

Planning (Regulatory) Committee

Date: **Friday, 21 October 2016**

Time: **10:00**

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

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

Membership

Mr M Sands (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr C Foulger (Vice-Chairman)

Mr A Grey

Mr D Harrison

Mr T Jermy

Mr J Law

Mr B Long

Ms E Morgan

Mr W Northam

Mr E Seward

Mr M Storey

Mr J Ward

Mr A White

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

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

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

**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

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

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

A g e n d a

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

2. To confirm the minutes from the Planning (Regulatory) Committee meeting held on 2 September 2016.

Page 6

3. **Declarations of Interest**

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

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

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

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

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

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

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

5. **C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville**
Report by the Executive Director of Community and Environmental Services.

Page 11

6. **C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn**
Report by the Executive Director of Community and Environmental Services

Page 47

7. **C/1/2016/1012: Hempton Recycling Centre, Helhoughton Road, Fakenham**
Report by the Executive Director of Community and Environmental Services

Page 87

8. **Y/3/2016/3004: Land fronting the northwest side of London Road Attleborough between car sales service centre and new housing at Goldfinch Drive**
Report by the Executive Director of Community and Environmental Services

Page 110

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

Date Agenda Published: 13 October 2016



If you need this document in large print, audio, Braille, alternative format or in a different language please contact Customer Services on 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

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 2 September 2016
at 10am in the Edwards Room, County Hall**

Present:

Mr M Sands (Chair)

Mr S Askew
Mr M Baker
Mr B Bremner
Mr A Dearnley
Mr C Foulger (Vice-Chair)
Mr A Grey
Mr D Harrison

Mr J Law
Mr W Northam
Mr W Richmond
Mr E Seward
Mr M Storey
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr S Agnew, Mr T Jermy, Ms E Morgan (Mr A Dearnley substituted); Mr B Long (Mr W Richmond substituted) and Mr J Ward.

2 Minutes from the meeting held on 15 July 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 15 July 2016 were agreed as a correct record by the Committee and signed by the Chair.

3 Declarations of Interest

Mr A Dearnley declared a financial interest in item 6 (Ashleigh County Infants School, Wymondham – Y/7/2016/7007) as he owned a property near the application site.

4 Urgent Business

There was no urgent business.

5 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:

Mr M Sands
Mr C Foulger
Mr A Grey
Mr D Harrison
Mr A White

Applications referred to the Committee for Determination:

6 Y/7/2016/7007: Ashleigh County Infant School, Wymondham. Applications Referred to Committee for Determination: South Norfolk District Council: Y/7/2016/7007: Expansion of the existing infant school to full primary provision by the addition of a new hall, classrooms, additional staff car parking, external lighting, and hard play area. Addition of adjacent field and change of use from public amenity to educational and fencing: Executive Director of Children's Services

- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission for the expansion to the school, additional car parking, hard play area and the change of use of part of the adjoining amenity land to educational use.
- 6.2 During the presentation of the report, the Committee noted that the applicant had confirmed a community use agreement would be signed which would enable part of the school site to be made available for the community to use when it was not needed by the school. The area to be used by the community would be fenced off to ensure school security was maintained.
- 6.3 In response to questions from the Committee, the following points were noted:
 - 6.3.1 Following concerns from some Members about the reduction in space available for children to exercise, it was clarified that the land was currently being used as an informal amenity area, which was not currently available for use by children. It was used predominantly by dog walkers and that once the extension had been completed and the amenity site had been incorporated into the school, it would be marked out for pitch provision and there would be plenty of space available for children to exercise.
 - 6.3.2 Members were concerned that parents dropping off children at school could lead to additional traffic congestion in the roads surrounding the school. The Engineer - Highways Development Management clarified that the Highways Authority had not proposed any additional traffic restrictions on Lime Tree Avenue.
 - 6.3.3 Car parking provision had been based on the information submitted by the applicant

and it was confirmed that the proposal conformed to Norfolk County Council's adopted parking standards.

- 6.3.4 If the Committee approved the application, one of the conditions stipulated in the report was that a review of the school travel plan should be undertaken within six months of the occupation of the school, with annual reviews thereafter. This would ensure that the travel plan was kept up to date and remained relevant.
- 6.3.5 The exact details/location for the provision of a pedestrian crossing on Lime Tree Avenue had not yet been determined. The Committee was reassured that all highway improvement works including any restrictions on traffic, pedestrian crossings or zig-zag markings would be funded by the school making the application and not the highways authority.
- 6.3.6 Members of the Committee requested a training session on travel plans to help them understand how they were informed and maintained.
- 6.3.7 To prevent incidents of pedestrians running into the road when exiting the school, the gates for the access and egress on Lime Tree Avenue would be set back into the site and a guard rail installed on the boundary edge.
- 6.3.8 The proposed car parking area at the school would be used as a site compound whilst the building works were taking place.
- 6.4 Mr S Nixon, Headteacher at Ashleigh County Infant School, Wymondham addressed the Committee in support of the application, particularly with reference to safeguarding and safety of the children, maintaining educational standards, need for local school places and avoiding disruption to the community.
- 6.5 Ms Isabel Horner, Capital Programme Manager, Children's Services, Norfolk County Council spoke on behalf of the applicant and reiterated that the development was needed as part of the overall strategy to support the housing growth in Wymondham and ensure there were sufficient primary school places available for children to attend their local school.
- 6.6 Upon being put to the vote (Mr A Dearnley did not vote on this item), with 13 votes in favour, 0 votes against and 0 abstentions, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
 - i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-

Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

7 C/7/2016/7008: Morningthorpe Closed Landfill Site, Chestnut Loke, Morningthorpe. Installation and operation of a small scale electricity generation plant: Executive Director of Community and Environmental Services, Norfolk County Council.

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission for installation and operation of a small scale electricity generation plant fuelled by landfill gas.
- 7.2 The following points were noted during the discussion:
 - 7.2.1 Members expressed concern that there was no information in the report to determine whether the proposal would be economically viable. In response, the Planning Services Manager advised that financial viability was not a material consideration when determining this application, and that officers from the Community and Environmental Services department would be able to answer any questions from Members about the financial viability of the proposal.
 - 7.2.2 The Team Lead (Planning & Environment) nplaw advised that the remit of the Committee was to consider material planning considerations, not questions of financial viability. It was suggested Members contact the relevant department requesting details of the business case.
 - 7.2.3 Planning officers explained that technology had improved sufficiently to make it viable to use small quantities of landfill gas as an energy source, which was the reason the application had been made for planning permission at this time.
 - 7.2.4 The applicant had requested planning permission for a period of 20 years, as it was believed there would be sufficient gas to cover that period. Gas levels would be regularly monitored to determine whether sufficient levels were being produced to operate the engines.
 - 7.2.5 The Committee noted that the Environmental Health Officer had raised concerns about the possibility that a spark-ignition engine might exceed noise levels required, although he had confirmed he was confident that noise levels from both spark-ignition engines and Stirling engine technologies could be satisfactorily mitigated.
 - 7.2.6 The Team Lead (Planning & Environment), nplaw advised that if the Committee decided they would grant planning permission, they could include an additional recommendation to the Directorate that a financial viability test be carried out, if not already done so, and recommend that if the project was not financially viable, it would be sensible not to implement planning permission.
- 7.3 Mr M Baker proposed the following additional recommendation, which was seconded by Mr A Grey:

- 7.3.1 Should planning permission be granted, an additional recommendation should be included, asking the Directorate to carry out a financial viability test (if one had not already been completed) and recommend that if the proposal was not financially viable, the planning permission should not be implemented.
- 7.3.2 The Committee **agreed** the proposal set out in paragraph 7.3.1 above.
- 7.4 Upon being put to the vote , the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.
 - iv) Ask the Directorate to carry out a financial viability test (if one had not already been completed) and recommend that if the proposal was not financially viable, the planning permission should not be implemented.

The meeting ended at 11.05 am

CHAIRMAN



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.

Planning (Regulatory) Committee

Item No.

Report title:	C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville
Date of meeting:	21 October 2016
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels (Serruys Property Company Ltd)	

Executive summary

The planning application seeks planning permission to use a site that is both industrial land and moreover a site (policy WAS 78) that is allocated for waste development within the Council's adopted Waste Site Specific Allocations Development Plan Document. Therefore, in land use terms the proposal accords with the development plan.

Whilst 50 representations have been received raising concern about the proposal (41 explicitly oppose or object to the development), it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity (including both local residents/businesses and users of the Marriott's Way), the landscape, the highway network, ecology, groundwater and surface water (including the River Wensum SAC), and flood risk.

However the application is finely balanced given that it has been recommended for refusal by Historic England. Although Historic England does not object to the principle of the development per se, it is concerned by the lack of suitable mitigation for the adjacent Scheduled Monument.

Whilst Historic England's recommendation for refusal is a material consideration weighing against the grant of planning permission, alone it is not considered powerful enough as a sole reason to recommend refusal of the application particularly given the application site is previously developed land, and that the proposed site would not encroach any further on the Scheduled Monument. Weight is also given the applicant's commitment to contribute £7500 to the maintenance of the Marriott's Way which is adjacent to the site, in order to mitigate against its heavier usage, should planning permission be granted.

Furthermore, the proposal would deal with waste in a sustainable manner, driving waste management up the waste hierarchy in accordance with both the National Planning Policy for Waste (2014), and the Waste Management Plan for England (2013).

Recommendation: The Executive Director of Community and Environmental Services be authorised to :

- I. Grant planning permission subject to the conditions outlined in section 13 and a Unilateral Undertaking relating to the £7500 contribution for**

- maintenance of the Marriott's Way.**
- II. Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Waste processing and production of Refuse Derived Fuel (RDF).
- 1.2 Site area : 2.1 hectares (including access)
- 1.3 Annual tonnage : Up to 150,000 tonnes per annum
- 1.4 Duration : Permanent
- 1.5 Hours of working / operation : 24 hours a day, seven days a week. Hours of deliveries would be restricted to 07.00 – 18.00 Monday to Saturday (by condition).
- 1.6 Average daily in/out vehicle movements : Worst case scenario if incoming and outgoing trips are separate vehicles (the aim is backfill vehicles when waste is deposited at the site):
Articulated bulk carrier (25t payload): 45-72
Tipper and large skip (15t payload): 30 – 53
Smaller skips (1t payload): 8 – 40
Total: 83-165
- 1.7 Access : Direct (single) access to A1067 Norwich Road.
- 1.8 Plant : Trommels, picking lines, shredders, balers and bale wrappers for the production of Refuse Derived Fuel (RDF) and processing of municipal waste
- 1.9 Planning permission is sought for the change of use of part of the existing SPC Atlas works site to enable a waste processing and refuse derived fuel (RDF) production operation to take place within an existing warehouse building on the site. The proposal would also include the siting of an office and 2 no. weighbridges to the south east of the main building as well as the installation of photovoltaic panels on the roof of the building in order to provide a proportion of the site's power requirements. The plant once operational would deal with a maximum of 150,000 tonnes of commercial, industrial and household waste per annum.
- 1.10 The application proposes that up to 100,000 tonnes of the proposed throughput would be commercial and industrial wastes which have been pre-treated to remove the majority of recyclables: the main treatment process here would be to produce the RDF with the removal of any remaining metals and aggregates for recycling, and biodegradable waste for treatment elsewhere (off site). Capacity for up to

50,000 tonnes of household 'black bag waste' would also be available at the site either for bulking ahead of treatment elsewhere, or for on-site treatment where materials that require removal prior to the production of RDF are extracted from the waste. Wastes accepted on site would be non-hazardous with the exception of up to 5,000 tonnes of Waste Electrical and Electronic Equipment ('WEEE') such as fridges, televisions etc. that the applicant proposes to deal with. All treatment of waste including splitting of black bags, and would take place within the existing building.

- 1.11 With regards to the RDF production, within the building, plant would be installed and used including a waster shredder, conveyors, electromagnets and picking lines to process the waste and remove ferrous metals, glass and other non-combustible wastes before it is ready to be baled and wrapped in plastic. In terms of the household waste, similar (separate) plant would be installed for this including a bag splitter, trommel (to size segregate materials) and a picking line in order to ensure it can be transported off site and utilised in anaerobic digestion plants. Small volumes of skip waste including furniture, WEEE items etc would be sorted by hand.
- 1.12 The existing building that the operation would take place in consists of four linked warehouses which give a total floor area of some 5700 metres² located in the north-western area of the site. The applicant considers this adequate to accommodate all required plant and machinery, and no significant works are required beyond repair and maintenance of the existing cladding to improve its cosmetic appearance. Flood lighting would be attached to the outside of the building. In addition, weighbridges and an office would be located on site to the east of the building to monitor payloads of HGVs entering and leaving the site. The boundary of the site would be secured with existing chain link fencing together with additional chain link or palisade fencing.
- 1.13 The applicant proposes to operate 24 hours a day seven days a week and advises the site will create up to 50 full time positions (it would initially be 35).
- 1.14 Whilst the planning application was originally submitted in September 2015, that submission was found to be invalid during the consultation process on the basis the applicant had included County Council owned land (the Marriott's Way) without serving the required landownership notices (i.e. on the County Council). Accordingly, the red line of the application site was reduced and the application resubmitted. The resubmitted application included additional and revised information to address a number of issues raised by both consultees and the CPA including those relating to impacts on highways, noise, the landscape, heritage, and on the Marriott's Way. At the same time the applicant reduced the proposed annual throughput from 200,000 tonnes initially applied for to 150,000 tonnes on the advice of the CPA, in line with the allocation in the NMWDF Waste Site Allocations Document.
- 1.15 The reduction of the application site southwards also resulted in the removal of a northern access directly onto Marriott's Way. The original application had proposed a turnstile / gate arrangement directly onto the trail, however as the application site no longer directly abuts the trail, the access would be via a

standard pedestrian gate set several metres further back (into the SPC Atlas Works site). Therefore any new turnstile / security arrangement would need to be the subject of a separate planning application considered on its own merits.

2. Site

- 2.1 The application site comprises a strip of vacant industrial land adjacent to the north of the A1067 Norwich Road and measuring some 2.1 hectares in size and occupying land in both the parishes of Morton on the Hill and Weston Longville. The applicant advises that the main building on the site was previously used for the manufacture and storage of polythene products
- 2.2 The Marriott's Way footpath, bridleway and cycle route lies directly adjacent to the north of the site, and beyond this, the River Wensum (a Special Area of Conservation SAC) some 200 metres to the north at its closest point, and the Tumulus in the Warren, a Bronze Age Barrow classified as a scheduled ancient monument, 35 metres to the north of the site. Directly adjacent to the west/northwest of the site lies the access drive to the nearest residential property 'The Warren': the dwelling house itself of which is some 180 metres away from the boundary of the application site. Further west is the Shepherds Business Park which itself is 10 metres away from the application site with the nearest unit 12 metres away from the application site. To the east/south east of the site is the remainder of the Atlas works used largely for heavy industry/manufacturing.
- 2.3 The site is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document which was adopted in 2013 (site WAS78).

3. Constraints

- 3.1 The following constraints apply to the application site:
- Site is 200 metres from River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).
 - Site is approximately 1 kilometre from Alderford Common Site of Special Scientific Interest (SSSI)
 - Site is located within Norwich Airport consultation zone.
 - Site is some 35 metres from Tumulus in the Warren scheduled ancient monument, a Bronze Age Barrow.

4. Planning History

- 4.1 Planning permission was granted by Broadland District Council in February 1994 for '1) Sub-division of site for industrial, warehouse and office uses; 2) Hardstanding and car parking areas; 3) General purpose bulk mixing plant; 4) Metal Recycling / Waste Yard' for the wider SPC Atlas Works site within which the current application site is located.
- 4.2 In recent years the County Council has granted a number of permissions for development on land to the east of the application site but within the wider SPC Atlas Works complex which has had planning permission for a 'Metal Recycling

Plant' since 1996. The most recent of these applications was approved in 2011 under reference C/5/2011/5012 for 'Retrospective planning permission for a covered storage building for the storage of recycled materials'. At that time, the site was operated by Sita UK Ltd Metal Recycling however it is now understood that site is owned and operated by EMR Group.

- 4.3 The site is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document which was adopted in 2013 (site WAS78).

5. Planning Policy

- | | | | | |
|-----|--|---|--------|--|
| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | CS3 | Waste management capacity to be provided |
| | | | CS4 | New waste management capacity to be provided |
| | | | CS5 | General location of waste management facilities |
| | | | CS6 | General waste management considerations |
| | | | CS8 | Residual waste treatment facilities |
| | | | CS13 | Climate change and renewable energy generation |
| | | | CS14 | Environmental Protection |
| | | | CS15 | Transport |
| | | | DM2 | Core River Valleys |
| | | | DM3 | Groundwater and surface water |
| | | | DM4 | Flood risk |
| | | | DM7 | Safeguarded aerodromes |
| | | | DM8 | Design, local landscape and townscape character |
| | | | DM10 | Transport |
| | | | DM12 | Amenity |
| | | | DM13 | Air Quality |
| 5.2 | Norfolk Minerals and Waste Local Development Framework: Waste Site Specific Allocations DPD (2013) | : | WAS 78 | Land at SPC Atlas Works, Lenwade |
| 5.3 | Broadland Development Management DPD (2015) | : | GC1 | Presumption in favour of sustainable development |
| | | | GC4 | Design |
| | | | GC5 | Renewable Energy |
| | | | EN1 | Biodiversity and Habitats |
| | | | EN2 | Landscape |
| | | | EN3 | Green Infrastructure |
| | | | EN4 | Pollution |
| | | | E1 | Existing strategic employment site |

- | | | | | |
|-------------------------|---|---|--|--|
| 5.4 | Broadland Development Management DPD
Landscape Character Assessment (Updated 2013) | : | A1 | Wensum River Valley |
| 5.5 | Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) | : | Policy 1
Policy 2
Policy 3
Policy 5 | Addressing climate change and protecting environmental assets
Promoting good design
Energy and Water
The economy |
| 5.6 | Adopted Neighbourhood Plan | : | | The site falls within the parishes of both Weston Longville and Morton on the Hill. Neither of these parishes have an adopted Neighbourhood Plan or a Neighbourhood Plan in progress. Furthermore, a Neighbourhood Plan would not explicitly deal with waste management development. |
| 5.7 | The National Planning Policy Framework (2012) | : | 1
10
11
12 | Building a strong, competitive economy
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment |
| 5.8 | National Planning Policy for Waste (2014) | | | |
| 5.9 | Waste Management Plan for England (2013) | | | |
| 6. Consultations | | | | |
| 6.1 | Broadland District Council | : | No objection. Suggest conditions relating to noise levels, operation of the shredding plant and hours regulating deliveries to the site.
<i>[Conditions relating to noise levels would be a matter for the Environmental Permit regulated by the Environment Agency].</i> | |
| 6.2 | Morton-on-the-Hill Parish Council | : | Raise concerns that figures quoted within the application do not align. | |
| 6.3 | Weston Longville Parish Council | : | Object to the application – feel that the changes made in the application do not address their concerns. Whilst pleased to see otherwise derelict buildings brought back into use and generate employment, the plans give cause for concern | |

principally for two reasons:

Traffic: if vehicles use newly created B1535 HGV route this would increase movements by more than a third on a road not considered suitable due to the number of bends and poor visibility.

Consideration to changes in the wider area should be given consideration in the application.

Odour: concern relates to issues arising from processing household waste – the planning application continues to skimp on details combating this.

- | | | |
|-----|--|--|
| 6.4 | Swannington with Alderford and Little Witchingham Parish Council | <p>: Application should be refused – object to the application on the basis of noise, pollution, transport impacts and planning creep (the potential for the operators to apply to build an energy producing plant on site [to treat the RDF produced]. The processes described are inappropriate to be located adjacent to private houses, important water sources, SSSI sites and food processing plants such as Bernard Matthews.</p> <p>Planning statement incorrectly states that only one local council objected.</p> |
| 6.5 | Hockering Parish Council | <p>: Wish to object in the strongest possible terms. It is unsuitable for a residential area bearing in mind noise and smell which the application does not seem to address fully. Also concerned about the inevitable increase in HGV traffic along Heath Road and Stone Road.</p> |
| 6.6 | Great Witchingham Parish Council | <p>: Object to the application ‘in the strongest possible terms’ on the grounds of:</p> <ul style="list-style-type: none">- The existing buildings / walls (possible asbestos) are in a very poor state and not fit for purpose or sound proof;- The application states there would be no trace effluent;- Inadequate drainage and surface water management provision proposed for the development posing a risk to groundwater in an environmentally sensitive area (the River Wensum SAC and Alderford Common SSSI are located near to the site);- Impact on highway network – the road system linking the A1067 to the A47 is wholly inadequate- The dust assessment incorrectly referring to the nearest residential property being 300 metres away and therefore cannot be relied |

- upon;
- Unacceptable levels of noise on nearest receptors including users of Marriott's Way;
- Noise report is erroneous and cannot be relied upon;
- Proximity of site to and propensity to adversely impact on Scheduled Monument and nationally important archaeological sites – this would be exacerbated if other underused parts of the Atlas Works site are developed in future;
- Concerns of a site dealing with a throughput of 455,000 tonnes of waste per annum – this would be one third of Norfolk's 1,400,000 total per annum;
- Those supporting application are Atlas Works tenants;
- No mitigation measures proposed – measures will be required for amenity, landscape, highways and ecology impacts;
- Proximity of site to River Wensum SAC and SSSI and Alderford Common SSSI;
- The nearest residential property is 30 metres away;

No confidence in the competence and effectiveness of the existing enforcement agencies.

- | | | |
|-----|---|---|
| 6.7 | Environmental Health Officer (district/borough) | : No direct response received. <i>[comments received via Broadland Planning Officer]</i> |
| 6.8 | Natural England | : No objection. The proposal if undertaken in accordance with the details submitted is not likely to have a significant effect on the interest feature for which the River Wensum SAC has been classified – advise that the CPA is therefore not required to undertake an Appropriate Assessment. Similarly the proposal would not be likely to damage or destroy the interest features for which the River Wensum or Alderford Common SSSI's have been notified. |
| 6.9 | Historic England | : Recommend the application be refused. Although HE doesn't object in principle, the lack of suitable mitigation for the adjacent Scheduled Monument or enforceable alternative would give grounds to that application is rejected under paras 132-134 of the NPPF (due to the harm caused to the significance of the heritage assets). HE believes it has provided a number of reasonable options for mitigation be the developer and feel it has no |

choice in this recommendation.

- | | | |
|------|---|--|
| 6.10 | Environment Agency | <p>: No objection to original application. The applicant would require an Environmental Permit to operate and the proximity of the site to the River Wensum SAC/SSSI means it is highly likely this would be a bespoke permit. This may result in additional changes being made to the plans submitted with this application. The EA therefore recommends parallel tracking of the permit and planning applications to allow any issues to be resolved.</p> <p>Requested submission of a surface water management scheme (by condition) following a site visit and further review of the scheme.</p> <p>Raised no objection to surface water management scheme submitted but reaffirmed desire to start pre-permit application discussion as soon as possible to ensure requirements of permit are understood.</p> <p>No objection to foul drainage information submitted.</p> <p>Recommend condition concerning unexpected contamination that may be found during development of the site given that site overlays a principle bedrock aquifer.</p> |
| 6.11 | Norfolk Rivers Internal Drainage Board | <p>: No response received.</p> |
| 6.12 | UK Power Networks | <p>: No response received.</p> |
| 6.13 | Norwich International Airport | <p>: No objection.</p> |
| 6.14 | Lead Local Flood Authority (NCC) | <p>: No comments.</p> |
| 6.15 | Highway Authority (NCC) | <p>: No objection subject to conditions.</p> |
| 6.16 | Norfolk Fire and Rescue Service (NCC) | <p>: No response received.</p> |
| 6.17 | Waste Disposal Authority / Waste Infrastructure Manager (NCC) | <p>: No comments.</p> |
| 6.18 | Norfolk Historic Environment Service | <p>: No objection: no implications in respect of the historic environment.</p> |

(Archaeology) (NCC)

- 6.19 Norfolk Environment Service (Conservation) (NCC) : No response received.
- 6.20 Ecologist (NCC) : No objection.
- 6.21 Green Infrastructure Officer (NCC) : No objection subject to conditions.
- 6.22 Public Rights of Way Officer (NCC) : No response received.
- 6.23 Trails Officer (NCC) : No objection. Requested a S106 contribution towards the improvement of the surface of the Marriott's Way trail for the section most affected by the development. Content with the applicant's offer of a £7,500 contribution paid at different stages as the facility is developed and secured through the developer entering into a Unilateral Undertaking.
- 6.24 NHS Norfolk and Waveney Public Health Directorate : No response received.
- 6.25 County Councillor (James Joyce) : No comments received (to be reported orally).
- 6.26 Representations
The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.27 Letters of **objection/concern** have been received from 50 individuals / households and businesses (41 explicitly object or oppose the application) since the initial application was initially received in September 2015. These included letters from or on behalf of local businesses including both Bernard Matthews and the Royal Norwich Golf Club as well as businesses within the adjacent Shepherds Business Park. Concerns raised are:
- Proximity to River Wensum SAC / SSSI;
 - Would pose a risk to Wensum which is a special chalk stream with freshwater mussels and wild brown trout and provides locality with drinking water;
 - Impact on other local wildlife and ecology in the area (reference to fledgling heronry alongside the River Wensum and habitat for rare bats in woodland across A1067 from the site);
 - Concerns over soakaway from site and leachate seeping from stored waste posing a risk to the environment (including the River Wensum);
 - Traffic congestion on both A1067 and surrounding local roads from 60 cars and HGVs delivering waste including;
 - Increased HGV traffic (and associated problems) using Wood Lane to

- access the site from the A47;
- Proposed ghost island would provide overtaking opportunity on a road that has 13 accesses within ¾ mile;
- Has previously been many accidents resulting from people turning in and out of the industrial estate;
- Risk posed to school children due to extra heavy traffic;
- Impact of the NDR also bringing even more traffic along this road;
- Amenity impact of 24 hour operation including HGV movements;
- Noise (including from plant and machinery);
- Cumulative impact of development in addition to current industry and road traffic in the vicinity (including noise from existing metalwork company);
- Smell / Odour (Great Withingham has suffered smells before) including from 5,000 tonnes of hazardous waste;
- Risk of infestation from rodent vermin and seagulls;
- Dust and Air pollution including increased levels of nitrogen oxide, a proven health hazard and risk from bio-aerosols;
- Lack of confirmation on noise, dust and odours and controls to mitigate these impacts;
- Biodiversity and Geological risks on adjacent land with Bronze Age Burrows (sic);
- Light pollution;
- Visual intrusion;
- Increase in wind blown litter;
- Risk of fire from the proposed plant (no mention made of safe storage of RDF);
- Credibility of noise assessment information/data used;
- Credibility of dust assessment – states that Shepherds Business Park is 200 metres west when it is actually 15 metres away;
- Consideration should be given to Human Rights Act and in particular the right to a peaceful enjoyment of their possessions which include their home and surroundings;
- Detrimental / negative impact on leaseholders and employees of adjacent businesses including those on the Shepherds Business Park (including the future rentability of the units);
- Adverse impact on other local businesses such as Dinosaur Park, Golf Club, local Inns/Hotels, and private membership fishing lake;
- Only metres away from Marriott's Way cycling/walking path as well as several fishing lakes used for recreation;
- Surrounding area is beautiful and idyllic and the quietness and rural atmosphere is relished by those who use it (for walking cycling etc)
- Would have abject effect on local house prices/property value;
- Plants need to be accessible to good road networks and away from centres of population;
- Lack of public consultation;
- Lack of information with regards to alterations to the buildings and mechanisms within to demonstrate the development would not blight the proposed new 9 hole golf course directly to the south of the A1067;
- Industrial estate was never intended for this type of use – there must be

other locations / alternative sites more suitable for this that are more isolated;

- Proposal is out of proportion for local need;
- There are material circumstance to justify a the presumption in favour of suitable development;
- That the private interests of the existing Bernard Matthews operations should be safeguarded – the proposed development would constitute a ‘bad neighbour’ to a significant food producer and significant employer in the area (an adverse impact on the business could impact employment);
- That an Environmental Statement should have been submitted alongside the planning application;
- The Council has failed to give sufficient consideration to whether there would be significant effects on the River Wensum SAC as required by The Conservation of Habitats and Species Regulations 2010;
- RDF produced would be transported to Holland, Germany and Sweden to be incinerated further increasing vehicle emissions;
- How (and how rigorously) will mitigation measures be monitored and who will be responsible for monitoring them?
- Degrading of the built environment to the detriment of all that work there;
- Village / surrounding area suffered for many years from ‘Pimlotts rendering plant’;
- The claim to create local jobs has little weight as the jobs would almost certainly be filled with foreign (not local) labour;

In addition 5 letters of **support** have been received on the grounds of

- The jobs/employment it would bring back to the area;
- Welcome the proposal to bring back unused building and premises into economic use to boost other local business operations;
- Proposal would bring back life into the village that used to be a busy and vibrant employment area
- Would be beneficial to local businesses and adjoining industrial estates;

7. Assessment

7.1 The issues to be assessed for this application are: the principle of development (including need for the facility), and impacts on the landscape, amenity, highways/transport, ecology (biodiversity), sustainability, heritage assets (the scheduled monument), groundwater and surface water, and flood risk.

