place until the Archaeological Site Investigation and Post Investigation Assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition number 5 of this permission and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 12.7 Notwithstanding the provisions of condition number 3 of this permission, no development shall take place within phases 11 to 13 inclusive (the south west extension) as indicated on the approved plans until the applicant has secured the maintenance of an on-site watching brief in relation to the palaeochannel deposit (as set out in the submitted Palaeolithic Mitigation Strategy dated 2014) by a competent person or persons/organisation during operations work in accordance with a written detail which has been submitted to and approved in writing by the County Planning Authority. A copy of the watching brief report shall be submitted to the County Planning Authority within three months of the fieldworking being completed by the person or persons/organisation.

Reason:

To safeguard any features of geodiversity, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.8 Prior to the commencement of the development hereby permitted, a scheme for the attenuation of noise from reversing alarms at the site shall be submitted to the County Planning Authority for its approval in writing. The scheme shall provide for all reversing alarms fitted to vehicles under the control of the applicant to be of the Backsense Pulsed Radar Sensor type as set out in the submitted Technical Note, Norton Subcourse - Response to Queries on Noise Assessment, prepared by Walker Beak Mason, dated 26 April 2013. The development shall thereafter only be carried out in accordance with the

approved scheme.

Reason:

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

- 12.9 Prior to the commencement of the development hereby permitted, a scheme for erection of dust netting shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include mitigation measures as set out in the letter from South Norfolk Council Environmental Protection Team dated 14/6/13, a copy of which is attached to this decision notice. 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.

- 12.10 Removal of trees identified in the submitted Initial Ecological Assessment dated September 2013 as having the potential to hold roosting bats shall not commence until a further bat survey of the trees so identified is carried out, to include appropriate activity surveys in accordance with Bat Conservation Trust Bat Surveys: Good Practice Guidelines, and, if necessary, a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

Reason

To safeguard the presence and population of a protected species in accordance with UK and European Law, and Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.11 Prior to commencement of operations in phase 10, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011, and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.12 Prior to commencement of operations in phases 11 to 13 inclusive, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011, and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.13 Prior to commencement of operations in phases 14 and 15, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011, and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.14 Within three months of the date of this permission, a scheme of restoration which provides for the retention of the pylons and overhead lines that traverses phases 11 to 13 inclusive as indicated on the approved plans shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide for the restoration of the site in accordance with the principles shown on approved Drawing No. P2/982/4C Rev C Restoration Plan.

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

- 12.15 With the exception of temporary operations including soil stripping, construction and removal of screening bunds and the final restoration processes, noise levels caused by operations shall be attenuated and in any event shall not exceed the following levels at any of the noise sensitive properties identified within Appendix 5 of the Environmental Statement, Noise Assessment, dated 11 August 2010 between the hours of operation specified in condition number 19 of this permission.

<u>Location</u>	<u>Noise limit</u>
Beacon Farm	45 db LAeqT
Hill House	45 dB LAeqT
Leys Farm Bungalow	41 dB LAeqT
Firs Farm	41 dB LAeqT
Carr Farm Cottages	41 dB LAeqT
Sunnyside	45 dB LAeqT

Reason:

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

- 12.16 Noise levels caused by temporary operations including soil stripping, construction and removal of screening bunds and the final restoration shall not exceed the levels specified in Condition number 15 above other than for a period of eight weeks in any 12 month period notifiable in writing in advance to the County Planning Authority. At such times the noise level at sensitive properties shall not exceed a maximum limit of 70 dBLAeq (1 hour).

Reason:

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

- 12.17 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.

- 12.18 Any dust nuisance and sand blow caused by the operations, shall be mitigated in accordance with the submitted details contained in Appendix 6 of the Environmental Statement, Norton Subcourse, Dust Management Scheme, dated February 2013.

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.

- 12.19 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, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:
07.00 - 18.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

Reason:

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

- 12.20 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.

- 12.21 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.

- 12.22 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.

- 12.23 Unless modified by the provisions of condition number 4 of this permission, the restoration of the site shall be completed in accordance with the submitted scheme shown on Drawing No. P2/982/4C Rev C Restoration Plan, dated Sept 2013 as supplemented by the submitted details contained in the document entitled, Norton Subcourse, Norfolk Outline Five Year Aftercare Scheme, prepared by Cemex UK Operations Ltd, dated September 2013.

Reason:

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

- 12.24 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.

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

Reason:

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

- 12.26 All stones and deleterious materials in excess of 15cm in any dimension which arise from the ripping of the subsoil and topsoil shall be removed from the site.

Reason:

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

- 12.27 The submitted Outline Five Year Aftercare Scheme, reference Norton Subcourse, Norfolk dated September 2013, specifying such steps as may be necessary to bring the land to the required standard for use for agriculture and heathland, 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 Executive Director of Community and Environmental Services 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 \(2011\)](#)

[Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document \(2013\)](#)

[Joint Core Strategy for Broadland, Norwich and South Norfolk \(2011/2014\)](#)

[South Norfolk Local Plan \(2003\) Saved Policies](#)

[The National Planning Policy Framework \(2012\)](#)

[Planning Practice Guidance Suite \(2014\)](#)

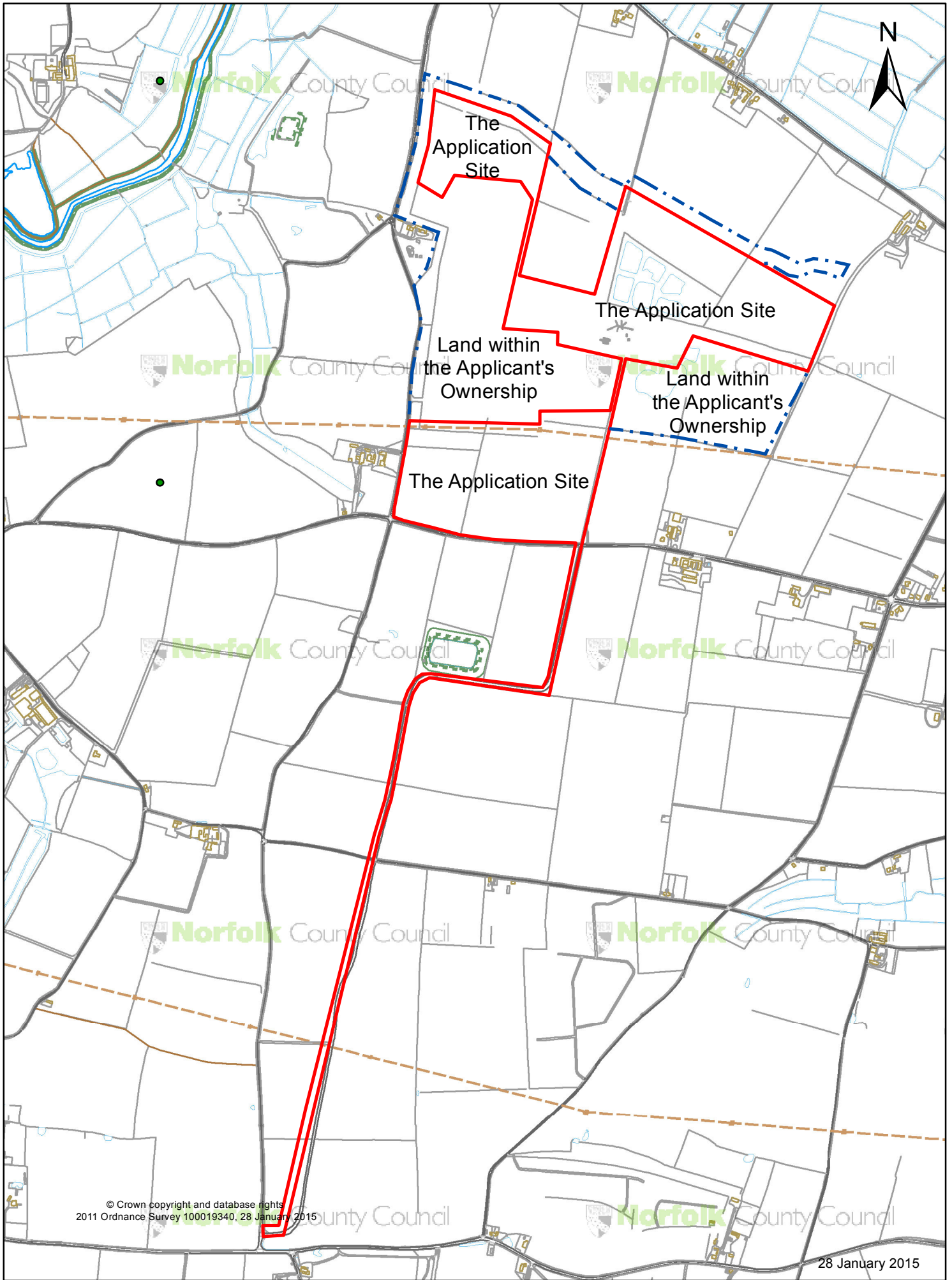
Officer Contact

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

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



C/7/2012/7017: Norton Subcourse Quarry Extension

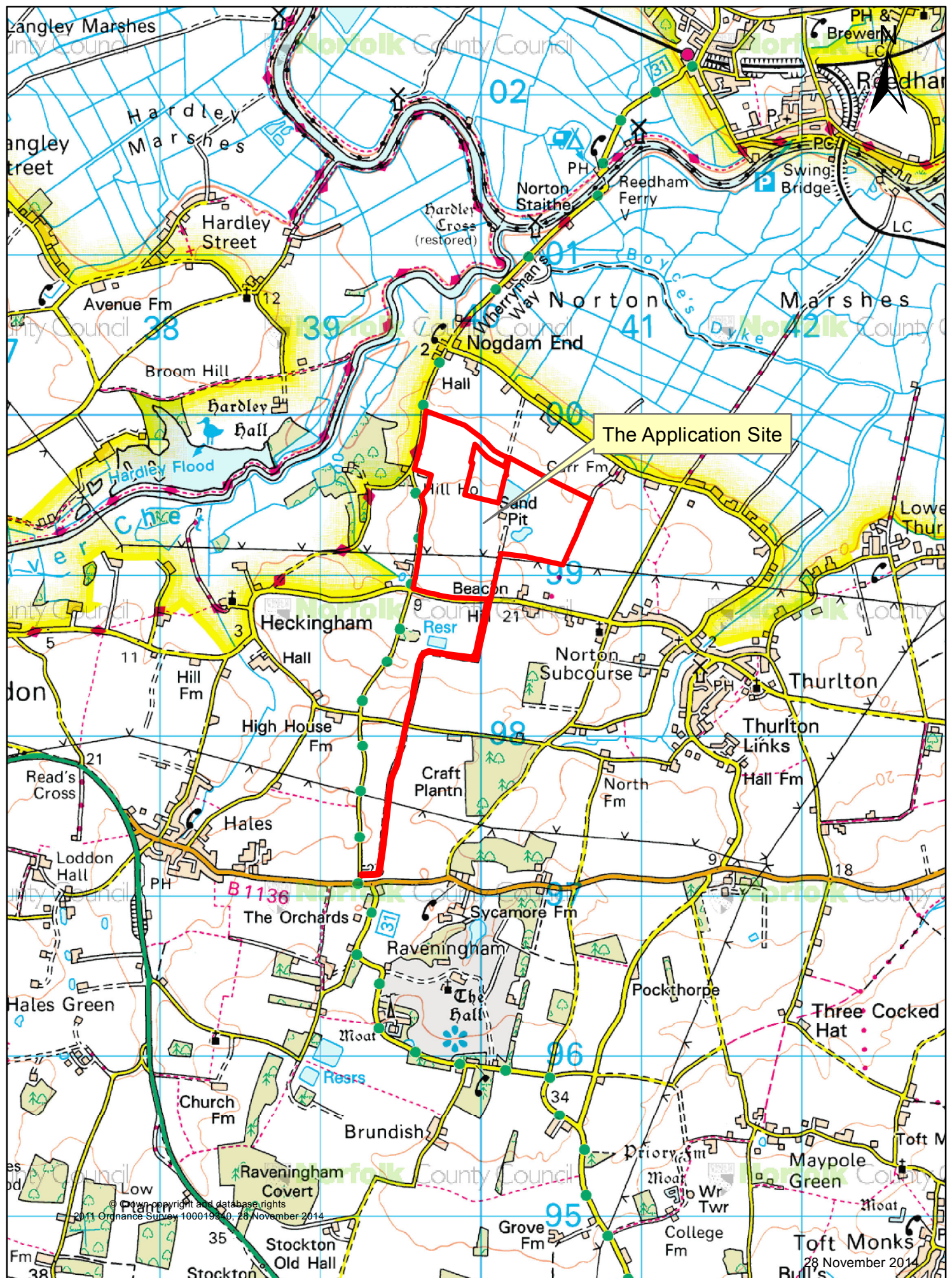
Norton Subcourse

0 250 500
Metres

Norfolk County Council

Scale 1: 12000

Centred on 539782 298605



C/7/2012/7017: Norton Subcourse Quarry Extension

Norton Subcourse

0 500 1,000
Metres

 Norfolk County Council

Scale 1: 30000

Centred on 53973 298574

**Applications Referred to Committee for Determination: C/2/2014/2016
King's Lynn & West Norfolk Borough Council: Erection of a building to house
a replacement waste baler and generator with associated improvements to
bundling and landscaping arrangements. Glazewing House, Station Road,
West Dereham, King's Lynn, Norfolk, PE33 9RR: Glazewing Limited.**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for the erection of a building to house a replacement waste baler and generator with associated improvements to bunding and landscaping arrangements.

The application has generated objections from West Dereham Parish Council and six residents of West Dereham. Their concerns relate primarily to impacts on highways, noise, amenity and quantities of waste.

