

Planning Regulatory Committee

Date: **Friday 11 July 2014**

Time: **10am**

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

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

Membership

Mr D Collis - Chairman

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr A Dearnley

Mr C Foulger

Mr A Grey – Vice-Chairman

Mr J Law

Mr B Long

Mr W Northam

Mr M Sands

Mr E Seward

Mr M Storey

Mr J Ward

Mr B Watkins

Mr A White

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

on 01603 223055

or email committees@norfolk.gov.uk

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

A g e n d a

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

- 2 Minutes:**

(Page 5)

To receive and agree the Minutes of the meeting held on 6 June 2014.

- 3 Members to Declare any Interests**

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

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

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

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

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

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

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

Applications referred to the Committee for Determination

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

- 5 Applications Referred to Committee for Determination: North Norfolk District: C/1/2013/1012: East Beckham: Holt Road, East Beckham, Sheringham: Excavation, processing, bagging and sale of sand and gravel: Gresham Gravel Ltd.** (Page 9)

- 6 Development by the County Council. Applications Referred to Committee for Determination. Great Yarmouth Borough Council: Application Y/6/2013/6008: Caister-on-Sea: Erection of modular building for office/welfare purposes: Director of Environment, Transport and Development** (Page 36)

Chris Walton
Head of Democratic Services
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Date Agenda Published: 3 July 2014



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 6 June 2014
at 10am in the Edwards Room, County Hall**

Present:

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mr D Collis
Mr A Dearnley
Mr N Dixon
Mr C Foulger
Mr B Long

Mr W Northam
Mr R Parkinson-Hare
Mr M Sands
Mr E Seward
Mr M Storey
Mr J Ward
Mr B Watkins
Mr A White

1 Election of Chairman

Mr D Collis was elected Chairman of the Planning (Regulatory) Committee for the ensuing year.

Mr D Collis, Chairman in the Chair.

2 Election of Vice-Chairman

Mr A Grey was elected Vice-Chairman of the Committee for the ensuing year.

3 Apologies and Substitution

Apologies for absence were received from Mr A Grey (Mr R Parkinson-Hare substituted) and Mr J Law (Mr N Dixon substituted).

4 Minutes from the meeting held on 25 April 2014.

The minutes from the Planning (Regulatory) Committee meeting held on 25 April 2014 were agreed as a correct record by the Committee and signed by the Chairman, subject to the addition of Mr B Long having declared an interest as a member of the Norfolk Coast Management Partnership.

5 Declarations of Interest

There were no declarations of interest.

6 Urgent Business

There were no items of urgent business.

7 Nominations to serve on the Planning (Regulatory) Urgent Business Sub-Committee

The Committee **agreed** the appointment of the following Members to the Planning (Regulatory) Urgent Business Sub-Committee:

Conservative	Mr A White
Conservative	Mr C Foulger
Labour	Mr D Collis
UKIP	Mr A Grey
Liberal Democrat	Mr B Watkins

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

8 Great Yarmouth Borough Council. Y/6/2013/6006. Construction of a new Link Road from A143 Beccles Road, Bradwell, to a proposed roundabout to be constructed to serve retail development at Beaufort Way, Gorleston, and to link with A12. Proposed Link Road to comprise of a single carriageway highway, including grass verges, shared cycleway and footway and other associated works; including highway improvements on the A143 in the vicinity of the junctions with Browston Lane and New Road

8.1 The Committee received a report by the Director of Environment, Transport and Development outlining the planning application for the construction of the A12-A143 Link Road, comprising of a new 1.8km road from the western end of Beaufort Way through the Beacon Business Park, north westwards to connect with the A143 Beccles road at a new roundabout junction to be located at the existing junction of the A143 with C620 New Road. The link road was required to facilitate the proposed new development in the south Gorleston area.

8.2 During the discussion, the following key points were noted:

- Planning permission had already been granted for the development of a J Sainsbury store.
- One of the conditions within section 12 of the report included provision for tree planting to mitigate the impact of the trees which would be removed as part of the development. The County Ecologist and the Environment Agency had agreed the improved landscaping scheme.
- Members felt that provision of a lay-by for the bus stop to allow the free flow of traffic

along the highway should be included in the conditions. It was confirmed that the Highways Agency had fully considered the application and had raised no objection to the scheme which had been submitted. It was also confirmed that it would not be possible to stipulate that provision for a layby be included as one of the conditions imposed on the planning application.

- The footpath and cycle track would be shared usage and would be situated along the north side of the road.
- It was proposed that the 30mph speed limit on Beccles Road would be extended to the new roundabout.
- The government had funded 70% of the scheme, with the remaining 30% of funding being provided by the developers. Once the development had commenced, the Government and Great Yarmouth Borough Council were committed to providing the funding for the whole project.
- The Government money had already been allocated and needed to be used by March 2015. It was proposed that construction would commence in July 2014 with an anticipated completion date towards the end of 2015.
- The concerns raised by the Environment Agency relating to surface water drainage to prevent flooding and pollution had been fully addressed with a condition included to ensure that the development would not commence until the surface water drainage scheme had been submitted and approved by the County Planning Authority.
- The Committee **agreed** that the Chairman should send a letter to the applicant, expressing the Committee's concern that a representative had not attended the meeting to answer questions from the Committee.

8.3 The Committee voted individually on the recommendations in the report as follows:

- i) Grant Planning permission subject to the conditions outlined in section 12 of the report. With 12 votes for, 4 votes against and 0 abstentions, this recommendation was **agreed**.
- ii) To discharge conditions 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. With 12 votes for, 4 votes against and 0 abstentions, this recommendation was **agreed**.
- iii) Delegate powers to officers (in consultation with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted. With 15 votes for, 0 votes against and 1 abstention, the amended recommendation was **agreed**.

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

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

The meeting ended at 11.15am

CHAIRMAN



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**Applications Referred to Committee for Determination:
North Norfolk District: C/1/2013/1012:
East Beckham: Holt Road, East Beckham, Sheringham:
Excavation, processing, bagging and sale of sand and
gravel: Gresham Gravel Ltd**

Report by the Interim Director of Environment, Transport and Development

Summary

Members of the Planning (Regulatory) Committee considered a report for this planning application on 25 April 2014 with a resolution to defer the application to allow further discussion to consider highway issues that had been discussed during that meeting.

Officers have looked again at the potential for an alternative access from Gibbet Lane, however a safe access cannot be achieved utilising land forming part of this application. This is because the required visibility splays could not be provided to the access where this application site abuts the public highway.

Whilst it would be possible to overcome the visibility issue by moving the access further to the north along Gibbet Lane, doing so would require a new planning application to be submitted and the removal of a significant number of trees. Access onto Gibbet Lane would also require highway modifications to the A148 junction. Moreover, the applicant is not prepared to amend the scheme and submit a revised planning application to provide an alternative access.

A site meeting has also been held between Planning Officers, Highway Engineers and Councillors Hannah and Baker to further discuss these issues.

There remains no objection from the Highway Authority to the current scheme and a refusal of planning permission would be likely to result in an appeal by the developer.

Members should be aware that a refusal without adequate supporting evidence and robust planning grounds is likely to result in an award of costs against the authority if any Appeal is successful.

The site is specifically allocated for mineral extraction in the recently adopted Minerals Site Allocation DPD, and there are no other material considerations that would indicate that the application should be refused.

Recommendation

In accordance with the original recommendation, it is recommended that the Interim Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12 of the original committee report (Appendix A).
- (ii) To discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers to deal with any non-material amendments.

1. Background

- 1.1 On 25 April 2014, a recommendation was made to Members of the Planning (Regulatory) Committee (PRC) for approval of an application for planning permission for the Excavation, processing, bagging and sale of sand and gravel (original report attached as Appendix A).
- 1.2 The resolution of Members of this committee was to defer the decision on the application to allow further discussions to take place to try and resolve the highways issues that had been discussed during the meeting. In particular issues had been raised and discussed relating to the perception of poor visibility along the stretch of the A148 where the site access would be and that the new access and associated HGV movements would further impede this (for traffic turning onto the A148), a history of accidents on this road, and the desire to include a roundabout within the scheme at the junction with the A1082.