7.2 Principle of development

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”.

7.3 In terms of the development plan, the County Planning Authority considers the relevant policy documents in relation to this application to be the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste

Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and the Broadland Development Management DPD (2015). Whilst not part of the development plan, policies within the National Planning Policy Framework (2012), and the Government’s National Planning Policy for Waste (2014) and their Waste Management Plan for England (2013) are also a further material considerations of significant weight.

- 7.4 In the context of Policy CS5: *General location of waste management facilities* of the NMWDF, the proposal is regarded as a ‘major’ or ‘strategic’ facility on the basis the proposed throughput would exceed 10,000 tonnes per annum (the proposal is to deal with a maximum of 150,000 per annum). Although the site is some 3 miles outside the Norwich Policy Area referred to in this policy, it would nonetheless be well related to Norwich given the location of the site on the A1067. Although the proposal would be both on industrial land and largely contained within an existing building as referred to in the policy, it also requires consideration to be given to the nearby River Wensum SAC, as set out in the ecology section below.
- 7.5 Policy CS6: *Waste management considerations* of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:
- a) land already in waste management use;
 - b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
 - c) other previously developed land; and,
 - d) contaminated or derelict land.
- 7.6 The application site is located on previously developed land that is identified as a Strategic Employment Site in the Broadland Development Management DPD. That policy itself seeks to reserve employment sites of strategic importance for employment use. Furthermore, the site forms the western most part of site WAS 78 which is allocated in the NMWDF Waste Site Specific Allocations DPD for uses including waste transfer, metal recycling, inert waste recycling, mixed waste processing and other forms of residual waste treatment. Therefore, subject to the proposal not causing *environmental* impacts as also referred to in Policy CS6 and discussed in the report below, the proposal is also compliant with this policy. In addition, the applicant states that the proposal would create up to 50 jobs once fully operational (it would initially be 35) and on that basis the proposal is considered to be compliant with Broadland Development Management DPD policy E1.
- 7.7 The proposal would provide treatment capacity for up to 150,000 tonnes per annum of household, commercial and industrial waste: therefore policy CS8: Residual waste treatment facilities (RWTFs) is applicable to this proposal. Because of the location of the site on a brownfield site which is allocated in a Development Plan Document for waste uses, in landuse terms the proposal is compliant with the policy, again subject to it not having unacceptable environmental, amenity or highway impacts, as examined in the report below. The

policy (CS8) also states that RWTFS should not result in an over-provision of residual waste treatment capacity based on the figures outlined in NMWDF Policy CS4: *New waste management capacity to be provided* which states that 703,000 tonnes of recovery (residual treatment) facilities will be needed by the end of 2026. This proposal would provide some of that treatment capacity and is therefore in accordance with CS4.

- 7.8 The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government's strategy for sustainable waste management. This scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Waste Management Plan for England (2013) which similarly seeks to promote the management of waste up the waste hierarchy. The National Planning Policy for Waste also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the allocation of the land for waste uses, and because of the compliance with the land use policies detailed above, there is not a requirement to demonstrate a need for this facility at this location.

7.9 **Amenity (noise, dust, light pollution etc)**

The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. Broadland Development Management DPD policies GC4 and EN4 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health. NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA), or lead to the designation of new ones. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'.

- 7.10 The nearest residential property to the site is The Warren: although the drive to this house is adjacent to the site, the dwelling house itself is 180 metres away and the garden some 150-160 metres away. Furthermore, the Marriott's Way footpath, bridleway and cycle route lies directly adjacent to the north of the site which is used for recreational purposes. Further west is the Shepherds Business Park which itself is 10 metres away from the application site with the nearest unit 12 metres away from the application site.

- 7.11 With regards to the actual regulation of an operation such as this, in accordance

with paragraph 122 of the NPPF and the National Planning Policy for Waste, the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency (EA)). However, it is the role of the Environmental Permit as issued by the Environment Agency to actually control emissions such as noise, odour and dust through conditions.

- 7.12 The EA in their consultation response commented that it has no objection to the proposal but due to the proximity of the River Wensum SAC, it is likely the operation would require a bespoke permit to operate which may require additional measure to be taken to mitigate the impact of their activities stating 'the operator is required to have appropriate measures in place to prevent pollution to the environment, harm to human health, the quality of the environment and detriment to the surrounding amenity.' With regards to odour, it is likely that an odour management plan would be required before the commencement of activities.
- 7.13 As part of the application, a noise assessment was undertaken which concluded that noise from waste processing operations inside the building is predicted to meet British Standard 4142: 2014, noise from vehicle movements on site is predicted to have an insignificant impact on existing traffic noise and that if recommendations concerning operation of the shredding plant (additional mitigation would be needed between the hours of 22:00 and 6:30) are followed, the proposed development is considered suitable as an RDF facility on the basis of noise.
- 7.14 Although the Broadland District Council's (DC) Environmental Health Officer (EHO) did not respond directly, Broadland DC Planning Authority raised no objection subject to recommending the CPA impose noise conditions including a noise level and approval of a noise assessment, and limiting the hours of use of the shredder (as recommended in the noise assessment) and deliveries to the site. After submission of further information from the applicant and following clarification from the CPA that the CPA would not be the Regulatory Authority to control noise from this development, Broadland DC confirmed that the Environment Agency would be the correct authority to control noise through its permit in order to protect local residents, and it would not be necessary to secure this detail through the planning process.
- 7.15 With regards to dust and air quality, a Dust Assessment was submitted as part of the application documentation. Although it recognized that there is potential for dust impacts arising from vehicle movements including their exhaust emissions, and also from storage of inert materials, these could be controlled through mitigation measures and day to day site management such as avoiding dry sweeping of the site by using wet swept methods, switching off vehicles engines while stationary etc. With regards to treatment of waste itself, this would be undertaken within the existing building. Similarly with noise and odour, this would be a matter that would be controlled and addressed through the site's Environmental Permit issued by the Environment Agency, however it is not expected the development would have an unacceptable adverse impact on amenity with regards to dust or significantly impact on air

quality.

7.16 Whilst the applicant proposes to install lighting both to the existing building and around the site to ensure a safe working environment given the 24 hour working proposed, this would be LED and designed to limit light spill. A condition of any planning consent would nonetheless be that that any lighting installed should not cause glare beyond the site boundary.

7.17 Subject to conditions including those discussed above, there are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Accordingly it is not considered that there would be an unacceptable impact to local amenity including on the users of the Marriott's Way, and the application complies with both NMWDF Policies CS14 and DM12, Broadland Development Management DPD policies GC4 and EN4, and Section 11 of the NPPF and the National Planning Policy for Waste (2014). It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.

7.18 **Landscape / Trees**

NMWDF Policies CS14: Environmental protection and DM8: *Design, local landscape and townscape* character both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. NMWDF Policy CS2: *Core River Valleys* states development will only be permitted in Core River Valleys where it can be demonstrated to enhance the local landscape and/or biodiversity and not impede floodplain functionality. Policy 2 of the Joint Core Strategy and GC4 of the Broadland Development Management DPD promote good design and refer to proposals having regard to the environment, character and appearance of an area. Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate, inter alia, Scheduled Ancient Monuments.

7.19 The site is located on previously developed land and on land designated as a Strategic Employment Site in the Broadland Development Management DPD. The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with a Conservation Area or AONB) in terms of the NMWDF policies and the NPPF. As set out above, the site is however within 35 metres of the Tumulus in the Warren Scheduled Ancient Monument.

7.20 As inferred above, the site is within one of the Core River Valleys designated in the NMWDF and therefore afforded additional protection. With regards to the Broadland Landscape Character Assessment, the site is located within landscape character type A1: Wensum River Valley. The overall strategy outlined for this area is to 'conserve the predominantly rural character, strong pattern of riverside trees and patchwork of habitats.....There are also opportunities for enhancement through protection and management of woodland, wetland and grassland habitats'.

- 7.21 The proposal is for the change of use of an existing brownfield site that has been out of use for a number of years. The production of RDF processing of waste would take place within the existing warehouse building with only storage and the siting of two weighbridges, an office and other associated infrastructure being located outside. With regards to the building itself, the application states that the developer would repair and replace existing damaged cladding which would make good the building. Not only would it enable it to be fit for purpose for dealing with odorous waste and operating plant and machinery etc, it would also improve the derelict appearance of the building albeit there would be outside storage of waste as part of the proposals. Without this development, there would be a significant likelihood the site would remain vacant and the building may fall into further disrepair. It would be a condition of any consent granted that any replacement cladding would need to match existing materials. Therefore in terms of NMWDF policy DM2, whilst the proposed development is unlikely to enhance the local landscape, any external changes are expected to be in keeping with the existing industrial estate setting and therefore the proposal would not be likely to detract from the local landscape. Due to the location of the development on an existing industrial estate utilising an existing redundant building, the application is not considered to conflict with this policy.
- 7.22 The site benefits from a significant level of landscaping along its northern and western boundaries between the site and the Marriott's Way and the access/drive to the Warren respectively. Whilst there are a number of trees along its southern boundary adjacent to the A1067, because the site is at a lower level to the road itself there are open views into the site. To the east of the application site is the Cemex cement works and rest of the industrial estate. The Landscape and Arboricultural Assessment detailed that the scheme would require the removal of several self-seeded birch copses on site where the service yard / roads for the building would be and other associated infrastructure (weighbridge etc). However, given the new planting proposed, it concluded that the proposal would not result in any increased impact on the surrounding landscape, and that the minor nature of the works proposed would have a negligible if no impact on existing trees. An arboricultural method statement was nonetheless recommended to ensure no harm comes to existing trees (to be retained on site).
- 7.23 With regards to activities outside the building, these would be limited to the above mentioned infrastructure, aggregate / inert waste storage, existing and replacement fencing (chain link or palisade), and car parking provision for some 60 staff and visitor cars. The application proposes that external materials would not be stored above four metres in height (this would be a condition if permission is granted). However the location of the car parking between the A1067 and where the materials would be stored would ensure the development is in keeping with the scale and massing of development in the wider industrial area. Notwithstanding this, further landscaping would be required for soft landscaping works with details of planting plans and specifications, visibility splays in locations where highway planting is proposed, and a 5 year programme of maintenance to for replacement of dead or dying specimens.
- 7.24 Subject to compliance with these conditions, it is considered that there are no landscaping issues with the proposal and it would not undermine the development

plan policies outlined above, namely, NMWDF policies CS14 and DM8 and those outlined above in the Broadland Development Management DPD and the Joint Core Strategy. With regards to the Scheduled Ancient Monument referred to in the Broadland Landscape Character Assessment, this is discussed in section 7.42 – 7.51 below.

7.25 **Biodiversity and geodiversity**

NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species. The site is only 200 metres from the River Wensum SAC, and protection is also afforded to this through Policy 1: Addressing climate change and protecting environmental assets, and Policy 2: Promoting good design of the Joint Core Strategy which seek to design development to avoid harmful impacts on key environmental assets such as this. Broadland Development Management Policy EN1 also seeks to ensure there are no adverse impacts on the water environment including the River Wensum SAC.

- 7.26 In their consultation response, Natural England advised that, the development (if carried out in accordance with the details submitted) would not be likely to have a significant effect on the interest feature for which the River Wensum SAC / SSSI has been notified. Furthermore, it also advised that it would not destroy the interest features for which Alderford Common has been notified, located some 1 kilometre away. The County Ecologist was is satisfied with the conclusions of the Ecology Report accompanying the planning application which states that the proposed use of the site is unlikely to produce greater impacts than those previously generated (during its previous uses for industrial purposes). Minor adverse impacts would be reduced to neutral subject to mitigation measures detailed in the Ecology Report. On this basis the proposal is considered to comply with the above development plan policies and Section 11 of the NPPF: Conserving and enhancing the natural environment

7.27 Appropriate Assessment

The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, and based on the information submitted to the County Planning Authority (CPA), it is considered that the development would/would not have a significant impact on the River Wensum SAC or any other protected habitat. Accordingly, as confirmed by Natural England in their consultation response no Appropriate Assessment of the development is required.

7.28 **Transport / Highways**

NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Policy WAS 78 of the NMWDF Waste Site Specific Allocations DPD also requires provision of acceptable highway access, including improvements to and rationalisation of

existing highway accesses from the A1067.

- 7.29 The site is adjacent to the A1067 Norwich Road which is a Principal Route in the County Council's Route Hierarchy. The proposed access point to this road would be some 200 metres away from the main processing building itself with the access road skirting to the north of the existing adjacent Cemex buildings and infrastructure on site. The application proposes to upgrade the proposed access to the highway with the installation of a ghost island / right hand turn lane for HGVs accessing the site from the Norwich direction.
- 7.30 The wider site, whilst not part of the application site red line boundary but nonetheless under the ownership of the applicant, also contains two further access points some 115 metres and 250 metres respectively south east of the proposed access point. In their initial comments, the Highway Authority had requested that both of these other access points would need to be closed off so that users of the entire industrial site used the sole proposed access point. Following the consideration of further information submitted by the applicant with regards to both legal and logistical constraints of using a sole access, the Highway Authority latterly agreed to the retention of the southernmost access (in addition to the proposed site access) provided the central access point is closed. This was on the basis both that there is a commitment from the applicant to improve visibility from the southernmost access point in the trafficked direction (to the west), and that on balance, the positive impacts of the mitigation works outweigh the negative impacts of retaining the existing access.
- 7.31 Although the application initially sought permission to deal with 200,000 tonnes of waste per annum, this was reduced to 150,000 tonnes per annum (tpa) on the advice of the planning authority when the application was resubmitted (with correct landownership details etc): the allocation in the NMWDF Waste Site Specific Allocations DPD specifies a capacity of 150,000 tpa for the site.
- 7.32 In terms of HGV movements, waste would be imported to the site through a combination of articulated bulk carriers (45%), tippers and roll on/off skips (50%), and smaller skips and vans (5%). Output would obviously be equivalent to input levels but given that the waste would have been processed by that point, the majority would be removed by articulated bulk carriers (90%) with the remainder by tipper and large skips (10%). Although the aspiration of the developer would be to backfill incoming lorries wherever possible with processed waste to maximise efficiencies, the worst case figures where all waste is imported and exported on separate vehicles would be between 83-165 in/out movements as broken down as follows:
- Articulated bulk carrier (25t payload): 45-72
Tipper and large skip (15t payload): 30-53
Smaller skips (1t payload): 8-40
- In addition, there would be a workforce of some 50 full time staff creating an additional 90 daily movements (45 in and out). The applicant has also accounted for a further 10 in / out movements associated with visitors, courier and post deliveries in cars or light vehicles.
- 7.33 The application was lodged on the premise of the site being operated 24 hours a

day and therefore (the above) deliveries and vehicle movements were also proposed to occur over the 24 hour period. However set out in 7.14 above and detailed in condition 13.7, Broadland District Council has recommend a condition of a consent be that there is no deliveries to the site except between 07.00 and 18.00 Monday to Saturday in order to safeguard residential amenity. On this basis the proposed vehicle movements would be spread over a shorter period of time (over 11 hours) and at a greater intensity than if spread over 24 hours.

7.34 The County Highway Authority has raised no objection to the proposal subject to a number of conditions including provision of the highway access proposed in the application, the permanent closure of the central access to the site, the gradient of the access to the site not exceeding 1:12, no obstructions being placed across the site access without the approval of the Highway Authority, the implementation and maintenance of a visibility splays for the site accesses, implementation of highway works including a Ghost Island Right Turn on the A0167 Lane following approval of a suitable scheme.

7.35 Subject to these conditions is considered that the proposal complies with NMWDF Policies CS15 and DM10, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

7.36 **Sustainability**

NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure new developments generate a minimum of 10% renewable energy on site. Joint Core Strategy Policy 3: Energy and Water states development in the area where possible will minimise the reliance on non-renewable high-carbon energy sources and maximise the use of decentralised sources and renewable sources, and Broadland Policy GC5 states integration of renewable technology will be encouraged where its impacts are acceptable.

7.37 As part of the revised application, the applicant submitted a Sustainability Statement that examined three options for feasibly meeting 10% of the site's energy requirements all of which were considered viable. Alongside this, the amended application included a roof plan identifying the circa 250 photovoltaic panels (option 1) to be located on the existing warehouse building. It is considered that this would be acceptable with regards to the design and landscape impacts and if permission is granted, a condition would be used to secure the implementation of this element of the scheme in order to ensure compliance with these policies.

7.38 **Groundwater/surface water**

NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. As stated in section 3.1 above, the site is only 200 metres from the River Wensum SAC, and protection is also afforded to this through Policy 1: Addressing climate change and protecting environmental assets, and Policy 2: Promoting good design of the Joint Core Strategy which seek to design development to avoid harmful impacts on key environmental assets such as this.

- 7.39 As also pointed out by the Environment Agency (EA) in their consultation response, the site also overlays a principle bedrock aquifer. The EA initially raised no objection to the scheme on the basis that a condition be used to address unforeseen contamination of the site with the submission of a remediation strategy. However, on further review of the application and following a site visit, the EA subsequently lodged further comments stating that there was insufficient information within the application to demonstrate the surface water drainage strategy is robust enough to protect the water environment. Whilst the EA recommended a condition requesting a surface water drainage strategy be submitted prior to the commencement of development to address this, this was not considered an acceptable approach by the County Planning Authority in ensuring the proposal complies with the above policies concerning protection of both the River Wensum SAC and the principle bedrock aquifer.
- 7.40 Accordingly the applicant submitted a revised surface water drainage strategy detailing that the existing drainage network comprising drainage channels would be utilised with the addition of two klargester separators. The EA raised no objection to this approach for managing surface water adding that surface water management would also be considered as part of the bespoke Environmental Permit required for the proposal.
- 7.41 On this basis it is not considered the proposal would adversely impact on groundwater or surface water and is therefore compliant with NMWDF DM4 and the Joint Core Strategy Policies 1 and 2.
- 7.42 **Impact on Heritage Assets / Archaeology**
NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national importance. Where proposals for waste management facilities would affect a Scheduled Ancient Monument (including their settings), there will be a presumption in favour of preservation *in situ*. As stated above, Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate inter alia Scheduled Ancient Monuments.
- 7.43 As stated in 3.1, the site is some 35 metres from Tumulus in the Warren scheduled monument, a Bronze Age Barrow, located to the north of the site. Historic England in their consultation response commented that because this is designated as a scheduled monument it is considered of national importance. Scheduled monuments are not afforded additional protection by the requirements of the Planning (*Listed Buildings and Conservation Areas*) Act 1990. Scheduled monuments are nonetheless protected by the above development plan policy referred to in 7.42 above and by paragraph 17 and section 12 of the NPPF: *Conserving and enhancing the historic environment*.
- 7.44 Accordingly a Heritage Statement undertaken by the Museum of London Archaeology (MOLA) was submitted as part of the application documentation given that paragraph 128 of the NPPF requires an applicant to describe the significance

of any heritage assets affected, including any contribution made by their setting. The Heritage Statement recognized the proposal would not extend beyond the boundaries of the original factory, and that the majority of the works would be in the interior of the building, it concluded it would not harm or alter the current setting of the heritage asset. Furthermore, the position of the proposals would not contribute to the harm already caused by the initial construction of the site (the Atlas Works), but that HGVs accessing the site could negatively influence the ambience of the asset through their movement and noise. It also stated that once the grounds of the application site have been tidied, the development site would appear sharp and more prominent.

- 7.45 Whilst recognizing that in its heyday the Atlas Works would have been far more prominent, and that this development would generally improve the condition of the application site, the Heritage Statement also concluded that the development would however widen the conceptual gap between the modern environment on the one side of Marriott's Way to the wild and unstructured environment of the heritage asset.
- 7.46 In the light of this, the Heritage Assessment recommended a number of measures to improve the setting of the barrow through the development proposals including removal of errant litter and small buildings on land to the south east of the barrow, and to engage with the landowners of the asset to control undergrowth that obscures the view of the barrow. With regards to the application site itself, it is recommended that hoarding is not constructed in the northern boundary of the development site (this is not proposed in the scheme), and that hard wood trees of a similar species be planted along the site boundary to create a soft barrier over time.
- 7.47 In their consultation response, Historic England stated it does not object to the principle of this development but that the aforementioned measures to improve the setting of the monument be implemented through a programme of works secured by condition or Section 106 Legal Agreement. Because some of the works would be undertaken off site, a condition would not be appropriate in this instance. Whilst the applicant advised that they had already cleared the errant building and concrete blocks (this was on their landholding) as specified in the Heritage Statement, and that they would be prepared to undertake planting of hardwood trees as also required, regrettably they would not be able to commit to a Section 106 Legal Agreement in respect of the management of the undergrowth that obscures the view of the barrow as they are not the landowner or in control of the land.
- 7.48 In the light of this, Historic England suggested that the applicant make a more general contribution, secured by a Section 106 Legal Agreement, for community use with a commitment to that some of the money be used for a local heritage/history project with a school or similar. This was subsequently also declined by the applicant who given the associated cost and time implications of associated with such a Legal Agreement instead stated the applicant is 'more than willing to look at various options to help in the community, particularly in working with local schools' (once the planning application process has been concluded). It is the CPAs view that a more general Section 106 Agreement contribution with this

commitment that some of the money be used for a local heritage/history project would not mitigate the harm that Historic England alleges would occur to the significance of the scheduled monument within its setting by virtue that it would relate to works or a project off site.

- 7.49 Given this stance, Historic England's final comment is to recommend refusal due to the lack of suitable mitigation or enforceable alternative, and that the application should be rejected under paragraphs 132-134 of the NPPF due to the harm to the significance of the heritage asset through a development within its setting. At both stages of consultation, the County Council's Historic Environment Service has raised no issues stating that, based on the information submitted, the proposal does not have any implications for the historic environment, and no recommendations are made for archaeological work.
- 7.50 In the context of paragraphs 132-134 of the NPPF as referenced by Historic England in their recommendation for refusal, although the scheduled monument is considered to be of national importance, the application would not result in its 'substantial harm or loss' where paragraph 133 states applications should be refused. The proposal is not for a new site and it would not encroach onto, or extend the existing site further towards the heritage asset, however the proposal is likely to lead to the loss of significance of the asset by virtue of a change of use of land within its setting. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. In this instance, it is considered that the loss of significance to the setting of the scheduled monument does not justify a refusal of permission given the public benefits of the proposal, namely, the re-development of the site to a modern facility to sustainably treat waste and move the management of waste up the waste hierarchy, and the employment created in the locality of the area. If not approved under this planning application, the site would either remain in its current state or be likely to come forward as another waste proposal given the allocation of the site for waste uses.
- 7.51 The proposal is also not considered to undermine NMWDF Policy DM9 given that the site can be developed with the scheduled monument remaining in situ, and without adversely affecting it subject to the on-site measures outlined in the Heritage Statement being adhered to (the planting of hardwood trees and not installing hoarding along the northern boundary of the site), which would be secured through planning conditions.
- 7.52 **Flood risk**
NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. Furthermore, policy DM2: *Core River Valleys* states development will only be permitted in Core River Valleys (which the site is within) if it does not impede floodplain functionality.
- 7.53 Although the entirety of the application site falls in flood zone 1, a Flood Risk Assessment (FRA) was submitted as part of the application in accordance with chapter 10: *Meeting the challenge of climate change, flooding and coastal change* of the NPPF which requires an FRA for proposals of 1 hectare or

greater in flood zone 1 (the site area is some 2.1 hectares).