The impacts of the proposal have been carefully considered, including the principle of development, design, landscape & visual impact, amenity, highways, flood risk, surface water, groundwater contamination & drainage, sustainability, ecology and the public footpath. 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 Executive Director of Community and Environmental Services be authorised to:

- (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 application site is located within a waste recycling site on Station Road, West Dereham which is located approximately 3.5 miles southeast of Downham Market and 1.5 miles south-west of the village of West Dereham. The site lies within the parish of West Dereham in the borough of King's Lynn & West Norfolk.
- The proposal is for :
 - The proposal seeks full planning permission for the erection and use of a building to house a replacement baler and generator with improvements to the bunding, a new swale and landscaping arrangements on the southern site boundary.
 - The building would be located within the confines of the existing waste recycling site, the boundary of which is defined by existing bunds and associated landscaping.
 - At the same time a scheme for improved bunding, introducing a swale for drainage and landscaping arrangements on the southern boundary of the recycling site is included as part of this Application. The bunding and landscaping will assist in screening views of the proposed building as well as those other activities and stockpiling which are taking place on the remainder of the site, particularly to views from users of the nearby public right of way.
- Site area :
 - 0.5 hectare
- Annual tonnage :
 - The Applicant has stated that 45,000 tonnes per annum will be baled by the machine. There are currently no measures to control the quantities of waste processed on the entire site. Through the proposal the Local Planning Authority has sought to regularise the current situation.
- Vehicle movement & numbers :
 - There is currently no control over the number of vehicles that can enter the site. Through the proposal the Local Planning Authority has sought to regularise the current situation.
- Hours of working :
 - 07:00 – 19:00 Monday to Friday
07:00 – 17:00 Saturday

Landscaping : ■ Planting of a native hedge along the toe of the southern perimeter bund and aftercare.

2. Constraints

- 2.1 According to the Environment Agency's (EA) flood zone maps the application site is situated within flood zones1, 2 and 3.

The application site is located above the Mintlyn Sand Member Principal Aquifer.

The application site is located above Cam and Ely Ouse Woburn Sands which is a Water Framework Directive Groundwater Body.

The application site is in close proximity to the Cut-Off Channel which has a potable water supply abstraction.

3. Planning History

- 3.1 Norfolk County Council reference C/2/1993/2011: Extend breakers yard, extend & improve existing skip & waste transfer facilities. Approved.

Norfolk County Council reference C/2/1993/2016: Certificate of lawfulness. Approved.

Norfolk County Council reference C/2/2002/2013: Construction of building to house offices/workshop/metals recycling. Approved.

Norfolk County Council reference C/2/2004/2030: Extension to existing steel framed building. Approved.

Norfolk County Council reference C/2/2007/2013: Erection of portal framed building to house recycling operations. Withdrawn.

Norfolk County Council reference C/2/2007/2014: Re-location of existing soils recycling operation to land adjacent to waste transfer station. Withdrawn.

Norfolk County Council reference C/2/2008/2015: Retention of vehicle viewing platform and variation of C6 of PP C/2/93/2011 to increase storage height to 6.5m. Approved.

Norfolk County Council reference C/2/2009/2008: Certificate of lawfulness: for existing use. Approved.

4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) : Achieving Sustainable Development
1. Building a strong, competitive economy
7. Requiring good design
11. Conserving and enhancing the natural environment

Norfolk County Council,
Core Strategy and
Minerals and Waste
Development
Management Policies
Development Plan
Document 2010-2026
(September 2011).

CS5 (General location of waste management facilities)
CS6 (General waste management considerations)
CS13 (Climate change and renewable energy generation)
CS15 (Transport)
CS14 (Environmental protection)
DM3 (Groundwater and surface water)
DM8 (Design, local landscape and townscape character)
DM10 (Transport)
DM12 (Amenity)
DM13 (Air quality)

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

CS 06 (Development in Rural Areas)
CS 08 (Sustainable Development)
CS 10 (The Economy)
CS 11 (Transport)
CS 12 (Environmental Assets)

5. Consultations

- | | | |
|-----|---|--|
| 5.1 | King's Lynn & West Norfolk Borough Council: Planning Services, Development Control. | : No objection. |
| 5.2 | King's Lynn & West Norfolk Borough Council: Environmental Health Officer | : No objection. Recommends that the dust management plan be adopted by the Applicant. The noise levels from the new equipment and building to house it will not have an adverse impact on the local residents. Concur with the Environment Agency's recommendations regarding protection of groundwater. |
| 5.3 | Environment Agency – Planning and Groundwater & Contaminated Land | : No objection subject to conditions controlling activities should contamination be encountered during construction, a scheme for surface water disposal and a scheme for the provision and implementation of foul water drainage. |
| 5.4 | Highway Authority | : No objection. Could not reasonably object to an application which does not increase activity (and subsequently HGVs generated). Requests a condition limiting the tonnage of material and HGV generation to current levels. |
| 5.5 | Landscape and Green Infrastructure Officer(NCC) | : The development is acceptable in terms of landscaping, request details of the aftercare maintenance arrangements. |

- | | | |
|------|---|---|
| 5.6 | Ecology (NCC) | : No concerns. |
| 5.7 | West Dereham Parish Council | : Objection. Impact on the flat landscape due to the size of the new building, impact on amenity through additional lighting, highways, poorly positioned screening and doubts whether it would ever be delivered, noise & odour impacts, hours of operation not specified by the Applicant. Includes photographs of highways issues. |
| 5.8 | Natural England | : No objection. |
| 5.9 | Stoke Ferry Internal Drainage Board | : No objection subject to compliance with a number of board requirements including compliance with byelaws, effluent disposal, discharge of surface water etc. |
| 5.10 | County Councillor: Mr Brian Long (Fincham). | : Would like to see determination at planning regulatory committee should this be possible. |
| 5.11 | Local Residents | : Nine letters of objection from eight respondents with seven letters highlighting planning related objections and two letters not expressing planning related issues have been received. They relate to: Increased noise from generator and baler. Increased traffic use of an unsuitable local highway network. Large HGV vehicles shouldn't be allowed to access the site. Recommend a link road between the site and B1160. Concern that the proposal will increase levels of activity at one site when the strategy should be for the provision of a greater number of smaller sites to limit the impact in any one location. Potential for the quantity of waste processed at the site to increase. The proposal will increase light pollution to the detriment of residents and ecology. Request for a transport assessment to be carried out and submitted as part of the application. Off-site litter. |

6. Assessment

6.1 Proposal

- | | |
|-----|--|
| 6.2 | The application seeks planning permission for the erection and use of a building to house a replacement baler and generator with improvements to the bunding, construction of a swale for drainage and landscaping arrangements on the southern site boundary. |
| 6.3 | The building would be located within the confines of the existing waste recycling |

site, the boundary of which is defined by existing bunds and associated landscaping. If approved the building would house a new waste baler machine which will replace an older machine currently housed within part of the existing building at the eastern end of the recycling site. The proposed building has been designed to be open sided on the north-east and north-west elevations, the reason for this is to ensure that the baler is operating efficiently and assist maintenance of the baler. The Applicant states that the proposed building is required to protect the baler machinery from the elements and would serve to reduce visual impact and assist in suppressing noise and dust resulting from the baling of the waste and from noise emanating from a new electricity generator used to power the baling machine. At the same time a scheme for improved bunding and landscaping arrangements on the southern boundary of the recycling site is included as part of this Application. The bunding and landscaping would assist in screening views of the proposed building as well as those other activities and stockpiling which are currently taking place on the remainder of the site, particularly to views from users of the nearby public right of way.

- 6.4 A swale is being proposed to provide drainage for the rainwater from the roof of the proposed building the purpose of the swale is to store and/or convey the rainwater runoff and remove pollutants.

6.5 **Site**

- 6.6 The application site is located within a waste recycling site on Station Road, West Dereham which is located approximately 3.5 miles southeast of Downham Market and 1.5 miles south-west of the village of West Dereham. The site lies within the parish of West Dereham in the borough of King's Lynn & West Norfolk.

- 6.7 The waste management use at the site is historical and became lawful in 1993 (Norfolk County Council reference C/2/1993/2016: Certificate of lawfulness).

6.8 **Principle of Development**

- 6.9 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”

- 6.10 In terms of the development plan, the County Planning Authority considers the relevant documents, in relation to this application are the Adopted Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies (September 2011) & adopted King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011). 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.

6.11 Need

6.12 The Agent for the Applicant states that the new baler being proposed would replace the current baler and would not be used in addition to the existing machine. He states in the planning statement that there is a need to upgrade and update the existing baler which is currently located within the building at the eastern end of the site. He confirms that the current baler is approaching the end of its operational life and is restricted in the types of waste it can handle only baling wastes such as cardboard and plastics. The replacement baler would handle a wider range of other non-hazardous wastes although it is not intended that there will any increase in the throughputs of waste recycled at the site nor would the baler handle any waste types which are not already brought onto site.

6.13 The Agent states the improved bunding and associated landscaping is needed to ensure the screening arrangements are as effective as possible in terms of minimising the impact of the proposed building and the site in general on nearby residents and land users.

6.14 Officers have considered the supporting information provided by the Applicant and conclude that there is sufficient need to justify the requirement for the proposed building to house the baler and the improved bunding, swale and associated landscaping.

6.15 Location

6.16 Norfolk County Council's Core Strategy and Minerals and Waste Development Management Policy CS5 (General location of waste management facilities) states that waste facilities should preferably be "well related" to the main four settlements and/or the main market towns. It is not intended that this requirement should be adhered to rigidly in all circumstances, without any potential flexibility.

6.17 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS6 (General waste management considerations) states that waste sites will be acceptable provided they would not cause unacceptable environmental impacts on land already in waste management use.

6.18 King's Lynn & West Norfolk, Core Strategy Policy CS 06 (Development in Rural Areas) states that the strategy for rural areas is to promote sustainable communities and sustainable patterns of development. To ensure strong, diverse, economic activity and that employment housing, services and other facilities are provided in close proximity.

6.19 King's Lynn & West Norfolk, Core Strategy Policy CS 10 (The Economy) states that the Council will support the rural economy through a rural exception

approach and will seek to retain land or premises currently or last used for employment purposes. This development will assist in the retention of the employment use on the site.

- 6.20 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.
- 6.21 In this instance the choice of site and the requirement for sustainable development should to be considered in the context of the existing use. The waste management use at the site is historical and became lawful in 1993. The Applicant has specified that this Application does not seek to make any changes to any of the currently approved operations authorised by previously issued planning permissions. There would be no increase in vehicle movements or the quantity of materials managed on site.
- 6.22 Officers have considered the points raised by Applicant. Whilst the limitations of the location in sustainability terms are appreciated, Officers conclude that the development as proposed would not make worse the current situation. Therefore the location is considered acceptable for the development being proposed.
- 6.23 **Amenity**
- 6.24 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy Policy CS14 Environmental Protection states that in particular, developments must ensure that there are no unacceptable adverse impacts on residential amenity e.g. noise, vibration, dust, lighting, and visual intrusion.
- 6.25 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy policy DM12 Amenity states that protection of amenity for people in close proximity to waste management facilities will be a key consideration. Development will be permitted only where unacceptable impact to local amenity will not arise from the construction and/or operation of a facility.
- 6.26 The nearest property is over 700 metres from the proposed building. The Applicant has submitted a Noise Impact Assessment as part of the application which concludes that:

"Noise break-out from the proposed replacement baler building will exceed the provisionally agreed criterion of 30 dB LAeq,1hour at the nearest noise sensitive receptor location. However, with the noise mitigation strategy in place, resultant noise levels should not exceed a noise rating level of 35 dB LAr,1hour which is the indicative threshold for

- 6.27 The Applicant has provided details of the noise mitigation strategy which includes the following:
- Restriction of operations to the currently permitted daytime hours – (07:00 hours to 19:00 hours – Monday to Friday and 07:00 hours to 17:00 hours on Saturdays);
 - The baling press must be operated with the acoustic enclosure closed;
 - The 150 kVA generator must be acoustically treated;
 - The baler building should be constructed from extruded steel sheet cladding having a composite sound reduction index (SRI) of at least 20 dB at 250Hz;
 - All plant selected to be inherently quiet where appropriate and may be fitted with properly lined and sealed acoustic covers which would be kept closed whenever the machines are in use.
 - All plant will be subject to regular maintenance checks. All plant would be fitted with effective exhaust silencers and would be regularly inspected in order to ensure they are meeting the manufacturers' noise rating levels. Any silencers which become defective would be replaced immediately.
 - Glazewing Limited management will aim to be proactive, to anticipate when potential noise problems may occur and to take the necessary preventative action. Site noise mitigation measures would be regularly reviewed and where appropriate, new equipment and/or practices implemented.
- 6.28 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy DM13 Air Quality states that Applicants for planning permission will be required to submit information to demonstrate that proposals effectively minimise harmful emissions to air. Development will be permitted if adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health.
- 6.29 The Applicant has submitted an Assessment of Environmental Dust/Air Quality as part of the application which concludes that:
- "The proposed baler building will enclose operations and include an integrated system to control dust. It is unlikely that any significant decrease in local air quality will occur due to the proposed baler building. Any dust occurrence event will be limited and of short duration, and will be minimised by implementation of the dust control recommendations outlined in the Dust Management Plan."*
- 6.30 The Applicant has provided details of the Dust Management Plan which includes the following:
- Application of integrated dust control system;
 - All waste storage and handling areas will be subject to regular cleaning schedules;
 - Minimal drop heights will be used during the transfer of materials;
 - Correct matching of machinery to prevent spillage or clearance of any spilled material to avoid accumulations;

- Plant used within its design capacity
- Switch off all plant when not in use;
- All plant to be regularly maintained;
- All site personnel will receive training in order to ensure that employees are fully aware of the requirements of the Dust Management Plan.
- Soil bunds along the site boundary reduce the levels of dust emitted to outside the site;
- All site plant will have upward facing exhausts and radiator cowls to reduce the generation of dust;
- Minimal drop heights will be used during the transfer of materials;
- Use of a water bowser or sprays on areas used by plant or vehicles, as required.
- Monitoring of on-site wind speeds in order to assist site personnel with timing of operations.

6.31 The existing lighting on site includes four fixed halogen spotlights and two mobile lighting towers. The lighting being proposed includes under canopy LED spotlights and external lighting for the immediate surrounding area which will remove the requirement to use an existing tower. The precise location of the lighting being proposed has not been included with the submission. Officers recommend that a condition be imposed which requires precise details of the lighting to be submitted to the Local Planning Authority for written approval prior to commencement of the development.