2. Update

- 2.1 Since that meeting, Officers have looked again at the possibilities of providing an access from Gibbet Lane as opposed to an access directly onto the A148. If an access were to be created within the part of the application site that abuts Gibbet Lane, it would not be possible to provide sufficient visibility for emerging vehicles without the removal of established hedges to both sides of the access. Neither of these hedges falls within the applicant's ownership or control and accordingly they cannot be removed by the applicants to meet minimum safety standards.
- 2.2 Moving the access along Gibbet Lane, to the north of the adjacent reservoir, would allow an access to be provided with safe visibility, but doing so would also require the submission of a new planning application and the removal of a significant number of trees. Furthermore, in direct contrast to the submitted application, it would not be possible to provide a ghost island right turn lane on the A148 as the configuration of the junction where Gibbet Lane gives way to the A148 prevents this. The absence of a dedicated right turn lane would impede the free flow of traffic on a corridor of movement and would also require modifications to the A148 junction in order to prevent eastbound traffic "undertaking" stationary vehicles.
- 2.3 Moreover, following discussions with the applicant, they are not prepared to amend the scheme on the basis it would create further time delays and expenditure with regards to the surveys and studies that would need to be undertaken for the amended access, and the modifications to the A148 junction etc. Notwithstanding this, because the red line would need to be amended to accommodate a new access to the north of the reservoir, the applicant would need to withdraw the current application and submit an amended one with a revised red line incorporating the necessary land.
- 2.4 On 11 June 2014, Planning Officers and Highway Officers met with both Cllr Brian Hannah and Cllr Michael Baker (whose Electoral Division the application site falls within) who had both expressed concern regarding the proposal on highway grounds during the earlier committee meeting. A specific issue was raised during this meeting querying whether HGVs waiting to turn into the site from the A148 would impede visibility of traffic turning right from the A1082 onto

the A148. It was agreed that Highway Engineers would refer this particular issue back to both the Development Team and also the Safety Auditors for further clarification on this specific point. It is proposed that a response to this point is reported orally at the committee meeting itself. However, as reported at the original committee meeting, it should be reaffirmed that the scheme as currently submitted has passed its Stage 1 Safety Audit and passed technical approval from Development Team where the proposed original scheme was signed off.

- 2.5 Officers also reiterated at that meeting that the A148 is recorded as a Principal Route and a Corridor of Movement in the County Council's Route Hierarchy. On "Corridors of Movement" drivers do not generally expect to encounter slowing; stopping; turning; manoeuvring; or parked vehicles. This lack of expectancy increases the hazards caused by an access that exists in isolation. As a means of overcoming these issues, the applicant intends to provide a dedicated right turn lane on the A148.
- 2.6 In contrast to the above, if access were to be gained directly from Gibbet Lane, the configuration of its junction with the A148 prevents a right turn lane from being provided and the proposal will result in stationary traffic on the A148.
- 2.7 Outside of urban areas with high connectivity, Principle Routes have a strategic role to play in carrying traffic between centres of population. Stationary traffic in the vicinity of these roads or their junctions can prejudice the ability of these roads to carry out this function. For this reason, development that leads to an increase in stationary traffic on a corridor of movement is normally resisted.
- 2.8 There is an exception for new accesses for mineral development (where other accesses would not normally be allowed) providing they can be demonstrated to be safe. Mineral can only be extracted where it has been deposited in the ground hence there needs to be a degree of flexibility regarding where sites are located. There is also a general desire to minimise the impacts of HGV traffic utilising minor roads and passing through settlements where more vulnerable road users tend to prevail.
- 2.9 Provided modifications are carried out to Pretty Corner Lane to prevent "undertaking" the Highway Authority would not raise a safety objection to the use of the Gibbet Lane junction. However, the Highway Authority points out that additional stationary traffic at the Gibbet Lane junction would lead to an increase in congestion on the A148. In those circumstances, the Highway Authority would seek a contribution of £55,000 from the applicants to be used for designing a new roundabout at the adjacent A1082 junction with a view to aiding traffic efficiency and reducing congestion.
- 2.10 A possible roundabout at the junction of the A148 with the A1082 has also been mentioned both in the initial Planning (Regulatory) Committee meeting and at the subsequent site meeting referred to above, as a solution to the highway issues that Cllrs believe this development would exacerbate, if approved. However, the land that would be required to deliver the roundabout is not within the applicant's ownership and furthermore, it would not be reasonable to ask for this given that the Highway Authority raises no objection to the scheme as proposed. It is an established principle in planning (backed up by case law) that a planning authority can only require a developer to address impacts arising from their development, and therefore contributions or obligations can only be requested

that are proportionate to the scale and impact of that development (and not to address existing issues). The Government's Planning Practice Guidance Note on this published earlier this year advises that an obligation must be fairly and reasonable related in scale and kind. Without the provision of a dedicated right turn lane, a contribution towards the cost of providing a roundabout would be reasonable as the development would lead to an increase in congestion.

- 2.11 Furthermore, the authority is required to ensure that the total impact of any obligation would not threaten the viability of 'the sites and scale of development identified in the development plan'. As set out in the original committee report in section 6.15, this application site has been allocated as MIN84 in the Minerals Site Specific Allocations DPD which the Council adopted on 28 October 2013 and is an integral part of the 'the Development Plan'.
- 2.12 In this instance, it is felt that requiring a roundabout at a cost of circa £1 million to £1.2 million would not be reasonable or in scale and keeping with the size of the development proposed. In addition, it would be likely to threaten the viability of the development. However, if a dedicated right turn lane is not provided on the A148 and provided Gibbet Lane is used instead together with modifications, then a contribution should be requested towards alleviating congestion on the A148 in the immediate vicinity. The recommended contribution in this instance would be £55,000, representing the design fee for the A1082 roundabout.

3. Conclusion

- 3.1 Members resolved to defer a decision on this application pending further attempts to try and resolve the 'highways issue' discussed at the original PRC meeting. Since then, moving the access to Gibbet Lane as part of the current application has been ruled out given the constraints relating to visibility splays required at the site frontage and the applicant's reluctance to amend the scheme to provide the required level of visibility elsewhere.
- 3.2 As stated above, the site is included within the County Council's Site Specific Allocations DPD hence the principle of development here has been established. A refusal of planning permission would be likely to result in an appeal by the developer. Furthermore, refusing the planning application on highway grounds where there is no objection from the Highway Authority (the statutory consultee that provides technical expertise on highway issues) would leave the authority open to a possible substantial claim for costs in the event of such an appeal.

Recommendation

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

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

Background Papers

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

Norfolk Minerals Site Specific Allocations DPD (2013)

North Norfolk Core Strategy (2011)