- 7.54 The FRA concluded that the site is at low risk of flooding from all sources, would not impact on flood risk elsewhere (there is no proposed increase in hard standing) and ultimately that the proposed development is suitable at this location. The EA has raised no comments with regards to this issue and on this basis the proposal accords with policies DM2: Core River Valleys and DM4: *Flood Risk* of the NMWDF and chapter 10 of the NPPF.

7.55 Public Rights of Way / Trails

Although there are not any Public Rights of Way running through the applications site, as stated above the site is adjacent to the Marriott's Way footpath, bridleway and cycle route which lies directly adjacent to the north of the site. Broadland Development Management DPD Policy EN3: *Green Infrastructure* requires Development to make adequate arrangements for the management of green infrastructure.

- 7.56 In their consultation response, the County Council's Trails Officer raised no objection to the scheme and requested the applicant makes a financial contribution to the maintenance of the trail due to the heavier usage of it as a result of the proposal (the site would include a northern access point near to Marriott's Way for pedestrians/cyclists). This was requested in accordance with the County Council's Planning Obligations Standards (April 2016) which states 'where a proposed development is likely to have an impact on PROW, the County Council will seek to negotiate a contribution...'. Whilst not a development plan policy document, the Planning Obligations Standards is nonetheless a material consideration in the determination of the planning application.

- 7.57 Although the Trails team initially requested a contribution of £15,000 towards the upkeep of the trail, the applicant responded with a proposal to pay £7,500 and secure this through a Unilateral Undertaking (a legal agreement with a sole signatory). The applicant proposed this would be paid in three instalments of £2,500 when the site opens, when the monthly input reaches 2,000 tonnes per month and when the monthly input reaches 4,000 tonnes per month (i.e. 48,000 tonnes per annum). This was deemed acceptable by the Trails Officer and should permission be granted by Members, the Undertaking would need to be in place and approved by the County Council prior to any planning permission being issued.

7.58 Cumulative impacts

NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

- 7.59 Reference has been made in representations to both the existing metal recycling business (currently operated by EMR) some 150 metres to the east of the application site, and to the former 'Pimlotts' site understood to be the animal rendering plant previously operated in Great Witchingham. With regards to the

metal recycling business, in recent years the site has operated largely without complaint. A small number of minor complaints have been received from local residents which have been successfully resolved with co-operation of the site operator. With regards to the Great Witchingham site, this is 2.5 kilometres north east of the site and understood to be operated until around 2005 when the site was sold to Banham Composting Ltd who sought permission to build a new rendering plant. The site subsequently changed hands and has not operated since then.

7.60 Also in the Weston Longville parish but some 3 kilometres south west is the existing composting facility operated by TMA Bark Supplies. This is located on the B1535, the designated HGV route connecting the A47 to the A1067, and was referenced in a letter of representation concerning the impacts of additional traffic on Wood Lane in the East Tuddenham Hockering area.

7.61 It considered that the proposed application operated in conjunction with the two operational sites discussed above would not have an unacceptable impact given the modest nature and limited impacts of both existing facilities. Furthermore, in allocating the site for waste management development, it was obviously envisaged at the outset that a facility or facilities with a throughput of up to 150,000 tonnes of waste per annum could be accommodated at this site taking into account existing land uses and their associated impacts (i.e. on the highway, amenity etc). Were the current proposal not to operate from this site, it would be likely that other facilities amounting to 150,000 tonnes would operate from the site.

7.62 **Environmental Impact Assessment**

The application has been screened in respect of any requirement for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regs'). Though the proposal has been identified as meeting the threshold of Schedule 2 (11b in respect of being an installation for the disposal of waste in in excess of 0.5ha in area), the scheme is not considered to be EIA development as the site is not in a sensitive area and would not be likely not have a significant impact on the environment in the context of the EIA Regs.

7.63 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the Planning Authority remain of the view that the development is not EIA development. This decision has been taken with particular regards to the responses from Natural England that advised both at the Screening and the full application stage, that the proposed development if carried out in accordance with the details supplied would not damage or destroy the interest features for which the River Wensum SAC and SSSI and Alderford Common SSSI have been notified.

7.64 **Responses to the representations received**

The application was advertised by means of neighbour notification letters, site notices, and advertisements in the Eastern Daily Press newspaper in accordance with statutory requirements.

7.65 The issues raised largely relating to impacts on amenity (dust, noise, odour etc) the public highway, ecology and biodiversity, groundwater and surface water including the River Wensum SAC, landscape, have been addressed above along

with the suitability of the site in land use policy terms and the need for the development at this location. The issues of vermin, seagulls, fire risk and litter would all be matters controlled by the Environmental Permit (issued by the EA). In particular, the EA would require the applicant to submit a fire prevention plan as part of the permit application.

- 7.65 With regards to the issue of decreased property prices, or adverse impacts on neighbouring businesses or industrial units, this is not a material planning consideration given that the planning system is not in place to protect private interests of one another. The question is whether the proposal would unacceptably impact on their amenities (as set out above) and existing use of land which ought to be protected in the public interest. With regards to who would fill local jobs, this is also not material to the application. Concerns were also raised about both non aligning figures and erroneous assessments within the application. However, the County Planning Authority, in consultation with relevant statutory consultees, is content that a recommendation can be made on the basis of the the information provided by the applicant.

7.66 **The Community Infrastructure Levy**

The development is not CIL liable given that the proposals would not create new floor space greater than 100 square metres.

8. Resource Implications

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

9. Other Implications

9.1 **Human rights**

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

- 9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to enjoyment of their property. 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. In any event, in this case it is not considered that Article 1 of the First protocol is infringed by the grant of the planning permission applied for.
- 9.5 **Equality Impact Assessment (EqIA)**
- 9.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 10. Section 17 – Crime and Disorder Act**
- 10.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 11. Risk Implications/Assessment**
- 11.1 There are no risk issues from a planning perspective.
- 12. Conclusion and Reasons for Granting Planning Permission**
- 12.1 The planning application seeks to use a site that is both industrial land and moreover one that is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document (site WAS78). Therefore, in land use terms the proposal accords with the development plan.
- 12.2 Whilst 50 representations have been received raising concern about the proposal (41 explicitly oppose or object to the development), it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity (including both local residents/businesses and users of the Marriott's Way), the landscape, the highway network, ecology, groundwater and surface water (including the River Wensum SAC), and flood risk.
- 12.3 However the application is finely balanced given that it has been recommended for refusal by Historic England. Although Historic England does not object to the principle of the development per se, it is concerned by the lack of suitable mitigation for the adjacent scheduled monument. With regards to the impact on the scheduled monument, the Bronze Age Barrow, ultimately, the applicant is unable to deliver one element of the recommendations detailed in their Heritage Statement, namely a scheme for the management of the undergrowth between the

site and the scheduled monument (because the applicant has no control over this land), and this has triggered the recommendation for refusal by Historic England. The requirements concerning the planting of hard wood trees and not installing hoarding along the northern boundary can both be complied with by condition if permission is granted. The Heritage Statement undertaken by MOLA concluded that the impact on the barrow and its setting is considered to be low. Although Historic England's recommendation for refusal is a material consideration, alone it is not considered powerful enough as a sole reason to recommend refusal of the application particularly given the application site is previously developed land, and the proposals would not encroach any further on the scheduled monument.

- 12.4 Some weight is also given to the applicant's commitment to contribute £7500 to the maintenance of the Marriott's Way, adjacent to the site, in order to mitigate against its heavier usage should planning permission be granted. Furthermore, the proposal would deal with waste in a sustainable manner, driving waste management up the waste hierarchy in accordance with both the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013).
- 12.5 Whilst finely balanced, the proposed development is considered acceptable and there are no other material considerations indicating it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

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

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

- 13.2 Except where overridden by this schedule of conditions, the development must be carried out in strict accordance with the application form and plans and documents (including their recommendations) accompanying the application.

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

- 13.3 No more than 150,000 tonnes of waste shall be imported to the site per annum and no more than 75,000 tonnes of waste shall be stored on site at any one time. Records shall be kept of waste imported to and exported from the site and shall be made available to the County Planning Authority upon request. All records shall be kept for a minimum of 24 months.

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.

- 13.4 No more than 5,000 tonnes of hazardous waste (which shall be strictly limited to Waste Electrical and Electronic Equipment ('WEEE')) shall be brought onto the site per annum.

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.

- 13.5 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

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.

- 13.6 Notwithstanding the submitted plans, within 3 months of the date of this permission a detailed specification for the proposed photo-voltaic panels to be installed shall be submitted to and approved in writing by the County Planning Authority. The photo-voltaic panels shall thereafter be installed in accordance with the approved details prior to first use of the building and retained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure the principles of sustainable development are met in accordance with Policy CS13 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.

- 13.7 No deliveries or collections of waste/process waste shall take place except between the hours of 07.00 and 18.00 Monday to Saturday.

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.

- 13.8 No operation of the shredder shall take place except between the hours of 07.00 and 19.00.

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.

- 13.9 No vehicle shall be operated on site unless it is fitted with working broad band noise reversing sounders.

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.

- 13.10 There shall be no burning of waste on site.

Reason: To protect the amenities of residential properties, in accordance with

Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.11 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 13.12 Any damaged cladding or other building material that is replaced shall be done so with materials to match the existing colour and finish of the existing building.

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

- 13.13 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.

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

Reason: Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and paragraph 109 of the NPPF.

- 13.15 No waste material (both incoming and processed stock) stored on site shall exceed 4 metres above original ground 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.

- 13.16 Prior to the first use of the development hereby permitted, the vehicular access (shown new site entrance) shall be provided and thereafter retained at the position shown on the approved plan (**drawing number 13896/103 Rev E**) in accordance in accordance with a detailed scheme to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority. 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.

- 13.17 Prior to the first use of the development hereby permitted the central access (shown as '*access to be stopped up*' on **drawing 03/001 Rev C**) shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the County Planning Authority in consultation with the Highway Authority,

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

- 13.18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the County Planning Authority.

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

- 13.19 Prior to the commencement of the use hereby permitted, a visibility splay (from the access shown as '*main access*') shall be provided in full accordance with the details indicated on the approved plan **drawing 03/001 Rev C**. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 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.

- 13.20 Prior to the commencement of the use hereby permitted, a visibility splay measuring 4.5 x 160 metres shall be provided to west of the south-eastern access point (shown as existing access on **drawing 03/001 Rev C**) where it meets the highway. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 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.

- 13.21 Prior to the commencement of the use hereby permitted, the proposed access / access road/ pedestrian routes / on-site car parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and

drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.22 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works (including a Ghost Island Right Turn Lane and associated works) as indicated on drawing(s) number(ed) **03/001 Rev C** have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

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

- 13.23 Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

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

- 13.24 No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the County Planning Authority. The scheme as may be so agreed shall be implemented within the next planting season 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. It shall make provision for:
- (a) the screening of the operations by trees, hedges (including the provision of hardwood trees along the northern boundary of the site);
 - (b) A plan identifying planting to take place in the highway verge including the required visibility splay;
 - (c) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - (d) A management plan to include the replacement of any damaged or dead trees (within a period of five years from the date of planting) with trees of similar size and species at the next appropriate season.

Reason: To protect the amenities of the surrounding area, and to preserving the setting of the scheduled monument Bronze Age Burial Site in accordance with Policies DM9 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.25 Prior to the commencement of development, an arboricultural method statement and tree protection plan (to include details of all trenching required) shall be submitted to the County Planning Authority for approval in writing and implementation thereafter during development of the site.

Reason: To ensure the protection of existing trees in the interest of the amenities of the area, in accordance with Policies DM9 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking, re-enacting or modifying that Order), no fencing (and associated gates), hoarding or other means of enclosure shall be erected along the northern boundary of the application site other than those expressly authorised by this permission.

Reason: In the interests of preserving the setting of the scheduled monument Bronze Age Burial Site in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Chapter 11 of the NPPF.

- 13.27 Prior to first use of the facility, a dust management shall be submitted to the County Planning Authority for its approval in writing. The approved dust management scheme shall thereafter be implemented for the lifetime of the proposal.

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.

Background Papers

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

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

Waste Site Specific Allocations Development Plan Document (DPD) 2013

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

Joint Core Strategy for Broadland, Norwich and South Norfolk

<http://www.greaternorwichgrowth.org.uk/planning/joint-core-strategy/>

Broadland District Council Development Management DPD (2015)

https://www.broadland.gov.uk/info/200139/future_building_and_development/247/current_local_plan

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Norfolk County Council Planning Obligations Standards (2016)

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/planning-obligations>

Officer Contact

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

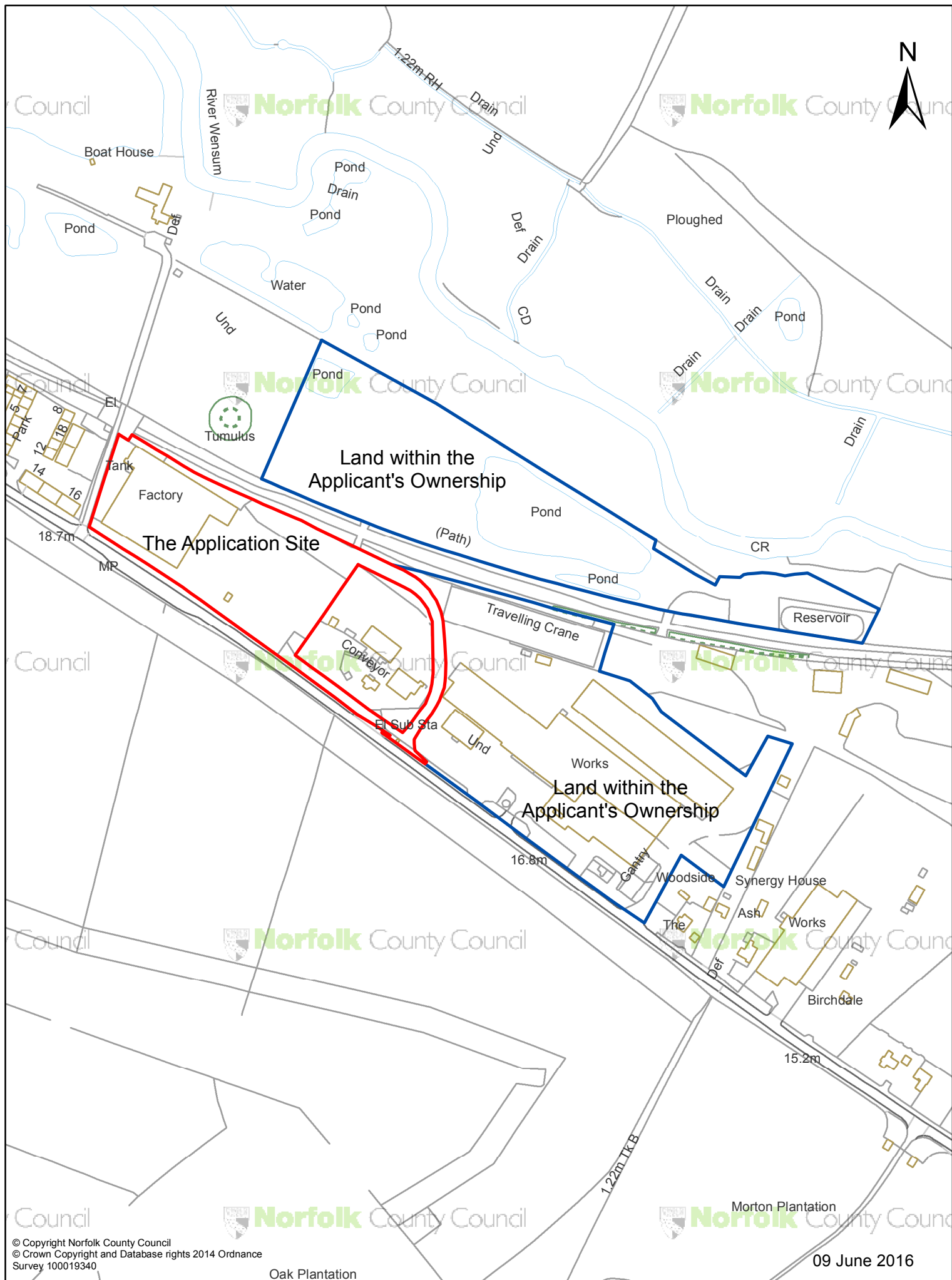
Officer name : Ralph Cox

Tel No. : 01603 233318

Email address : ralph.cox@norfolk.gov.uk



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



© Copyright Norfolk County Council
 © Crown Copyright and Database rights 2014 Ordnance
 Survey 100019340

Oak Plantation

C/5/2015/5007
 Weston Longville/Morton on the Hill

0 25 50 100 150 200
 Metres

46

Norfolk County Council

1:4,000

Planning (Regulatory) Committee

Item No.

Report title:	C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn
Date of meeting:	21 October 2016
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Variation of condition 4 of permission ref. C/2/2015/2030 to increase permitted liquid sludge input (Anglian Water Services Ltd)	

Executive summary

Planning permission is sought to vary condition 4 of planning permission reference C/2/2015/2030 (granted in January 2016) in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level currently authorised. That consent permitted development of a Sludge Cake Reception Centre at the site, which once built, would enable 44,000m³ of sludge cake (dry/dewatered solids) per year to be imported to the site in HGVs to allow the existing Sludge Treatment Centre (STC) to operate at its full capacity of treating 19,000 tonnes per annum of dry solids (currently it treats 11,000). This in turn would increase the amount of renewable energy that can be produced on site through the anaerobic digestion process.

In approving the proposal in January for the Sludge Cake Reception Centre, the CPA imposed tonnage limits on both sludge cake (44,000m³) and liquid sludge (222,500m³) imported by road to ensure vehicle movements would not exceed current (unregulated) levels. Anglian Water Ltd advise that this current application would provide them with flexibility to import a greater quantity of liquid sludge during occasions when the approved Sludge Cake Reception Centre would need to be taken out of service for maintenance.

The planning application has received no objections from statutory or non-statutory consultees however representations have been received from Clenchwarton Parish Council and one local residents objecting to / raising concern about the development. In accordance with the Council's scheme of delegation, the application would not ordinarily be reported to the Planning (Regulatory) Committee (based on this number of objections), however the Local Member Cllr Alexandra Kemp has requested the application be determined by this committee.

The key issues relate to the impact of the increased quantities of liquid sludge imported, and associated vehicle movements on the local highway network, and the impact of the movements on local amenity. However, it is considered the application accords with the development plan and national policy and there are no material considerations that indicate the application should be refused.

Recommendation: The Executive Director of Community and Environmental Services be authorised to :

- I. **Grant planning permission subject to the conditions outlined in section 13.**
- II. **Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- | | | | |
|-----|------------------------------|---|--|
| 1.1 | Type of development | : | Water Recycling Centre and associated infrastructure. |
| 1.2 | Site area | : | 0.74ha |
| 1.3 | Annual tonnage | : | Sludge cake: 19,000 tonnes per annum (the sludge cake reception centre would enable the existing capacity to be reached: currently it is operating at 11,000 tonnes per annum) |
| 1.4 | Market served | : | Circa 25 - 40 mile radius: the applicant has identified a number of sewage treatment works within the east of England where sludge cake would be imported from) |
| 1.5 | Duration | : | Permanent |
| 1.6 | Hours of working / operation | : | Operation of sludge cake reception facility:
24 hour working proposed 7 days a week (including bank holidays) |

Traffic Access to the site:

07.00 – 19.00 Sunday to Monday

Construction of the proposed development:

07.00 – 18.00 Monday to Friday

07.00 – 13.00 Saturdays

No working Sundays or Bank Holidays

- | | | | |
|-----|-------------------------------|---|--|
| 1.7 | Vehicle movements and numbers | : | Construction of the proposed development:
Predicted to be 82 (41 in and out) additional movements per day over a 33 week construction period consisting of <ul style="list-style-type: none"> • 20 cars / LGVs associated with staff; • 15 HGVs; • 5 other delivery vehicles; • 1 HGV every 2 weeks to remove site waste |
|-----|-------------------------------|---|--|

Following construction, the vehicle movements for the sludge treatment centre:

On the basis of a maximum input of approximately 315,000m³ of liquid sludge per annum and 44,000m³ of dry dewatered solids, predicted movements would be:

- 34 HGVs in and out per day (68 movements) for liquid sludge; and
- 5 HGVs in and out per day (10 movements) for dry sludge cake.

- 1.8 Access : Existing access/egress to WRC from Clockcase Lane
- 1.9 In January 2016, the Planning (Regulatory) Committee resolved to grant planning permission for the 'Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre'. That application proposed to enable the existing STC to receive sludge cake utilising spare capacity at the works, and increase the amount of renewable energy created by this process as well as maximising operating efficiency. The full committee report setting out the details of the approved scheme is attached as Appendix 3.
- 1.10 Condition 4 of that consent stipulated that 'No more than 222,500 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum....'. The condition was imposed to ensure that the development would not increase vehicle movements to the wider Anglian Water site beyond current levels: the (earlier) application stated it would actually be likely to result in a decrease in movements.
- 1.11 Although the Planning Authority sought Anglian Water Ltd's view on this condition prior to finalising the committee report, the applicant's view both at that stage, and during the committee itself, was that no such condition should be imposed.
- 1.12 In their current application, Anglian Water has stated it has no objection to the principle of a condition restricting inputs, however the figures used are average best case figures and based on the new Sludge Cake Reception Centre operating 100% of the time.
- 1.13 There would be occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance, and on these occasions liquid sludge imports and associated HGV movements would need to increase. Anglian Water advises that the condition as it currently stands would result in 24 import load averages per day based on 222,500m³ per annum. The applicant wishes to increase this number to 315,208m³ per annum which would increase HGV imports to 34 per day (in those instances where maintenance would be required), but still fewer than 36 imports per day which is the current (unregulated) figure for liquid sludge.
- 1.14 The applicant does not propose to amend condition 3 of the extant permission which requires a detailed management plan for the backfilling of HGVs. This was proposed by Anglian Water in their original application in order to ensure HGV

movements do not increase above current levels.

2. Site

The Sludge Cake Reception Centre is proposed to be located within a central area of the existing Water Recycling Centre (WRC). The WRC works itself is located on the western bank of the River Great Ouse some 1.5 kilometres north east of Clenchwarton Village and 1.5 kilometres north east of King's Lynn town centre (1 kilometre from the outskirts of the town). Vehicular access to the WRC is accessed via Clockcase Lane. The landscape character to the north, west and south is open farmed fenland. Point Farm, the nearest residential property is some 275 metres from the boundary of the WRC.

3. Constraints

3.1 The following constraints apply to the application site:

- Public Footpath King's Lynn FP36 runs some 75 metres east of the site, adjacent to the River Ouse.
- Site lies within Flood Zone 3.
- Site lies in King's Lynn Internal Drainage Board (IDB)
- Northern most point of site (the access within the existing WRC) is 1.35 kilometres south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

4. Planning History

- 4.1 It is understood that the Water Recycling Centre (previously the 'Wastewater Treatment Works') has operated at its existing site on Clockcase Lane since before 1971.
- 4.2 In 2006 the County Council granted planning permission for the 'Construction of a Bio-solids Treatment Plant' at the existing WwTW under reference C/2/2006/2006 following a resolution by this committee. This is the sole previous application that the County Planning Authority has permitted for this site (prior to the application permitted in January 2016).
- 4.3 In December 2013, this committee resolved to refuse an application for Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline' under reference C/3/2013/2003. The grounds of refusal were on the basis of the location of liquid sludge import centre element of the proposal located in open countryside with the loss of Grade 1 Agricultural land. Therefore the proposal did not accord with the development plan and there were not considered to be material considerations to justify a departure from the plan.

- 4.4 The applicant subsequently appealed this decision and in October & December 2014 a Hearing was held to consider the appeal. The Planning Inspectorate however dismissed the applicant's appeal upholding the Council's original decision which was issued in February 2015.
- 4.5 As stated in 1.10, in January 2016, the Planning (Regulatory) Committee resolved to grant planning permission for the 'Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre' under reference C/2/2015/2030. The approved development has not however been built and it is this permission that the current planning application now seeks to vary.