6.32 King's Lynn & West Norfolk Borough Council Environmental Health Officer has been consulted on this application and raises no objection and states:

"The noise levels from the new equipment and building to house it will not have an adverse impact on the local residents. The background noise level for the operating hours at nearest receptors are already quite high due to the existing use of the site and the various operations that take place there. As the noise level at the nearest receptor of the baler building alone is much lower than the existing background noise level it will not be noticeable. Even if no other equipment was operating on site the noise levels from this specific development are within World Health Organisation guidelines for outdoor amenity areas, and for inside habitable rooms, the levels are well below the guidelines. The operator has restrictions on the timings for use and whilst the site is operational the noise level will not have an adverse impact on local residents."

6.33 Officers are satisfied that the proposed development is of sufficient distance from the nearest noise and dust sensitive receptors to not impact on amenity. Subject to the development being constructed and operated in accordance with details included within the Noise Impact Assessment, Assessment of Environmental Dust/Air Quality and a condition requiring plant to be maintained the manufacturers specifications and for precise details of the lighting to be approved in writing by the Local Planning Authority prior to commencement of the development.

6.34 **Landscape and Visual Impact**

- 6.35 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy DM8 (Design, local landscape and townscape character) states that development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape taking into account any appropriate mitigation measures. Applicants will be expected to show how their proposals will address impacts on landscape.
- 6.36 King's Lynn & West Norfolk, Core Strategy Policy CS 06 (Development in Rural Areas) states beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes.
- 6.37 King's Lynn & West Norfolk, Core Strategy Policy CS 12 (Environmental assets) states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, the landscape setting and features.
- 6.38 The Applicant has submitted a Landscape and Visual Appraisal prepared by ESP Ltd dated July 2014 which considers the landscape or visual effects related to the proposal. The appraisal concludes that any impact can be successfully mitigated through the choice of colour coated steel cladding with the colours chosen to match the backdrop colours where possible. The increase of height to the southern perimeter bund to a constant 4m will increase the screening effect. Planting of a native hedge along the toe of the southern perimeter bund will reduce the visual prominence of the bund and help assimilate the Yard within the setting.
- 6.39 The County Council's Landscape and Green Infrastructure Officer is satisfied that the appraisal carries sufficient detail with regard to landscape or visual effects related to the proposal. She is also satisfied that the mitigation specified, such as colouration of the bailer housing and adaptations to bunds, should reduce sufficiently any impact the proposal should have on the surrounding landscape. Details of the five year aftercare maintenance provision have been requested by the Landscape and Green Infrastructure Officer. In response the Applicant requests that the requirement for information be included in any permission as a condition prior to commencement. Officers are satisfied that this can be dealt with through condition.
- 6.40 Subject to a condition requiring details of the aftercare maintenance arrangements for the landscaping proposed agreed in writing by the Local Planning Authority the proposal is considered to be in accordance with Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy DM8 (Design, local landscape and townscape character).

6.41 Design

- 6.42 King's Lynn & West Norfolk, Core Strategy Policy CS 08 (Sustainable Development) states that all new development in the borough should be of high quality design and should demonstrate its ability to respond to the context and character of the place.
- 6.43 Section 7 of the NPPF (Requiring good design) encourages a high standard of design in new development and emphasizes the importance attached to good design as a key aspect of sustainable development.
- 6.44 The proposed building is located in an active waste management facility which in turn is located in open countryside. The building if approved would extend at its highest point to 9 metres which is a section to house the highest point of the baler and this top section is only 4.2 metres wide. The building length would be 35 metres and the width would extend to 16 metres. The suggested material is extruded steel sheet panel cladding and the colour in sections of either svelte grey or goosewing grey. The finish has not been specified.
- 6.45 The Applicant states that in selecting the most suitable site for the proposed building, early consideration was given to whether the new baler could occupy that part of the existing building which currently houses the baler being used at present. This was considered not to be feasible by the Applicant because the existing building is sub divided into compartments and the compartment currently occupied by the baler will not be sufficiently large to be able to accommodate the new machine. In addition the Applicant considers that, using the existing building for the baling of waste results in conflict between mobile plant/vehicle movements associated with the baling with the general flow of movements arriving and departing the site.
- 6.46 The building is of considerable scale but Officers consider the scale is consistent with other buildings and hard-standing areas on the site and needs to be of this scale to house the baler. The rationale behind the siting is acceptable. Officers consider that the appearance of the proposed building is robust and functional, the suggested colours are acceptable in the context of the site. The choice of finish should be selected to reduce glare from the building, this should be controlled by planning condition. Therefore in the context of the site the external appearance, siting and scale represent an acceptable form of design and would not be in conflict with Policy CS 08 (Sustainable Development) subject to a condition requiring details of the finishes of the building to be agreed in writing by the County Planning Authority.

6.47 Biodiversity and Geodiversity

- 6.48 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS14 (Environmental protection) states that future waste

management facilities in the county must ensure that there are no unacceptable adverse impacts on, and ideally improvements to biodiversity.

- 6.49 King's Lynn & West Norfolk, Core Strategy Policy CS 12 (Environmental Assets) states that development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity. Development should also seek to enhance sites through the creation of features of new biodiversity.
- 6.50 An Ecological Appraisal dated July 2014 prepared by The Landscape Partnership has been submitted.
- 6.51 Natural England point out that the application site is in close proximity to the Hilgay Heronry a Site of Special Scientific Interest (SSSI). Natural England are satisfied that the proposed development if carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.
- 6.52 The County Ecologist raises no objection and is satisfied with the conclusions of the Ecological Appraisal. That is that the proposed works will have a neutral impact on the habitats and species found at the site, and no protected species or habitats designated for nature conservation will be disturbed.
- 6.53 NPPF paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and encourage opportunities to incorporate biodiversity in and around developments. A 280m hedge is proposed along the external toe of the proposed bunding is proposed as an enhancement. The hedge should comprise typical native mixed broadleaved species of UK provenance including hawthorn, blackthorn, field maple, hazel, dogwood and holly.
- 6.54 Officers considered that the proposed development would not cause any adverse effects on the location in terms of ecology/biodiversity and the provision of a native species hedge would enhance the area. Therefore it is considered that the proposal complies with Mineral and Waste Core Strategy policy CS14, King's Lynn & West Norfolk, Core Strategy Policy CS 12 and the aims and objectives of the NPPF.
- 6.55 Appropriate Assessment
- 6.56 The site is not situated within 5 kilometres of any internationally protected sites (Special Protection Area, Special Area of Conservation etc) and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

6.57 Transport

- 6.58 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy Policy CS15 (Transport) states that the County Council will consider minerals and waste development proposals to be satisfactory in terms of access where anticipated HGV movements, taking into account any mitigation measures proposed do not generate unacceptable risks to the safety of road users and pedestrians or unacceptable physical impacts on the highway network (e.g. road or kerbside damage).
- 6.59 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy DM10 (Transport) states that planning applications for new minerals and/or waste sites, or proposals that generate an increase in traffic movements or traffic impact, must be accompanied by a Transport Statement. This is not a requirement of this application as there would not be an increase in traffic movements should the application be approved.
- 6.60 King's Lynn & West Norfolk, Core Strategy Policy CS11 (Transport) states that development proposals should demonstrate that they have been designed to provide for safe and convenient access for all modes.
- 6.61 Access to the site would be via the existing arrangements, along Station Road which is a narrow single track road with a number of properties along its length. The Highway Authority is aware that given the sites position on the highway network there has been considerable concern expressed locally regarding the traffic generated at the site through current activities. There is also concern that given the substandard nature (in width and construction) of the route to the site there is a significant need for on-going verge and road maintenance which is higher than you would typically expect for such a road.
- 6.62 A number of the objections received relate to the current highways issues and the affect this is having upon the amenity of the local residents. The Applicant has confirmed that the proposal will not increase the throughputs of waste recycled or lead to any wastes being handled which are not currently brought onto the site. Therefore vehicle movement numbers will remain the same.
- 6.63 The Highway Authority has confirmed that they could not reasonably object to an application which does not increase activity (and subsequently HGVs generated) but they would not wish to see any development which would lead to further increase of traffic at the site. They recommend that a suitably worded condition (limiting the tonnage of material and HGV generation to current levels) is appended to any consent notice issued to ensure that this is the case. The Applicant has confirmed that they would support such a condition and have provided annual tonnage figures including the permitted and unpermitted waste streams for the last 8 years. Officers having assessed the figures and compared them to figures held by the Environment Agency and the Monitoring team has agreed with the Applicant that a limit of 125,500 tonnes per annum should be

placed on the entire site.

- 6.64 Subject to a suitably worded condition limiting the tonnage of material and thus HGV generation to the current levels, the proposal would be in accordance with the requirements of Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy Policy CS15 (Transport).
- 6.65 **Sustainability**
- 6.66 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS13 (Climate change and renewable energy generation) states that all opportunities for new waste developments (both brand new sites and extensions to existing sites) to generate renewable energy on-site will be welcomed and should be explored fully, with a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources, wherever this is practicable.
- 6.67 King's Lynn & West Norfolk, Core Strategy Policy CS08 (Sustainable Development) states that opportunities to promote and encourage high standards of sustainability and energy efficiency in new development should include measures such as layout, orientation, appropriate insulation maximised to improve efficiency, good access links for walking & cycling and sustainable drainage systems.
- 6.68 In response to these policy requirements the Applicant states that when assessing the sustainability credentials of the proposed development consideration needs to be given to how the waste treated on site is to be used. In this case the baled waste is currently and would continue to be incinerated to make electricity using heat and steam generated in Energy from Waste Plants in the Netherlands. Officers consider that very little weight if any at all should be given to this process. The policy requires the generation of renewable energy on-site to be explored. Transportation of materials to another EU member state for treatment does not satisfy the policy requirement.
- 6.69 The Applicant has submitted an appraisal of the options for the generation of on-site energy generation including wind& solar power and biomass generation all of which have been dismissed.
- 6.70 The Applicant considers wind power unsuitable for incorporation in this proposal due to the erection of a wind turbine(s) severely compromising the integrity of the sites screening and bring to the attention of residents and visitors the presence of the recycling site. He also considers that any wind turbines are also likely to result in some increase in general noise disturbance.
- 6.71 The Applicant considers solar power unsuitable because of the orientation of the proposed building. They suggest that the only elevations on the proposed building that would be capable of accommodating panels are orientated to the

north and the west and therefore not well positioned to be able to operate effectively. There is no explanation as to why the orientation cannot be revised. Solar panels positioned on the bund have been considered as unpractical by the Applicant due to the risk of theft and shading, Officers agree with this conclusion. The Applicant has given consideration to providing solar panels on an existing building on the eastern boundary of the site where the orientation and roof would be more suited. This building is outside the application site and therefore the provision of solar panel cannot be secured through condition on this application, nor can provision be guaranteed.

6.72 The Applicant considers biomass generation unsuitable due to the scale required, Officers agree with this conclusion.

6.73 Officers are satisfied that the Applicant has explored the options for generating renewable energy on the site in accordance with the requirement of Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS13 (Climate change and renewable energy generation). Whilst it is regrettable that the Applicant has been unable to incorporate renewable generation in to the scheme Officers accept the reasons provided by the Applicant. In conclusion in this instance it is not feasible to generate a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources on the application site.

6.74 **Groundwater/surface water and flood risk**

6.75 Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy DM3 (Groundwater and surface water) states that Applicants will need to give due regard to the policies within the Environment Agency's document 'Groundwater Protection: Policy and Practice (GP3)' and demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. A hydrological/hydrogeological risk assessment must be submitted, where applicable, to demonstrate this to the satisfaction of the County Planning Authority as advised by the Environment Agency.

6.76 According to the Environment Agency's (EA) flood zone maps the application site is situated within flood zones 1, 2 and 3. The Applicant has confirmed that the only building to be constructed within the application area is the waste baler machine building, which is located entirely within Flood Zone 1. The remaining elements of the proposal which would be situated within flood zones 2 & 3 are water compatible. The developed area is less than 0.5ha and will drain to the local IDB network. The Stoke Ferry IDB has identified no issues with the proposal. The site is located within the defended floodplain of the Wissey and the Cut Off Channel. Any residual risk of flooding due to the overtopping or breaching of the local defences will be minimised by the proposed earth bund. The Environment Agency has no concerns from a flood risk perspective with the proposal.

- 6.77 The site is located above the Mintlyn Sand Member Principal Aquifer which the Environment Agency has confirmed as a major aquifer, and vital water resource for both local abstractions and maintaining river flow. The site is also located above Cam and Ely Ouse Woburn Sands which is a Water Framework Directive Groundwater Body where groundwater beneath is potentially shallow. The site is also in close proximity to the Cut-Off Channel. The Cut-Off Channel has a potable water supply abstraction, agricultural irrigation abstraction, supports a breeding population of non-salmonoid fish and is classed as having moderate amenity value.
- 6.78 The Applicant carried out a Phase 1 desk study and a Phase 2 site investigation to demonstrate that the proposed development will not present an unacceptable risk to controlled waters. The site investigation included a preliminary intrusive investigation to develop a more comprehensive conceptual ground model of the site. The results of the risk assessments indicated that there are no significant sources of contaminants present at the site so there is a negligible risk to all receptors including humans, controlled waters and ecological receptors. The Environment Agency has considered the report and is satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. They suggest conditions controlling activities should contamination not previously identified is encountered during construction of the new building.
- 6.79 The Environment Agency remains concerned that there is insufficient information in the application regarding foul and surface water drainage arrangements. They advise that the baler must be placed upon an impermeable surface with sealed drainage. Incoming wastes are managed appropriately to ensure that they are stored correctly in enough space, and in the case of cardboard, within the building at all times.
- 6.80 The Applicant has proposed a sustainable drainage swale which would run along the south west boundary of the site at the foot of the existing bund used for screening the site. The clean material excavated during construction of the swale would be used to re-grade the existing bund to from the current 1:1 gradient to a gentler, more suitable 1:2 gradient. The swale has been design and positioned to receive the rainwater from the roof of the proposed building via a 200mm drainage pipe buried to a minimum depth of 500mm.
- 6.81 The Environment Agency suggests that all surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes (the Applicant has provided details of the swale designed for this purpose). Open gullies should not be used. Only clean, uncontaminated surface water may be discharged to any watercourse or surface water sewer. They consider that planning permission could be granted to the proposed development as submitted if a planning condition is included which requires the submission and the written approval by the Local Planning Authority of a scheme for the provision and implementation of surface water drainage. The Agency also recommends a condition which requires the submission and the written approval by the Local Planning Authority of a scheme for the provision and implementation of foul water

drainage.