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

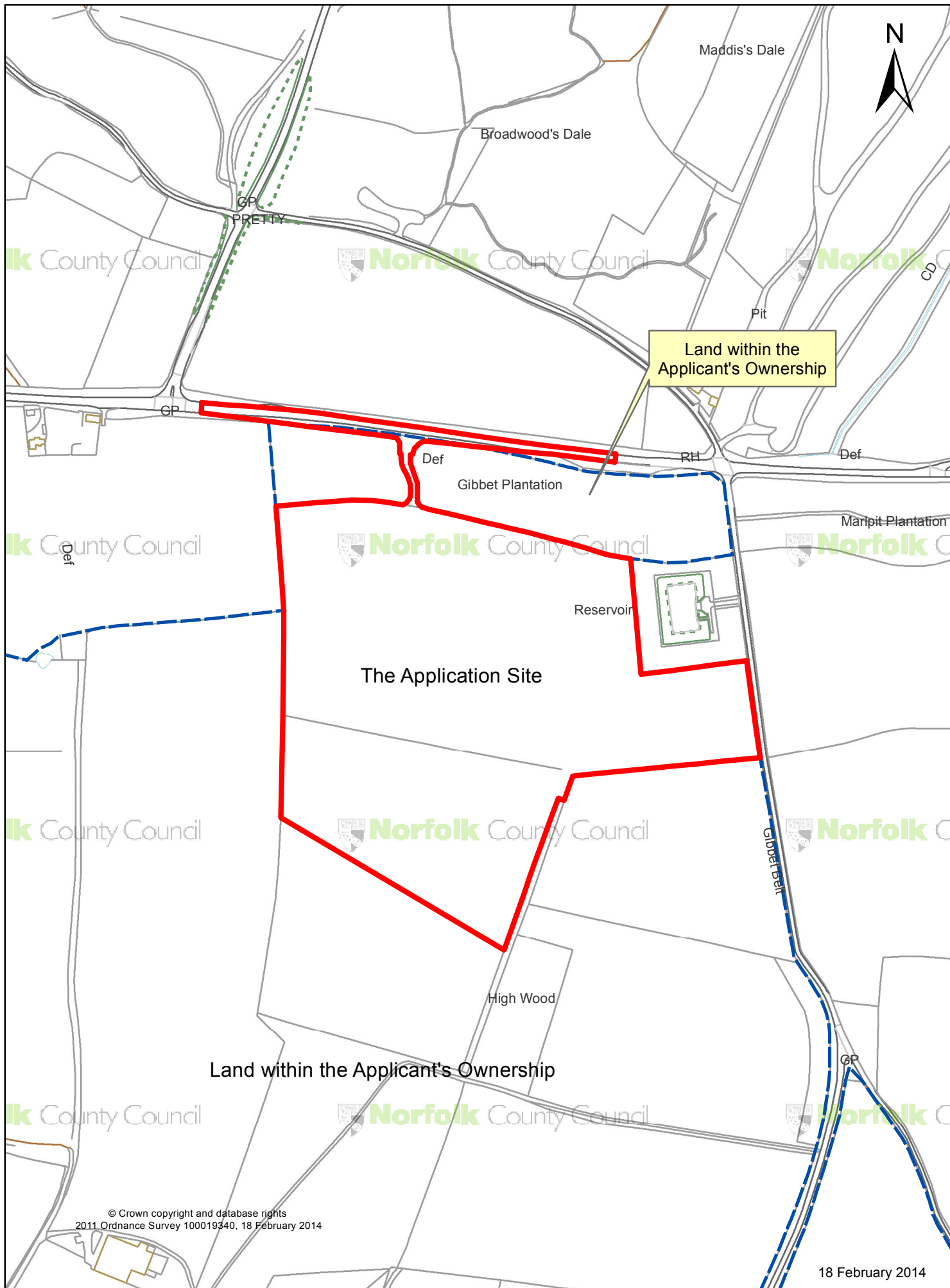
Officer Contact

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

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



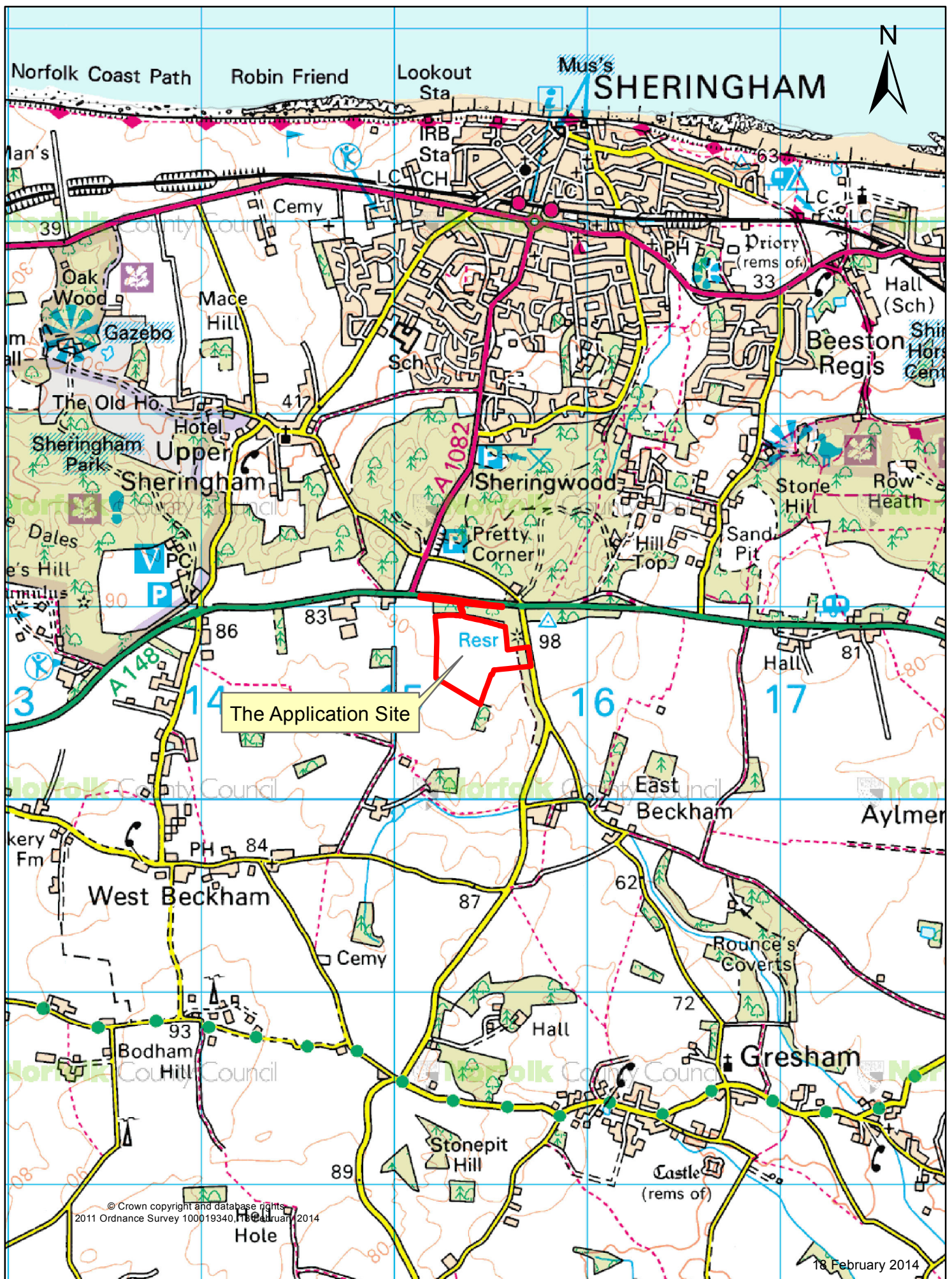
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C/1/2013/1012
East Beckham

0 50 100 200
Metres

Norfolk County Council
Scale 1: 5000 Centred on 41522 340802



C/1/2013/1012
East Beckham

0 500 1,000
Metres

Norfolk County Council
Scale 1: 25000 Centred on 41722 340802

**Applications Referred to Committee for Determination:
North Norfolk: C/1/2013/1012:
Holt Road, East Beckham, Sheringham, Norfolk
Excavation, processing, bagging and sale of sand and
gravel:
Gresham Gravel Ltd**

Report by the Interim Director of Environment, Transport and Development

Summary

The application is for the extraction of 1.6 million tonnes of sand and gravel from land near East Beckham in North Norfolk, over a 17 year period, including site restoration. The proposal includes a processing plant, an aggregate bagging plant, the formation of a new access onto the A148, and progressive restoration to grassland and woodland.

The application must be determined by the Planning (Regulatory) Committee because the application is subject to the Environmental Impact Assessment (EIA) Regulations and also because more than four objections have been received.

Objections have been received from East and West Beckham, Matlaske and Barningham and Upper Sheringham Parish Councils, and a small number of local residents, primarily raising concerns about the impact of additional vehicular traffic on the A148 and the potential for amenity impacts on local people.

The Highway Authority is satisfied that the proposed vehicular access arrangements would ensure that the free-flow of traffic on the A148 would not be compromised, and the level of vehicle movements proposed would be acceptable. No material harm would be caused to neighbouring occupiers, the rural character of the area, or the setting of the Norfolk Coast Area of Outstanding Natural Beauty.

The site is 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 future development in North 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 Director of Environment, Transport and Development be authorised to:

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

1. The Proposal

- | | | |
|------|-------------------------------|--|
| 1.1 | Location | : Holt Road, East Beckham, Sheringham, Norfolk |
| 1.2 | Type of development | : Extraction, processing, bagging and sale of sand and gravel. |
| 1.3 | Site area | : 14.5 hectares (extraction area 9.1 hectares) |
| 1.4 | Total tonnage | : 1.6m tonnes |
| 1.5 | Annual tonnage | : 100,000 tonnes |
| 1.6 | Market served | : Cromer, Sheringham, Holt and surrounding areas. Also potentially Norwich, Fakenham and North Walsham. |
| 1.7 | Expected Duration | : 17 years |
| 1.8 | Plant | : Tracked mobile screen, crawler excavator, articulated dumptrucks and wheeled loader. |
| 1.9 | Hours of working | : 07.00 – 18.00 Monday to Friday
07.00 – 13.00 Saturday |
| 1.10 | Vehicle movements and numbers | : Approximately 80 HGV movements (40 in, 40 out) and 40 light vehicle movements (20 in, 20 out) per day. All routes from A148. |
| 1.11 | Access | : From the A148. |
| 1.12 | Landscaping | : Includes advanced planting, landscaped bunds |
| 1.13 | Restoration and after-use | : Grassland and woodland. |

2. Constraints

- 2.1 There are no planning constraints within the boundary of the site. The site is close to the boundary of the Norfolk Coast Area of Outstanding Natural Beauty (AONB) which is to the north of the A148 and east of Gibbet Lane. There is a Conservation Area approximately 250 metres to the north west of the site, and Sheringham Park registered Historic Park is also to the North West, approximately 1.2 km from the site.

3. Planning History

- 3.1 The site was allocated for minerals extraction within the recently adopted Minerals Site Specific Allocations Development Plan Document which was adopted in 2013 (site MIN 84).
- 3.2 On 23 September 2013 planning permission was granted for the installation of a solar farm development on part of the site. This matter is discussed later in this report.