5. Planning Policy

- | | | | | |
|-----|--|---|---|---|
| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS11
CS14
CS15
DM3
DM4
DM8

DM9
DM10
DM12
DM13
DM15 | General location of waste management facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Wastewater/sewage infrastructure and treatment facilities
Environmental protection
Transport
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Archaeological Sites
Transport
Amenity
Air quality
Cumulative impacts |
| 5.2 | King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011) | : | CS01
CS02
CS03
CS06
CS08
CS11
CS12 | Spatial Strategy
The Settlement Hierarchy
King's Lynn Area
Development in Rural Areas
Sustainable Development
Transport
Environmental Assets |
| 5.3 | King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Local Plan (2016) | : | DM15
DM20 | Environment, Design and Amenity
Renewable Energy |

- 5.4 Neighbourhood Plan : There is no plan in force for the area in which the site is located (the site falls within the King's Lynn administrative boundary).
- 5.5 The National Planning Policy Framework (2012) : 10 Meeting the challenge of climate change, flooding coastal change
11 Conserving and enhancing the natural environment
- 5.6 National Planning Policy for Waste (2014)
- 5.7 Waste Management Plan for England (2013)
- 6. Consultations**
- 6.1 Borough Council of King's Lynn & West Norfolk : No objection.
- 6.2 Clenchwarton Parish Council : Strongly object – the removal of the condition would see a huge increase in HGVs using single track road. Road is unsuitable for these vehicles and an increase in HGVs would pose a danger to other users (pedestrians, cyclists etc). A new road should be built to take vehicles away from residential properties. Also request a site visit prior to a decision being made.
- 6.3 Environmental Health Officer (King's Lynn Borough Council) : Community Safety and Nuisance Officer: No objection – the EA through the Environmental Permit are best placed to comment on implications of the proposal in terms of noise and odour from the site itself. Proposal would bring it in line with quantities allowed in the EA's Environmental Permit.
Scientific Officer: No further comments regarding contaminated land or air quality.
- 6.4 Environment Agency (EA) : No objection – the EA does not believe the planning application impinges on the requirements of the Environmental Permit.
- 6.5 Highway Authority (NCC) : No objection. The development would not make matters any worse than could lawfully occur at present.
- 6.6 County Councillor (Mrs A Kemp) : Has requested (by telephone conversation) that the application be determined at Planning (Regulatory) Committee.
- 6.7 Representations

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

- 6.8 Correspondence has been received from one individual asking why they were not informed about the planning application. The same individual also wrote to the Council's Managing Director, Dr Wendy Thomson, citing a number of concerns and attaching a copy of their objection to the previous application (for the sludge cake reception centre itself). The individual's letter to Dr Thomson cited concerns relating to:

- further disturbance and property damage from increasing HGV traffic along Clockcase Lane that runs immediately beside his and his parent's homes;
- the legitimacy of the HGV figures included given the 'error' in Anglian Water's original application;
- that the previous approval was based on the premise HGV movements would reduce from the site;
- worsening odour from the site;
- the landscape impact of the site (including that no additional landscaping was required by the previous approval;
- leisure / tourism impacts on the area;
- that it be a condition that no 24 hour deliveries to the site take place (recommends hours of 6.30am – 21.30pm).

7. Assessment

- 7.1 The issues to be assessed for this application are the impact of the increased liquid sludge impact with regards to the HGV movements per se, the impact of the highway movements on local amenity and air quality, and any potential cumulative impacts of the development. Given the short timescale since the previous application was determined for the sludge cake reception centre itself (January 2016), and the nature of the amendment sought to the previously approved development (i.e. there would be no physical changes to the size or appearance of the sludge reception centre building itself), it is not considered there would be any material impacts on other issues previously discussed in the original report (attached as Appendix 3) which relate to the physical development itself such as landscape, flood risk, sustainability, archaeology, public rights of way, ground water and surface water, bio-diversity/ecology, and protection of agricultural land.

7.2 Principle of development

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".

- 7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and

Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Furthermore, since determination of the original application which this application seeks to vary, King’s Lynn Borough Council’s full Council recently resolved to adopt their Site Allocations and Development Management Policies Local Plan on 29 September 2016 hence this also needs to be considered too. Whilst not part of the development plan, policies within the National Planning Policy for Waste (2014) and the National Planning Policy Framework (NPPF) are also a further material consideration of significant weight).

- 7.4 Wastewater treatment plants are a vital part of community infrastructure and are necessary to protect human health and water quality. NMWDF policy CS11: Wastewater/sewage infrastructure and treatment facilities states that new or extended wastewater/sewage infrastructure and treatment facilities will be acceptable where proposals aim to treat a greater quantity of wastewater, or reduces the environmental impact of operation. It adds that the developer will be required to demonstrate that the proposal can be located and operated without giving rise to unacceptable environmental, amenity and highway impacts. King’s Lynn SADMP Local Plan Policy DM20: *Renewable Energy* states proposals for renewable energy will be assessed to determine whether or not the benefits they bring are outweighed by the impacts, either individually or cumulatively, upon inter alia, amenity and public safety (including vehicular highways). The assessment below which discusses these factors will determine whether the proposal is consistent with these policies and criteria.

7.5 **Transport / Highways**

NMWDF Policies CS15: Transport and DM10: Transport requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water. King’s Lynn SADMP Local Plan (2016) policy DM15 states development proposals should demonstrate safe access can be provided. The National Planning Policy for Waste (2014) lists ‘the capacity of existing and potential transport infrastructure to support the sustainable movement of waste,’ as one of the criteria against which waste planning authorities should assess the suitability of sites for new or enhanced waste management facilities.

- 7.6 As stated above in 1.11 – 1.13, this application has been lodged to ensure Anglian Water has sufficient capacity to import liquid sludge on the occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance. The applicant advises the figures used in the approved

condition are average best case figures and based on the new Sludge Cake Reception Centre operating 100% of the time. There would be occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance, and in those instances, vehicle movements associated with the importation of liquid sludge would need to increase (as set out in 7.7). It is not however the case that the vehicle movements submitted with the original application were in error (as referred to in the correspondence received from a third party detailed in section 6.16). This situation however came about due to a resistance from Anglian Water to have any conditions applied to their current permission regarding import limits to the site.

- 7.7 Ultimately the likely new number of HGVs would not result in an increase once the facility is built and operational. By increasing the annual permitted throughput of liquid sludge to per 315,208m³, it would increase vehicle movements importing liquid sludge to 34 HGV imports (68 movements) from the 24 that have been permitted for 222,500m³. The 24 HGVs (48 movements) however have not yet been realised on the basis that the development has not been constructed on site. Current levels of liquid sludge inputs are stated to be 36 HGVs or 72 movements, and whilst an increase beyond what was previously permitted, this proposal would actually still result in a marginal decrease in movements on current unregulated levels, albeit less of a decrease than previously approved.
- 7.8 The reason for the overall minor decrease in HGV movements (compared to current unregulated levels) would be because:
- there would be a decrease in liquid imports of sludge in favour of an increase in sludge solids imported to the site (sludge cake takes up less volume as it has already been dewatered off site); and,
 - The trailers used to bring in the sludge cakes would be washed down on site, 'backfilled' and used to export the treated biosolids to farmland. At present the existing cake export is transferred by skip lorry which will decrease from current levels.
- 7.9 Whilst recognizing the surrounding highway network remains narrow and inappropriate for use by additional traffic, no objection was raised by the Highway Authority on the basis the proposed development would not make matters any worse than they could lawfully occur at present. The Highway Authority also made reference to retaining condition 3 from the previous consent, reference C/2/2015/2030 relating a management plan for the washing out and backfilling of HGVs/tankers visiting the site.
- 7.10 Subject to retention of the condition outlined above, it is considered the application complies with NMWDF Policies CS15 and DM10, and King's Lynn Local Plan Policy DM15.
- 7.11 **Amenity**
The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on

amenity. NMWDF policy DM13: Air Quality seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. The recently adopted King's Lynn SADMP Local Plan (2015) Development Management Policy DM15 states development that has a significant adverse impact on the amenity will be refused.

- 7.12 Both the National Planning Policy for Waste and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively.
- 7.13 The impact on amenity of the sludge cake building itself as already been assessed as being acceptable and no further changes are sought in respect of this. The issue to consider is whether the change in the number of vehicle movements beyond those currently permitted would have an unacceptable impact (on amenity).
- 7.14 Ultimately the proposed number of HGVs would not result in an increase in levels currently visiting the site once the facility is built and operational. Whilst an increase beyond what was permitted previously in January 2016, this proposal would actually result in a marginal decrease in movements on current unregulated levels. Even assessed against previous approved levels, an increase of 10 HGVs / 20 movements over the course of a working day would not be significant. On this basis the proposal would not have an unacceptable impact on amenity or air quality as a result of the amended condition, and would not have an adverse impact on Air Quality Management Areas or lead to the designation of new ones. The proposal is therefore considered to accord with NMWDF Policies CS14 and DM12, DM13 and Section 11 of the NPPF, King's Lynn Local SADMP Plan Policy DM15, and the National Planning Policy for Waste.
- 7.15 **Biodiversity and geodiversity**
Appropriate Assessment
Whilst the site is located within 1.25 kilometres of The Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the proposed development would not have a significant impact on the integrity of this site and accordingly no Appropriate Assessment of the development is required.
- 7.16 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites, King's Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, and Chapter 11 of the NPPF: Conserving and enhancing the natural environment.

7.17 Cumulative impacts

NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

7.18 In this instance, there are no other existing or permitted waste management facilities in the vicinity to consider. Whilst concern has been raised with regards to vehicle movements and their impacts, the development as proposed wouldn't increase HGV movements beyond current unregulated levels as set out and assessed above. On this basis the proposal is compliant with these policies.

7.19 Environmental Impact Assessment

The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

7.20 Responses to the representations received

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

7.21 Comments have been received from one individual which have been addressed above (highways, amenity etc).

7.22 With regards increased levels of odour from the site itself, the sludge cake reception centre (the subject of this and the previous application) has not been constructed yet so any increased odour cannot be attributable to this. It is however understood there has been issues with the maintenance of existing silos on site (not the subject of this planning application) which had the potential in recent months to contribute to increased levels of odour. The County Planning Authority has however worked with the Environment Agency to ensure these matters have been resolved. With regards to landscape, the applicant is not proposing to amend the design of the plant previously approved in January.

7.23 The Community Infrastructure Levy

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

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

- 9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

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

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

9.5 Equality Impact Assessment (EqIA)

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

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

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

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

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

10. Section 17 – Crime and Disorder Act

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

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting Planning Permission

- 12.1 Planning permission is sought to vary condition 4 of planning permission

reference C/2/2015/2030 in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level permitted in January 2016. This would provide Anglian Water Ltd flexibility for occasions when the approved Sludge Cake Reception Centre would need to be taken out of service for maintenance.

- 12.2 Whilst the increase in annual liquid sludge imports from 222,500m³ to 315,208m³ would result in an increase in some 10 HGV vehicles per day (20 movements) beyond the levels approved in January 2016, it would still result in a marginal decrease, or at worst no increase, in terms of the current average unregulated vehicle movements given that the permission has not been implemented (and the development has not been built). Furthermore, the additional movements (beyond those approved) would occur only during periods when the sludge cake reception centre would need to be taken out of service for maintenance.
- 12.3 No objections have been received from statutory or non-statutory consultees. The proposal would not have an unacceptable impact on the landscape, amenity, ecology (including The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC)) or the public highway.
- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development hereby permitted shall commence within three years of 8 January 2016.

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.

- 13.2 The development shall not take place except in accordance with the application form and the following approved drawings and documents:
- i. Cake Reception Building Hopper and Conveyor Elevations; reference SEW-07846-KLYNST-SS-PLG-0005 rev 1; dated 13 July 2015;
 - ii. Cake Reception Building Hopper and Conveyor Plan; reference SEW-07846-KLYNST-SS-PLG-0004 rev 1; dated 13 July 2015;
 - iii. Cake Silo Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0006 rev 1; dated 13 July 2015;
 - iv. Site Location; reference SEW-07846-KLYNST-SS-PLG-0002; dated 13 July 2015;
 - v. MCC Kiosk Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0007; dated 13 July 2015;
 - vi. Odour Control Unit Elevations; reference SEW-07846-KLYNST-SS-PLG-0008 rev 2; dated 13 July 2015;
 - vii. Site Elevations; reference SEW-07846-KLYNST-SS-PLG-0003 rev 1;

dated 13 July 2015;

- viii. Site Layout; reference SEW-07846-KLYNST-SS-PLG-0001 rev 1; dated 13 July 2015;
- ix. Planning Application Supporting Statement; reference SEW-07846; dated August 2015;
- x. Phase One Contaminated Land Desk Study; reference 355282/EVT/EMP/1/E rev E; dated 1 July 2015;
- xi. Preliminary Ecological Appraisal; reference 355282/EVT/EMP/1/A; dated May 2015;
- xii. Landscape and Visual Impact Assessment; reference SEW-07846 355282/EVT/EMP/1/A rev B; dated 11 May 2015;
- xiii. Noise Impact Assessment; reference 355282BA01/HWY/HDS/001/B rev B; dated 07 August 2015;
- xiv. Odour Assessment; reference 355282/EVT/EMP/1/A; dated 01 June 2015;
- xv. Odour Management Plan; reference SEW-07846 rev B; dated 01 may 2015;
- xvi. Sustainability Statement; reference 355282/EVT/EMP/1/B rev B; dated 7 August 2015;
- xvii. Transport Statement; reference 355282/BSE/EAD/TS01/C rev B; dated 11 August 2015 as amended by email received from Steve Swan on 22 October 2015 @ 9:31am.

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

- 13.3 Prior to the first use of the proposed development, a detailed management plan For the backfilling of HGVs shall be submitted to the County Planning Authority for approval in writing. The scheme shall make provision for:
- i) Designated area(s) where HGVs will be washed down and backfilled;
 - ii) Records to be kept of the HGVs backfilled which will be kept for at least 12 months and made available for inspection upon request of the CPA.

The approved scheme shall be implemented for the lifetime of the development and no sludge cake / soil conditioner shall leave the site except in accordance with this scheme.

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

- 13.4 No more than 315,208 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority upon request.

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

- 13.5 No development shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Borough Council. The scheme shall be implemented as approved during the period of construction.

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

- 13.6 No deliveries of sludge cake shall take place except between the hours of: 07.00 – 19.00 Sunday to Monday

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

- 13.7 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 13.8 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.

- 13.9 No material other than dewatered sludge cake shall be brought into the application site, the subject of this permission.

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

Background Papers

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

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

King's Lynn & West Norfolk Site Allocations and Development Management Policies Pre-Submission Document (2016)

https://www.west-norfolk.gov.uk/downloads/download/63/submission_documents

King's Lynn & West Norfolk Core Strategy (2011)

https://www.west-norfolk.gov.uk/info/20092/core_strategy/112/core_strategy_explained

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Officer Contact

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

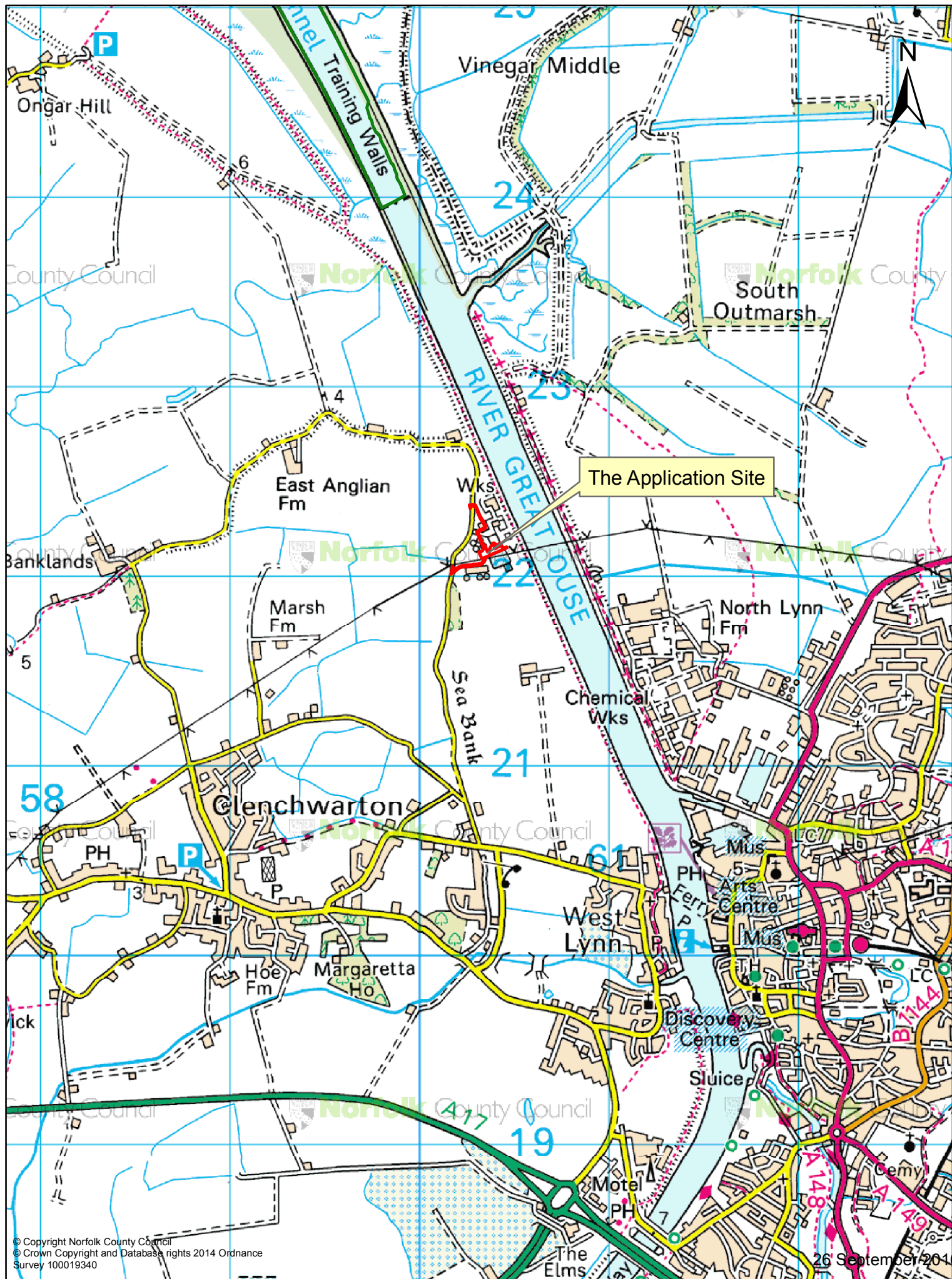
Officer name : Ralph Cox

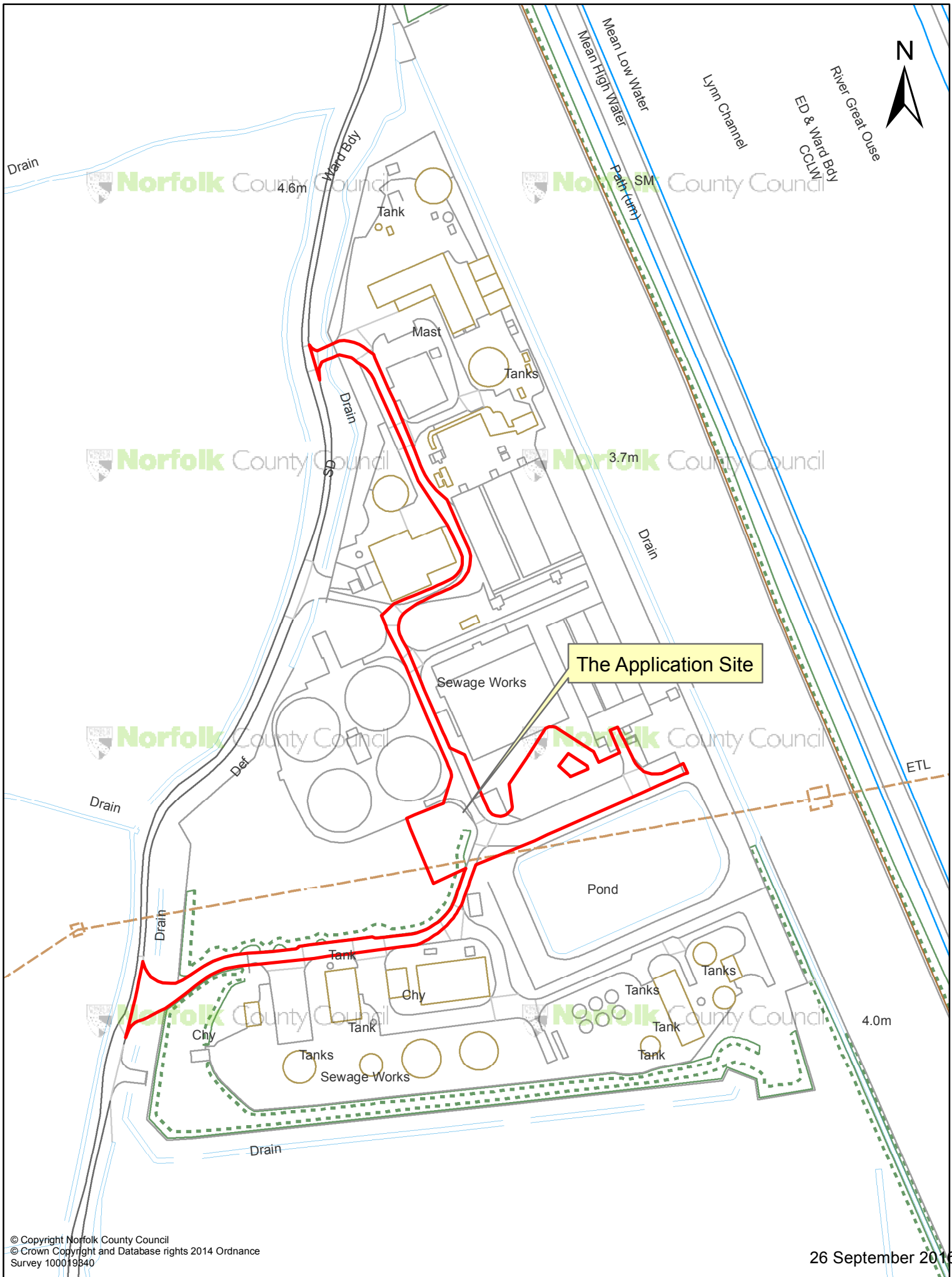
Tel No. : 01603 223318

Email address : ralph.cox@norfolk.gov.uk



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





© Copyright Norfolk County Council
 © Crown Copyright and Database rights 2014 Ordnance
 Survey 100019340

26 September 2016

C/2/2016/2016
 King's Lynn

0 25 50 100
 Metres
 64

Norfolk County Council
 1:2,500

Applications Referred to Committee for Determination

Borough of King's Lynn & West Norfolk:

C/2/2015/2030: King's Lynn: Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre: Anglian Water Services Ltd

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for construction of a sludge cake reception facility within the existing King's Lynn Water Recycling Centre (WRC). This would enable sludge cake (dewatered at other Anglian Water sites) to be imported to the site in HGVs and allow the existing Sludge Treatment Centre (STC) to operate at its full capacity of 19,000 tonnes per annum of dry solids (currently it operates at 11,000).

This would increase the amount of sludge cake treated in the existing AD plant that forms part of the existing STC and therefore also the amount of renewable energy created by this process as well as maximising operating efficiency. The proposal would also result in a small decrease in the number of HGVs visiting the WRC.

The planning application has received no objections from statutory consultees however representations have been received from Clenchwarton Parish Council and two local residents objecting to the development. In accordance with the Council's scheme of delegation, the application would not ordinarily be reported to this committee however the Local Member Cllr Alexandra Kemp has, in accordance with the Council's constitution, requested the application be determined by this committee.

The application accords with the development plan and national policy and there are no material considerations that indicate the application should be refused.

Recommendation

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

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

1. The Proposal

- 1.1 Location : Land within existing King's Lynn Water Recycling Centre.
- 1.2 Type of development : Water Recycling Centre and associated infrastructure.
- 1.3 Area of site : 0.74ha
- 1.4 Annual tonnage : Sludge cake: 19,000 tonnes per annum (the sludge cake reception centre would enable the existing capacity to be reached: currently it is operating at 11,000 tonnes per annum)
- 1.5 Market served : Circa 25 - 40 mile radius: the applicant has identified a number of sewage treatment works within the east of England where sludge cake would be imported from)
- 1.6 Duration : Permanent
- 1.7 Hours of working : **Operation of sludge cake reception facility:**
24 hour working proposed 7 days a week
(including bank holidays)

Traffic Access to the site:

07.00 – 19.00 Sunday to Monday

Construction of the proposed development:

07.00 – 18.00 Monday to Friday

07.00 – 13.00 Saturdays

No working Sundays or Bank Holidays

- 1.8 Vehicle movements and numbers : **Construction of the proposed development:**
Predicted to be 82 (41 in and out) additional movements per day over a 33 week construction period consisting of
- 20 cars / LGVs associated with staff;
 - 15 HGVs;
 - 5 other delivery vehicles;
 - 1 HGV every 2 weeks to remove site waste

Following construction, the vehicle

movements for the sludge treatment centre:

Predicted to be a net decrease of between 24 and 4 HGV movements (12 and 2 HGVs in and out). HGVs accessing the site would be:

- 34 to 44 HGVs consisting of 29 to 39

imports and 5 exports (68 to 88 movements).

1.9 Access : Existing access/egress to WRC from Clockcase Lane

1.10 Landscaping : No additional landscaping proposed.

2. Constraints

2.1 The following constraints apply to the application site:

- Public Footpath King's Lynn FP36 runs some 75 metres east of the site, adjacent to the River Ouse.
- Site lies within Flood Zone 3.
- Site lies in King's Lynn Internal Drainage Board (IDB)
- Northern most point of site (the access within the existing WwTW) is 1.35 kilometres south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

3. Planning History

3.1 It is understood that the Water Recycling Centre (previously the 'Wastewater Treatment Works') has operated at its existing site on Clockcase Lane since before 1971.

3.2 In 2006 the County Council granted planning permission for the 'Construction of a Bio-solids Treatment Plant' at the existing WwTW under reference C/2/2006/2006 following a resolution by this committee. This is the sole previous application that the County Planning Authority has permitted for this site.

3.3 In December 2013, this committee resolved to refuse an application for Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline' under reference C/3/2013/2003. The grounds of refusal were on the basis of the location of liquid sludge import centre element of the proposal located in open countryside with the loss of Grade 1 Agricultural land. Therefore the proposal did not accord with the development plan and there were not considered to be material considerations to justify a departure from the plan.

3.4 The applicant subsequently appealed this decision and in October & December 2014 a Hearing was held to consider the appeal. The Planning Inspectorate however dismissed the applicant's appeal and upholding the Council's original

decision which was issued in February 2015.