- 6.82 Subject to the conditions detailed above being imposed on any permission Officers consider that the proposed development would not have a detrimental impact on flood risk, surface water and contamination & drainage and is in accordance with Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy DM3 (Groundwater and surface water).

6.83 Public Footpath

- 6.84 NPPF paragraph 75 states that planning policies should protect and enhance public rights of way and access.

- 6.85 Public Rights of Way references, West Dereham RB16&RB15 are located south and south east of the application site. Norfolk County Council's Public Rights of Way Officer has no comment regarding the proposal.

- 6.86 The Applicant considers that the bunding and landscaping being proposed will assist in screening views of the new building as well as those other activities and stockpiling which are taking place on the remainder of the site, particularly to views from users of the nearby public right of way.

- 6.87 Officers agree that the proposal will improve the screening on the public rights of way therefore the proposal is considered to be compliant with paragraph 75 of the NPPF.

6.88 Response to the representation received

- 6.89 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper.

- 6.90 Nine letters of objection from eight respondents have been received. Seven of letters express planning related objections and two respondents write to object but don't raise any planning related issues. The objections relate to the following:

- Increased noise from generator and baler.
- Increased traffic use of an unsuitable local highway network. Large HGV vehicles shouldn't be allowed to access the site.
- Recommend a link road between the site and B1160: Officer response – a link may be a good solution to the current issues but the proposal does not include the road so the merits of the road have not been considered as part of the application.
- Concern that the proposal will increase levels of activity at one site when the strategy should be for the provision of a greater number of smaller sites to limit the impact in any one location: Officers response – there a

number of similar waste facilities in the County. The Local Planning Authority has been proactively allocating suitable sites for waste management uses through the Waste Site Allocations Development Plan Document (2013)

- Potential for the quantity of waste processed at the site to increase.
- The proposal will increase light pollution to the detriment of residents and ecology.
- Request for a transport assessment to be carried out and submitted as part of the application.
- Concern that the Applicant has already stated that 45 000 tonnes of waste would be imported on to site for baling so this should now be the upper limit to waste importation and not the existing levels. The 45 000 tonnes quoted on the application form relates to the red line of the application site and not the entire site. This tonnage can only be processed in the baler. On top of this through this application the Local Planning Authority would be able to place an upper limit on the waste brought on the entire site (edged blue on the location plan). This seen as a gain because at present there is no upper limit imposed by the Local Planning Authority.
- Off-site litter: Officers response – this is a monitoring issue the complaint has been passed to the monitoring team for further investigation.

6.91 Officers consider that the matters that have arisen as a result of the public consultation period have received full consideration as part of the above assessment. Furthermore it is considered that there are no matters that outweigh the relevant planning considerations.

7.0 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

8.3 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. 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.
- 8.9 **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 proposed development accords with the relevant national and local planning policies mentioned above and it is considered that the proposal will not result in a detrimental impact on design, the conservation area & heritage assets, residential amenity, flood risk & surface water drainage, sustainability, ecology, landscape & trees and highways.
- 11.2 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.
- 12. **Conditions**

1. The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

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

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. No more than 125,500 tonnes of waste per annum shall be brought onto the site which includes the red line and blue line areas shown on the Location Plan, reference W(GW)1(7).

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.

4. From the date of this permission the operators shall maintain records of their monthly input of waste and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12months.

Reason:In order that the County Planning Authority can monitor the input of waste, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

5. 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, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 19.00 Mondays to Fridays
07.00 - 17.00 Saturdays.

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.

6. The baler shall not be used until details of the integrated dust control system specified in the Assessment of Environmental Dust/Air Quality has been submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. The integrated dust control system shall be installed and maintained in a state of efficient operation in accordance with a scheme to be submitted and agreed in writing beforehand with the County Planning Authority, and no development shall take place until such a scheme has been submitted and

agreed in writing.

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.

7. The Dust Control Measures set out in the Assessment of Environmental Dust/Air Quality shall be taken to prevent dust nuisance caused by the operations.

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.

8. Prior to the commencement of any development, a scheme for the provision external lighting shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

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

9. 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.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from

potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to ensure a satisfactory method of surface water drainage.

12. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason: To ensure a satisfactory method of foul water drainage and to protect the water environment, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

13. 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 in accordance with Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 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>

King's Lynn & West Norfolk Borough Council, Adopted Core Strategy, Development Plan Document (July 2011):

<http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

Environment Agency Groundwater Protection: Principles and Practice (GP3):

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

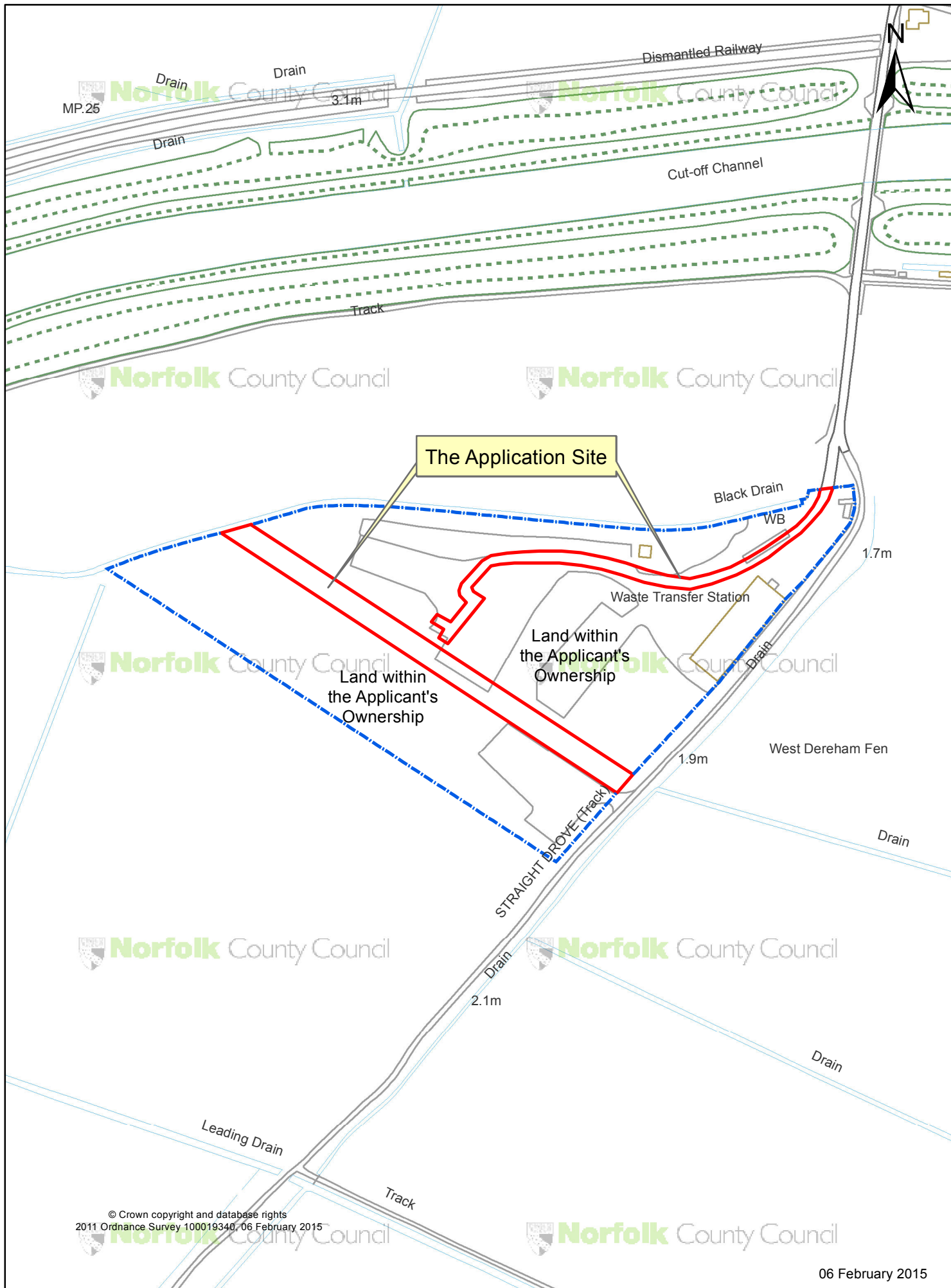
Officer Contact

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

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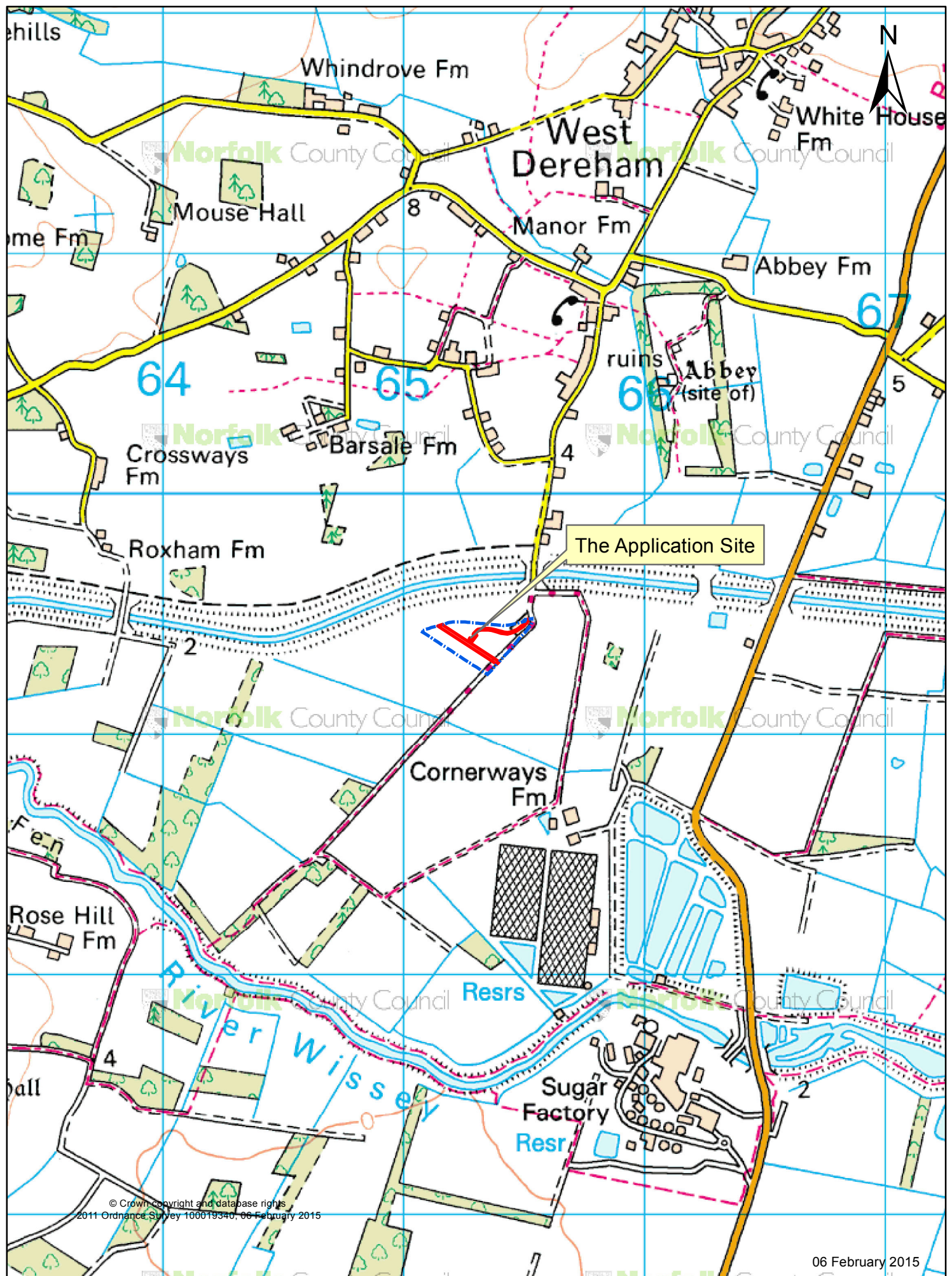
If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Neil Campbell or textphone 0344 800 8011 and we will do our best to help.



C/2/2014/2016
West Dereham

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Norfolk County Council
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C/2/2014/2016
West Dereham

**Development by the County Council Applications Referred to Committee for
Determination North Norfolk District Council:**

Y/1/2014/1007 RAF Coltishall Airfield

**Erection of live fire training facility, enlargement of existing hard-standing
area and retention of four fire training containers; plus change of use of
Building 440 to provide briefing, mess and rest room facilities and Building
109A for ancillary storage:**

Executive Director of Community and Environmental Services

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for erection of live fire training facility, enlargement of existing hard-standing area and retention of four fire training containers; plus change of use of Building 440 to provide briefing, mess and rest room facilities and Building 109A for ancillary storage.

The application has generated an objection from Scottow Parish Council and one resident of Scottow. Their concerns relate primarily to the impacts of smoke on residential amenity, the impact on the heritage assets, the scale of the proposed building and the increase in vehicle movement numbers.

The impacts of the proposal have been carefully considered, including the design and visual impact, the impact upon the conservation area & heritage assets, residential amenity, flood risk & surface water drainage, sustainability, ecology, landscape & trees and highways. There are no overriding objections from statutory consultees and the proposed development is considered to be 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.

The application is made on behalf of the Executive Director of Community and Environmental Services; in accordance with the Council's Scheme of Delegation, the application is brought to the Planning (Regulatory) Committee for determination.