4. Planning Policy

4.1	Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS1	Minerals extraction
			CS2	General locations for mineral extraction and associated facilities
			CS3	Waste management capacity to be provided
			CS4	New waste management capacity to be provided
			CS6	General waste management considerations
			CS13	Climate change and renewable energy generation
			CS14	Environmental protection
			CS15	Transport
			DM1	Nature conservation
			DM2	Core river valleys
			DM3	Groundwater and surface water
			DM4	Flood risk
			DM8	Design, local landscape and townscape character
			DM9	Archaeological sites
			DM10	Transport
			DM11	Sustainable construction and operations
				Amenity
4.2	Norfolk Minerals Site Specific Allocations DPD	:	DM12	Air quality
			DM13	Progressive working, restoration and after-use
4.3	North Norfolk Core Strategy		DM14	Cumulative impacts
			DM15	Soils
			DM16	
		:	MIN 84	Land off Gibbet Lane, East Beckham
			SS1	Spatial Strategy
			SS2	Development in the Countryside
				Environment
			SS4	Economy
			SS5	Norfolk Coast AONB and The Broads
			EN1	Protection and Enhancement of Landscape and Settlement Character
			EN4	Design
			EN6	Sustainable Construction and Energy Efficiency
			EN8	Protecting and Enhancing the Historic Environment
			EN9	Biodiversity and Geology
			EN10	Development and Flood Risk
			EN13	Pollution and Hazard Prevention and

			Minimisation
		CT5	The Transport Impact of New Development
4.4	The National Planning Policy Framework (2012)	: Chapter 3 Chapter 7 Chapter 10 Chapter 11 Chapter 12 Chapter 13	Building a strong, competitive economy Requiring good design Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment Facilitating the sustainable use of minerals
4.5	Planning Practice Guidance (2014)	:	Minerals

5. Consultations

5.1	North Norfolk District Council	:	No objection subject to the conditions recommended by the Environmental Protection Officer being imposed on any approval.
5.2	East and West Beckham Parish Council	:	Object - Concerns about additional traffic on the A148 and potential for long term disruption to residents.
5.3	Beeston Regis Parish Council	:	No comments
5.4	Matlaske and Barningham Parish Council.	:	Object - Concerns regarding impact of additional traffic on A148. Further concerns regarding amount of water that the proposal would use.
5.5	Upper Sheringham Parish Council	:	Strongly object to the proposed new vehicular access onto the A148.
5.6	North Norfolk Environmental Health Officer	:	No objections, conditions recommended to control hours of operation and noise.
5.7	Norfolk Historic Environment Service	:	No objection subject to a condition requiring a Written Scheme of Investigation to be submitted and approved prior to the commencement of development.
5.8	Environment Agency	:	No objections
5.9	Natural England	:	No objections. The proposal is not likely to have a significant effect on Norfolk Valley Fens SAC, Briton's Lane Gravel Pit SSSI or Beeston Regis Commons SSSI.
5.10	Highway Authority (NCC)	:	No objections – The Highway Authority provided extensive informal advice prior to the submission of

this application. Issues in relation to right turn movements on the A148 have been addressed via the proposed off-site highway improvements.

- | | | |
|------|-----------------------------------|---|
| 5.11 | Norfolk Coast Partnership | : No objections following receipt of revised Landscape and Visual Assessment. There would be no significant landscape impacts on the setting of the Area of Outstanding Natural Beauty. |
| 5.12 | Norfolk Wildlife Trust | : Fully support the proposals to restore the site to a biodiversity use. Would like to see a new block of woodland planting to replace the area being lost. The exact details should be set out in the restoration plan and agreed with the County Ecologist. |
| 5.13 | National Trust | : The applicants have sought to modify their proposals so as to minimise impact upon the Trust's property at Sheringham Country Park. There are concerns regarding the impact on the flow of traffic on the A148. |
| 5.14 | English Heritage | : No comment |
| 5.15 | Third parties | : 3 letters of objection received. Concerns regarding: <ul style="list-style-type: none"> - Noise from operations - Noise from traffic. - Increased dust levels - Highway impact of additional traffic using the A148, and concerns about lorries turning right into quarry from A148. - Water usage. - Robustness of ecological information submitted with application. One letter of comment: <ul style="list-style-type: none"> - The 100,000 tonnes per annum extraction rate is unrealistic and will impact on the 16 year planned extraction of the site. One letter of support: <ul style="list-style-type: none"> - Gresham Farms support the application because lorries will use the main A148 road and not conflict with farm vehicles on minor roads, also support the potential opportunity for price competition on the sales of sand and gravel and the additional jobs that would be created. |
| 5.16 | County Councillor (Michael Baker) | : No comments received. |

6. Assessment

6.1 **Proposal**

- 6.2 The application is for the extraction of 1.6 million tonnes of sand and gravel from 9.5 hectares of land near East Beckham. The proposal includes a processing plant, an aggregate bagging plant, the formation of a new access onto the A148, and progressive restoration to grassland and woodland.
- 6.3 Extraction would be carried out in four phases working from north to south. It is anticipated that the working of each phase would take 3.5 years, with the working of the plant site taking 2 years. The operator aims to extract 100,000 tonnes of mineral per annum over a 16 year period, with a further year to complete extraction.
- 6.4 The site would be screened by a combination of existing woodland and hedgerows, and new landscaped soil bunds. Soils would be removed prior to extraction and replaced upon restoration. Extraction would take place above the water table therefore no water pumping would be necessary. The extraction process would take place using an excavator which loads a dump truck, which transports the mineral to the processing plant where it would be washed and graded for sale.
- 6.5 The processing plant would be sited below ground level within a void following initial excavation and would generally not be visible from the surrounding area due to the woodland and screening proposed. The processing area would comprise two screening sections and a sand separator, an aggregate bagging shed, process water lagoons and product stock area. It would also contain a site office and a weighbridge.
- 6.6 A small section of woodland within Gibbet Plantation would be removed to create a new access for the site onto the A148. This area of woodland would be replanted upon restoration. Off-site highway improvement works would include a new ghost island priority junction to allow eastbound vehicles on the A148 to turn right into the site without blocking following traffic, helping to maintain the free-flow of traffic.
- 6.7 The proposed restoration would comprise a scheme designed to provide biodiversity gain by screening and covering the restored landform in a mosaic of native woodland, scrub, sown and natural colonised acid grasslands and exposed faces to offer a variety of habitats in keeping with the local environment. It is not proposed to import waste as part of the restoration of the site.
- 6.8 In accordance with the County Council's Scheme of Delegation, the application must be determined by the Planning (Regulatory) Committee because the proposal is subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and also because more than four objections have been received. 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 visual impact, cumulative effects and archaeology.

6.9 **Site**

- 6.10 The application site is located in the countryside within North Norfolk, approximately 10km east of Holt, 2km south of Sheringham, 8km west of Cromer and 1km to the north of the village of East Beckham. It comprises arable agricultural fields and woodland immediately to the south of the A148 road that runs between King's Lynn and Cromer.
- 6.11 The site is 14.5 hectares in size, with the area of sand and gravel extraction limited to 9.5 ha and the rest of the land to be used for access and landscaping. To the north is a belt of woodland and A148 road, to the east a raised reservoir and Gibbet Lane,

and to the south and west there is further agricultural land. The site is not within the Norfolk Coast Area of Outstanding Natural Beauty (AONB), however it is close to the boundary, with the AONB being to the north of the A148 and east of Gibbet Lane.

6.12 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 Norfolk Minerals and Waste Local Development Framework which includes the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010-2016 (the “Minerals and Waste Core Strategy”) and the Minerals Site Specific Allocations DPD, the North Norfolk 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.

6.15 The principle of development has been established through the formal allocation of the site for mineral extraction within the Minerals Site Specific Allocations DPD, which was adopted by the County Council on 28th October 2013. This means that the location of the proposal is acceptable, and complies with Core Strategy Policy CS2. Policy MIN 84 of the Site Specific Allocations DPD sets out a number of requirements in relation to the site, including for:

- a detailed assessment of potential landscape impacts on the AONB and Sheringham Country Park to be carried out
- suitable screening
- the site to be worked above the water table
- satisfactory highway works
- restoration to nature conservation
- open faces to be retained for geological study

6.16 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 Mineral Planning Authorities to make provision for the maintenance of at least a 7 year supply of Sand and Gravel. Policy CS1 of the Minerals and Waste Core Strategy also sets out the requirement for the sand and gravel landbank to be maintained at between a 7 and 10 year supply.

6.17 In April 2014 the landbank of sand and gravel for Norfolk, calculated in accordance with the National Planning Policy Guidance (2014) is 7.84 years. If approved, the proposal would increase the landbank to 8.78 years worth of supply.

6.18 Amenity (noise, dust, light pollution etc)

6.19 The nearest residential properties are Rowan House to the north-east and Mill

Cottage to the north west, each of which are approximately 200m from the proposed extraction area. Further along the A148 is to the west is Mill House, which is at least 250 metres away, and a small number of dwellings more than 400m away, including Mill Farm. A number of dwellings are situated to the south of the site in the village of East Beckham. These are more than 600m away from the site. In addition Pretty Corner Café and Tea Gardens is situated approximately 200m to the north east of the site, along Pretty Corner Lane.