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)	:	CS5	General location of waste management facilities
			CS6	General waste management considerations
			CS7	Recycling, composting, anaerobic digestion and waste transfer stations
			CS11	Wastewater/sewage infrastructure and treatment facilities
			CS14	Environmental protection
			CS15	Transport
			DM3	Groundwater and surface water
			DM4	Flood risk
			DM8	Design, local landscape and townscape character
			DM9	Archaeological Sites
			DM10	Transport
			DM12	Amenity
			DM13	Air quality
			DM15	Cumulative impacts
4.2	King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)	:	CS01	Spatial Strategy
			CS02	The Settlement Hierarchy
			CS03	King's Lynn Area
			CS06	Development in Rural Areas
			CS08	Sustainable Development
			CS11	Transport
4.3	King's Lynn & West Norfolk Borough Council Local Plan (1998)	:	CS12	Environmental Assets
4.4	The National Planning Policy Framework (NPPF) (2012)	:	10	Meeting the challenge of climate change, flooding coastal change
			11	Conserving and enhancing the natural environment
4.5	National Planning Policy for Waste (2014)			
4.6	National Planning Practice Guidance Notes (2014)			

5. Consultations

- | | | |
|-----|--|--|
| 5.1 | Borough Council of King's Lynn & West Norfolk | : No objection. The application was referred to their Planning Committee and Members resolved not to object but to request extra screen planting is considered. |
| 5.2 | Clenchwarton Parish Council | : Unanimously voted to object to the application on the grounds that Clockcase Lane is a village single track land and totally inadequate for the huge volume of tanker traffic already using the lane. Anglian Water should not be able to expand its facility until a better access road is in place. |
| 5.3 | Highway Authority (NCC) | : On receipt of additional information (as requested), satisfied the development would not lead to an increase in HGVs accessing the site. No objection subject to conditions concerning a management plan for backfilling of vehicles to limit vehicles to current levels, and a condition to limiting the tonnage of material and HGV to the equivalent of current levels. |
| 5.4 | Environmental Quality (KL&WN) | : No objection on air quality grounds. Recommend that a Construction Environment Management Plan be required by condition to minimise environmental impact during the construction phase. |
| 5.5 | Community Safety & Neighbourhood Officer (KL&WN) | : No objection. The site is covered by an IPPC regulated by the Environment Agency which controls factors such as noise, vibration, odour and pests. The Permit has recently been varied to cover the proposed new development once it is operational and therefore it is not appropriate to duplicate these controls through additional conditions via the planning system. |
| 5.6 | Norfolk Historic Environment Service (NCC) | : No Objection: the proposal does not have any implications for the historic environment. |
| 5.7 | Environment Agency | : No objection. Confirm that the new sludge cake reception facility has already been included within the existing Environmental Permit by means of a permit variation. |
| 5.8 | Natural England | : No objection. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. |

5.9	King's Lynn Drainage Board	: No objection.
5.10	Lead Local Flood Authority (NCC)	: No comments to make.
5.11	Ecologist (NCC)	: No objection.
5.12	Landscape & Green Infrastructure Officer (NCC)	: No objection.
5.13	UK Power Networks	: No response received.
5.14	Public Rights of Way Officer (NCC)	: No objection.
5.15	Local residents	<p>: Objections / correspondence expressing concern about the development received from two members of the public on the following grounds:</p> <ul style="list-style-type: none"> • Clockcase Lane is not adequate for 40t HGVs that the development would result in using it; • As more waste is imported from Lincolnshire, Cambridgeshire and East Norfolk it is inconceivable traffic will reduce; • The monthly repairs to this road show that the single track village lane is in a continuous state of collapse and poor repair as it is completely unsuitable for the weight of these HGV's, not only in size (being a single track village lane) but also in construction having never been built for the weight, size and huge number of Anglian Water HGV tankers continually damaging it; • The huge number of repairs and inspections for such a short village lane probably makes this the most expensive road to maintain in England and is a shocking waste of NCC taxpayers; • No expansion should take place until either a new road or pumping station is built. <p>Part of the correspondence included a letter sent to the Head of the Ofwat Board raising additional concerns including:</p> <ul style="list-style-type: none"> • The Site being on the edge of a Site of Special Scientific Interest; • No attempt has been made to screen the

existing dominating eyesore with effective landscaping: an effective landscaping plan must be made a condition of any approval;

- Odour and noise impacts of existing HGVs;
- Odour impacts of the existing WRC plant (from waste itself or perfumes used by AW which are a cheap and ineffective solution)
- The site is poorly managed with no-one seemingly monitoring the above impacts.

- 5.16 County Councillor (Mrs A Kemp) : Is of the view the application cannot go ahead: until Ofwat has responded with their strategic plan, Members will not have sufficient information to base their decision on. *[Email was sent to Ofwat in October 2015 by Cllr Kemp requesting information on Ofwat's requirements for a new road to be constructed between Millennium Way and the WRC and underlining that the current access is not fit for purpose]*. Has made clear in a number of meetings and telephone conversations that Clockcase Lane is not considered adequate to serve the vehicle movements of existing WwTW which have increased in recent years (particular reference has been made to private vehicles importing sludge).

6. Assessment

Proposal

- 6.1 Planning permission is sought for the development of a new sludge cake reception building and associated equipment at the existing King' Lynn Water Recycling Centre to enable the works to receive sludge in cake form (sludge dewatered at other Anglian Water sites) rather than in liquid form as it currently does.
- 6.2 As detailed in the section 3, in 2006 the County Council granted planning permission for a Sludge Treatment Centre (STC) at the site which was completed on site in 2007. This plant provides capacity to treat up to 19,000 tonnes of dry solids per annum and replaced the previous raw sludge lime treatment plant. An Anaerobic Digestion process is used to treat the dewatered sludge cake with combined heat and power engines used to generate renewable energy (electricity) from the biogas that is a by-product of the sludge digestion process. The applicant states that the facility is presently treating 11,000 tonnes per annum (tpa) and is therefore operating considerably below the 19,000 tpa originally anticipated capacity. The application would enable the existing STC to receive more sludge cake utilising spare capacity at the works, and increasing the amount of renewable energy created by this process as well as maximising operating efficiency.
- 6.3 The sludge cake reception centre would comprise of the following buildings/structures/plant:

- Cake reception building (profiled steel cladding) and bunker where lorries would deposit the waste and ancillary mechanical equipment (12.8 metres in height) (total footprint including equipment, ramps and stairs etc 34.2 x 12 metres (building itself 22.3 x 7.2 metres)).
- Odour control unit (including 13.2 metre high exhaust stack). This would be constructed from glass reinforced plastic and galvanised steel and would control odour from the cake reception building bunker using a two stage process using a bio scrubber and then a polishing step before being emitted through the stack.
- Glass reinforced plastic (GRP) motor control centre (MCC) building (Holly green) (12.9 x 5 metres footprint). This would be a single storey building used to house the MCC which is a large electrical panel containing instrumentation and process controllers to operation mechanical and electrical equipment needed.
- Cake Silo (total height including access ladder etc would be 19.2 metres) constructed from stainless steel (Goosewing grey). Sludge cake would be transferred here from the bunker via sealed pipework and stored temporarily before transfer to the existing anaerobic digestion plant.

Site

- 6.4 This is proposed to be located within the curtilage of the existing Water Recycling Centre (WRC) in a central area. The WRC works itself is located on the western bank of the River Great Ouse some 1.5 kilometres north east of Clenchwarton Village and 1.5 kilometres north east of King's Lynn town centre (1 kilometre from the outskirts of the town). Vehicular access to the WRC is accessed via Clockcase Lane. The landscape character to the north, west and south is open farmed fenland. Point Farm, the nearest residential property is some 275 metres from the boundary of the WRC.

Principle of development

- 6.5 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”.

In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King's Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy for Waste (2014) and the National Planning Policy Framework (NPPF) are also a further material consideration of significant weight).

- 6.6 The principle of development is to enable sludge cake to be imported to the site

by road thereby increasing the amount of sludge cake accepted at the works treated by the existing Anaerobic digestion plant. This process moves the management of waste up the waste hierarchy and recovers value from the waste stream in terms of both biogas (used to produce energy on site) and the production of soil conditioner used in agriculture. The management of waste in this way is therefore consistent with the National Planning Policy for Waste (2014) and also KL&WN Core Strategy policy CS08: *Sustainable Development* which supports the generation of energy from renewable sources (AD is now regarded as an established form of renewable energy).

6.7 Whilst not explicitly referred to as one in NMWDF policy CS5: *General location of waste management facilities*, King's Lynn WRC is regarded as a strategic or major waste management facility given the catchment it serves and its annual throughput (which exceeds 10,000 tonnes per annum). The WRC itself has historically been located on the banks of the Ouse at its present location, and this application proposes to provide a reception centre to increase the amount of sludge cake that can be accepted at the site.

6.8 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not have cause unacceptable environmental impacts:

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

The entirety of the application site falls within the confines of the existing WRC site and therefore the proposal is considered compliant with this policy on the basis the proposal is consistent with this policy. Furthermore, because this is not a greenfield site the proposal would be compliant with King's Lynn Core Strategy Policy CS06: *Development in rural areas* providing the proposal does not undermine the policy's aim to maintain local character and a high quality environment, as set out in the assessment below.

6.9 NMWDF Policy CS7: Recycling, composting, anaerobic digestion and waste transfer stations states that the expansion of anaerobic digestion (AD) facilities will be considered favourably so long as they would not cause unacceptable environmental, amenity or highway impacts. The development of the sludge cake reception centre at the existing WRC would increase the capacity of the existing AD plant within the WRC from 11,000 to 19,000 tonnes per annum. The impacts of the AD plant itself were considered when the bio-solids treatment centre was permitted in 2006, and the sludge cake reception centre only seeks to enable the facility to accept dewatered sludge cake imported by road. Ultimately the proposal would increase the amount of sludge treated in this way moving the management of this waste stream up the waste hierarchy.

6.10 Wastewater treatment plants are a vital part of community infrastructure and are necessary to protect human health and water quality. NMWDF policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended wastewater/sewage infrastructure and treatment facilities will be

acceptable where proposals aim to treat a greater quantity of wastewater, or reduces the environmental impact of operation. It adds that the developer will be required to demonstrate that the proposal can be located and operated without giving rise to unacceptable environmental, amenity and highway impacts. The assessment below which discusses these factors will determine whether the proposal is consistent with this criteria.

- 6.11 NMWDF policy Core Strategy Policy CS16: Safeguarded mineral and waste sites and mineral resources seeks to safeguard existing key Wastewater and sludge treatment facilities including this site. The proposal would not undermine any future development at this site but would in fact assist in enabling the sludge treatment centre to operate at capacity hence it is in compliance with this policy.

Amenity

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

- 6.13 Both the National Planning Policy for Waste and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively.

- 6.14 Due to the nature of the waste dealt with, development of this type obviously has the potential to have an impact on local amenity with particular regard to odour but also noise and dust including during construction works.

6.15 Noise

A Noise Survey was submitted with the application which examined noise from construction activities, operation of the sludge cake reception centre and HGV movements. This concluded that noise impacts from the development would result in 'no significant effects', and with specific regard to the operation of the sludge cake facility this would not be expected to increase existing levels at the site boundary. As stated above, the applicant also proposes to only deliver to the site between 07.00 – 19.00 hours albeit the facility would be operational 24 hours a day. In the event that permission is granted, noise would be a matter controlled by the Environmental Permit regulated by the Environment Agency.

- 6.16 The Borough Council's Community Safety and Neighbourhood Nuisance Officer [EHO] has not raised any objection with regards to noise however it has been requested that a Construction Environment Management Plan be required as a condition of any planning consent.

6.17 Odour

Both an odour assessment and odour management plan were submitted as part of the application. The Odour Assessment predicted that there is unlikely to be an adverse impact on sensitive receptors in the vicinity of the site as a result of the development. Part of the development includes an odour control unit whereby the sludge cake hopper, the transfer conveyors and the cake silo are provided with an extraction system that maintains a negative pressure within these units to minimise the potential for fugitive emissions. The extracted air would be treated in a two stage odour abatement plant comprising a biological filter and a downstream dry media polishing unit. The treated off-gases would be discharged via a vent stack to the atmosphere through a vent stack. This system would be monitored continuously to ensure proper operation of the abatement plant.

- 6.18 In addition, when depositing sludge cake, HGVs would reverse into the sludge cake reception building. Once the external door is closed, the inner door opens and the sludge cake is tipped into the bunker to ensure odour isn't emitted from the building during this stage.

- 6.19 The Borough Council's Community Safety and Neighbourhood Nuisance Officer has raised no objection with regards to odour commenting that 'there would be no significant adverse impacts on members of the community'. In the event that permission is granted, the actual control of odour would be a matter regulated by the Environmental Permit issued by the Environment Agency.

- 6.20 Lighting
The only lighting proposed would be in the form of small bulk head lighting units affixed above external doorways. This would provide low level light and would be fitted with reflectors and guards to prevent light being emitted upwards and fitted with sensors.

- 6.21 As confirmed in the Environment Agency's (EA) consultation response, the applicant would have already applied to vary the existing Environmental Permit for the sludge treatment centre to include the new sludge cake reception centre. Whilst the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity (in consultation with the Borough Council), in accordance with paragraph 122 of the NPPF, it is nonetheless the role of the Environmental Permit as issued by the Environment Agency to actually control issues emissions such as odour, noise and dust through conditions.

- 6.22 There are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Subject to the above mentioned schemes being implemented, and the site being regulated by an Environmental Permit, it is not considered that there would be unacceptable impacts on local amenity, and accordingly the application complies with both NMWDF Policies CS14 and DM12 and Section 11 of the NPPF and the National Planning Policy for Waste.

- 6.23 **Air Quality**
NMWDF policy DM13: Air Quality seeks to only permit development where

development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. It also states that development will be permitted where adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'. Paragraph 120 states that 'to prevent unacceptable risks from pollution, planning policies and decisions should ensure that development is appropriate for its location'.

- 6.24 The issue of odour has been addressed above and no other concerns have been raised by the Borough Council's Community Safety and Neighbourhood Nuisance Officer. Subject to the implementation of and approval of the construction management plan that is requested by the Borough Council's EHO, the proposal is considered to accord with NMWDF policy DM13 and Section 11 of the NPPF.

Landscape

- 6.25 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape.
- 6.26 In terms of the sludge cake reception centre, this would be located within the confines of the existing WRC in a central location. The development would include a sludge cake reception building measuring 12.8 metres to the ridge line and a sludge cake silo that would be some 19 metres in height. Located in the heart of the existing WRC, this development is functional in design and would assimilate with current structures of a similar nature. Furthermore, the surrounding landscape including east of the River Ouse at King's Lynn Port has become characterized by large structures of this nature.
- 6.27 A Landscape and Visual Impact Assessment was undertaken as part of the application and concluded that there would be no long term significant effects on landscape character in the area. By year 15 of the operational phase, the majority of the effects on the landscape of the study area would be neutral. This is because existing planting on the WRC would have matured, providing greater screening of the works as a whole.
- 6.28 Whilst Members of the Borough Council's Planning Committee recommend extra screen planting is considered in their consultation response (no details of where this could be located were provided), given the existing screen planting in place, and the scale of the development itself, it is not felt that this is necessary or would be effective.
- 6.29 The County Council's landscape and green Infrastructure Officer raises no objection and it is not considered that there would be an unacceptable impact on the wider landscape. Accordingly the scheme is in accordance with NMWDF policies CS14 and DM8 and Section 11 of the NPPF.

Biodiversity/Ecology

- 6.30 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species. The site lies some 1.35 kilometres to the south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.
- 6.31 Natural England has advised that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 6.32 The County Council's Ecologist commented that the ecological value of the development area is considered to be low and has raised no objection on the basis of the small scale nature of the development within the existing site, and the proposed mitigation along with small scale enhancements for biodiversity in the way of a new wildflower meadow on the existing grass areas.
- 6.33 Appropriate Assessment
Whilst the site is located within 1.25 kilometres of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site, 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 the integrity of this site and accordingly no Appropriate Assessment of the development is required.
- 6.34 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites, King's Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, and Chapter 11 of the NPPF: Conserving and enhancing the natural environment.

Transport

- 6.35 NMWDF Policies CS15: Transport and DM10: Transport requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water. The National Planning Policy for Waste (2104) lists 'the capacity of existing and potential transport infrastructure to support the sustainable movement of waste,' as one of the criteria against which waste planning authorities should assess the suitability of sites for new or enhanced waste management facilities.

- 6.36 Accordingly a detailed Transport Statement was submitted with the application and additional information after further clarification was sought by the Highway Authority. The information concluded that the application would actually result in a decrease in the numbers of vehicles visiting the sludge treatment centre on a daily basis which is attributed to two factors:
- i. there would be a decrease in liquid imports of sludge in favour of an increase in sludge solids imported to the site (sludge cake takes up less volume as it has already been dewatered off site); and,
 - ii. The trailers used to bring in the sludge cakes would be washed down on site, 'backfilled' and used to export the treated biosolids to farmland. At present the existing cake export is transferred by skip lorry which will decrease from current levels.
- 6.37 As stated in section 1, the daily vehicle movements would amount to between 34 to 44 HGVs consisting of 29 to 39 imports and 5 exports (68 to 88 movements) as a result of a predicted net decrease of between 12 and 2 HGVs (24 and 4 movements) per day, based on the rationale above.
- 6.38 The County Highway Authority in their consultation response recognized the local concern about the suitability of Clockcase Lane to serve the Water Recycling Centre and commented that there is an ongoing need to carry out road and verge maintenance which is higher than typically expected for a road due to its substandard width and construction.
- 6.39 Notwithstanding this, the Highway Authority also stated that upon consideration of the further information submitted it is satisfied that the scenario outlined would not lead to an increase in HGVs accessing the site. As such it is not considered reasonable for the Highway Authority to recommend refusal to the application or insist on significant improvements being made as mitigation for the application currently under consideration given that the proposal would not make matters any worse than could lawfully occur at present.
- 6.40 The Highway Authority raised no objection subject to conditions concerning both a management plan for the backfilling of lorries removing the treated cake from the site to ensure this would take place, and a tonnage limit on the site. With regards to the backfilling of HGVs, a condition is proposed in section 12 below to monitor and manage this process. In terms of the tonnage limit on the site, a condition has been recommended to limit the total throughput of the site accordingly. Although the applicant has confirmed they would not support such a condition or be agreeable to entering into a legal agreement to this effect, the Highway Authority believe this to nonetheless be necessary (otherwise no weight can be given to the applicant's assertion that vehicle movements would not increase as a result of the development).
- 6.41 It's regrettable that opportunities to import sludge by river has not been further explored in accordance with NMWDF policy CS15 given the location of the site adjacent to a river. However it is understood this option was discounted by the applicant when assessing options to put forward as part of their Asset Management Plan 5 (AMP5) to address 'access improvements' to the site when the application for the off-site sludge import centre and pipeline was lodged (and

subsequently refused). However on the basis the proposal would not increase vehicle movements to the site (and would actually result in a net decrease), this would not be grounds to refuse the application.

- 6.42 Subject to the conditions outlined above, it is considered the application complies with NMWDF Policies CS15: Transport and DM10: Transport.

Sustainability

- 6.43 NMWDF Core Strategy policy CS13: *Climate change and renewable energy generation* has an aspiration that a minimum of 10% renewable energy is provided for waste developments from decentralized and renewable sources.

- 6.44 The existing Water Recycling Centre currently produces renewable energy for the site whereby the biogas from the Anaerobic Digestion Process is used by a combined heat and power engine to generate electricity. It is anticipated the proposal would result in an additional 5.9 gigawatt hours (GWh) per year of energy being produced (currently the site produces 6.7 GWh) as a result of increasing the capacity to accept sludge from 11,000 to 19,000 tonnes per annum, minimising the need to import power from the National Grid. On this basis the proposal is compliant with this policy.

Flood risk

- 6.45 The full extent of the application site falls within Flood Zone 3, hence in accordance with NMWDF policy DM4: *Flood Risk*, and the NPPF a Flood Risk Assessment (FRA) was submitted with the application.
- 6.46 The Environment Agency has raised no objection to the proposals although in commenting on the proposal have advised that emergency procedures for the site should be updated to ensure that appropriate measures should be taken during an extreme event – this would be attached to any planning consent granted as an informative. King's Lynn Internal Drainage Board (IDB) raised no objection commenting that all surface water run-off would be treated through the WWTW before discharge from that system
- 6.47 It is therefore considered that the proposal complies with NMWDF policy DM4, which only seeks to permit waste management sites that do not increase the risk of flooding.

Groundwater and surface water

- 6.48 NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources.
- 6.49 The site does not lie above a source protection zone and no concerns have been raised by the Environment Agency with regards to this. It is considered that the proposal is compliant with NMWDF policy DM3 and Section 11: Conserving and enhancing the natural environment of the NPPF.

Protection of best and most versatile agricultural land

- 6.50 The application site is located solely within the existing WWTW works hence

there would be no loss of agricultural land.

Public Rights of Way

- 6.51 The King's Lynn Footpath FP36 runs adjacent to the existing WwTW where the sludge cake reception centre would be sited and continues along the bank of the River Ouse away from the route of the proposed pipeline. The Public Rights of Way Officer is satisfied with the proposal and raises no objection.

Archaeology

- 6.52 NMWDF Policy DM9: Archaeological Sites states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not.
- 6.53 The County's Historic Environment Service has confirmed that there are no implications for the historic environment and the proposal is therefore in accordance with policy DM9 and chapter 12: Conserving and enhancing the historic environment of the NPPF.

Cumulative Impacts

- 6.54 NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.
- 6.55 In this instance, there are no other existing or permitted waste management facilities in the vicinity to consider. Whilst concern has been raised with regards to vehicle movements and their impacts, the development as proposed wouldn't increase HGV movements as set out and assessed above. On this basis the proposal is compliant with these policies.

Responses to the representations received

- 6.56 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.57 Comments have been received from two individuals which have largely been addressed above (highways, amenity etc).
- 6.58 With regard to the claim that the site is poorly managed, if local residents have specific concerns regarding amenity etc, these can be reported to the relevant regulatory authority (the County Planning Authority, the Environment Agency etc) and will be investigated and appropriate action taken if substantiated. However, the applicant themselves is not a material consideration given that any planning consent would run with the land.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

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

8. Other Implications

8.1 Human rights

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there

are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought for the development of a sludge cake reception centre within the existing King's Lynn Water Recycling Centre. The proposal would enable sludge cake (dewatered at other Anglian Water sites) to be imported to the site by road in HGVs and allow the existing Sludge Treatment Centre to operate at its full capacity of 19,000 tonnes per annum of dry solids (currently it operates at 11,000).
- 11.2 This would increase the amount of sludge cake treated in the existing AD plant and therefore also the amount of renewable energy created by this process as well as maximising operating efficiency. The proposal complies with policies in the development plan and would assist in moving the management up of waste up the Waste Hierarchy in accordance with the National Planning Policy for Waste.
- 11.3 Whilst concerns/objections have been received from two local people and Clenchwarton Parish Council predominantly on highway grounds (and the impact of the site on Clockcase Lane), the proposals would decrease overall vehicle movements to the site and the Highway Authority does not object to the proposals subject to conditions.
- 11.4 No objections have been received from statutory or non-statutory consultees. The proposal would not have an unacceptable impact on the landscape, amenity, ecology (including The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC)) or the public highway.
- 11.5 The proposed development is therefore considered acceptable and there are no other material considerations that indicate it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 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.

- 12.2 The development shall not take place except in accordance with the application form and the following approved drawings and documents:
- i. Cake Reception Building Hopper and Conveyor Elevations; reference SEW-07846-KLYNST-SS-PLG-0005 rev 1; dated 13 July 2015;
 - ii. Cake Reception Building Hopper and Conveyor Plan; reference SEW-07846-KLYNST-SS-PLG-0004 rev 1; dated 13 July 2015;
 - iii. Cake Silo Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0006 rev 1; dated 13 July 2015;
 - iv. Site Location; reference SEW-07846-KLYNST-SS-PLG-0002; dated 13 July 2015;
 - v. MCC Kiosk Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0007; dated 13 July 2015;
 - vi. Odour Control Unit Elevations; reference SEW-07846-KLYNST-SS-PLG-0008 rev 2; dated 13 July 2015;
 - vii. Site Elevations; reference SEW-07846-KLYNST-SS-PLG-0003 rev 1; dated 13 July 2015;
 - viii. Site Layout; reference SEW-07846-KLYNST-SS-PLG-0001 rev 1; dated 13 July 2015;
 - ix. Planning Application Supporting Statement; reference SEW-07846; dated August 2015;
 - x. Phase One Contaminated Land Desk Study; reference 355282/EVT/EMP/1/E rev E; dated 1 July 2015;
 - xi. Preliminary Ecological Appraisal; reference 355282/EVT/EMP/1/A; dated May 2015;
 - xii. Landscape and Visual Impact Assessment; reference SEW-07846 355282/EVT/EMP/1/A rev B; dated 11 May 2015;
 - xiii. Noise Impact Assessment; reference 355282BA01/HWY/HDS/001/B rev B; dated 07 August 2015;
 - xiv. Odour Assessment; reference 355282/EVT/EMP/1/A; dated 01 June 2015;
 - xv. Odour Management Plan; reference SEW-07846 rev B; dated 01 May 2015;
 - xvi. Sustainability Statement; reference 355282/EVT/EMP/1/B rev B; dated 7 August 2015;
 - xvii. Transport Statement; reference 355282/BSE/EAD/TS01/C rev B; dated 11 August 2015 as amended by email received from Steve Swan on 22

October 2015 @ 9:31am.

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

- 12.3 Prior to the first use of the proposed development, a detailed management plan for the backfilling of HGVs shall be submitted to the County Planning Authority for approval in writing. The scheme shall make provision for:
- i) Designated area(s) where HGVs will be washed down and backfilled;
 - ii) Records to be kept of the HGVs backfilled which will be kept for at least 12 months and made available for inspection upon request of the CPA.

The approved scheme shall be implemented for the lifetime of the development and no sludge cake / soil conditioner shall leave the site except in accordance with this scheme.

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

- 12.4 No more than 222,500 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority upon request.