Recommendation

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

- (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 application site is located within the former RAF Coltishall (closed in 2006) which is located approximately 12 miles northeast of Norwich and 1½ mile to the north-west of the village of Coltishall and also 12 miles from the coast. The bulk of the base lies within the parish of Scottow. The former base straddles the boundaries of North Norfolk and Broadland District Councils but the application site is entirely within North Norfolk's area. The majority of the base including the application area was designated as a conservation area in 2010.
 - The former base is now owned by Norfolk County Council and consists of a large open airfield with significant number of buildings linked to the former airbase use concentrated in the northern portion of the site (known as the technical area). The application site is situated within the main airfield where there is a long runway and a perimeter track and a number of substantial blast walls in the southern and eastern parts.
- 1.2 The proposal is for :
 - The proposal seeks full planning permission for a live fire training facility, plus use of Buildings 440 and 109 for associated ancillary uses including briefing, mess and storage. The training facility is proposed in a location where live fire training took place when the airbase was operational and where a temporary (18 month) planning permission was granted by the County Planning Authority in June 2014 (ref no Y/1/2014/1003) using specially adapted shipping (ISO) containers for fire behaviour training. The structure if approved would be sited on an existing hard-standing area which would be extended by 0.1 ha.
 - Use of the site would be between the hours of 0900 and 1700 with live burns mainly concentrated in the period between approximately 1100 to 1500 hrs. The proposed use is for approximately three or four days per week (plus use one weekend in three). Training will be undertaken in groups of up to 20 fire fighters.

2. Constraints

- 2.1 Conservation Area - The site falls within an adopted Conservation Area having been adopted by North Norfolk Council as a Conservation Area in 2010.

3. Planning History

- 3.1 North Norfolk Council reference PF/14/1334 & Broadland Council reference 2014/1677 – Installation and operation of a ground mounted solar photo voltaic array to generate electricity of up to 50MW capacity comprising photo voltaic panels, inverters, security fencing, cameras and other associated infrastructure. Approved.

Norfolk County Council reference Y/1/2014/1003: Temporary use of land for fire training purposes with the standing of three ISO containers, one demonstrator unit, two modular buildings and facilities.

Norfolk County Council reference C/1/2013/1020: Recycling and restoration of runway areas. Application withdrawn.

Several applications on buildings, hangars and munitions stores within North Norfolk area for storage, general and light industrial use and other purposes.

4. Planning Policy

- 4.1 The National Planning Policy Framework (NPPF) : Achieving Sustainable Development
- 1. Building a strong, competitive economy
 - 7. Requiring good design
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment

North Norfolk District Council, Core Strategy, Incorporating Development Control Policies (2008)

CT 5 The Transport Impact of New Development
EN 2 Protection and Enhancement of Landscape and Settlement Character
EN 4 Design
EN 6 Sustainable Construction and Energy Efficiency
EN8 Protecting and Enhancing the Historic Environment
EN 9 Biodiversity and Geology
EN 13 Pollution and Hazard Prevention and Minimisation

5. Consultations

- | | | |
|------|--|---|
| 5.1 | North Norfolk District Council: Planning Services and Conservation & Design | : No objection. Subject to conditions relating to the choice of external colour finish. |
| 5.2 | North Norfolk District Council: Environmental Health Officer | : No objection. Subject to a condition in relation to surface water to minimise the release of pollutants. |
| 5.3 | North Norfolk District Council: Environment Agency – Planning and Groundwater & Contaminated Land. | : No objection. Subject to a condition in relation to surface water to minimise the release of pollutants. |
| 5.4 | Highway Authority | : No objection. |
| 5.5 | Norfolk Historic Environment Service & Conservation (NCC) | : No objection. Overall the proposed development will alter the significance of the heritage assets present on the site. However any harm to their significance would be negligible. |
| 5.6 | Ecology (NCC) | : No objections to the application with regard to ecology. Suggest that no vehicles drive across the areas of long grass where skylarks may be nesting between March and August. |
| 5.7 | Scottow Parish Council | : Objection. Pollution from smoke, odour, noise and fallout from burning materials on residents and solar farm. Height of the building, impact on conservation area and increased traffic through Badersfield. |
| 5.8 | English Heritage | : No objection to the proposal in principle but consider that there is harm to the significance of the conservation area and the designated blast walls through development within their setting. |
| 5.9 | Local Flood Authority (NCC) | : No response received at the time of writing this report. |
| 5.10 | County Councillor: Mr Nigel David Dixon (Hoveton & Stalham) | : No response received at the time of writing this report. |
| 5.11 | Local Resident | : Objection. Impact on heritage assets, scale of the proposed building, impact on landscape, inconsistencies in the submission, residential amenity from smoke, with the prevailing wind, noise disturbance, hours of operation, from the existing temporary permission. Impact on property values and the materials shown on the elevation |

drawings.

6. Assessment

6.1 Proposal

6.2 The proposal seeks full planning permission for a live fire training facility, plus use of Buildings 440 and 109 for associated ancillary uses including briefing, mess and storage. The training facility is proposed in a location where live fire training took place when the airbase was operational and where a temporary (18 month) planning permission was granted by the County Planning Authority in June 2014 (ref no Y/1/2014/1003) using specially adapted shipping (ISO) containers for fire behaviour training. The structure if approved would be sited on an existing hard-standing area which would be extended by 0.1 ha (1,000 square metres).

6.3 Use of the site would be between the hours of 0900 and 1700 with live burns mainly concentrated in the period between approximately 1100 to 1500 hrs. The proposed use is for approximately three or four days per week (plus use one weekend in three). Training will be undertaken in groups of up to 20 fire fighters.

6.4 Site

6.5 The application site is located within the former RAF Coltishall (closed in 2006) which is located approximately 12 miles northeast of Norwich and 1½ mile to the north-west of the village of Coltishall and also 12 miles from the coast. The bulk of the base lies within the parish of Scottow. The former base straddles the boundaries of North Norfolk and Broadland District Councils but the application site is entirely within North Norfolk's area. The majority of the base including the application area was designated as a conservation area in 2010.

6.6 The former base is now owned by Norfolk County Council and consists of a large open airfield with significant number of buildings linked to the former airbase use concentrated in the northern portion of the site (known as the technical area). The application site is situated within the main airfield where there is a long runway and a perimeter track and a number of substantial blast walls in the southern and eastern parts.

6.7 Principle of development

6.8 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".

6.9 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016

(the “NMWDF Core Strategy”), the *District/Borough Council Core Strategy* (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.

6.10 Need

6.11 The Agent for the Applicant states in the supporting statement that Norfolk Fire and Rescue Service (NFRS) have a statutory duty under the Health and Safety at Work Act and related legislation to train fire-fighters in realistic conditions. Accepted codes of practices dictate that the realistic training must include fire behavior training in the induction training for fire fighters and then be repeated every three years over their career.

6.12 NFRS states that the training requirement needs to be understood against the backdrop of a significant reduction in structure fires in Norfolk. Fire-fighters and incident commanders (especially on call retained fire-fighters) are no longer frequently exposed to significant fires and the associated experiential learning that assists them to safely apply their training. Although NFRS delivers a comprehensive training program to train fire-fighters in how to wear breathing apparatus in structure fires and command incidents, it is unable to realistically replicate the challenging conditions they may be confronted with in the current training buildings, where they rely on cosmetic smoke and heaters in lieu of live fires. Therefore NFRS require improved training through the provision of a dedicated, multi-level, live fire training structure on a site that will allow fires to be set.

6.13 A temporary (18 month) planning permission was granted in June 2014 (ref no Y/1/2014/1003) using specially adapted shipping (ISO) containers for fire behavior training. This involves the setting of carbonaceous fires (wood) to allow fire-fighters observe how the developing fires behave and learn to extinguish them safely. Whilst this training remains important, this does not offer fire fighters with a range of realistic fire training scenarios. Therefore substantial additional facilities are required.

6.14 Officers have considered the issues raised by NFRS and conclude that there is sufficient need to justify the requirement for the proposed live fire training facility & retention of the four fire training containers and that, that need is in the public benefit. Therefore Norfolk County Council as the County Planning Authority considers that a positive approach to meeting this requirement would be appropriate in this instance. Subject to a full appraisal of all the relevant planning issues.

6.15 Location

6.16 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 for a live fire training facility.

- 6.17 The site mainly falls outside the technical area of the base. North Norfolk Core Strategy Policy EC 4 Redundant Defence Establishments states that new build employment generating proposals will be permitted in the areas designated as countryside where there is particular environmental or operational justification. Policy SS 2 Development in the countryside states that in areas designated as countryside development will be limited to that which requires a rural location for amongst other reasons including new-build employment generating proposals where there is particular environmental or operational justification.
- 6.18 NFRS has identified the former RAF Coltishall airbase as a suitable location for a permanent training facility due to its access, hard standing and the fact that when operational the site was used for the training for airbase fire-fighters. They also consider that live fire training with the associated environmental considerations would not be an appropriate activity to be undertaken on a normal commercial site or within or close to the development boundary of a town or village.
- 6.19 NFRS states that they have sought to identify a site in the county which can be used to develop their fire training facility to meet their requirements. They have not provided evidence of any of the alternative sites considered. They have considered alternative locations within the former RAF airbase.
- 6.20 Officers have considered the points raised by NFRS. Whilst the limitations of the site location in sustainability terms are appreciated, Officers conclude that a positive approach to ensuring that there is sufficient facilities to meet the live fire training needs of NFRS in the public interest should be adopted in this instance. The relative remoteness of the proposed facility, the access, the previous use and the small number of neighboring uses make the location acceptable for the use being proposed.
- 6.21 **Design and Visual Impact**
- 6.22 North Norfolk Core Strategy Policy EN 4 (Design) states that all development will be designed to a high quality, reinforcing local distinctiveness and that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Development proposals will be expected to be suitably designed for the context within which they are set and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- 6.23 The former RAF Coltishall airbase (including the airfield and runway) was designated a Conservation Area by North Norfolk District Council in 2010. The Conservation Area Appraisal produced by North Norfolk District Council separates the airbase into 3 character areas:

- Character Area 1: Married Quarters and Associated Infrastructure

- Character Area 2: Base Administration, Technical and Accommodation Area
- Character Area 3: The Airfield

- 6.24 The new building being proposed and the existing fire training containers to be retained would be/are located in character area 3 the airfield. The Conservation Area Appraisal describes this area as including designated Scheduled Ancient Monument Blast Walls and Spitfire Pens. Other structures of significance include the Control Tower and horse shoe of 4 large aircraft hangars with ancillary engineering workshops and stores. The adjacent character area 2 is described as comprising a mixture of 1940/50s style brick buildings (some of which are camouflaged) and later 1960 and 70s housing which in itself is of little architectural interest but still forms an integrated part of the development of the base and its associated infrastructure.
- 6.25 NFRS state that the appearance of the proposed structure is robust and functional, reflecting both the requirements of the NFRS but also the type and nature of building that is required on the site during its operational life. They also consider that the proposed colour green and grey recessive (exact colour to be controlled by planning condition) for the facility is consistent with the appearance of other buildings on the base.
- 6.26 NFRS state that the layout / siting of the building being proposed i.e. outside the perimeter track has been formulated with reference to the history and development of the base. The siting outside the perimeter track seeks to retain the open nature of the centre of the site (based on advice provided by English Heritage).
- 6.27 The building being proposed would extend to 12 metres at its highest point which is the plant room and rescue shaft. The northern and southern elevations extend to 21 metres and 23.5 metres if you include the external steps on the ground floor which is the widest part of the development. The eastern and west elevations extend to approximately 16.5 metres and this is the widest part of the development in this direction. The first floor is slightly smaller but extends to 15 metres on the northern and southern elevations and 11 metres on the eastern and west elevations. The second floor is 4.5 metres wide on the northern and southern elevations and 12 metres on the eastern and west elevations. The third floor is approximately 5 metres wide in the northern and southern elevations and 3 metres in the eastern and west elevations. Finally the plant room and shaft which extends to 12 metres high is 3 metres by 3 metres. NFRS state that the building is of a type that has a limited life (estimated as 15 years) as such it would not represent a permanent structure in the landscape. The hard-standing being proposed is also of considerable scale 0.1 ha (1,000 square metres).
- 6.28 The internal layout of the building has not been specified because NFRS require the internal layout to be changeable to allow for different scenarios and to avoid familiarisation for crews.
- 6.29 The proposed building and hard-standing would be of considerable scale but Officers consider the scale is consistent with other buildings and hard-standing

areas on the site. The exact choice of colour and materials of the building can be controlled through condition and the rationale behind the siting is acceptable. Therefore in the context of the site the external appearance siting and scale of the development represents an acceptable form of design and meet the key tests of development plan policy EN4 subject to a condition requiring details of the materials and colours of the building to be agreed in writing by the County Planning Authority.

- 6.30 The Applicant is proposing the use of buildings 440 and 109 for associated ancillary uses including briefing, mess and storage. Officers consider that this re-use of existing buildings would not have a detrimental impact on the locality.

6.31 **Conservation Area and Heritage Assets**

- 6.32 The site includes a number of locally important buildings, including the control tower and former hangers. The airfield includes two scheduled monuments, designated together as World War II fighter pen, Cold War blast walls and associated remains. There are also a large number of non-designated heritage assets, including runways, control buildings, radar structures, bomb-stores, Picket-Hamilton forts and various other buildings and features. The non-designated heritage assets include another set of Cold War blast walls and a second partially-surviving WWII fighter dispersal pen. English Heritage considers that the assets at RAF Coltishall therefore comprise of a complex of designated and non-designated heritage assets, which together form a wider historic landscape.
- 6.33 The Conservation Area Appraisal lists demolition of key buildings, vacant buildings and inappropriate new development as key threats to the significance of the conservation area, while noting that the nature of the buildings lend themselves to reuse.
- 6.34 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.35 The relevant paragraphs in Chapter 12 of the NPPF which specifically address the need for conserving and enhancing the historic environment are paragraphs 126 – 141. They also allow for “harm” or “loss” to heritage assets arising from development to be justified in certain circumstances.
- 6.36 Paragraph 132 states:
‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.
- 6.37 Paragraph 134 states:
“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 6.38 North Norfolk District Council, core strategy Policy EN8 (Protecting and Enhancing the Historic Environment), supports the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF and requires development to

preserve or enhance the character and appearance of the Conservation Area.