- 6.20 Three letters of objection have been received from local residents, and three Parish Councils have objected, raising concerns regarding the potential for noise nuisance from the quarry and quarry vehicles, and the potential for dust pollution.
- 6.21 The application is supported by a technical report providing an assessment of the noise from the proposed development. This concludes that noise levels at all nearby sensitive receptors would be within the NPPF noise criterion of less than 10dB(A) above background noise levels, and also within the maximum noise limit of 55dB LAeq, 1h. At Mill House and Rowan House, the predicted noise level of the quarry is below that of noise from the A148 road, and it is anticipated that noise from the extraction site would often be indistinguishable from road traffic noise.
- 6.22 A Dust Impact Assessment Report also accompanied the application. This concludes that the impact of the development in terms of dust pollution would be minimal and well below background levels. The report sets out a detailed dust mitigation strategy and concludes that this, combined with the stand-off to the nearest receptors, intervening vegetation and the enclosed below ground nature of the workings would ensure that the impacts would be minimal and dust nuisance would not arise.
- 6.23 Plant and buildings requiring lighting during the hours of darkness would consist of the weighbridge office, the processing plant and the aggregate bagging shed. The Lighting report submitted concludes that the impact from the use of lighting would be minimal because lighting would not be visible from any nearby receptors, lights would be directed downwards and the duration of use would be limited.
- 6.24 The Environmental Protection Officer at North Norfolk District Council has examined the proposal and raises no objection on the grounds of noise, dust, lighting, or hours of operation. Overall, subject to conditions, it is considered there would be no material harm to the amenities of local residents and the proposal accords with policy DM12 of the Norfolk Minerals and Waste Core Strategy.
- 6.25 **Landscape**
- 6.26 The application site is formed of arable fields and carries no landscape designation itself; however the North Norfolk Coast AONB lies immediately to the north of the A148 and east of Gibbet Lane and therefore the application site has the potential to affect its setting. In addition the site is in proximity to Sheringham Park which is registered as a Historic Park and Garden, and there is also a conservation area to the north-east.
- 6.27 The site is already reasonably well screened from public view by a combination of existing mature hedgerows and Gibbet Plantation. Landscaped soil screen mounds would be constructed around the boundary of the site which would further reduce the

visual impact of operations, and most working/processing would be carried out at a lower level and would not be generally visible from public vantage points. A significant number of new trees and hedgerows would be planted as part of the restoration to a nature conservation after use.

- 6.28 The application is supported by a detailed Landscape and Visual Assessment which concludes that the impact on the AONB and Sheringham Park would be negligible. The report concludes that overall the development proposals would have a minimal impact upon the existing landscape and this would be for a short term and temporary duration. The report emphasises that the restoration proposals would increase habitat diversity and would enhance the landscaping.
- 6.29 The application has been examined by the Landscape Officer at North Norfolk District Council who raises no objection. In addition the North Norfolk Coast Partnership Manager raises no objection in relation to the impact on the setting of the AONB. It is considered there would be no harm to the nearby Conservation Area or Registered Park. The proposal is compliant with policies CS14 and DM8 of the Norfolk Minerals and Waste Core Strategy, which requires the protection of Norfolk's natural and built environments, together with policies EN1 and EN2 of the North Norfolk Core Strategy in relation to impact on the AONB and on the wider landscape.
- 6.30 **Biodiversity and geodiversity**
- 6.31 Policy DM1 of the Minerals and Waste Core Strategy requires the protection of locally designated nature conservation and geodiversity sites, habitats and species identified in biodiversity action plans. Policy EN9 of the North Norfolk Core Strategy also requires development to protect areas of high biodiversity value and to avoid adverse impacts.
- 6.32 There are no internationally designated sites of nature conservation within the site. The nearest site is Norfolk Valley Fens Special Area of Conservation (SAC) which is approximately 1.2km to the north-east. The nearest nationally designated site is Briton's Lane Gravel Pit Site of Special Scientific Interest (SSSI), approximately 1km to the north west. The Gibbet and Marlpit Plantations County Wildlife Site (CWS) forms part of the woodland immediately to the north of the proposed extraction area.
- 6.33 The Phase 1 Habitat Survey observed no clear signs of protected species using the site. The only likely habitat for Great Crested Newts was in the form of two ponds, one of which is 240m from the site, the other being 490m away. Further investigation concluded it was unlikely that newts would be present in the closest pond, and given the distance from the development site it is unlikely there would be harm caused by the development proposal.
- 6.34 The main ecological features that would be disturbed are the area of Gibbet Plantation that would be cleared to form the access, the areas of hedgerows to be removed, and the arable fields that would be disturbed by the extraction process. The Ecological Report recognises that some habitat loss and fragmentation would occur as part of the development. However it is stated that this would be outweighed in the long term by the benefits of the restoration proposals. No negative impacts on protected species are predicted.
- 6.35 The County Council's Ecologist has examined the application and is satisfied with the conclusions of the Ecology Report. The mitigation proposed is acceptable and follows current legislation and best practice guidance. The fact

that the restoration proposals would provide nesting habitat for a wider range of species, including ground nesting birds in the areas of acid grassland is welcomed.

- 6.36 A letter from a local resident raised concerns about the level of information and robustness of the survey work in relation to protected species, however the Council's Ecologist has confirmed that the surveys were carried out by an experienced ecologist, at an acceptable time of year, in line with good practice guidelines and to a level that was proportionate to the level of disturbance proposed at the site. The Ecologist is therefore satisfied that the data gathered and mitigation proposed is appropriate for this particular application and raises no objection. The proposal complies with relevant policies DM1 and EN9.
- 6.37 It is proposed that a geological rock face within the quarry would be retained as a sample exposure for geological study purposes and habitat, in accordance with the requirements of Policy MIN 84 of the Site Allocations DPD.
- 6.38 Appropriate Assessment
- The proposal would not affect the integrity of any internationally protected sites (Special Protection Areas, Special Areas of Conservation) 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.
- 6.39 **Transport**
- 6.40 Policy CS15 of the Minerals and Waste Core Strategy states that development proposals will be satisfactory in terms of access, providing unacceptable impacts are not caused to the safety of road users and pedestrians, the capacity of the highway network, air quality, and damage to the roadside. Policy DM10 requires applicants to demonstrate that there is suitable highway access and suitable routes to the nearest major road. Policy CT5 of the North Norfolk Core Strategy aims for sustainable transport measures, including safe access to the highway network, and that the volume of traffic generated can be accommodated by the highway network.
- 6.41 Concerns have been raised by objectors regarding the increase in vehicular traffic on the A148 and the potential for congestion caused by vehicles turning right into the site.
- 6.42 The application is supported by a Transport Statement which estimates that the operations would generate approximately 40 HGV and up to 20 passenger/light van two-way vehicle movements per day. This translates to approximately 5 two-way HGV movements per hour with staff arrivals and departures being concentrated around the morning and evening periods. The A148 is a Principal Route on the highway network which is designed to accommodate significant numbers of HGV traffic. The vehicle movements proposed would not adversely affect capacity on the road and direct access onto the A148 would avoid the need to use narrower lanes.
- 6.43 A new "ghost island" priority junction is proposed which would allow vehicles travelling eastbound along the A148 to turn right into the site access without blocking traffic following behind. The design was developed following extensive consultation with NCC Highway Officers. As a result the Highway Officer is satisfied with the proposed off-site highway improvements and raises no objection to the proposal. The

highway impacts would be acceptable and the proposal complies with development plan policies CS15, DM10 and CT5.

6.44 Sustainability

6.45 Minerals and Waste 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 per cent of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.

6.46 The applicant has submitted a Feasibility and Viability Assessment which investigates the potential for on-site renewable / low carbon energy. The report concludes that it would be technically possible to meet the policy requirement by a mix of solar pv, 13 micro wind turbines and wood fired heating in the office building. However the report states it would not be practicable to provide the turbines and wood fired heating is unlikely to be suitable for health and safety reasons. The report raises concerns about the capital investment costs and uncertain financial incentives, and concludes that the use of renewables may be commercially unviable for this site.

6.47 In consultation with the Council's Climate Change Team the findings of the report are accepted.

6.48 Groundwater/surface water & Flood risk

6.49 The application area is within a Ground Water Protection Zone 2. The quarry would be worked dry with excavation taking place above the water table. As a result no dewatering activities are associated with the development.

6.50 The site is entirely within Flood Zone 1, the zone of lowest flood risk. A Flood Risk Assessment has been carried out and this concludes that the proposal would not increase flood risk either during the operational phase or following the restoration of the site.

6.51 The application has been assessed by the Environment Agency in relation to groundwater, flooding and pollution control measures. No objections are raised however further details in relation to the specific pollution control measures that would be employed are sought by condition.

6.52 The proposal complies with relevant policies DM3 and DM4 of the Minerals and Waste Core Strategy which seek to ensure that development does not cause harm to groundwater sources or increase flood risk.

6.53 Protection of best and most versatile agricultural land

6.54 Where development is proposed on agricultural land, Policy DM16 of the Minerals and Waste Core Strategy states a preference for it to be on sites of lower agricultural value, such as grades 3b, 4 and 5. Policy DM16 states further that 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 where the benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.

6.55 The majority of the site is grade 3b. A relatively small proportion is designated as grade 3a, amounting to approximately 3 hectares. The land would be restored to a nature conservation after-use and therefore there would be a small loss of the best and most versatile land. The material benefit to biodiversity ensures that the proposal

does not conflict with policy DM10.

6.56 Progressive working, restoration and after-use

6.57 Policy DM14 of the Minerals and Waste Core Strategy requires a scheme of phased working and restoration to be provided and requires sites to be enhanced through restoration. Restoration must be achievable within the proposed timescales and schemes that promote improvements to green infrastructure are supported.