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

- 12.5 No development shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Borough Council. The scheme shall be implemented as approved during the period of construction.

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

- 12.6 No deliveries of sludge cake shall take place except between the hours of: 07.00 – 19.00 Sunday to Monday

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

- 12.7 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 12.8 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.

- 12.9 No material other than dewatered sludge cake shall be brought into the application site, the subject of this permission.

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

Recommendation

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

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

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011): <http://www.norfolk.gov.uk/view/ncc094912>

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011): <http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

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

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

National Planning Policy for Waste:

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

Planning Practice Guidance (2014): <http://planningguidance.planningportal.gov.uk/>

Application references C/2/2006/2006, C/2/2013/2003

Officer Contact

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

Name

Ralph Cox

Telephone Number

01603 223318

Email address

ralph.cox@norfolk.gov.uk



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

Planning (Regulatory) Committee

Item No.

Report title:	C/1/2016/1012: Hempton Recycling centre, Helhoughton Road, Fakenham
Date of meeting:	21 October 2016
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Variation of condition 1 of planning reference C/1/2015/1025 to allow relocation of the reuse shop on site (Norfolk County Council)	

Executive summary

The application seeks to vary condition 1 of planning permission reference C/1/2015/1025. The application seeks to allow the relocation of the reuse shop at Hempton Recycling Centre.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted on behalf of the Executive Director of Community and Environmental Services, and therefore cannot be dealt with under delegated powers.

The proposal conforms to development plan policies and national policy, and there are no material considerations that indicate the application should be refused.

Recommendation:

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

- I. **Grant planning permission subject to the conditions outlined in section 13.**
- II. **Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Household Waste Recycling Centre.
- 1.2 Site area : 0.14 hectare
- 1.4 Annual tonnage : 5,000 (total for HWRC)
- 1.5 Duration : Permanent
- 1.6 Hours of working / operation : As existing:
 - 1 March – 31 March (8am - 6pm)
 - 1 April – 31 August (8am – 8pm)
 - 1 September – 30 September (8am – 7pm)
 - 1 October – end BST (8am – 6pm)
 - End BST – 28 Feb (8am – 4pm)
- 1.7 Access : Private shared access from Helhoughton Road.
- 1.8 Permission is sought to change the location of the reuse shop in order to separate the shop from recycling and disposal operations on the site and to allow the reuse shop to be situated in a more prominent location increasing footfall.

2. Site

The HWRC has operated since the mid-1990's and occupies a small unit of land to the south west of an industrial area/complex and to the southwest of Hempton village. The A1065 lies some 200 metres to the east and to the north and west of the site is the now restored Hempton landfill site

Access to the site is via an existing private access road from Helhoughton Road. The HWRC benefits from existing screening from extensive tree planting in all directions.

3. Constraints

- 3.1 The Site is 1.5 kilometers from the River Wensum Special Area of Conservation (SAC).

4. Planning History

- 4.1 The site has operated as a Household Waste Recycling Centre since the mid -1990's after permission was granted under reference C/1/1994/1008 in October 1994.
- 4.2 In June 2009, permission was granted under reference C/1/2009/1001 for the 'Erection of Welfare Facilities Building and Re-use Shelter'.
- 4.3 In April 2016 planning permission was granted under reference C/1/2015/1025 to enable the HWRC to accept trade waste in addition to household waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and

logs in order to promote the recycling service, and generate a small income to offset the cost of running the service. It is this permission that this application seeks to vary.

- 4.4 The original committee report for planning application C/1/2015/1025 which itself permitted the currently approved layout of the site is attached as appendix 3.

5. Planning Policy

- | | | | | |
|-----|--|---|---|--|
| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8

DM10
DM12 | General location of waste management facilities and associated facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental protection
Transport
Nature conservation
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Transport
Amenity |
| 5.2 | North Norfolk Core Strategy (2008) | : | SS4
EN9 | Environment
Biodiversity and Geology |
| 5.3 | The National Planning Policy Framework (2012) | : | 11 | Conserving and enhancing the natural environment |
| 5.4 | National Planning Policy for Waste (2014) | | | |
| 5.5 | National Planning Practice Guidance Notes (2014) | | | |
- ## **6. Consultations**
- | | | | |
|-----|--------------------------------|---|-----------------------|
| 6.1 | North Norfolk District Council | : | No objection. |
| 6.2 | Fakenham Parish Council | : | No response received. |
| 6.3 | Hempton Parish Council | : | No response received. |

6.4 Environment Agency : No response received.

6.5 Highway Authority (NCC) : No objection.

6.6 County Councillor (Tom Fitzpatrick) : No response received.

6.7 Environmental Health Officer (North Norfolk). : No objection.

6.8 Representations

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

6.9 No comments were raised by any third parties.

7. **Assessment**

7.1 The issues to be assessed for this application are:

7.2 **Principle of development**

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”.

7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the policies in the North Norfolk Core Strategy (2008). Whilst not part of the development plan, policies within both the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.

7.4 The HWRC is located within land designated as Countryside in North Norfolk’s Core Strategy Proposals Maps. However, the principle of waste management is established at this site given the permanent permission for an HWRC granted in 1994. Therefore, the proposal complies with NMWDF policy CS6: *General Waste Management Considerations* which lists both land already used for waste management, and previously developed land, as acceptable for further waste development given that the reuse shop will be relocated within the existing permitted area.

7.5 In addition the development is not considered to undermine policies SS1 and SS2 of North Norfolk’s Core Strategy. It is consistent also with the Government’s National Planning Policy for Waste (2014) which again gives

priority to the re-use of previously developed land for waste development.

7.6 Amenity

7.7 The site has operated to date without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, and odour issued by the Environment Agency. Relocation of the shop is not considered to give rise to any additional adverse impacts.

7.8 It is therefore considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity* which seek to ensure there are no unacceptable adverse amenity impacts created.

7.9 Landscape / Design

7.10 NMWDF Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape character* both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape or townscape.

7.11 The relocation of the refuse shop will create a minor landscape change to the HWRC site. The shop will be relocated to the east of the site adjacent to the sites entrance. The area is currently occupied by a number of containers which would be relocated within the site. The change in location would allow separation of the reuse activity from the recycling centre and also allow the reuse shop to be in a prominent position within the site. As previously approved; items to be sold would be located within or in the immediate vicinity of the new location of the reuse centre.

7.12 The proposed changes would not be viewable from outside of the site, which is significantly bunded and the design principles were considered acceptable under planning permission C/1/2015/1025, It is therefore considered that there are no landscaping or design issues with the proposals, and that the proposal is in compliance with NMWDF policies CS14 or DM8.

7.13 Biodiversity

7.14 Habitats Regulation Assessment

7.15 Whilst the operational area of the HWRC is within 1.5 kilometres of the River Wensum Special Area of Conservation (SAC), in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would not have any adverse impacts on the ecology of the designated area hence an Appropriate Assessment is not required.

7.16 Relocation of the reuse centre would not cause any adverse issues outside of the HWRC site. it is therefore considered that the application is compliant with policies CS14: *Environmental Protection* and DM1: *Nature Conservation* of the NMWDF Core Strategy, and North Norfolk Core Strategy policy EN9: *Biodiversity and Geodiversity*, given that the changes would not harm the SAC, or any other locally designated nature

conservation or geodiversity sites, habitats or species.

7.17 Transport

7.18 The relocation of the reuse shop will not impinge traffic movements nor does the scheme propose an increase or decrease in traffic levels to the site. The Highway Authority has raised no objection to the changes therefore considering the above, the proposal complies with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

7.19 Groundwater/surface water & Flood risk

7.20 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.

7.21 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone. It is not expected that changing the location of the reuse shop would increase flood risk on site or elsewhere. Therefore the application is considered compliant with the aforementioned policies.

7.22 Environmental Impact Assessment

7.23 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2011

The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

7.24 Responses to the representations received

7.25 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper, no representation was received.

7.26 The Community Infrastructure Levy

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

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 **Human rights**

9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

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

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

9.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

10. Section 17 – Crime and Disorder Act

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

11. Risk Implications/Assessment

11.1 There are no risk issues from a planning perspective.

12. Conclusion and Reasons for Granting Planning Permission.

12.1 The relocation would not cause any material impacts to the site and its surroundings including and not limited to ecology, the landscape and highway safety.

- 12.2 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development shall not take place except in accordance with drawing references;

1. Hempton Recycling Centre - Site Layout Plan:
Hempton_Plan_2015_002A; Rev A; dated 18 May 2016;
2. Planning Statement; Application reference C/1/2015/1025;
notwithstanding changes outlined in Hempton Recycling Centre
Variation to Location of Reuse and Sales Area – July 2016.

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

- 13.2 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Hempton Recycling Centre - Site Layout Plan:
Hempton_Plan_2015_002A; Rev A; dated 18 May 2016;

Reason: To ensure orderly working and the safe operation of the site in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 13.3 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.

- 13.4 No waste other than household and trade waste shall be brought onto and sorted on the site.

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

- 13.5 No operation authorised or required under this permission or permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place other than during the following periods:

- 1 March – 31 March (8am - 6pm)
- 1 April – 31 August (8am – 8pm)

1 September – 30 September (8am – 7pm)
1 October – end BST (8am – 6pm)
End BST – 28 Feb (8am – 4 pm)

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.

- 13.6 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.

Background Papers

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

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Officer Contact

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

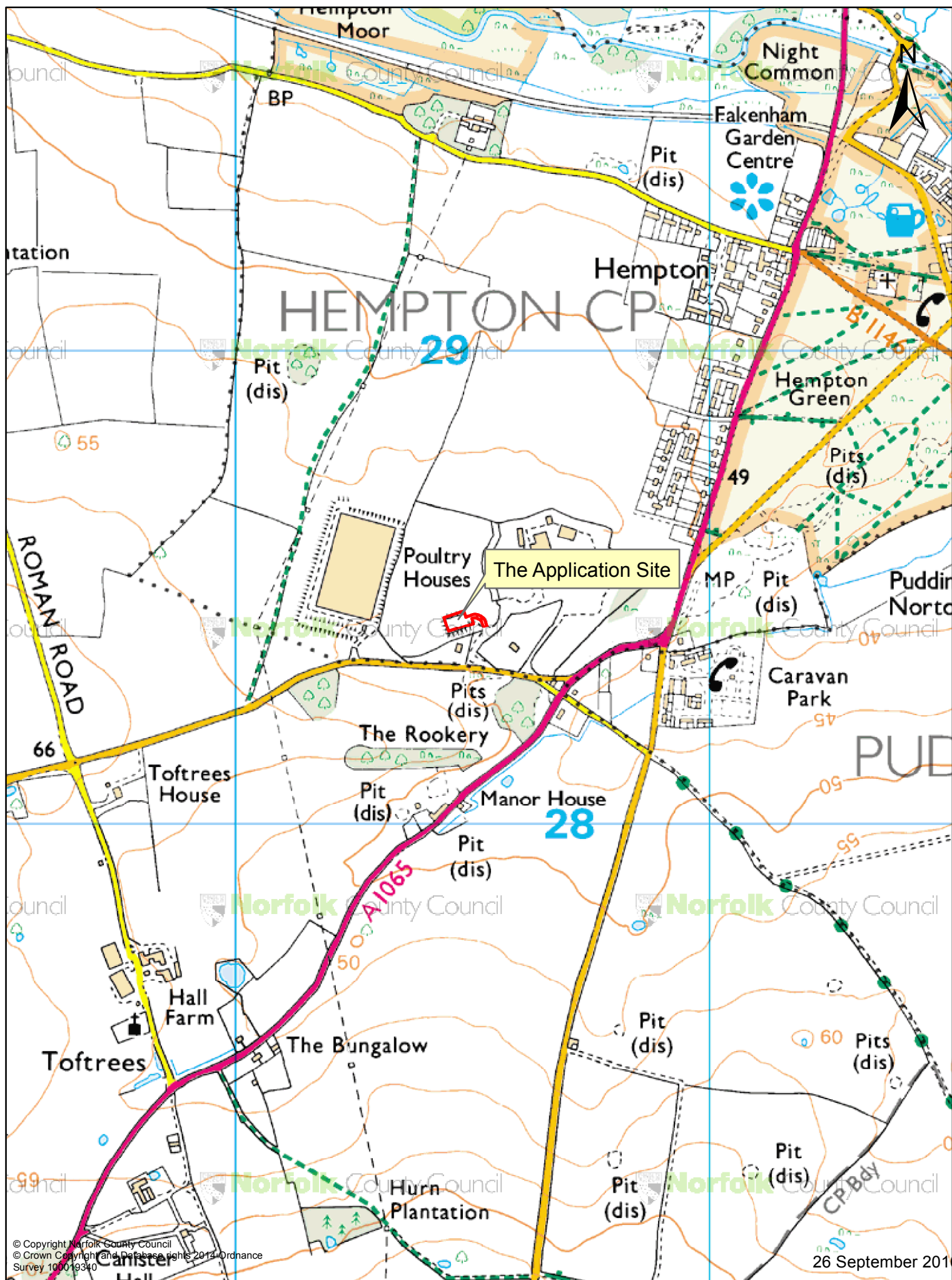
Officer name : Hannah Northrop

Tel No. : 01603 222757

Email address : Hannah.northrop@norfolk.gov.uk



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





 **The Application Site**

 **Norfolk** County Council

Applications Referred to Committee for Determination:

North Norfolk District:

C/1/2015/1025: Hempton:

Change of use to a mixed use development to allow the acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs):

Norfolk County Council, Executive Director of Community and Environmental Services

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought to enable the existing Hempton Household Waste Recycling Centre (HWRC) to accept trade waste in addition to household waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service, and generate a small income to offset the cost of running the service.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted on behalf of the Executive Director of Community and Environmental Services, and therefore cannot be dealt with under delegated powers.

The proposal conforms with development plan policies and national policy, and there are no material considerations that indicate the application should be refused.

Recommendation

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

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

1. The Proposal

- 1.1 Location : Hempton HWRC, Helhoughton Road, Fakenham.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.14 hectare
- 1.4 Annual tonnage : 5,000 (total for HWRC)
- 1.5 Duration : Permanent
- 1.6 Hours of working : As existing:
1 March – 31 March (8am - 6pm)
1 April – 31 August (8am – 8pm)
1 September – 30 September (8am – 7pm)
1 October – end BST (8am – 6pm)
End BST – 28 Feb (8am – 4pm)
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 2 additional daily vehicle movements (up to 3.5 tonne) (2 in and 2 out).
Sales of Goods: Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees.
- 1.8 Access : Private shared access from Helhoughton Road.

2. Constraints

- 2.1
 - Site is 1.5 kilometres from the River Wensum Special Area of Conservation (SAC).

3. Planning History

- 3.1 The site has operated as a Household Waste Recycling Centre since the mid - 1990's after permission was granted under reference C/1/1994/1008 in October 1994.
- 3.2 Further to this, permission was granted in August 1996 for the 'Sale of 100% recycled soil conditioner (bagged) to members of the public' under reference C/1/1996/1006.
- 3.3 In June 2009, permission was granted under reference C/1/2009/1001 for the 'Erection of Welfare Facilities Building and Re-use Shelter'.

4. Planning Policy

- 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies : CS5 General location of waste management facilities and associated facilities
CS6 General waste management considerations
CS7 Recycling, composting, anaerobic digestion and waste transfer stations
CS13 Climate change and renewable energy

	Development Plan Document 2010-2016 (2011)		CS14 CS15 DM1 DM3 DM4 DM8 DM10 DM12 DM13	generation Environmental protection Transport Nature conservation Groundwater and surface water Flood risk Design, local landscape and townscape character Transport Amenity Air quality
4.2	North Norfolk Core Strategy (2008)	:	SS1 SS2 SS4 EN2 EN9 EC5	Spatial Strategy for North Norfolk Development in the Countryside Environment Protection and Enhancement of Landscape and Settlement Character Biodiversity and Geology Location of Retail and Commercial Leisure
4.3	The National Planning Policy Framework (2012)	:	11	Conserving and enhancing the natural environment
4.4	National Planning Policy for Waste (2014)			
4.5	National Planning Practice Guidance Notes (2014)			

5. Consultations

5.1	North Norfolk District Council	:	No objection.
5.2	Hempton Parish Council	:	No objection.
5.3	Dunton Parish Council	:	No objection.
5.4	EHO (North Norfolk)	:	No objection.
5.5	Environment Agency	:	No objection.
5.6	Highway Authority (NCC)	:	No objection subject to the items being stored for sale in the areas indicated on the plans.
5.7	Lead Local Flood Authority (NCC)	:	No response received.
5.8	Local residents	:	No representations received.
5.9	County Councillor (Mr Tom Fitzpatrick)	:	No response received.

6. Assessment

Proposal

- 6.1 Planning permission is sought to enable the existing Hempton Household Waste Recycling Centre (HWRC) to become a mixed use development to accept trade waste (in addition to household waste), and to facilitate the small scale sale of additional items such as compost bins, green waste sacks, Christmas trees and logs (for firewood).
- 6.2 The County Council wishes to introduce a service aimed at small and medium sized businesses to deposit waste at the site for a charge (currently traders are not permitted to use the recycling centre). Waste would be separated into different material streams and deposited in the existing containers used for household waste (no additional ones would be required). It is anticipated the additional waste would be accommodated into the existing permitted annual throughput of 5,000 tonnes, and it would not compromise the primary function of the site as an HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items such as those listed above to complement the sale of compost or soil improver which is already permitted. The additional items for sale would be stored in or within the curtilage of the re-use centre (which already sells recycled household products). The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.
- 6.4 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

Site

- 6.5 The HWRC has operated at this site since the mid-1990's site and occupies a small unit of land to the south west of an industrial area/complex and to the southwest of Hempton village. The A1065 lies some 200 metres to the east and to the north and west of the site is the now restored Hempton landfill site (which is the reason the HWRC was first located here). Part of the adjacent landfill site is now occupied by Gamble Plant (Norfolk) that operate a materials recycling facility. Some 150 metres further to the west there is an existing poultry farm.
- 6.6 Access to the site is via an existing private access road from Helhoughton Road. The HWRC benefits from existing screening from extensive tree planting in all directions.

Principle of development

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

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

- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the policies in the North Norfolk Core Strategy (2008). The original application was assessed against both of these policy documents. Whilst not part of the development plan, policies within both the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.9 The existing operational HWRC is located within land designated as Countryside in North Norfolk’s Core Strategy Proposals Maps. However, the principle of waste management is established at this site given the permanent permission for an HWRC granted in 1994. Therefore, the proposal complies with NMWDF policy CS6: *General Waste Management Considerations* which lists both land already used for waste management, and previously developed land, as acceptable for further waste development. Furthermore, North Norfolk Policy SS2 cites ‘Waste Management Facilities’ as development that would be acceptable in the countryside where it requires a rural location. Therefore the development is not considered to undermine policies SS1 and SS2 of North Norfolk’s Core Strategy. It is consistent also with the Government’s National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.10 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 North Norfolk Policy EC5: *Location of Retail and Commercial Leisure Development* states proposals for retail development in the countryside will not be permitted unless they comply with other Development Plan policies. In this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not impact on the vitality and viability of the nearest town centre (Fakenham) and the proposal would comply with other Development Plan policies.

Amenity

- 6.12 The site has operated to date without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site’s location on industrial land and away from residential property.
- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity* which seek to ensure there are no unacceptable adverse amenity impacts created.

Landscape / Design etc

- 6.14 NMWDF Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape character* both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape or townscape.
- 6.15 There would be no change to the physical infrastructure at the site in order to accommodate the changes: trade waste would be deposited in existing segregated skips/containers where household waste is deposited.
- 6.16 The additional items to be sold would be located within or in the immediate vicinity of the existing re-use shelter where reclaimed household waste products are sold along with bagged compost.
- 6.17 It is considered that there are no landscaping or design issues with the proposals, and accordingly the application does not undermine NMWDF policies CS14 or DM8.

Biodiversity

6.18 Habitats Regulation Assessment

Whilst the operational area of the HWRC is within 1.5 kilometres of the River Wensum Special Area of Conservation (SAC), in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated areas hence an Appropriate Assessment is not required.

- 6.19 Given the small scale nature of the scheme, it is considered to be compliant with policies CS14: Environmental Protection and DM1: Nature Conservation of the NMWDF Core Strategy, and North Norfolk Core Strategy policy EN9: Biodiversity and Geodiversity, given that the changes would not harm the SAC, or any other locally designated nature conservation or geodiversity sites, habitats or species.

Transport

- 6.20 The proposals to accept trade waste would be accommodated within the existing permitted throughput of the site which is 5,000 tonnes: the applicant expects acceptance of trade waste would amount to a 1% increase in the total annual throughput, to some 2700 tonnes per annum (still well under the 5,000 tonnes throughput). At this level of use it would generate an additional 2 vehicles per day (i.e. 4 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in a daily increase of some 11 additional vehicles (22 movements) accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. Since the introduction of a re-use shop in 2010, visitor numbers have actually dropped by 30% (following traffic counts in 2010 and 2013). The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be

seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.

- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

Sustainability

- 6.23 NMWDF Core Strategy policy CS13: *Climate change and renewable energy generation* has an aspiration that a minimum of 10% renewable energy is provided for waste developments from decentralized and renewable sources. Given the small-scale nature of the development and that it is not for a new or extended site, the proposal does not undermine this policy.

Groundwater/surface water & Flood risk

- 6.24 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.
- 6.25 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone and the EA has raised no comments in respect of the application. It is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

Responses to the representations received

- 6.26 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. No objections or other representations were raised by third parties.

7. Resource Implications

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

8. Other Implications

- 8.1 **Human rights**

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 9. Section 17 – Crime and Disorder Act**
- 9.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 10. Risk Implications/Assessment**
- 10.1 There are no risk issues from a planning perspective.
- 11. Conclusion and Reasons for Grant of Planning Permission**
- 11.1 Planning permission is sought to enable the existing Hempton HWRC to accept trade waste in addition to Household Waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.

- 11.2 The development would not have unacceptable impacts on amenity, ecology, the landscape, ground or surface water, flood risk, or the highway network.
- 11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.
- 11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The development shall not take place except in accordance with drawing references and documents submitted with this application:
- i. Hempton Recycling Centre - Site Layout Plan: Hempton_Plan_2015_002 dated 10 November 2015;
 - ii. Planning Statement;

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

- 12.2 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Hempton_Plan_2015_002 dated 10 November 2015.

Reason: To ensure orderly working and the safe operation of the site in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.3 Measures shall be taken to minimise dust nuisance caused by the operations, including spraying of road surfaces and operational areas as necessary.

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

- 12.4 No material other than household and trade waste shall be brought onto and sorted on the site.

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

- 12.5 No operation authorised or required under this permission or permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place other than during the following periods:

1 March – 31 March (8am - 6pm)

1 April – 31 August (8am – 8pm)

1 September – 30 September (8am – 7pm)

1 October – end BST (8am – 6pm)

End BST – 28 Feb (8am – 4 pm)

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

- 12.6 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.

Recommendation

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

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

Background Papers

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

<http://www.norfolk.gov.uk/view/NCC094912>

North Norfolk Core Strategy (2008)

<http://www.northnorfolk.org/planning/3481.asp>

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste:

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

Application references: C/1/1994/1008, C/1/1996/1006, C/1/2009/1001

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



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

Planning (Regulatory) Committee

Item No.

Report title:	Y/3/2016/3004: Primary School and Nursery Building, London Road, Attleborough.
Date of meeting:	21 October 2016.
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services.
Proposal: New 630 pupil primary school and associated external works and a standalone 52 place nursery building (Director of Children's Services).	

Executive summary

At the meeting on the 15 July 2016 the Planning (Regulatory) Committee agreed to grant planning permission for the new school subject to conditions and a section 106 Legal Agreement in respect of linking the site to the employment application approved by Breckland District Council. Since the meeting and prior to the formal decision notice being issued the applicant has requested that the wording of the condition proposed to control noise is varied because in its current form it would be overly restrictive to the use of the school.

The Environmental Protection Team at Breckland Council are content that the revised condition would satisfy their requirements. Officers therefore consider that the proposed variation would be in accordance with the policies contained within Breckland Council's adopted core strategy DPD.

Recommendation:

- I. **Grant planning permission subject to the conditions outlined in section 13 and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.**
- II. **To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Location : The site has an area of 3.8 hectares and is located within the development boundary of Attleborough on land allocated by Breckland Council for an employment use.
- Type of development : A new 630 pupil primary school and associated external works and a standalone 52 place nursery building
- Access & parking : A new access north from London Road would be created and would link to the southern area of the site.
- Onsite parking provision is being proposed and consists of 83 school parking spaces, 11 nursery parking spaces and a total of 12 cycle storage spaces.
- Landscaping : Hard and soft play areas, sports pitch, attenuation pond for surface water drainage, extensive boundary treatment and planting.

2. Site

- 2.1 The application site is located to the south west of Attleborough and west of London Road. The site measures 3.8Ha and is part of a larger former agricultural field that is currently being developed for housing. The proposed school would share a boundary to the north east and north west with the houses being development. To the south east the site fronts onto London Road, which is a primary route providing access to Attleborough, and to the south west the site shares its boundary with existing residential dwellings and an existing car dealership.
- 2.2 A new footpath and cycleway is proposed immediately adjacent to London Road. This would link to the footpath and cycleway that will form part of the adjacent housing development, and ultimately links to the town centre and existing footpath & cycleway infrastructure.

3. Constraints

- 3.1 The following constraints apply to the application site:
- Agricultural Land Class. 3
- Majority of site within Settlement Boundary
- Majority of site Saved Employment Allocation

4. Planning History

- 4.1 At the meeting on the 15 July 2016 the Planning (Regulatory) Committee agreed to grant planning permission for the new school subject to conditions and a section 106 Legal Agreement in respect of linking the site to the employment application approved by Breckland District Council.

- 4.2 The application site forms part of a larger site that has been subject to the following applications determined by Breckland District Council. The application site broadly accords with the area the subject of the outline element for employment development.

3PL/2012/0958/H: Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development. Approved subject to S106 agreement December 2012.