- 6.39 Recent case law (Penshurst Judgement) has responded to the approach set out in the NPPF and has clarified when and how it is appropriate to apply the circumstances. The decision makes clear that “special attention,” is a statutory requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 but that this can be outweighed by material considerations powerful enough to do so. The case emphasises the considerable weight that Planning Authorities and the Planning Inspectorate must apply to the preservation of the settings of listed buildings and conservation areas in planning decisions. As such where harm to the setting of a designated heritage asset even if “less than substantial,” can be shown to occur, the default position should be a refusal by the Local Planning Authority. Therefore where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal.
- 6.40 In response to the consultation English Heritage has not raised an objection to the proposal in principle but consider that there is a less than substantial harm to the significance of the conservation area and the designated blast walls through development within their setting. This is due in their opinion to the development being proposed within the Conservation Area, very close to the scheduled blast walls and of a bulk that will change the open character when seen against the backdrop of the rural landscape. With regards to the blast walls, they are concerned that the bulk of the proposed structure and the tall elements have the potential to challenge the blast walls dominance and change the relationship between the blast walls and the other heritage assets. They consider there to be harm but that this would be less than substantial. They feel it important that the Applicant recognises that the development would cause harm.
- 6.41 The Historic Environment Services Department of Norfolk County Council considers that as a consequence of its design the proposed building is expected to have a minimal physical impact on the heritage assets present on the site, namely the fabric of the former airfield fire training facility. They do consider that the proposed development is likely to alter the setting of the Conservation Area, but conclude that it is located on the site of the disused airfield fire training facility therefore its proposed use as a live fire training facility would be entirely appropriate. Similarly the erection of a temporary steel-framed building continues the tradition of the use of such buildings across the former military installation. They consider that the effect on the Scheduled Monuments as a whole is likely to be minimal because the building will be in keeping with similar structures across the site.
- 6.42 Overall the Historic Environment Services Department concludes that the proposed development will alter the significance of the heritage assets present on the site, but that any harm to their significance would be negligible. In this case they conclude that the public benefits of the proposal are likely to outweigh harm and they recommend that the planning committee use the test in Paragraph 134 of the NPPF when determining this application.
- 6.43 North Norfolk District Council's Conservation and Design Officer has no comments in response to the consultation.

- 6.44 The Applicant in their Heritage Statement concludes that the installation of the structures proposed by the development would alter the settings of the conservation area and adjacent scheduled monument, but will not harm their significance. Furthermore the Applicant points out that while there would be some affect, it is hard to describe that effect as “harm” as the fire facility is outside of the flying field, on the periphery of the site, and outside the triangle formed by the group of scheduled blast walls and the control tower. They consider that the relationship between dispersals, runway and control towers is not a visual relationship but a 2D horizontal relationship, more notional than actual. Therefore, in their opinion it is difficult to justify how the placement of a building outside of that relationship would harm it.
- 6.45 The recent case law places the onus on the Applicant to demonstrate that sufficiently powerful material considerations exist and are relevant/necessary to justify development. This can include demonstrating that alternative options have been explored then ruled out and that the proposal is in the public interest or that any harm would not be permanent.
- 6.46 In support of the application the Applicant states that they have sought to identify a site in the county which can be used to develop fire training facility to meet their requirements. They conclude that the former airbase meets this requirement. The application site is considered particularly suitable as the proposal would effectively re-introduce fire training into an area where it historically took place when the base was operational.
- 6.47 The Applicant has also considered alternative locations within the former airbase site and concludes that the proposed siting is the most suitable. This is due to the alternative locations potentially preventing a future aviation by being situated directly on the flight path of aircraft or in a more prominent position and would have a more negative affect on the setting.
- 6.48 In support of the application the Applicant has suggested that the proposed structure would have a 15 year life and that it would be reasonable to require the removal of the structure at the end of its “life.”
- 6.49 The Applicant also states that the proposal delivers clear public benefits in terms of social and economic benefits which are:
- Economic – Ensuring fire crews and fire fighters are trained to the highest standard in best practice to limit damage to commercial building (and therefore limit economic impact where commercial buildings are affected by fire);
 - Social – Maintaining fire fighters skills to protect residents of the county and limit risk of loss of life or serious injury;
 - Environmental – Re-using a site previously used for training and installing a structure which will allow fire crews to be trained in scenarios that will best equip them for dealing with incidents, involving heritage assets throughout the county.
- 6.50 Officers note that the Applicant and English Heritage have failed to agree on whether there is harm or not to the Conservation Area and Heritage Assets. Officers also note that Norfolk County Council's Historic Environment Services Department concludes that there would be a negligible harm to the significance.

- 6.51 Having considered all of the information Officers conclude that the development would affect the significance of the heritage assets but that this affect and thus harm would be negligible. As such Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used by the planning committee when determining this application.
- 6.52 Paragraph 134 of the NPPF requires that the harm a development has to a heritage asset should be weighed against the public benefits of the development. The Applicant has provided details that explain how the training facility would help to ensure fire crews are well trained to deal with any emergency situation. Officers having considered the proposal are satisfied that the Applicant has successfully passed this test and that the development would be the public's best interest.
- 6.53 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Officers consider that the potential for harm albeit negligible should be weighed against the following material considerations the public benefit of the proposal, the suitability of the site when considered against the suggested alternatives, the historic use of the site for similar activities and the temporary nature of the development i.e. 15 years. In this instance Officers consider that the material considerations are powerful enough to outweigh the statutory requirement for special attention.
- 6.54 Officers therefore conclude that the development is acceptable when considered against the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the chapter 12 of the NPPF and policy EN8 of North Norfolk's Core Strategy. The benefits of the proposed development outweigh the potential for negligible harm subject to the imposition of conditions including the removal of the building after its 15 year life.
- 6.55 **Residential Amenity**
- 6.56 North Norfolk Core Strategy Policy EN 4 (Design) states that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Policy EN 13 (Pollution and Hazard Prevention and Minimisation) states that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution.
- 6.57 The nearest property Malthouse Farm is 230 metres from the site and Apple Cottage which is 290 metres away. NFRS state that the siting of the proposed for permanent fire training has been identified following a careful assessment of options on the base. Three potential on site locations were considered with an analysis of their strengths and weaknesses. Although this site is the closest to neighbouring properties it was selected as the preferred.
- 6.58 Officers are satisfied that the proposed development is of sufficient distance from the two nearest properties to not impact on the amenity of the occupants in terms of overlooking, loss of light or noise.

- 6.59 A neighbour and Scottow Parish Council have expressed concern that the proposal would lead to smoke emissions which would impact negatively on their enjoyment of neighbouring properties. NFRS in support of the application state that the fires will be set using either straw bales soaked in water or pallets of clean timber. They consider that there will be a fairly limited impact on the nearest residents. They go on to state that the key to limiting smoke is based on the control of water. In training scenarios, fire crews make an entry into the facility equipped with a high pressure hose reel and a water branch. The branch is applied for short periods (normally 1 second at a time) to pulse a spray of fine water droplets into the fire gases to control them and ultimately extinguish the fire. Each pulse of spray typical releases 1-2 litres of water. Over use of water is dangerous and results in untenable conditions for the fire-fighters and can lead to fire-fighters receiving serious burns.
- 6.60 North Norfolk District Council Environmental Health Officer and the Environment Agency have both been consulted on this application and neither has raised an objection on the impact of smoke emissions. Officers therefore conclude that the development is acceptable as it would not lead to a significantly detrimental effect on the residential amenity of nearby occupiers in accordance with policies EN 4 and EN 13 of North Norfolk's Core Strategy.
- 6.61 **Flood Risk and Surface Water Drainage & Contamination**
- 6.62 According to the Environment Agency's (EA) flood zone maps the application site is situated in flood zone 1, as such a Flood Risk Assessment is not required.
- 6.63 North Norfolk Core Strategy Policy EN 13 (Pollution and Hazard Prevention and Minimisation) states that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution.
- 6.64 NFRS state that the live fire training facility would be sited in the area of the base historically used for fire training, when the base was in operation by the RAF. The area consists of hard-standing with a concrete 'lip / kerb' (providing in part effective containment) and linked to its former RAF use, the area has interceptors. The interceptor tanks continue to be emptied by tanker as required.
- 6.65 The application requires a 0.1 ha extension to the existing hard- standing area. This will connect to the existing system to ensure that run off is controlled including using interceptors.
- 6.66 NFRS state that the manner in which fires are controlled has evolved over many years. Established practice now is for fire crew practise extinguishing the fires with small diameter hose and branches. Water is applied in the fire training and this evaporates on application as the fire is extinguished. In the very rare occasion that a poor technique results in excess water being applied, fire-fighters immediately withdraw from the facility and the amount of water discharged would not exceed 10-20 litres. The water is contained within the facility where it evaporates and if water runoff leaves the facility, it would lie on the concrete hard-standing. The water would not normally enter the drains. If it did so, the drains empty into an interceptor.

- 6.67 The Environment Agency and the Environmental Health Officer for North Norfolk District Council in their consultation responses do not raise an objection regarding Flood Risk or contamination. They both recommend a condition requiring the use of the land to be carried out in accordance with the measures set out in the Pollution Control Statement and that management of any runoff escaping the bund is included in this. Officers therefore conclude that the development is acceptable as it would not lead to any emissions of pollution in accordance with policy EN 13 of North Norfolk's Core Strategy.
- 6.68 **Sustainability**
- 6.69 North Norfolk Core Strategy policy EN 6 (Sustainable Construction and Energy Efficiency) seeks the minimisation of resource and energy consumption, whilst the NPPF sets out how development should promote sustainability.
- 6.70 NFRS quote paragraph 7 (achieving sustainable development) from the NPPF to justify the sustainable credentials of the proposed development. They consider that the development would deliver positive sustainable development benefits in terms of Economic; better trained fire-fighters limiting damage to commercial buildings if fire occurs, Social; better protection for residents and Environmental; re-use of a site previously used for training.
- 6.71 Given the nature of the proposal sustainability elements are limited. However, the proposal offers significant public benefit in that it offers the Fire Service valuable training resources on a brown field site divorced from sensitive residential receptors and allows them to fulfil their training requirements.
- 6.72 Taking into account the above, it is considered that the sustainability credentials are sufficient. It is therefore considered that the proposal is appropriate when considered against the requirements of policy EN 6 of North Norfolk's Core Strategy and the NPPF.
- 6.73 **Biodiversity and Geodiversity**
- 6.74 North Norfolk Core Strategy Policy EN 9 (Biodiversity and Geology) states that all development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.
- 6.75 An Interim Ecological Report dated November 2012 prepared by Wild Frontier Ecology has been submitted.
- 6.76 Natural England in their consultation response advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. The County Ecologist raises no objection but suggests that no vehicles drive across the areas of long grass where skylarks may be nesting between March and August.
- 6.77 Officers considered that the proposed development would not cause any adverse effects on the location in terms of ecology/biodiversity. It is therefore considered that the proposal is appropriate when considered against the requirements of policy EN 9 of North Norfolk's Core Strategy and the NPPF.

6.78 **Appropriate Assessment**

The site is not situated within 5 kilometres of any internationally protected sites (Special Protection Area, Special Area of Conservation etc) and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

6.79 **Transport**

6.80 The NPPF at paragraph 32 says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

6.81 Access to the site would be via the existing gatehouse entrance onto the base, using the existing internal roads to reach the mess / briefing room (Building 440). NFRS states that access to the site would be promoted from the B1150 to the site via Scottow Road and Hautbois Road through Badersfield village. The Highway Authority has confirmed that this is the most suitable route and that it avoids any need to travel on unsuitable or narrow lanes.

6.82 The proposed use is for approximately three or four days per week (plus use one weekend in three). NFRS states that training will be undertaken in groups of up to 20 fire fighters. Staff and fire fighters will arrive by car, in minibus or fire appliance. Mini bus travel will be encouraged but where it is necessary, staff and fire fighters will arrive by car. NFRS also state that car sharing will be promoted to limit traffic to the site and parking on the site. Fire fighters accessing the live fire training facility itself (rather than the briefing / mess facilities) will generally use fire tenders.

6.83 The Highway Authority in their consultation response has no highway objection or conditions to impose on the basis that the volume, frequency and nature of traffic is relatively low.

6.84 Having regard to the frequency and nature of traffic, Officers conclude the development would not result in severe impact to which the NPPF refers and accordingly the proposal is acceptable in highway terms.

6.85 **Landscape & Trees**

6.86 North Norfolk Core Strategy Policy EN 2(Protection and Enhancement of Landscape and Settlement Character) states that proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

6.87 NFRS has not provided an appraisal of the development in respect of the landscape character assessment but do acknowledge that the new live fire training structure would be visible in the landscape. They consider that the proposed siting will ensure that it is viewed in relation to boundary planting / trees to the east and this, coupled with the proposed recessive colour, would

enable the building to successfully integrate into the former airbase landscape.

6.88 The County's Arboricultural and Landscape Officers have no comments to make on the proposal. As such, it is considered that there would be no conflict with policy EN 2 of North Norfolk's Core Strategy.

6.89 **Response to the representation received**

6.90 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper.

6.91 There was one letter of objection received from neighbours which covered the following issues:

- Concern that the supporting statement provided with the application contains inconsistencies and ambiguities regarding the distance from heritage assets and scale of the building. In response Officers consider that the information provided is adequate for all stakeholders to understand the development being proposed.
- Concern at the scale of the proposed building. Covered in the report.
- Concern relating to the impact on residential amenity in terms of noise (sirens), flashing lights, loud voices, smoke, steam, fallout from burning, coupled with the prevailing wind direction. The Applicant has confirmed that there will be no sirens or flashing lights as part of this development. Officers consider that this can be controlled by condition. The planning system cannot control the volume of people's voices and the development is considered to be a sufficient distance for this not to be a major issue. The issue has not been raised by the Environmental Health Officer. The remaining issues are covered in the report.
- Impact on the conservation area, the Scheduled Ancient Monuments and the landscape. Covered in the report.
- Concern at the hours of operation, existing amenity issues, choice of materials of the structure. The hours of operation are not considered excessive. Officers note the points made relating amenity issues associated with the existing temporary training use but have no evidence to suggest there has been problems. Officers note that the elevation drawings show the plant room and rescue shaft in a way that suggests a reduced impact. However there has been a full consideration of the scale of the proposed building.
- Impact on property values. Not a material planning consideration.