6.58 The proposals for phased working described in paragraphs 6.3 and 6.7 are acceptable and accord with policy DM14. A letter has been received from another minerals company in the local area querying the proposed rate of extraction of 100,000 tonnes per annum, stating that it is unrealistic and therefore the timescale for the quarry would be greater than proposed.

6.59 The rate of extraction is dependent on a number of factors, including market forces. Whilst it is possible that the anticipated rate would not be achieved, it is considered that the proposal would not be unacceptable if it were to take slightly longer than the 17 years anticipated, and therefore this should not be a reason to refuse the application. A planning application would need to be made to extend the timescale further and this would be considered on its merits.

6.60 Public Rights of Way

6.61 Although there are a number of public rights of way within the local area, there are none within the application site. No rights of way would be materially affected by the proposal.

6.62 Cumulative impacts

6.63 Policy DM15 of the Minerals and Waste Core Strategy requires consideration of the cumulative impacts that could arise from proposals in conjunction with other existing, permitted or allocated minerals extraction sites and/or waste management facilities. A Cumulative Impacts Statement was submitted as part of the application and this was later supplemented by further information in relation to any cumulative impacts resulting from the solar farm that was approved after this application was submitted.

6.64 The nearest quarry is Beeston Regis Quarry, approximately 1.4 km to the north east, for which land has been allocated within the Minerals Site Specific Allocations DPD for an extension to the mineral working. It is considered the cumulative impacts would be successfully mitigated through the planning process and through planning monitoring and controls. The next nearest quarry is close to Holt, some 8km away, and it is not considered cumulative impacts would arise.

6.65 There are no new waste sites proposed in the vicinity of the site, although there is an existing NCC recycling centre approximately 550 metres to the east of the site. This is a relatively small scale operation and it is considered unlikely that harmful cumulative impacts would occur.

6.66 During the consideration of this planning application, planning permission was granted on 23 September 2013 for the installation of a solar farm development on part of the site. The solar farm occupies two separate parcels of land south of the A148, one which overlaps with a small section of the southern area of the

proposed mineral working and extends further to the south, the other being on agricultural fields to the west. An analysis of possible cumulative impacts was undertaken on behalf of the applicant, and it was concluded that there would not be significant cumulative impacts. The portion of the solar array which overlaps with the proposed quarry would be removed after approximately 11.5 years to allow the working of Phase 4 (area D).

- 6.67 It is considered that the presence of the solar farm would not preclude the successful implementation of the quarry operations, nor would it lead to any undue cumulative effects. The main potential for cumulative effects would be in terms of visual impact; however the quarry would be well screened and ultimately restored to a landscape which would represent an enhancement of the site. Therefore the proposal complies with policy DM15.

6.68 **Archaeology**

- 6.69 In relation to archaeology, Policy DM9 of the Minerals and Waste Core Strategy seeks the submission of a desk based assessment, and where necessary a field evaluation to support applications. Development will only be permitted where it can be demonstrated that it would not adversely affect the significance of heritage assets (and their settings) of national/regional importance.

- 6.70 Additional information was requested by the County Council during the course of the application, and a Geophysical Field Survey was carried out in September and October 2013. The geophysical survey showed some as yet undefined heritage assets in the form of a number of ditch type features, together with what appear to be in-filled natural hollows. Such hollows are frequently a focus for prehistoric activity, and therefore a condition is recommended by the County Archaeologist requiring the submission of a scheme of investigation and post investigation assessment prior to works taking place. The level of information provided complies with the requirements of policy DM9 and the imposition of suitable conditions would ensure there is no material harm to archaeological features.

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 application is for the extraction of 1.6 million tonnes of sand and gravel from land near East Beckham in North Norfolk. The proposal includes a processing plant, an aggregate bagging plant, the formation of a new access onto the A148, and progressive restoration to grassland and woodland at a lower level. The site is allocated for minerals extraction within the Minerals Site Specific Allocations DPD which forms part of the Local Development Framework for Norfolk.
- 11.2 Objections have been received from East and West Beckham, Matlaske and Barningham and Upper Sheringham Parish Councils, and a small number of local residents, primarily regarding the impact of additional vehicular traffic on the A148

and the potential for amenity impacts on local people.

- 11.3 The Highway Authority is satisfied that the proposed vehicular access arrangements would ensure that the free-flow of traffic on the A148 would not be compromised, and the level of vehicle movements proposed would be acceptable. In addition no material harm would be caused to neighbouring occupiers or the rural character of the area due to the mitigation measures proposed.
- 11.4 No objections are raised by the Landscape Officer at North Norfolk District Council and the Norfolk Coast Partnership in relation to the visual impact of the proposal, including the impact on the nearby Area of Outstanding Natural Beauty. Natural England, the Council's Ecologist and Norfolk Wildlife Trust are satisfied that no material harm would be caused to biodiversity, and support the restoration of the land to a nature conservation after-use.
- 11.5 The site is 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 future construction in North 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

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 to which this permission relates shall cease and the site shall be restored in accordance with condition 20 by 31 December 2031.

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.

3. The development must be carried out in strict accordance with the application form, plans and documents detailed below:

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

4. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no buildings, plant or machinery, nor structures of the nature of plant or machinery (other than those permitted under this planning permission) shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or safety, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. Prior to commencement of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 03/005 revision B) in accordance with Norfolk County Councils standard industrial access specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Prior to commencement of the use hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 20 metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. Prior to the commencement of the operations hereby permitted a visibility splay shall be provided in full accordance with the details indicated on approved plan ref 03/005 Revision B. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To prevent extraneous material being deposited on the highway, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. Prior to the commencement of the use hereby permitted the approved wheel cleaning facilities referred to in condition 9 shall be provided to the written satisfaction of the

Local Planning Authority in consultation with the Highway Authority and thereafter maintained and used as appropriate.

Reason: To prevent extraneous material being deposited on the highway, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on drawing number 03/005 Revision B have been approved in writing by the Local Planning Authority and completed to the written satisfaction of the Highway Authority.

Reason: To ensure that the highway improvement works are designed and provided to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. No development shall take place until a scheme of pollution prevention measures has been submitted to and approved by the County Planning Authority in consultation with the Environment Agency. Development shall thereafter be carried out in accordance with the approved scheme.

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

13. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- 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

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.

14. 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 13 and the provision to be made for analysis, publication and dissemination of results and

archive deposition has been secured.

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

15. No operations shall take place until a scheme of landscaping has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented during the first planting season following the date of planning permission or such other period agreed in writing with the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance, and details of the construction and maintenance of the soil bunds. It shall make provision for:
- (a) the screening of the operations by trees, hedges and soil bunds;
 - (b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - (c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
 - (d) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.

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.

16. 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 a 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.

17. 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.

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

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

19. No stockpiles of materials shall be stacked or deposited on the site such that its height exceeds 4 metres above its base level.

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.

20. Within six months of the date of this permission a scheme of restoration in accordance with the principles shown on the drawing titled 'East Beckham Quarry Restoration Proposals', shall be submitted to the County Planning Authority for its approval in writing. The said scheme shall include details of:
- (a) dates for the starting and completion of each phase of restoration;
 - (b) a maximum area of disturbed land which at any time is unrestored;
 - (c) contours of the restored land shown by plans and sections;
 - (d) the provision to be made for drainage of the site;
 - (e) areas to be seeded or planted with trees, including provision for re-seeding and re-planting during the following planting season where such action is necessary as a result of any failure which occurs within a period of five years from the date of initial planting;
 - (f) details of tree species to be planted;
 - (g) bank profiles and batters.

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.

21. An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for wildlife habitat shall be submitted for the written approval of the County Planning Authority in writing not later than 6 months from the date of this permission. The aftercare scheme as may be so approved, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase.

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.

22. Noise emitted from operations excluding soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps shall not exceed the following maximum noise levels at the following properties:
- Mill Cottage, 55dB(A) LAeq, 1h (free field)
 - Rowan House, 55dB(A) LAeq, 1h (free field)
 - Abbey Farm, 42dB(A) LAeq, 1h (free field)

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

23. Noise from the approved development at any noise sensitive premises in relation to soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps shall not exceed 60dB(A) LAeq 1h (free field) as measured at any nearby noise sensitive receptor.

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

24. No reversing beepers or other means of audible warning of reversible vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise.

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

Recommendation

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

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

Background Papers

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

Norfolk Minerals Site Specific Allocations DPD (2013)

North Norfolk Core Strategy (2011)

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

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**Development by the County Council
Applications Referred to Committee for Determination
Great Yarmouth Borough Council:
Application Y/6/2013/6008: Caister-on-Sea:
Erection of modular building for office/welfare purposes:
Director of Environment, Transport and Development**

Report by the Interim Director of Environment, Transport and
Development

Summary

The application relates to the provision of a single storey modular administration building at a County Council Highways Depot at Pump Lane, Caister-on-Sea.