3PL/2011/0528/H: Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development. Refused. Appeal Withdrawn. 2013.

- 4.3 Breckland District Council also approved the following applications:

3PL/2016/0416/O: Erection of 16 dwellings and associated works. On land adjacent to the application site and part of the land the subject of the outline element for employment development referred to above. Approved June 2016.

3PL/2016/0417/O: Outline planning permission for B1, B2 and B8 uses. Pending consideration. On land on the opposite side of London Road and further south. Being proposed as replacement employment development land to mitigate the loss of employment designated land that would result in the school application and housing application are built out. Approved June 2016.

5. Planning Policy

- 5.1 Adopted Core Strategy : DC1 Protection of amenity
and Development Control
Policies Development
Plan (2009)

- 5.2 The National Planning : 8 Promoting healthy communities
Policy Framework (2012)

Attleborough Neighbourhood Plan “pre-draft” plan stage.

6. Consultations

- 6.1 Environmental Health : Demonstrates support for the proposed wording.
Officer Breckland Council

- 6.2 Representations

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

- 6.3 The proposed condition originated from comments received from a technical consultee. No comments were received from local residents on this particular point in response to the previous consultation.

7. Assessment

- 7.1 The development was previously considered by the Planning (Regulatory) Committee on 15 July 2016. The decision was made to approve the application subject to conditions and a section 106 agreement. As such the principle of the development has been established, the officer report presented to the committee

in July has been included in appendix 3 of this report. Officers consider that the committee now only needs to be satisfied that the revised wording of the condition proposed to control noise is acceptable and if introduced that the condition will not fundamentally change the development as approved. In considering the variation the issues to be assessed are:

7.2 Principle of the development

A basic principle when assessing planning applications and in this instance a variation to the proposed wording of a permission 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”.

7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this proposed revision are the Adopted Core Strategy and Development Control Policies Development Plan Document (2009) and Breckland District Local Plan (2009) Saved Policies. Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.

7.4 Paragraph 72 of the National Planning Policy Framework states that the government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. As such local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. Great weight should be given to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted. The Applicant and Officers have been involved in pre-application discussion regarding this proposal prior to submission of the application.

7.5 Amenity (noise)

7.6 Policy DC 1 “Protection of Amenity” of Breckland’s Core Strategy states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

7.7 The applicant has requested that the previously agreed condition proposed to control noise is overly restrictive to the function of the school during normal school hours (8am and 6pm Monday to Friday). The condition as currently worded states that the school shall not generate a noise level measured at the nearest residential boundary greater than 5 dB(A) above the existing background level.

- 7.8 The Environmental Health Officer (EHO) for Breckland Council having considered the proposed changes as set out in para 13.28 has demonstrated support for the suggested wording.
- 7.9 Legal advice received since the applicant has made the request to vary the condition concludes that the condition as worded can be considered as unreasonable and as such there is a justification for it being amended.
- 7.10 The varied condition proposes that prior to the first use of the site a noise impact assessment should be carried out and submitted in writing to and approved in writing by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved noise impact assessment and used thereafter in accordance with approved noise impact assessment. The assessment must include:
- a) An assessment of existing background noise levels;
 - b) The noise levels likely to be generated by plant (such as air conditioning / heating) / school bells and alarms and other activities to be carried out outside the normal school day (defined as between 8am and 6pm Monday to Friday) including use of games areas nearest to housing; and
 - c) A scheme of mitigation in the form of a Noise Management Plan (to include the consideration of acoustic barriers / fencing and hours of use (outside normal school hours) to control specific site use or activities i.e. sports use of the field / pitch / formal courts plus school bells or sounders).
- 7.11 Officers considered that the revised wording being suggested is appropriate given that there is residential development planned for the immediate area. The re-worded condition would help to ensure that the proposed development as a whole would be compliant with policy DC 1 "Protection of Amenity" of Breckland Council's Core Strategy.

8. Resource Implications

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

9. Other Implications

- 9.1 **Human rights**
- 9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 9.3 The human rights of the adjoining residents are engaged under Article 8, the right

to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

9.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

10. Section 17 – Crime and Disorder Act

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

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting/Refusing of Planning Permission

- 12.1 The proposal the subject of this application would provide 3,490m² of much needed educational and pre-school accommodation particularly given the recent and planned levels of increased housing provision consisting of 21 classrooms for 630 pupils of primary school age and 52 nursery places.
- 12.2 The buildings being proposed are of a high design standard and incorporate a good specification of sustainability measures and which should generate 10% of the buildings energy demand being delivered from a low zero carbon or renewable source.

12.3 The proposed development is considered acceptable subject to a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. There are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

13.4 Prior to the commencement of any works on site, details of the design, materials and colour of the windows, railings and doors, shall be submitted to, and approved in writing by, the County Planning Authority. The windows, railing and doors shall thereby be undertaken and retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

13.5 Prior to the commencement of any works on site, details of the colour and finish of the external joinery and rainwater goods, shall be submitted to, and agreed in writing, by the County Planning Authority. The external joinery and rainwater goods shall thereby be undertaken and retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

13.6 Prior to the commencement of any works on site, details of the photovoltaic panels, shall be submitted to, and agreed in writing, by the County Planning Authority. The panels once insitu shall be retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

13.7 Prior to the first occupation of the development hereby permitted the vehicular (and / or pedestrian / cyclists) crossings over the footway / ditch / watercourse (including School Keep Clear Markings and appropriate pedestrian restraint measures) shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the

Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

- 13.8 Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No NPS-DR-A 061 Rev P7 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

- 13.9 The gradient of the vehicular access(es) shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

- 13.10 Prior to the first occupation of the development 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 10 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.

- 13.11 Prior to the first occupation of the development hereby permitted signs shall be provided and thereafter retained at the means of ingress and egress (onto London Road) in accordance with a one way system scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway and site safety and traffic movement.

- 13.12 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

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

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

- 13.14 Prior to first occupation a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs

of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

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

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

- 13.16 No works shall commence on site until the details of wheel cleaning facilities for construction vehicles 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.

- 13.17 For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in condition 16.

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

- 13.18 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the provision of a school time 20 mph speed limit on London Road and pedestrian crossing arrangements have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

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

- 13.19 Prior to the commencement of the use hereby permitted the school time 20 mph speed limit on London Road and pedestrian crossing arrangements referred to in condition 18 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

- 13.20 Within 12 months of first occupation of the development hereby permitted, the applicant shall instruct and fund the Highway Authority to undertake a Traffic Management review within the vicinity of the site to identify if any further reasonable measures (including waiting restrictions and verge protection) are required to manage traffic associated with the development. Any such measure(s) identified shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 13.21 Within 6 months of the first occupation of the development hereby permitted a review of the existing school travel plan shall be submitted to and approved in writing by the County planning Authority in consultation with the Highway Authority. The travel plan shall be implemented in accordance with the timetables

and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing in consultation with the Highway Authority as part of an annual review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking (as agreed with the Highway Authority).

Reason: To ensure that the development is as sustainable as possible, in accordance with.

- 13.22 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. hard surfacing materials;
- iv. soft landscape works, including plans and sections of tree planting in hard surfaces;
- v. minor artefacts and structures (specifically lighting, dipping platform, refuse or other storage units);
- vi. proposed sustainable drainage features (to include levels, profiles, inlets/outlets, minimum, average and maximum water depths, substrates and linings, etc.);
- vii. proposed and existing functional services above and below ground including drainage, power, communications cables, pipelines etc. indicating lines, manholes);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To ensure the satisfactory appearance of the development.

- 13.23 No development shall take place until a Flood Risk Assessment and a Drainage Strategy have been submitted to and approved in writing by the County Planning Authority. The Flood Risk Assessment and a Drainage Strategy shall demonstrate that there will be no increase in offsite flood risk and that there is a viable drainage route between the outfall and Internal Drainage Board watercourse.

Reason: To prevent environmental and amenity problems arising from flooding.

- 13.24 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the County Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 13.25 No demolition/development shall take place/commence until a Written Scheme of Investigation (archaeological) has been submitted to and approved by the local

planning authority in writing. The scheme shall include an assessment of significance and research questions; and

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

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved.

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

- 13.26 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 25 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.

- 13.27 Demolition and construction work shall not begin until a scheme for protecting the nearby sensitive receptors from noise, vibration and dust from the demolition and construction activities has been submitted to and approved by the local planning authority; all works which form part of the approved scheme shall be implemented.

Reason: To protect the amenities of residential properties and the surrounding area.

- 13.28 Prior to the first use of the site hereby permitted, a noise impact assessment must be carried out and submitted in writing to and approved in writing by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved noise impact assessment and used thereafter in accordance with approved noise impact assessment. The assessment must include:

- a) An assessment of existing background noise levels;
- b) The noise levels likely to be generated by plant (such as air conditioning / heating) / school bells and alarms and other activities to be carried out outside the normal school day (defined as between 8am and 6pm Monday to Friday) including use of games areas nearest to housing; and
- c) A scheme of mitigation in the form of a Noise Management Plan (to include the consideration of acoustic barriers / fencing and hours of use (outside normal

school hours) to control specific site use or activities i.e. sports use of the field / pitch / formal courts plus school bells or sounders)

All measurements, where necessary, to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason: In the interest of the amenities of nearby residents

- 13.29 Before the school hereby permitted is first occupied the cycle/footpath shall be constructed, fully surfaced and linked to the surrounding network in accordance with drawing reference NPS-DR-A061, rev P7, unless otherwise approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway and site safety and traffic movement.

Background Papers

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

Adopted Core Strategy and Development Control Policies Development Plan Document (2009)

[Adopted Core Strategy and Development Control Policies Development Plan Document \(2009\)](#)

[Saved Policies Breckland District Local Plan \(2009\)](#)

Officer Contact

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

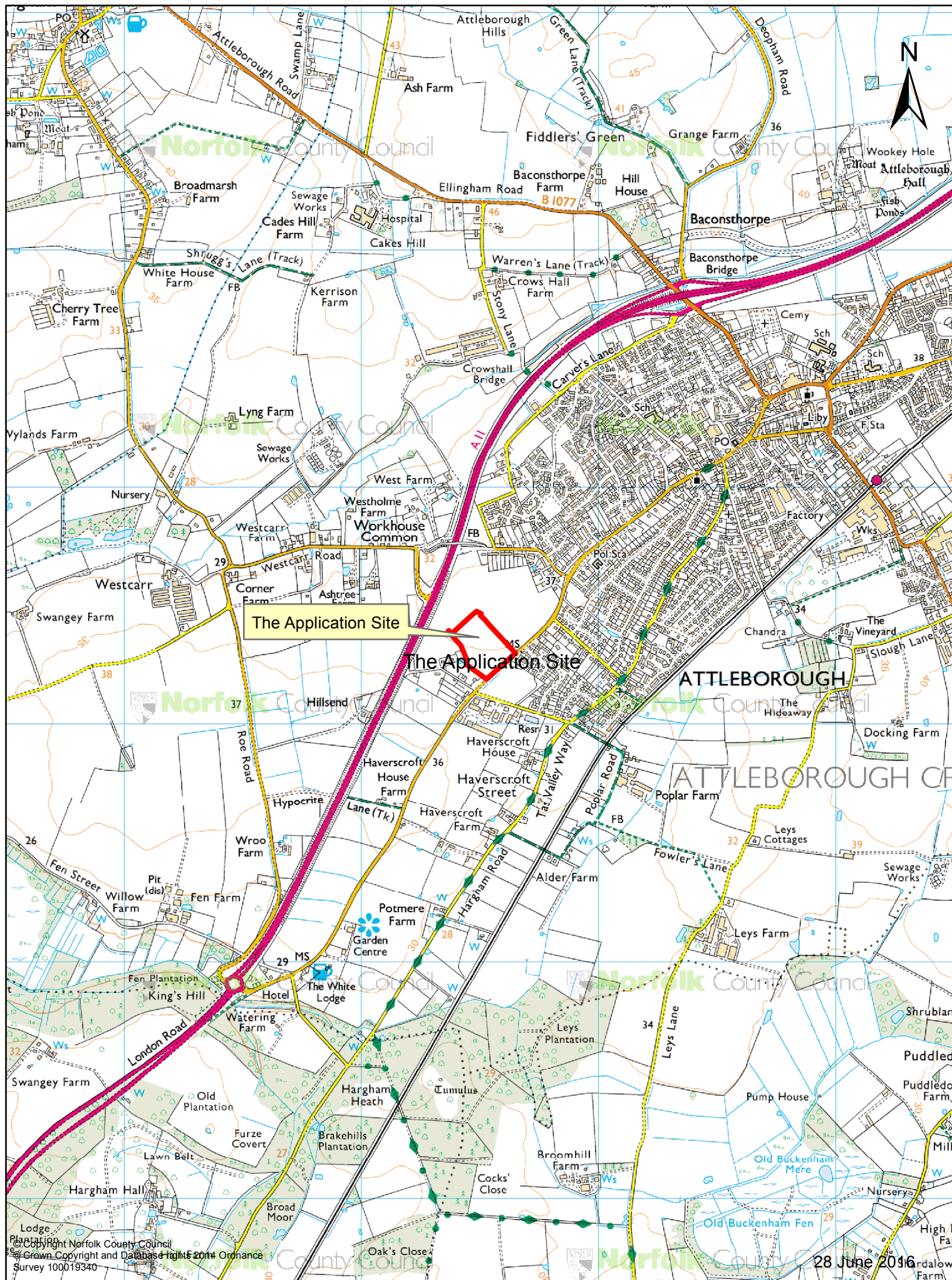
Officer name : Neil Campbell

Tel No. : 01603 222724

Email address : Neil.campbell3@norfolk.gov.uk



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



Y/3/2016/3004
Attleborough

0 250 500
Metres

123

 Norfolk County Council

1:20,000

28 June 2016



Y/3/2016/3004
Attleborough

0 15 30 60 90 120
Metres
124

Norfolk County Council
1:2,500

Applications Referred to Committee for Determination:

Breckland District Council:

Y/3/2016/3004:

**New 630 pupil primary school and associated external
works and a standalone 52 place nursery building:**

Director of Children's Services

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for the construction of a new 630 pupil primary school associated external works and a standalone 52 place nursery building in Attleborough, Norfolk. The site has an area of 3.8 hectares and is located within the development boundary of Attleborough on land allocated by Breckland Council for an employment use.

The application has generated 6 responses from local residents their concerns relate primarily to the impacts of the proposal on highways capacity, safety and residential amenity. There are no overriding objections from statutory consultees.

The impacts of the proposal have been carefully considered, including the impact upon design & visual amenity, sustainability, landscape & trees, groundwater/surface water & flood risk, highways safety, ecology and archaeology.

It is considered that the principle of development on this site is in accordance with the development plan and national planning policy.

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

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12 and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- 1.1 Location : The site has an area of 3.8 hectares and is located within the development boundary of Attleborough on land allocated by Breckland Council for an employment use.
- Type of development : A new 630 pupil primary school and associated external works and a standalone 52 place nursery building
- Access & parking : A new access north from London Road would be created and would link to the southern area of the site.
- Onsite parking provision is being proposed and consists of 83 school parking spaces, 11 nursery parking spaces and a total of 12 cycle storage spaces.
- Landscaping : Hard and soft play areas, sports pitch, attenuation pond for surface water drainage, extensive boundary treatment and planting.

2. Constraints

- 2.1 The following constraints apply to the application site:
- Agricultural Land Class. 3
- Majority of site within Settlement Boundary
- Majority of site Saved Employment Allocation

3. Planning History

- 3.1 The application site forms part of a larger site that has been subject to the following applications determined by Breckland District Council. The application site broadly accords with the area the subject of the outline element for employment development.
- 3PL/2012/0958/H: Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development. Approved subject to S106 agreement December 2012.
- 3PL/2011/0528/H: Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development. Refused. Appeal Withdrawn. 2013.
- 3.2 Concurrently Breckland District Council are considering the following applications:
- 3PL/2016/0416/O: Erection of 16 dwellings and associated works. On land adjacent to the application site and part of the land the subject of the outline element for employment development referred to above. Approved June 2016.
- 3PL/2016/0417/O: Outline planning permission for B1, B2 and B8 uses. Pending consideration. On land on the opposite side of London Road and further south.

Being proposed as replacement employment development land to mitigate the loss of employment designated land that would result in the school application and housing application are built out. Approved June 2016.

4. Planning Policy

4.1	Adopted Core Strategy and Development Control Policies Development Plan Document (2009)	:	SS1	Spatial Strategy
			CP3	Employment
			CP4	Infrastructure
			CP5	Developer Obligations
			CP6	Green Infrastructure
			CP8	Natural Resources
			CP9	Pollution and Waste
			CP10	Natural Environment
			CP11	Protection and Enhancement of the Landscape
			CP12	Energy
			CP13	Accessibility
			DC1	Protection of amenity
			DC12	Trees and Landscape
			DC13	Flood Risk
			DC14	Energy Generation and Efficiency
			DC16	Design
			DC17	Historic Environment
			DC18	Community Facilities Recreation and Leisure
4.2	Saved Policies Breckland District Local Plan (2009)	:	DC19	Parking Provision
		:	Attleborough 9	Site E3 Land South of A11 Proposed Business Park.
4.3	The National Planning Policy Framework (2012)	:	4	Promoting sustainable transport
		:	7	Requiring good design

		8	Promoting healthy communities
		10	Meeting the challenge of climate change flooding and coastal change
		11	Conserving and enhancing the natural environment
		12	Conserving and enhancing the historic environment
4.4			Planning For Schools Development
5.	Consultations		
5.1	Breckland District Council	:	Extension of time to comment until 31st May 2016.
5.2	Attleborough Town Council	:	At the time of drafting the report no comments received.
5.3	Norfolk Fire & Rescue Service	:	At the time of drafting the report no comments received.
5.4	Breckland District Council	:	No objection subject to the completion of a section 106 agreement requiring alternative employment land to be made available and marketed, the IDB's concerns being addressed and suitable controls on lighting.
	Environmental Health Officer	:	Recommend approval. Site has been examined from an acoustical perspective to address noise from nearby roads and mechanical plant proposed for the school building. However, no consideration made of school causing noise disturbance to residential properties. Recommend assess noise from use of the School near to residential properties with a view to mitigation including acoustic barriers/fencing/hours of use of part of the site/activities ie. Sports field, multiuse games area, break time bells or sounders. This could be by condition. Recommend condition regarding construction and demolition works.
5.5	Anglian Water	:	Comments received reference the incorrect planning authority. Comments raise no objection subject to a condition requiring the submission of a foul water strategy.
5.6	Sport England	:	Does not fall within our statutory or non-statutory remit. Do not wish to comment.
5.7	Norfolk Historic	:	No objection subject to a condition in accordance

	Environment Service - Archaeology		with Paragraph 141 of the NPPF requiring a written scheme of investigation prior development. The Historic Environment Service has confirmed that they will produce a brief for the programme of archaeological works on request.
5.8	Norfolk Historic Environment Service – Conservation	:	At the time of drafting the report no comments received.
5.9	Crime Prevention Design Advisor	:	Essential that advice in Secured by Design Award' is incorporated into the proposal especially with regard to lighting, glazing and the standards of the apertures. Important that car park has excellent levels of natural surveillance from reception. The drawings point to low levels of surveillance which should be avoided. Unobserved parking area provide a burden on the constabulary. Care and attention is required to gates/points of access/fencing to avoid opportunities to climb into the site. 1.8m weld mesh fencing is very good. A category 2 fence up to 2.4m is the preferred specification. Lighting should be a uniform spread of white light. Specified standards for lighting, glazed curtain walling and all doors and windows, fire doors and CCTV. The comments were received too late to amend the design or incorporate some of the suggestions.
5.10	East Harling Internal Drainage Board	:	<p>Original Plans: Object. Insufficient information. Potentially drains to Attleborough watercourse river in the control of East harling IDB. Drainage strategy propose discharging to adjacent ditch at a discharge rate in excess of the rate provided in the SUDs manual. The system provides no information on meeting SUDs water quality standards. No consideration is given regarding rights to discharge to downstream watercourse. No calculations are provided to demonstrate the size of attenuation feature is adequate. No consideration given to whether it is practicable to drain the building with a piped system and via a pond yet still be of sufficient shallow depth to discharge to a shallow ditch. No information submitted to demonstrate means of surface water drainage and that there will be no detrimental impact (hydrological and water quality) on the watercourse. Require full drainage details including calculations.</p> <p>Revised Plans: The Drainage Strategy submitted</p>

does not provide an acceptable solution to the drainage of the development. The Board will accept a condition being included with the permission which requires a Flood Risk Assessment and Drainage Strategy to be submitted and approved by either the LLFA or IDB prior to commencement. The Drainage Strategy should demonstrate no increase in offsite flood risk and to demonstrate that the drainage there is a viable drainage route between the outfall and IDB watercourse. The Applicant should be aware that the discharge may require formal IDB consent and be subject to the Boards Surface Water Development Charge. Discharge Consent will be required prior to occupation.

- 5.11 Highway Authority (NCC) : Subject to improvements to the footway/cycleway network, opportunity to access school by more sustainable modes is good. Neighbouring Taylor Wimpey residential development is obliged to introduce a series of off-site highway improvement measures along London Road. Once these have been provided the site will benefit from excellent pedestrian/cycle links. Until then the pedestrian/cycle links to the site would not be appropriate to serve the proposed school. Request condition that site not occupied until off site highway works are introduced. If school to be occupied prior to highway improvements then applicant will need to provide footway and cycle way to ensure a continuous link back to the Town Centre. This could be secured by condition. Highway improvements required to manage school activities including: keep clear markings on both access points; part time 20mph speed limit; improvements to Taylor Wimpey crossing arrangements. A further pedestrian refuge island or widening of Taylor Wimpey Crossing may be required. These can be secured by condition. Request that applicant fund a Traffic Management Review after 12 months to identify if further measures such as yellow line waiting restrictions and/or verge protection are required. Children's Services have confirmed they are happy with this and have set aside sufficient funds to implement review. If yellow lines are required, applicant will be required to fund and provide Traffic Regulation Order. New access will be a simple verge/footway crossing rather than a kerbed junction to allow pedestrian movements to take priority. A guard rail

may be required. This and access specification can be secured by condition. The on-site one-way system should be reversed so that pedestrian board alight from the on-site footway rather than the traffic running lane. The exact details and signage can be secured by condition. Proposed 68 car parking spaces is below standard but satisfied that this is sufficient for 65 staff FTE given the links by sustainable modes. Proposed cycle parking not sufficient. Only 26 cycle spaces proposed. This is in line with standards for staff. No provision made for students. Prior to the school being occupied covered secure cycle/scooter parking of at least 63 spaces for students should be provided. This can be secured by condition. Request that school designates an area for future cycle parking. This can be secured by condition and be monitored through the Travel Plan process. School required to provide a travel plan and monitor at intervals. Request conditions regarding: provision of vehicular/pedestrian/cycle crossing over footway/ditch/watercourse; vehicle pedestrian and cycle access only at points shown on drawing NPS-DR-A 061 Rev P7; gradient of access shall not exceed 1:12 for first 10 back from carriageway; gates to hang inwards and be set back 10m from highway; provision one-way of signage at access points; provision and maintenance of visibility splay; provision of access, manoeuvring, parking etc areas; cycle parking scheme; on-site parking for construction workers; provision and use of wheel cleaning facilities for construction vehicles; provision of a school time 20mph speed limit; traffic management review within 12 months of occupation; and travel plan.

- 5.12 Landscape and Green Infrastructure Officer : Detail acceptable in planning terms. Potential for future maintenance issues related to raised planters in vehicle parking areas. Important for trees within hardstanding to have sufficient rooting volume. Could the applicant consider shared planting areas between more trees or use of below ground cellular system to achieve required rooting volume. Request confirmation of water depth within basin of wildlife area/SUDS. Fence-line around basin to be enclosed within areas of shrub/tree planting is likely to cause future maintenance issues. Disappointing that only access to KS2 Wildlife Area is onto dipping platform. Could the fence-line be rationalised

making the area larger and reducing conflict with vegetation and providing an access point for maintenance of the basin and planting. Depth and extent to which dipping platform extend into basin may not be appropriate. Ponds within school grounds should be no deeper than 0.75m. Recommend details of solar panels be conditioned. Request condition regarding detail and finish of materials.

Revised Plans: With regard to the trees in hard standing, although the principle of providing appropriate rooting for the trees in hard standing has been established, the detail provided on drawing 16-1-1086-DR-L-811-P1 is not technically acceptable. There is no indication of the rooting volumes proposed, and details of aeration have not been provided. The applicant has suggested that they would be happy to accept a condition for details of SUDS features. However, I am unsure how specific details of SUDS components can be conditioned at this stage whilst there are unknowns with regard to water depths, which could affect functionality of areas with dual purposes. Nonetheless, I am aware of time pressures and so should this development be approved at this stage, I would recommend a condition.

5.13 County Ecologist

: Ecological Assessment is satisfactory and does not identify any likely significant effects on ecology. Provided mitigation is adopted development is expected to have no significant ecological impacts. Landscape plan will have some benefit for biodiversity but there are no specific enhancements. Features should be designed to a state that can be used for wildlife projects by end users.

5.14 Senior Arboricultural Officer

: Comments restricted to trees that the school development is directly effecting and not trees and hedges that are to be removed along roadside as part of the wider development. No objection. Ash trees T680, 681 and G1 are close to proposed Nursery Building. Although the AIA states that these trees will not be adversely affected by the development, the fact that up to 90% of ash trees in the UK are likely to succumb to ash dieback over the next 20 years means that these trees should not be considered to be a material consideration in the siting of the nursery. No

objection would be raised to an amended proposal to remove Trees 681 and 682, as long as suitable additional mitigation planting is included within the landscape proposals.

5.15 Lead Local Flood Authority

- : Original Plans: The application falls below the current threshold for providing detailed comments. Officers would have to be satisfied that the applicant has demonstrated compliance with National Planning Policy Framework ("NPPF") paragraph 103 & Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems for the management of run-off are put in place.