6.92 Officers consider that the matters that have arisen as a result of the public consultation period have received full consideration as part of the above assessment. Furthermore it is considered that there are no matters that outweigh the relevant planning considerations.

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

8.3 **Human Rights**

8.4 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.

8.5 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.

8.6 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.

8.7 **Equality Impact Assessment (EqIA)**

8.8 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.

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

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

8.11 **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 for the erection of live fire training facility, enlargement of existing hard-standing area and retention of four fire training containers; plus change of use of Building 440 to provide briefing, mess and rest room facilities and building 109A for ancillary storage is considered acceptable. Whilst in a conservation area, in close proximity to heritage assets and in open the countryside the proposal would provide a much needed fire training facility. The development would allow fire crews to be trained in scenarios that would best equip them for dealing with a wide range of incidents. The development would be granted on a temporary basis and would provide clear social & economic benefits in the public interest and would re-use a site previously used for a similar type of training.
- 11.2 The proposed development accords with the relevant national and local planning policies mentioned above and it is considered that the proposal will not result in a detrimental impact on design, the conservation area & heritage assets, residential amenity, flood risk & surface water drainage, sustainability, ecology, landscape & trees and highways.

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:

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. In order to minimise the release of contaminated surface water from training activities, training procedures should not deviate from those specified by Norfolk Fire & Rescue Service.

Reason: In order to prevent pollution to the environment in accordance with Policy EN 13 Pollution and Hazard Prevention and Minimisation of the North Norfolk Core Strategy.

4. Details of the external colour finish to the live fire training facility shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in

accordance with the approved details.

Reason: In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 10 of the North Norfolk Design Guide.

5. The fire training building hereby permitted shall be removed and the land reinstated to its former use on or before the expiration of 15 years from the date of this permission.

Reason: The building by virtue of its temporary construction is considered inappropriate for permanent retention, and to ensure there is no permanent harm to the heritage assets in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, chapter 12 of the NPPF and Core Strategy Policy EN8.

6. Sirens and flashing lights shall not be operated during the use of the training facility hereby permitted.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy EN 13 of North Norfolk's Core Strategy.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 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>

North Norfolk Council, Adopted Core Strategy Incorporating Development Control Policies Development Plan Document (September 2008):

<http://www.north-norfolk.gov.uk/planning/3481.asp>

Planning (Listed Buildings and Conservation Areas) Act 1990:

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

Penshurst Judgment
http://www.saveforgefield.com/docs/SFF_Judgement.pdf

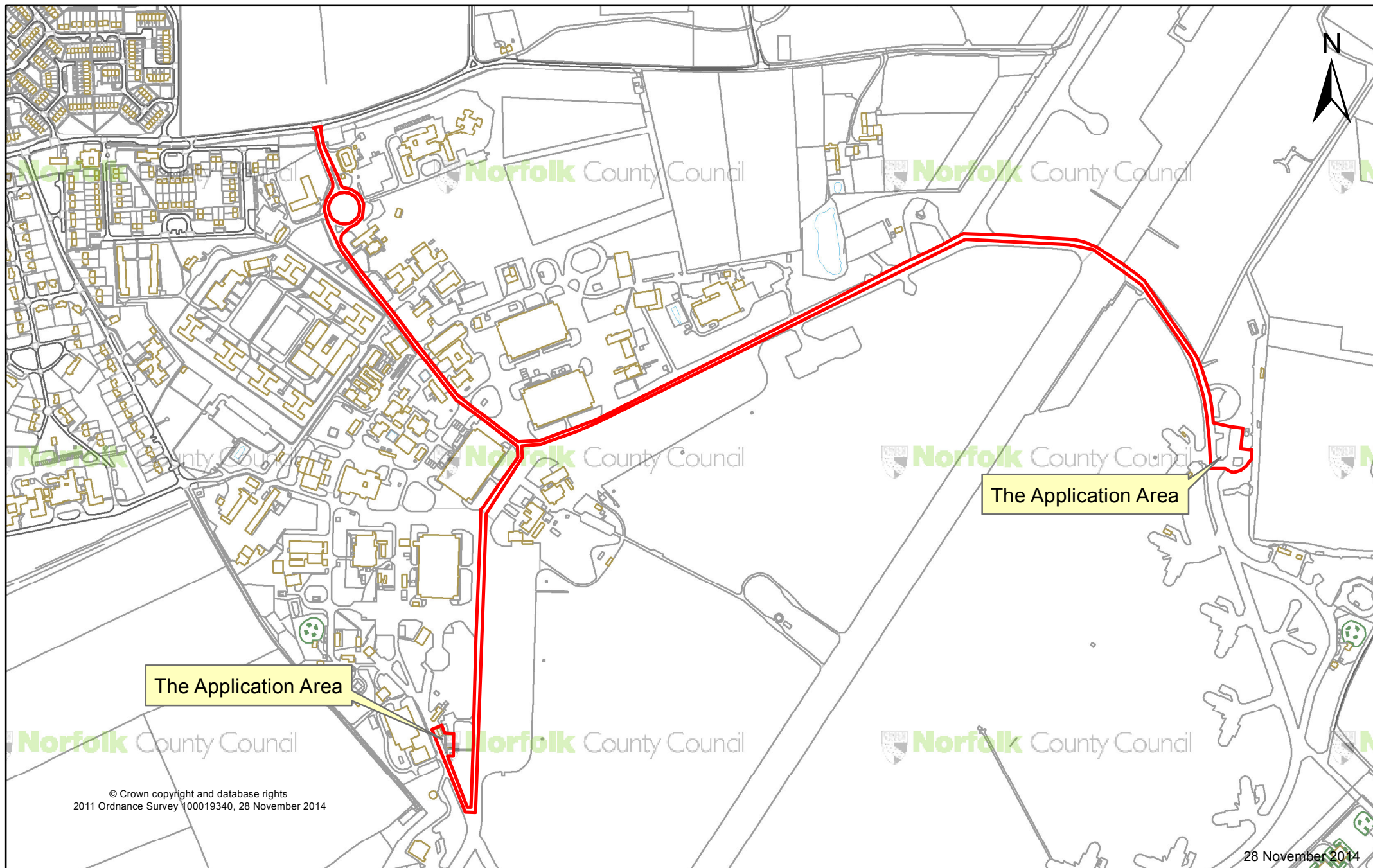
Officer Contact

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

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



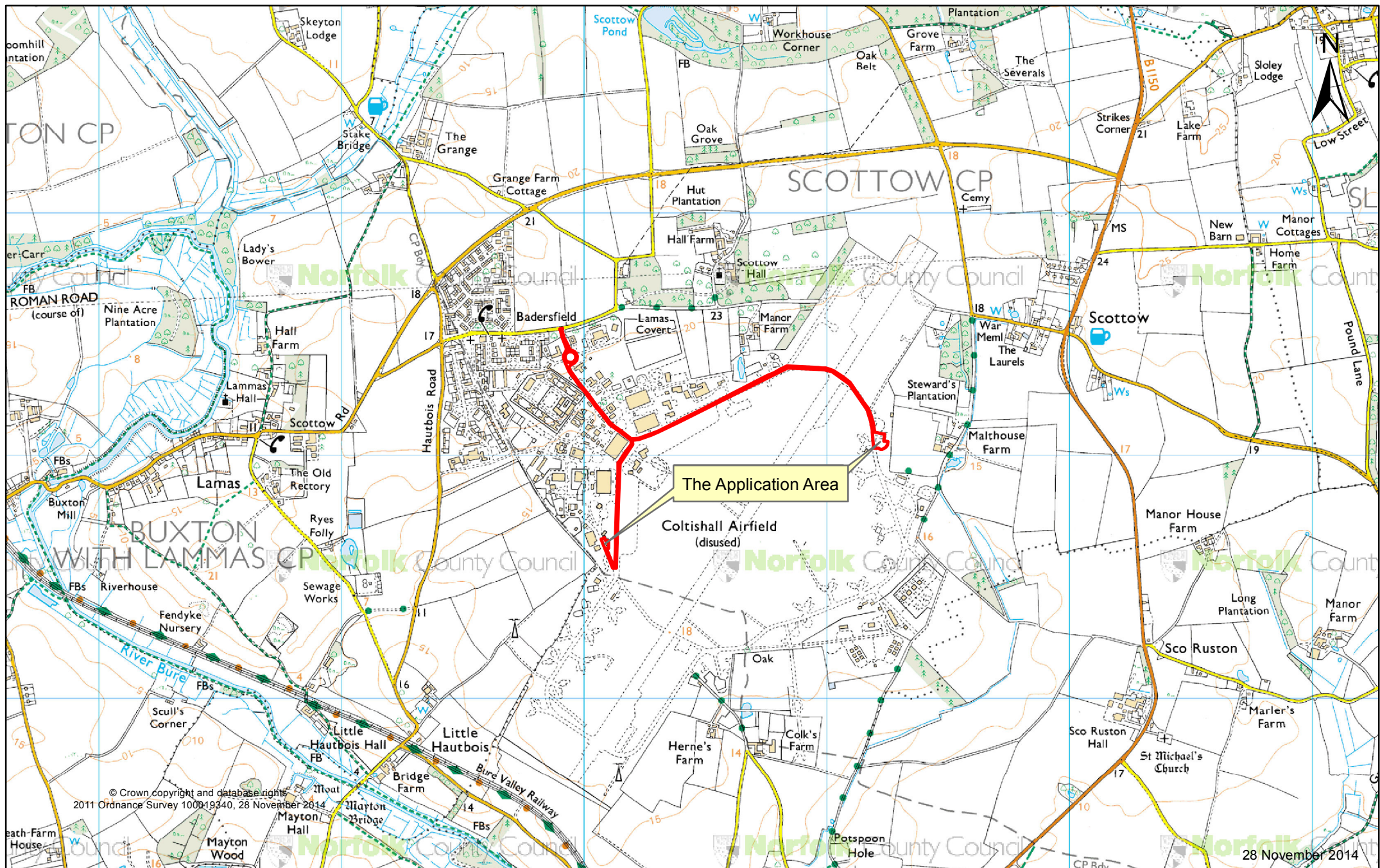
Y1/2014/1007: RAF Coltishall - Fire Training Facility
Scotow

0 50 100 200 300 400 500 600 Metres

 **Norfolk** County Council

Scale 1: 7000

Centre on 52 448 323074



Y/1/2014/1007: RAF Coltishall - Fire Training Facility
Scottow

0 500 1,000
Metres

Norfolk County Council

Scale 1: 20000 Centre 626448 323074

**Applications Referred to Committee for Determination:
Great Yarmouth Borough Council
Y/6/2014/6009
Change of use of former caretaker's accommodation (C3) to office
accommodation (B1(a)) at the Time and Tide Museum,
16 Blackfriars Road, Great Yarmouth
Executive Director of Community and Environmental Services**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for the change of use of the former caretaker's accommodation to office accommodation at the Time and Tide Museum. No internal or external alterations are proposed.

The publicity for the application expires on 17 February 2015. At the time of writing this report 1 letter of representation has been received from a local resident who does not object to the proposed change of use, but does object to on-street parking by staff. No objections have been received from statutory consultees. Any representation received following the publication of the Committee papers will be reported orally at the Committee meeting.

The proposal accords with the relevant national and local planning policies, therefore conditional full permission is recommended.

Cultural Services sits within the Community and Environmental Services Department, therefore in accordance with the Council's Scheme of Delegation; the application is brought to the Planning (Regulatory) Committee for determination.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 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 application site relates to the Time and Tide Museum, a Grade II Listed Building situated on Blackfriars Road, Great Yarmouth. The museum is a red brick and slate built converted herring curing works, circa 1880. Comprising a triangular site with 3 ranges of buildings around a courtyard, the manger's house the subject of this application is situated over 2 storeys to the north-west end of the northern range.
- 1.2 : The north front elevation with a central door under a segmental head is flanked either side with sash windows. Along the Blackfriars Road frontage a terracotta plaque is situated at first floor level reading "J.R.N Tower Curing Works 1880".
- 1.3 : Pedestrian access is via Well Road. There is also a gated access on Blackfriars Road.
- 1.4 : The application site is situated adjacent to residential properties and opposite the town walls, a playground and a car park.
- 1.5 Proposal : Planning permission is sought the change of use of the former caretaker's accommodation to office accommodation, in connection with the existing museum.
- 1.6 : No internal or external alterations are proposed.

2. Constraints

- 2.1 The application site lies within a Housing Area and the Kings Street Conservation Area as identified on the Great Yarmouth proposals map. The building is also Grade II Listed.

3. Planning History

- 3.1 There is no relevant planning history for this site held by the County Council.

4. Planning Policy

- 4.1 Saved policies of the Great Yarmouth Borough-Wide Local Plan (2001) : EMP17 Other Employment Sites
HOU19 Existing Dwellings – Extensions and Alterations
BNV1 Archaeology and Conservation
BNV6 Listed Buildings
BNV10 Conservation Area
- 4.2 Emerging Local Plan: Core Strategy (Publication) (2013) : CS1 Focusing on Sustainable Future
CS2 Achieving Sustainable Development
CS9 Encouraging well designed distinctive places

			CS10	Safeguarding Local Heritage Assets
			CS12	Utilising natural resources
			CS16	Improving Accessibility and Transport
4.3	The National Planning Policy Framework (2012)	:	4	Promoting sustainable transport
			7	Requiring good design
			11	Conserving and enhancing the natural environment
			12	Conserving and enhancing the historic environment

5. Consultations

5.1	Great Yarmouth Borough Council	:	No comments received at the time of writing this report.	
5.2	Environmental Health Officer (EHO) (Great Yarmouth Borough Council)	:	No comments received at the time of writing this report.	
5.3	English Heritage	:	No comments received at the time of writing this report.	
5.4	Highway Authority (NCC)	:	No highway objections to the proposal.	
5.5	Conservation Officer (NCC)	:	No comments received at the time of writing this report.	
5.6	Local Flood Authority (NCC)	:	No comments received at the time of writing this report.	
5.7	Local residents	:	At the time of writing this report 1 letter of representation has been received objecting on the grounds of on-street parking. This is addressed in the main body of the report.	
5.8	County Councillor (Mr Rex Parkinson-Hare)	:	No comments received at the time of writing this report.	