No objections have been received with regard to the proposal. A further 14 day consultation has been carried out, starting from 16 June. This is as a result of the Applicant providing additional information to clarify the number of new staff and additional car parking spaces associated with the development. At the time of drafting the report the consultation period had not closed, therefore Officers will update members verbally of any further comments.

The application site is located in open countryside but on an industrial site where the principle of the development has already been established. The application is considered to be in general accordance with local and national planning policy and is therefore recommended for approval.

The application is the Director of Environment, Transport and Development; 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 Director of Environment, Transport and Development be authorised to subject to no overriding objection from statutory consultees:

- (i) Grant planning permission subject to the conditions outlined in section 11 of this report.
- (ii) To discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- 1.1 Location : ▪ The application site is situated within the County Council Highways Depot on Pump Lane, Caister-on-Sea.

- 1.2 Type of development :
 - The provision of a single storey modular office building with a floor-space of 80m² (16m x 5m) and a maximum height of 3.3m;
 - Increase the number of employees on site from 20 to 30;
- 1.3 Vehicle numbers and parking :
 - An additional 10 parking spaces would be required. This will be provided within the existing informal parking area which is adequately sized to accommodate the increase without amendment.
- 1.4 Access : Access would be taken from from Pump Lane, which leads to the Caister bypass.
- 1.5 Hours of operation : 07:00 – 18:00 Monday to Friday
08:00 – 18:00 Saturdays
08:00 – 18:00 Sundays & Bank Holidays

2. Constraints

- 2.1 The site is not within the Broads Authority area and there are no Scheduled Ancient Monuments, Conservation Areas, Local Nature Reserves or County Wildlife Sites in the vicinity of the application site and none of the buildings on or adjacent to the application site are identified as listed buildings.
- 2.3 The site is identified in the Great Yarmouth Borough Wide Local Plan (2001) Saved Policies as a Landscape Important to the Setting of Settlements, Landscape Important to the Broadland Scene and a Landscape Enhancement Area. Great Yarmouth North Denes SSSI is situated 890m to the east of the site.
- 2.4 The proposed development is situated in open countryside within flood zone 3(a).

3. Planning History

- 3.1 On the 24 March 2012 planning permission was granted for the land transfer to provide new Recycling Centre (RC) and Highways Depot (HD). Recycling centre to include drainage system, replacement hardstanding, staff welfare unit, relocation of existing plant and waste containers, fencing and parking. Highway Depot to include relocation of existing plant, containers, stores, welfare unit, meeting room and workshop, and minor drainage works. Both schemes to include external lighting, parking and CCTV.
- 3.2 There is no further relevant County Planning application history to this application.

4. Planning Policy

- 4.1 The National Planning Policy Framework : Achieving Sustainable Development
7. Requiring good design
10. Meeting the challenge of climate change,

(NPPF)	flooding and coastal change 11. Conserving and enhancing the natural environment
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4.2	Local Plan, Great Yarmouth Borough Council (2001) Saved Policies	:	Policy BNV14: Urban and Rural Design Policy NNV2: Landscape Important to the Broadland Scene Policy NNV5: Landscape Important to the Setting of Settlements Policy NNV9: Landscape Enhancement Area Policy TCM13: Highway Safety
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4.3 The Great Yarmouth Borough Council Draft Core Strategy Local Plan is currently in course of adoption and will replace the saved policies contained within the Great Yarmouth Borough Wide Local Plan (2001). The Draft Core Strategy will establish the spatial vision and objectives of how the Borough will grow in the future setting out a series of strategic policies and site allocations.

Consultation on the Draft Core Strategy, for the period 2014 – 2029 ended in November 2013 and was subsequently submitted to the Secretary of State for examination in April 2014. The policies of the Core Strategy are therefore a significant material consideration in this application.

Great Yarmouth Borough Council Draft Core Strategy Local Plan (September 2013)	CS11 CS16	Enhancing the Natural Environment Improving Accessibility & Transport
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5. Consultations

5.1	Great Yarmouth Borough Council: Planning Services, Development Control.	:	No objection to original application. No response received on the additional information provided by the Applicant at the time of writing this report.
5.2	Broads Authority.	:	No objection.
5.3	West Caister Parish Council	:	No response received at the time of writing this report.
5.4	Caister –on-Sea Parish Council	:	No objection to original application. No response received on the additional information provided by the Applicant at the time of writing this report.
5.5	Highway Authority	:	No objection.
5.6	Environment Agency – Planning and	:	No comment.

Groundwater & Contaminated Land

- 5.7 Local Flood Authority (NCC) : No response received at the time of writing this report.
- 5.8 County Councillor: Mr P Hacon : No response received at the time of writing this report.
- 5.9 Local Residents : No response received at the time of writing this report.

6. **Assessment**

6.1 **Proposal**

- 6.2 The application site is a County Council Highways Depot situated on Pump Lane, West Caister. The depot has several materials stores and most notably a salt dome storage building.
- 6.3 Planning permission is sought for a new modular office building which will provide a total of 80m² office and welfare floor space on the site.
- 6.4 The proposed development also includes 10 additional parking spaces for 10 new members of staff which will be accommodated in the existing car parking area.
- 6.5 The hours of operation being proposed are 07:00 to 18:00 Monday to Friday, Saturday 08:00 to 18:00, Sunday & Bank Holidays 08:00 to 18:00.

6.6 **Site**

- 6.7 The application site is located in the existing highways depot site at Pump Lane, Caister, which is accessed off the Caister bypass. Views to the site are limited, and are mainly available to the public from the household waste recycling site to the east.
- 6.8 The highways depot site occupies a position on the south west side of the Caister bypass which is detached from any residential properties.

6.9 **Principle of Development**

- 6.10 The site is an established County Council depot site within the countryside which has existing development within it. The Applicant has indicated that there is need for the building which will provide the depot staff with additional and improved office and meeting accommodation.
- 6.11 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”.

- 6.12 In terms of the development plan, the County Planning Authority considers the relevant documents, in relation to this application are the Great Yarmouth

Borough Council Local Plan (2001) (GYBCLP) Saved Policies and Great Yarmouth Borough Council Draft Core Strategy. 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.

- 6.13 Development in this location should be in accordance with saved Policy NNV 5 of the GYBCLP which only permits development if there is an essential need or if the development would not impinge on the physical separation between the settlements of Great Yarmouth and Caister or give rise to any other significant impact.
- 6.14 The development would not extend the boundaries of the existing highways depot and therefore would not impinge on the physical separation between the settlements of Great Yarmouth and Caister and as such accords with policy CS11 of the emerging Core Strategy Local Plan. The screening of the site would prevent any other significant impacts. The Borough Council's Planning Services department has supported this view by not raising an objection.
- 6.15 It is considered that the principle of development is established in this location and that the proposed development would accord with Policy NNV 5 and CS11.
- 6.16 **Visual Amenity**
- 6.17 The application has to be considered in respect of the scale, height and massing of the proposed modular building and the potential for impact which this would have on residential and visual amenity. The scale should be sympathetic and well related of surrounding development.
- 6.18 The proposed modular building would measure approximately 16m x 5m x 3.3m (h) to the ridge and is of standard design. The walls colour would be Goosewing Grey, the roof a grey mineral felt, with grey doors, white PVC-u windows and grey rainwater goods. The proposal is single storey in height and the general design and materials are considered to be acceptable.
- 6.19 Saved Policy NNV2 of the GYBCLP only permits development that would not have a significant adverse impact on the landscape character or destroy or damage features of landscape importance which contribute to the area.
- 6.20 Saved Policy BNV14 of the GYBCLP states that the Council will seek improvements to the appearance of the main vehicular and pedestrian gateways to the town. The policy applies in the area of the site. The proposed modular building would not be visible from the main vehicular and pedestrian routes in to the town.
- 6.21 The proposed development is situated within the boundary of an existing highway depot site and in a broader context is located within an existing industrial area. It is unlikely that the building would be clearly visible beyond the depot site, given its position within the site, and boundary tree planting and fencing. It is unlikely that there would be any potential for significant visual impact upon the wider

locality. The Borough Council's Planning Services department has supported this view by not raising an objection.

- 6.22 It is therefore considered that the proposal is compliant with policies NNV2 & BNV14 of the Great Yarmouth Borough Council Local Plan (2001) and chapter 7 of the NPPF: Requiring good design.

6.23 Landscape Enhancements

- 6.24 Saved Policy NNV9 of the GYBCLP states that the Borough Council will promote, seek and secure improvements to the landscape through restoration and enhancement measures including the creation of wildlife habitats.

- 6.25 The proposed development is situated within the limits of a permanent facility. There is little opportunity or need for the development to provide any landscape enhancements. The Borough Council's Planning Services department has not raised an objection. Officers support the Borough Council's pragmatic approach in this instance.

- 6.26 It is therefore considered that the proposal is compliant with Saved Policy NNV9 of the GYBCLP and chapter 11 of the NPPF: Conserving and enhancing the natural environment.

6.27 Highway Safety

- 6.28 Saved Policy TCM13 of the GYBCLP will not permit development where it would endanger highway safety or the satisfactory functioning of the local highway network. Core Strategy Local Plan policy CS16 seeks to minimise the impact of new development.