6. Assessment

6.1 Proposal

6.2 The application relates to the change of use of the former caretaker's accommodation to office accommodation in connection with the existing museum. No internal or external alterations are proposed.

6.3 Site

6.4 The application site relates to the Time and Tide Museum, a Grade II Listed Building situated on Blackfriars Road, Great Yarmouth. The museum is a red brick and slate built converted herring curing works, circa 1880. Comprising a triangular site with 3 ranges of buildings around a courtyard, the manger's house

the subject of this application is situated over 2 storeys to the north-west end of the northern range.

- 6.5 The north front elevation with a central door under a segmental head is flanked either side with sash windows. Along the Blackfriars Road frontage a terracotta plaque is situated at first floor level reading “J.R.N Tower Curing Works 1880”.
- 6.6 Pedestrian access is via Well Road. There is also a gated access on Blackfriars Road.
- 6.7 The application site is situated adjacent to residential properties and opposite the town walls, a playground and a car park.

6.8 **Principle of development**

- 6.9 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”.

- 6.10 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Saved Policies of the Great Yarmouth Borough Wide Local Plan (2001). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) (2012) are also a further material consideration of significant weight.
- 6.11 Great Yarmouth Borough Council has prepared a Draft Core Strategy Local Plan Document. Once adopted this will form the Local Plan to guide development in the Borough for the period up to 2029 and form the basis for making decisions on planning applications. In April 2014 the draft document was submitted to the Secretary of State for examination. A Planning Inspector has been appointed on behalf of the Secretary of State to undertake the examination of the emerging Core Strategy document.
- 6.12 Given the stage of the examination, the document is a material consideration and the policies are afforded significant weight.
- 6.13 Saved Policy EMP17 of the Great Yarmouth Borough Wide Local Plan (2001) permits the conversion/adaptation of existing buildings for employment related activities subject to the capability of the building being converted or adapted without significantly changing its character or setting, access, traffic generation and impact on nearby property.
- 6.14 The proposed development does not involve any internal or external alterations, is wholly within the curtilage of the site and is in connection with the existing museum use; therefore the principle of development is considered acceptable.

6.15 **Amenity**

- 6.16 Saved Policy HOU19 of the Great Yarmouth Borough Wide Local Plan (2001) states that the change of use of existing dwellings will only be permitted where it will not significantly adversely affect the residential amenity of neighbouring property or the amenity of the surrounding area.

- 6.17 Emerging Policy CS9 of the Great Yarmouth Borough Council Draft Core Strategy aims to ensure all new development contributes to a high quality environment, including providing a good standard of amenity for all existing and future occupants of land and buildings.
- 6.18 Section 11 of the NPPF seeks to prevent unacceptable risk from pollution on general amenity for existing and future occupants of land and buildings.
- 6.19 The application is situated adjacent to residential properties. Given the nature and scale of development it is not considered that the proposed development will have an impact on the occupiers of adjacent property by virtue of overlooking, over shadowing, increased noise, loss of light or privacy, in accordance with the relevant national and local planning policies.
- 6.20 **Design**
- 6.21 In terms of design, emerging Policy CS9 of the Great Yarmouth Borough Council Draft Core Strategy seeks to ensure all new development within the Borough respond to and draw inspiration from the surrounding areas natural and built characteristics such as scale, form, massing and materials.
- 6.22 Section 7 of the NPPF states that good design is a key aspect to sustainable development and places great emphasis on the importance to the design of the built environment.
- 6.23 The proposal does not involve internal or external alterations therefore it is considered there will be no impact on design.
- 6.24 **Impact on the Listed Building**
- 6.25 The Time and Tide Museum is Grade II Listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 states that in considering to grant planning permission for development which affect a Listed Building or its setting, the Local Planning Authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.26 Saved Policy BNV6 of the Great Yarmouth Borough Wide Local Plan (2001) permits the change of use of a listed building where it respects the listed building's setting, style, character and materials.
- 6.27 Emerging Policy CS10 of the Great Yarmouth Borough Council Draft Core Strategy seeks to conserve and enhance the significance of the Borough's heritage assets and their settings.
- 6.28 The principle of safeguarding, preserving and/or enhancing heritage assets is also echoed in Section 12 of the NPPF. Paragraph 131 of the NPPF states that LPA's in determining planning applications should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation heritage assets can make to sustainable communities; and the desirability of new development making positive contribution to local character and distinctiveness.
- 6.29 Paragraph 132 of the NPPF advises that any harm to or loss of a designated heritage asset should require clear and convincing justification...Paragraph 133 advises that local planning authorities should refuse consent for proposals that

will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where proposals will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.30 The proposal relates to the change of use (of the caretaker's accommodation) only, with no internal, external alterations or extensions. The proposal will therefore not result in any changes to the fabric of the building or its setting. It is considered that the proposal will not lead to harm or loss of the designated heritage asset.

6.31 **Impact on the character and appearance of the Conservation Area**

- 6.32 The application site lies within the King Street Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that when exercising its planning functions, LPA's should pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- 6.33 Saved Policy BNV10 of the of the Great Yarmouth Borough Wide Local Plan (2001) requires development to be sympathetic to the character or appearance of the area in terms of scale, height, form, massing, materials, siting and design.

- 6.34 Emerging Policy CS10 of the Great Yarmouth Borough Council Draft Core Strategy and Section 12, paragraphs 131 - 134 of the NPPF as set out above also apply.

- 6.35 The proposal relates to the change of use (of the caretaker's accommodation) only, with no internal, external alterations or extensions. It is therefore considered that the proposal will not affect the character or appearance of the Conservation Area in which it lies.

6.36 **Ancient Monuments**

- 6.37 Saved Policy BNV1 of the Great Yarmouth Borough Wide Local Plan (2001) states that development in the vicinity of a scheduled ancient monument will only be permitted if the development would not adversely affect the monument or its setting.

- 6.38 Emerging Policy CS10 of the Great Yarmouth Borough Council Draft Core Strategy and Section 12 of the NPPF apply.

- 6.39 The application site is approximately 35 metres opposite the town walls, a scheduled ancient monument which benefits from statutory protection.

- 6.40 It is considered that the proposed development which does not include any extensions or alterations will not adversely affect the fabric of the monument or its setting, in accordance with the aforementioned relevant planning policies.

6.41 **Sustainability**

- 6.42 Emerging Policy CS12 of the Great Yarmouth Borough Council Draft Core Strategy seeks to encourage renewable, low and zero carbon energy generating

developments.

- 6.43 Section 10 of the NPPF expects new development to take account of local policies in decentralised energy, landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.44 In this case, sustainability elements are limited due to the nature of the proposed development.
- 6.45 **Highway / Traffic**
- 6.46 Emerging Policies CS2 and CS16 of the Great Yarmouth Borough Council Draft Core Strategy encourage sustainable development, directing development in sustainable locations and the use of sustainable transport modes.
- 6.47 Section 4 of the NPPF also encourages maximising the use of sustainable transport modes.
- 6.48 The proposed development does not include parking provision. However the application site is opposite a public carpark, on a bus route and within close proximity to the area defined as the town centre both on the Great Yarmouth Proposals Map and on the Draft Local Plan Proposals Map.
- 6.49 The Council's Senior Engineer has reviewed the proposal and does not raise a highway objection. It considered that the proposed development will not have a detrimental impact on the highway/pedestrian safety, in accordance with emerging policies CS2 and CS16 of the Great Yarmouth Borough Council Draft Core Strategy and Section 4 of the NPPF.
- 6.50 **Landscape / Trees**
- 6.51 The proposed development does not impact on trees or landscaping. Given the nature of the proposed development, no landscaping is being proposed.
- 6.52 **Ecology / Biodiversity**
- 6.53 Given the nature and scale of the proposed development, it is considered that the proposal will not impact on ecology or biodiversity.
- 6.54 Appropriate Assessment
- The site is situated within 5 kilometres Breydon Water and Great Yarmouth North Denes which are European protected species. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.
- 6.55 **Responses to the representations received**
- 6.56 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the newspaper. The publicity for the application expires on 17 February 2015; any representation received following the publication of the Committee papers will be reported orally at the Committee meeting.
- 6.57 At the time of writing this report 1 letter of representation has been received from a local resident. The writer does not object to the proposed change of use, but does object to staff parking on-street outside the houses of residents, so they

[residents] are unable to find anywhere to park.

- 6.58 In response, whilst the proposal does not include dedicated staff parking provision, the application site is opposite a public car park, on a bus route and within close proximity to the area defined as the town centre. Staff parking on-street in an unrestricted area cannot be controlled by the applicant.

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 proposed development consists of a change of use of the former caretaker's accommodation to office accommodation, in connection with the existing museum. No internal or external alterations are proposed.
- 11.2 It is considered that the proposed development will not have a detrimental impact on the amenity of occupiers of adjacent residential property, design, sustainability, highway safety, landscape and trees and ecology and biodiversity. Nor is the proposal considered to have a harmful impact on a designated heritage asset.
- 11.3 Subject to the implementation of appropriate conditions, it is considered that the proposal would not create any adverse impacts and as such is in accordance with the development plan policies identified and national policy. There are no material considerations that indicate that the application should be refused. Therefore conditional full permission is recommended.

12. Conditions

- 12.1 1. The development hereby permitted shall commence not later than three years from the date of this permission.

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

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.

Recommendation

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

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

Great Yarmouth Borough – Wide Local Plan (2001)

<http://www.great-yarmouth.gov.uk/view/GYBC121983>

Great Yarmouth Borough Council Local Plan: Core Strategy (Publication) (2013)

<http://www.great-yarmouth.gov.uk/view/GYBC126102>

The National Planning Policy Framework (NPPF) (2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Planning Practice Guidance (2014)

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

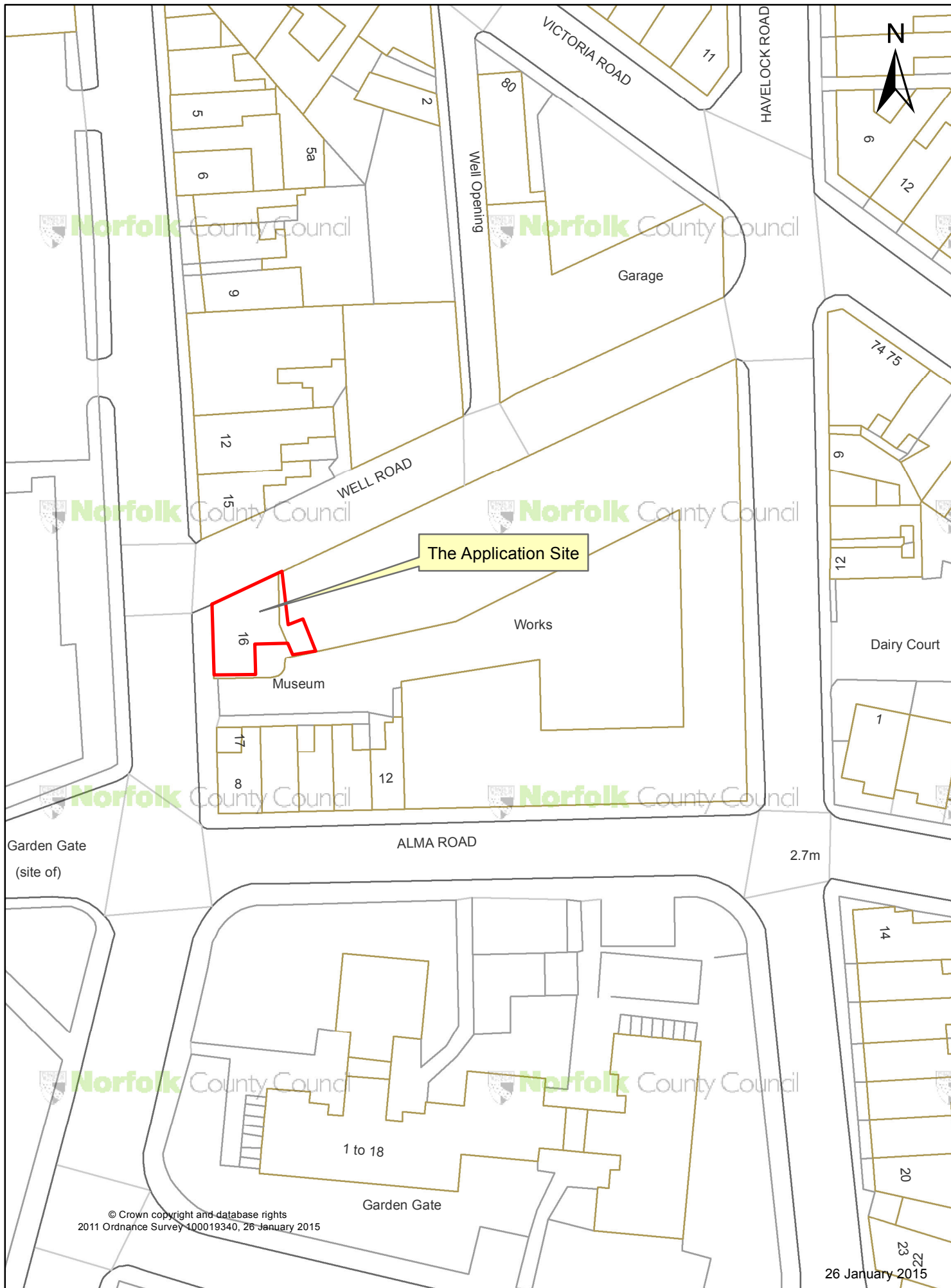
Officer Contact

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

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



Y/6/14/6009 - Time and Tide Museum

Great Yarmouth



Norfolk County Council

Scale 1: 500

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