- 6.29 The original submission indicated that no additional parking would be required as a result of the development. The applicant has since provided additional information which confirmed contrary to the original application that the proposed development would require an additional 10 members of staff and 10 additional vehicles to enter the site on a daily basis. This change has been considered significant enough to require further consultation.

- 6.30 The consultation period had not closed at the time of writing this report. However the County Council's Engineer for Highways Development Management has provided a response. He raised no objection to the original application or the revised details. It is therefore considered that the proposal is compliant with Saved Policy TCM13 of the GYBCLP and CS16 of the Core Strategy Local Plan.

6.31 Residential Amenity

- 6.32 The nearest residential properties are located approximately 730m north east of the application site. It is considered that given the nature of the proposed development and the separation distances to residential properties, the proposed development would not have an unacceptable impact on the amenity of nearby residential occupiers.

6.33 **Sustainability**

- 6.34 There are no saved policies in the Great Yarmouth Local Plan relating to sustainability. In the absence of an up to date local plan, the relevant policy of the NPPF applies. Para 14 states for decision-making this means:

*Approving development proposals that accord with the development plan...;
and*

Where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:

- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole..."

- 6.35 The NPPF supports the presumption in favour of sustainable development. Para 95 of section 10 of the NPPF states that Local Planning Authorities (LPA) should:

- *plan for new development in locations and ways which reduce greenhouse gas emissions;*
- *Actively support energy efficiency improvements to existing buildings; and*
- *When setting any local requirements for a building's sustainability, do so in a way consistent with the Government's zero carbon building policy and adopt nationally described standards".*

The intention of the policy is for all development to achieve the overarching objective of zero carbon developments.

- 6.36 There is no evidence from the application submission that the proposal is zero carbon development or that energy efficient measures are incorporated into the proposal. However due to the scale and nature of the proposal it is clear that the development if approved would not cause significant harm to the environment and as such the proposal is considered to conform with para 14 of the NPPF.

6.37 **Flood Risk**

- 6.38 Section 10 of the NPPF: Meeting the challenge of climate change, flooding and coastal change, encourages new development to seek opportunities to reduce the causes and impact of flooding.

- 6.39 According to the Environment Agency's (EA) flood zone maps, the application site itself is situated in Flood Zone 1 but is completely surrounded by Flood Zone 3 indicating a high probability of flooding (a 1 in 200 chance of tidal flooding in a given year). The principal flood risk is from tidal flooding, but the site is protected by flood defences. The Environment Agency has considered the scenario of the protection being breached and predicts that the flood level will reach up to 3.1m above existing ground level in flood zone 3. The building would be positioned on higher ground in flood zone 1 and would not be flooded as a result. Emergency evacuation plans are in place for the existing depot use and these would be implemented for the staff of the proposed modular building.

- 6.40 The EA did not raise an objection to the original application. Officers will update

members verbally of any further comments received as a result of the second consultation during the meeting.

- 6.41 It is therefore considered subject to no overriding objection from statutory consultees that flood risk has been taken into account at all stages in the planning process and that the development would be appropriate in this location. The development therefore complies satisfactorily with the guidance contained in Section 10 of the NPPF: Meeting the challenge of climate change, flooding and coastal change and the Planning Practice Guidance.

6.42 **Response to the representation received**

- 6.43 The application was advertised by means of neighbour notification letters, site notices and an advertisement in the local newspaper. Following the submission of further information additional consultation was carried out. There were no letters of objection received in response to both consultations.

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

8.2 **Appropriate Assessment**

- 8.3 In accordance with Article 61 of The Conservation of Habitats and Species Regulations 2010, an Appropriate Assessment is not considered necessary because the proposal is considered very unlikely to have a significant effect on a European designated site or species.

8.4 **Human Rights**

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

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

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

8.8 **Equality Impact Assessment (EqIA)**

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

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

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

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

9. **Risk Implications/Assessment**

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

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

- 10.1 The proposal the subject of this application would provide a total of 80m² office and welfare floor space on the site where the principle of development has already been established.

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

11. **Conditions**

- 11.1 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 All materials used in construction of the building hereby approved shall be constructed entirely of the materials as specified in the application form and in accordance with all plans hereby approved.

Reason: To ensure the satisfactory appearance of the development in accordance with Section 7 of the National Planning Policy Framework (2012) and Policy BNV 14 of the Great Yarmouth Borough Council, Local Plan (2001).

- 4 No use of the site shall take place outside the hours of:
a) 07:00 hours to 18:00 hours on Monday to Friday
b) 08:00 hours to 18:00 hours on Saturdays
c) 08:00 hours to 18:00 hours on Sundays and public holidays

Reason: In the interests of amenity of occupiers of neighbouring properties.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (prepared by Rossi Long Consulting, reference 131449, dated February 2014).

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure the future maintenance of the surface water management system in accordance with Section 10 of the National Planning Policy Framework (2012).

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 11.
- (ii) Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

Background Papers

The National Planning Policy Framework (NPPF) (2012)

Great Yarmouth Borough Council, Local Plan (2001) Saved Policies

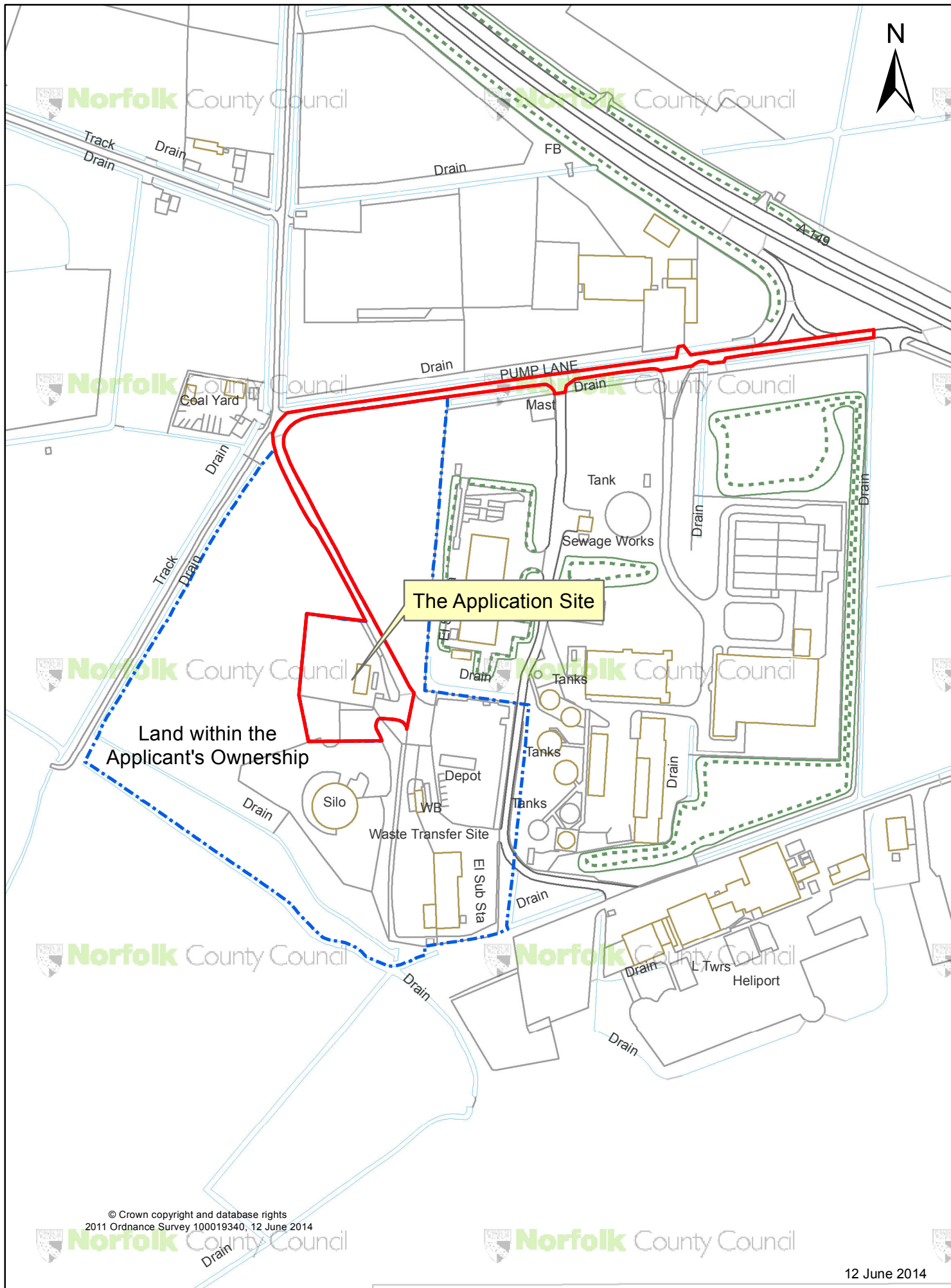
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Y/6/2013/6008

West Caister

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