Revised Plans: At the time of drafting the report no additional comments received.

5.16 Local residents

- : Mr and Mrs Lawrence: Do not object to a primary school in this location. Increased noise and loss of privacy to garden due to increase in traffic and pedestrians. Request additional acoustic barrier and wall/fence height along our boundary. The properties opposite Grosvenor Park have had acoustic fencing installed. Concern about grass verge outside out property being used as parking by parents. Could a knee-high fence and/or tree planting be provided to prevent parking on grass verges. Heavy traffic and speeding vehicle blight this area of Attleborough. Hope speed limit will be reduced to 20mph during school drop off/pick up times, speed tables and/or width restriction to slow vehicles and a safe crossing. Some of the drivers of cars and HGVS are reckless along this section of road.

Mr Terry: In principle agree with proposal. Concern regarding speed limit on London Road. Speed limit requires to be reduced. Also traffic calming along straightest part of London Road like speed humps or priority road narrowing sections. Road would require appropriate lineage to prevent cars stopping and parking during school hours or arrival and departure. Should consider a crossing point to allow safe passage of parents and children crossing the road. Number of vehicle including coaches and heavy goods vehicle pass the site constantly throughout the day. Most concerned about the safety of children attending school.

Mr and Mrs Grainger: Object to parents picking up

and dropping off on London Road and Harebell Road. Harebell Road has narrow roads and in some areas no pavements so you have to walk in the road. Parents parking on roads and pavements create hazards that cause traffic accidents and obstructions. Upset. Issues of selfish parking by parents dropping and collecting pupils. London Road experiences heavy and fast traffic during most of the day. Not ideal for children. Do not want cars parking on London Road or in my road as this causes inconvenience and becomes dangerous when visibility is blocked at junctions. Parents do not walk children to school, disregard common sense when parking, become abusive when they are illegally parked and it becomes a nightmare for residents in close proximity. Understand the Highways department don't intend restricting parking or reducing the speed limit to 20mph. There will be 12 access roads within the zone of the school development. Very dangerous situation. Not acceptable for a busy road that carries all the town traffic south. Request double yellow lines on London Road and on corners of all access roads within vicinity of school. Plus 20mph speed limit and warning speed lights highlighting actual speed only during school times.

Mrs Flynn: As a community Attleborough would benefit. Concerns proposal has been pushed through without adequate thought to the parents and children of the town. Pedestrian access to London Road end of town is limited, with no safe footpaths or crossing on a busy road. School will increase traffic at this end of town and throughout the one way system. Doesn't appear to be a primary school from the start. Parents will have children starting school at different ends of town at similar times.

Mr Beenham: Support. There is a clear and pressing need for additional school places. Accept site selected is most appropriate. Satisfied with applicant's assessment against relevant planning policy. Much needed improvement to education provision in the town.

Mr Human: Concerned about highway safety and questions the need for the school.

5.17 Environment Agency : At the time of drafting the report no comments received.

- 5.18 County Councillor (Mr Alec Byrne) : At the time of drafting the report no comments received.

6. Assessment

6.1 Proposal

- 6.2 The application is for the construction of a new primary school, with associated external works and a standalone 52 place nursery building. The site has an area of 3.8 hectares and is located within the development boundary of Attleborough on land allocated in by Breckland District Council for an employment use.
- 6.3 The new school would provide education for 630 pupils of primary school age (21 classrooms) and nursery places for 52 children in 3,490m² of accommodation. The new school building would be 3,200m². The layout would include two “*teaching wings*,” located either side of a “*central heart space*,” which houses the communal areas such as the library and dining hall along with the administration functions and main entrance.
- 6.4 The nursery building would have 290m² of floor space. It would provide two nursery rooms with associated facilities a shared kitchen area and associated storage and administration areas.
- 6.5 The proposed school building would be set back into the site and away from the main London Road. This would reduce the presence of the school on the street scene.
- 6.6 Externally there will be electronically controlled access and egress gates at the main entrance with London Road. Sports field provision (football pitch, hard play surface, feature play mounds area and cycle & running perimeter circuit track), a bespoke bin store with green roof, a safety surface play area around the nursery and an attenuation pond. Traffic management on the site will be achieved via a one way “*main avenue*” system for parking and drop off. There will be 65 parking bays and 3 disabled bays. Extensive landscape planting and boundary treatments are proposed.
- 6.7 The school building façade is proposed to be clad with buff facing brick with large areas of glazing to the classrooms and communal/ group areas. External canopies would be provided to all sides of the building and these would be clad with powder coated aluminium fascia panels with concealed gutters and composite timber soffits. The main hall will create a feature for the building and will be clad entirely in standing seam metal (roof and walls); standing seam metal will also be used to clad the mono-pitched roof areas over the classrooms.
- 6.8 The nursery building will be similar in appearance to the main school building, with buff facing brick, powder coated aluminium windows and doors and a standing seam metal pitched roof. An external canopy is provided to the nursery rooms and will be clad with powder coated aluminium fascia panels with concealed gutters and composite timber soffits to match the school building.

6.9 Site

- 6.10 The application site is located to the south west of Attleborough and west of London Road. The site measures 3.8Ha and is part of a larger former agricultural field that is currently being developed for housing. The proposed school would share a boundary to the north east and north west with the houses being development. To the south east the site fronts onto London Road, which is a primary route providing access to Attleborough, and to the south west the site shares its boundary with existing residential dwellings and an existing car dealership.
- 6.11 A new footpath and cycleway is proposed immediately adjacent to London Road. This would link to the footpath and cycleway that will form part of the adjacent housing development, and ultimately links to the town centre and existing footpath & cycleway infrastructure.

Principle of development

- 6.12 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”.

- 6.13 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Adopted Core Strategy and Development Control Policies Development Plan Document (2009) and Breckland District Local Plan (2009) Saved Policies. Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.
- 6.14 There are two emerging plans that are relevant for Attleborough. Breckland Council’s emerging Local Plan which is at “preferred directions,” stage (regulation 18) and Attleborough’s Neighbourhood Plan which is at “pre-draft” plan stage. The policies contained within Breckland’s emerging Local Plan demonstrate the anticipated levels of growth for Attleborough. Policy PD04 “level and location of growth” states that 788 new homes were built in Attleborough between April 2011 and March 2015. The policy also suggests a further allocation for 4,000 new homes for the plan period to 2036. Attleborough’s emerging Neighbourhood Plan is not so advanced being at the drafting stage with no clear indication of when the regulation 14 consultation document will be published.
- 6.15 As such due to where each of the plans are in their preparation little weight can be attributed to either of these plans or policies. However the housing numbers quoted in Breckland’s emerging Local Plan do add a context by demonstrating the anticipated level of future growth.
- 6.16 Paragraph 72 of the National Planning Policy Framework states that the government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities.

As such local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. Great weight should be given to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted. The Applicant and Officers have been involved in pre-application discussion regarding this proposal prior to submission of the application.

- 6.17 In justifying the new school the applicant points to a need to reorganise education provision in Attleborough to accommodate demand from existing and future housing growth. The intention for the town is that two Primary Schools will be created to replace the existing Infant and Junior Schools. One of the new primary schools will be based on the current Junior School site and a second created (this proposal) on a new site to the south of the town. The land which forms the current infant school will be used to allow the high school to expand and a sixth form to be provided.
- 6.18 Officers having considered the submission agree that there is sufficient need to justify the requirement for an additional educational facility in Attleborough. As such in accordance with paragraph 72 of the NPPF great importance should be placed on ensuring sufficient choice of school places is available to meet the identified needs of the existing and future communities. Officers consider that a proactive, positive and collaborative approach to meeting this requirement would be appropriate in this instance. A full appraisal of all the relevant planning issues is required to establish whether this particular site option is the most appropriate site to meet the need.
- 6.19 The land subject to the planning application is located within the Settlement Boundary and therefore development is considered acceptable in principle.
- 6.20 The land is currently allocated as Employment Land under the Breckland Core Strategy and has been identified for this use under planning approval 3PL/2012/0958/H, which included the development of 375 dwellings on land to the north of the site. An employment land assessment has been submitted as part of the application which shows that the application site was allocated as an employment area in 2012 and has been marketed for employment use by Brown and Co since February 2015 and has received no reasonable offers.
- 6.21 An appraisal of nine site options in and around Attleborough have been included with the planning application. Of the nine options the application site is considered to be preferred as it relates better to the approved housing growth and is the most accessible. The other options have been considered less suitable for a variety of reasons. The reasons include distance from new development, poor accessibility and size.
- 6.22 As an alternative to the employment allocation on this site, land to the south west of London Road has been identified and the subject of a separate application which was approved by Breckland Council on 27th June 2016. The approved alternative employment land covers an area of 5.3 hectares which is greater than the existing allocation (the application site 3.8 hectares) and has been granted approval for a number of uses. Breckland Council have raised no objection to the

proposed arrangements.

- 6.23 To assist in ensuring that the alternative employment site gets development a S106 agreement linking this site to the employment application approved by Breckland District Council is being proposed. This would require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council. Breckland District Council would act as the enforcing authority for the s.106 agreement. Breckland raise no objection to the approach being proposed.
- 6.24 Officers are satisfied that the application site represents an acceptable option when compared against the alternative sites considered. The loss of the employment allocation would be mitigated by the approved alternative which is larger in site area and has more options for uses and the proposed S106 agreement will help to ensure delivery. Therefore Officers conclude that the use of the application site for an educational use rather than an employment allocation on this occasion is acceptable subject to the provision of the S106 agreement as set out above.

Amenity

- 6.25 Policy DC 1 “Protection of Amenity” of Breckland’s Core Strategy states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.
- 6.26 There are recently approved residential developments either unbuilt or under construction on three sides of the site. The residential properties under construction on the eastern boundary of the site would be the nearest to the proposed school building. The rear elevation of the dwellings are/will be approximately 22 metres from the east elevation of the proposed school building. The boundary treatment in this area and along the majority of this boundary would be constructed from 2m high weld mesh fence complemented with native structural scrub and tree planting to develop a varied green boundary of hedgerow and woodland areas. This boundary treatment extends to the north west boundary between the proposed development and the residential development under construction. If approved there would be a sports field including a football pitch and a pedestrian access situated approximately 5m from this boundary. The nearest residential property is a further 3m from the boundary so in total 8m from the sports pitch and pedestrian access.
- 6.27 The south west boundary treatment being proposed is a mix of 2m acoustic timber fencing. The purpose of this type of fencing is to mitigate noise levels from the A11 to make natural ventilation by openable windows viable. The fencing would screen the school and the proposed nursery building and play area. The remaining section would be 2m high weld mesh fencing planting and retention of an existing hedge. The nearest property to this boundary is approximately 20m from the boundary and approximately 40m from the proposed nursery building.

- 6.28 Breckland Council has recently approved an outline planning application for 16 new dwellings with all matters reserved apart from access on land immediately abutting the south east boundary of the site. The approved application site sits between the principle elevation of the proposed school and London Road. The boundary treatment being proposed between the two developments is 2m high and constructed from masonry. The proposed school building is 25m from this boundary and the nursery building is approximately 36m from the boundary.
- 6.29 The Applicant has submitted as part of the application a lighting assessment and electrical services plan which provides details of the type of external lighting being proposed and the locations. The external lighting will be low source intensity and direct downward orientated and to ensure light nuisance is minimised road way lighting and perimeter car park lighting will be primarily bollard light sources.
- 6.30 The Environmental Health Officer (EHO) for Breckland Council has raised no objection to the lighting being proposed. In all other respects he recommends approval providing that the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns. The EHO expressed concern that no consideration appears to have been given to the school causing noise disturbance to residential properties surrounding the site during playtimes/ external sport activities and use of the various external games areas. Therefore he suggests a condition requiring noise assessment to be carried out during the use of the school near to residential properties. With a view to introducing mitigation plans if required. A further condition is recommended to protect amenity during construction and demolition works.
- 6.31 Officers considered that subject to the conditions being proposed for noise assessment during the operational phase there is sufficient distance between the site and sensitive receptors to prevent any loss of amenity from noise or lighting. Therefore the proposal is compliant with DC 1 “Protection of Amenity” of Breckland Council’s Core Strategy subject to appropriate conditions.

Design & Visual Amenity

- 6.32 Policy DC 16 “Design” of Breckland Council’s Core Strategy states that all new development should achieve the highest standards of design. Also that design principles will be given consideration in assessing developments such as local character, public realm, connectivity, adaptability, diversity, crime prevention, form & character, density, height, massing, scale, layout, siting, grouping, landscaping, boundary treatments, enclosure, building detailing and materials.
- 6.33 Section 7 of the NPPF “Requiring good design” specifies that the Government attaches great importance to the design of the built environment.
- 6.34 During preparation of the application planning Officers were consulted and advised the applicant on the design and layout of the proposal. The application has been submitted broadly in accordance with many of the design principles discussed during the pre-application phase.

- 6.35 The façade of the school building is proposed clad with a buff facing brick and large areas of glazing for the classrooms and communal/ group areas. External canopies provided to all sides of the building will be clad with powder coated aluminium fascia panels with concealed gutters and composite timber soffits. The main hall will be clad entirely in standing seam metal with a seamless transition between the roof and wall; standing seam metal will also be used to clad the mono-pitched roof areas over the classrooms. Photovoltaic (PV) panels would be located on the roof.
- 6.36 The nursery building will be similar in appearance to the main school building, with buff facing brick, powder coated aluminium windows and doors and a standing seam metal pitched roof. An external canopy is provided to the nursery rooms and will be clad with powder coated aluminium fascia panels with concealed gutters and composite timber soffits to match the school building.
- 6.37 The County's landscape and Green Infrastructure Officer having considered the proposal is satisfied in principle that the massing of the proposed buildings is appropriate further detailed information on the finish and as such has requested a condition to detail the material & finish of the building exteriors and the PV panels.
- 6.38 The surrounding uses are in the main residential so in terms of form, character, height, massing, scale, layout, siting and grouping the school and nursery buildings would not necessarily be that similar to the surrounding buildings. However Officers consider that in all of these aspects the proposed development would not result in harm. It is considered that overall the scheme would create an interesting feature that would complement the surrounding uses.
- 6.39 The layout of the school building has two distinct teaching wings located either side of a central heart space, which houses the communal areas such as the library and dining hall along with the administration functions and main entrance. This layout allows the key stage 1 and key stage 2 pupils to be taught in separate areas whilst sharing common areas.
- 6.40 Each of the teaching wings have been designed with classrooms on either side of a wide central corridor that can be used as an informal group/ breakout space during lessons and will provide additional learning space.
- 6.41 The layout of the nursery building has been designed to provide a secure environment for young children. The two main nursery rooms would have direct access to WC/ nappy change facilities and the kitchen. Direct access to the external play areas has also been provided and the spaces have been designed to maximise the link and interaction between the interior and exterior spaces. The staff and administration areas and main entrance have been located behind the nursery rooms to allow privacy and maximise security whilst maintaining good links via the main corridor.
- 6.42 The external areas have been designed such that a wide main entrance avenue will be established which would allow an area for parents to congregate at the end of the school day. The staff car park will be located close to the school

building at the end of the main avenue and would also provide a coach drop-off area along with space for deliveries and refuse collection. The main playing field would be located to the rear of the building along with formal and informal hard play areas. A 2m high security fence will be provided to the boundary, and this will be softened with planting, which also provides additional privacy to the residential developments.

- 6.43 The site can be accessed by pedestrians and cyclists from 3 separate entrance points around the site. A new footpath and cycleway is being proposed immediately adjacent to London Road. This would provide a link to the footpath and cycleway that will form part of the adjacent housing development, and ultimately link the site to the town centre and existing footpath & cycleway infrastructure. This part of the proposal would ensure that the development would be well connected and would promote a choice of transport modes.
- 6.44 Taking the aforementioned matters into account, Officers are satisfied that the building's design, layout, and landscaping plans are in accordance with section 7 of the NPPF and DC 16 "Design" of Breckland's Core Strategy. Subject to conditions requiring submission of details of the building materials and the photovoltaic panels on the roof prior to commencement of the development.

Sustainability

- 6.45 Policy CP 8 "Natural Resources" of Breckland Council's Core Strategy states that all development must be consistent with the principles of the proper management of natural resources. Development will only be supported where it will enhance, or protect against the non-essential loss of the natural resources of the District.
- 6.46 Policy DC 14 "Energy generation and efficiency" of Breckland Council's Core Strategy states that all new development above 1,000m² to supply at least 10% of the energy they require through on-site and/or decentralised renewable sources. Section 10 "Meeting the challenge of climate change, flooding and coastal change," of the NPPF specifies that in determining planning applications, local planning authorities should expect new development to comply with adopted local plan policies on local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.47 A sustainability statement has been include in the application. The statement highlights that the building has been designed, positioned and orientated to minimise the resources required to operate as an educational facility. The layout has been designed to benefit from the principals of passive solar control and natural ventilation. The service installations are to be specified to be as energy efficient as possible and reduce water. The building envelope is to be specified to reduce heat loss and air leakage, and therefore reduce running costs and the energy required to operate the school.
- 6.48 PV panels would be located on the roof and generate electricity for use in the building and/or to supply electricity back to the grid. The heat load for the building would be generated by natural gas fired condensing plant. The PV panels are currently based on 250m² being required to meet building regulations Part L and

Norfolk County Council's planning requirement of 10% of the buildings energy demand being delivered from a low zero carbon or renewable source. This is an estimate based on previous project information. Officers consider that a condition should be included requiring details of the PV panels and solar thermal panels to be submitted and approved in writing by the county planning authority.

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

Landscape & Trees

- 6.50 Policy CP11 "Protection and Enhancement of the Landscape," states that Breckland Council as the local planning authority expects all development within the District to be of the highest design quality in terms of both architecture and landscape. Developers should have regard to good practice in urban design and fully consider the context within which their proposals sit. Development schemes should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.
- 6.51 Policy DC 12 "Trees and Landscape" of Breckland's Core Strategy states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted. The retention of trees, hedgerows and other natural features *in situ* will always be preferable. Where the loss of such features is unavoidable, replacement provision should be of a commensurate value to that which is lost. Appropriate landscaping schemes to mitigate against the landscape impact of and complement the design of new development will be required, where appropriate.
- 6.52 A tree survey plan, tree protection plan and Arboricultural Impact Assessment (AIA) has been submitted with the application. The AIA demonstrates that a number of trees and hedging, positioned along the south eastern boundary of the site and adjacent to London Road are to be removed as part of a Section 278 agreement for highways works, submitted by the developers of the recently approved (Breckland Council) residential development adjacent to the site. The County Arboricultural and Woodland Officer has not commented on this specific point.
- 6.53 There is no further tree removal being proposed but two ash trees would require protection during the construction phase. In response Norfolk County Council's Senior Arboricultural and Woodland Officer is of the opinion that provided the work is carried out in accordance with the submitted arboricultural information no objection would be raised.
- 6.54 A landscape design strategy has been included in the design and access statement which accompanied the application. The strategy includes extensive new planting / landscaping as part of the proposal. This should help to integrate the proposed development into the surroundings and mitigate any impacts. Norfolk County Council's Landscape and Green Infrastructure Officer has not

raised an objection to the proposal but is not sure how specific details of SUDS components can be conditioned at this stage whilst there are unknowns with regard to water depths, which could affect functionality of areas with dual purposes. However in recognition of time pressures is agreeable to a condition requiring details of hard and soft landscaping including details of the attenuation pond to be submitted and approved before any development takes place.

- 6.55 It is therefore considered that the proposal is compliant with policies CP11 “Protection and Enhancement of the Landscape” and DC 12 “Trees and Landscape” of Breckland Council’s Core Strategy subject to appropriate conditions.

Groundwater/surface water & Flood risk

- 6.56 Policy DC 13 “Flood Risk,” of Breckland Council’s Core Strategy states that new development should be located in areas at least risk of flooding and will be expected to minimise flood risk to people, property and places. Proposals which increase the risk of flooding will not be permitted in accordance with a risk-based approach. The policy goes on to state that suitable measures to deal with surface water arising from development proposals will be required to minimise the impact to and from new development.
- 6.57 Full drainage details including calculations have been included in the Flood Risk Assessment submitted with the application. The FRA states that a total area of 700m³ (worst case) of storage will be required for a 1 in 100 + 30% storm event. The preferred option is to use open ponds for storage. The ponds will have outfalls to the open ditches, one will be to the ditch by London Road and the other will be to the ditch to the west boundary of the site.
- 6.58 The FRA confirms that the site lies within Flood Zone 1 which ensures that the development would be compatible with policy guidance. Infiltration methods would be unlikely to be a feasible for surface water disposal due to contaminants and large amounts of made ground and the underlying geology. A positive discharge will be required to the existing ditch running parallel to London Road. It is proposed that the flows will be restricted to the existing greenfield rate through a piped system which feeds an attenuation pond. With the above measures in place the development of the site will not create any flood risk issues to the wider area.
- 6.59 The Lead Local Flood Authority (LLFA), Environment Agency and East Harling Internal Drainage Board (IDB) have reviewed the proposed drainage strategy and subsequent revisions. The Lead Local Flood Authority has provided standing advice which states that the county planning authority would need to be satisfied that development would be compliant with National Planning Policy Framework (“NPPF”) paragraph 103 by ensuring that the proposal would not increase flood risk elsewhere and written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems for the management of run-off are put in place. At the time of writing the report the Environment Agency had not responded with any comments. Officers will update Members verbally should any comments be received.

- 6.60 East Harling IDB have raised concerns regarding the drainage strategy submitted with the application which in their opinion does not provide an acceptable solution to the drainage of the development. They consider however that as there is not a direct impact on the IDB watercourses and should the planning authority grant planning consent the IDB will accept a suitable condition being included with the planning consent. The condition should require a suitable flood risk assessment and drainage strategy to be submitted and approved by either the LLFA or IDB prior to commencement. The drainage strategy would have to demonstrate that there will be no increase in offsite flood risk and that there is a viable drainage route between the outfall and IDB watercourse. The Applicant should be aware that the discharge may require formal IDB consent.
- 6.61 The proposed development and the housing schemes approved by Breckland Council would result in four new crossings of the drainage ditch which runs along London Road. The Norfolk County Council through the LLFA is responsible for consenting works that affect the flow of an ordinary watercourse under the terms of the Flood and Water Management Act 2010, Land Drainage Act 1991 and Water Resources Act 1991. This consent would also be required.
- 6.62 Officers considered that subject to the imposition of a condition requiring a suitable flood risk assessment and drainage strategy prior to commencement of the development the proposal is compliant with policy DC 13 “Flood Risk” of Breckland Council’s Core Strategy and section 10 of the NPPF

Highways safety

- 6.63 NPPF paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. This application was accompanied by a transport statement and an interim travel plan. Whilst paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe, it also states that decisions should take account of whether safe and suitable access to the site can be achieved.
- 6.64 The Site lies immediately to the north of London Road’s junction with Hillsend Lane and New Road, on the western side of the carriageway. The Site is set back approximately 50m from London Road.
- 6.65 The transport statement supporting the application reviews the access arrangements for all modes of transport to/from the proposed development. It also considers the location and suitability of the site the 3FE primary school development. Car parking, internal vehicular movement/parking, servicing, delivery and waste collection arrangements have been reviewed. Road safety has also been reviewed by assessing the accident records in the local area and how they relate to the proposed development. The potential impact of the development would have on the surrounding road network has also been assessed.
- 6.66 The application has been assessed by the Highway Authority who considered the proposal in terms of the potential for impact on the highway network, the appropriateness of the proposed off site highway improvements, vehicular &

pedestrian access, site layout and the vehicular & cycle parking.

- 6.67 In summary no objection has been raised by the Highway Authority subject to conditions and informative notes being included on any consent notice issued. The conditions being requested
- 6.68 The Highway Authority consider that *“the opportunity to access the school by more sustainable modes is good.”* The proposed development is well located to take advantage of off-site highway improvement measures required of the developer of the neighbouring residential development through an agreement with the Highways Authority under section 278 of the Highways Act 1980 which has been signed and is legally binding. This Includes a substantial length of shared use footway / cycleway along London Road (which includes the application site frontage) which will link back to the Town Centre. Until these measures are introduced the pedestrian / cycle links to the site are limited and would not be appropriate to serve the proposed school. As such a condition has been requested which would ensure that the site is not occupied until the improvements are introduced. Alternatively if the school is to be occupied ahead of the developer delivering the improvements a condition requiring the applicant to provide a footway link should be included.
- 6.69 The Highway Authority also states the *“given that a school will change the nature of traffic generated, the applicant will also be required to provide a series of highway improvements to help manage school activities,”* such measures should include:
- The provision of school keep clear markings on both access points,
 - The introduction of a part time 20 mph speed limit
 - Improvements to the proposed crossing arrangements (which will be introduced by the residential site developers) to reflect the change in pedestrian movements as a result of the school application.
- 6.70 These measures can be secured by condition and the exact details agreed on discharging the conditions at a later stage in the process.
- 6.71 In addition the applicant has been asked to fund a Traffic Management review after 12 months of occupation to identify if any further traffic management measures (including yellow line waiting restrictions and / or verge protection) are required. Children's Services are satisfied with the suggested approach and have confirmed that sufficient funds have been set aside to implement the review.
- 6.72 Details of the new pedestrian access point onto London Road including an appraisal of the requirement for a new guardrail and other constraints should be submitted for approval at a later date.
- 6.73 The Highway Authority are not satisfied with the internal site layout that is being proposed. Of particular concern is that one way system being proposed and the potential for the safety of site users being compromised due to pedestrians being dropped off or picked up being forced to board/alight from the running lane (in conflict with vehicles) rather than the purpose built footway facility provided. Therefore a condition is being proposed to ensure that the exact details of the

one way system (including signage) can be agreed at a later date.

- 6.74 The proposals outline that 68 no. car parking spaces will be provided on site to cater for staff / visitor demand. This is lower than the maximum recommendations within the Council's adopted parking strategy "*Standards for Parking in Norfolk (2007)*." The Highways Authority are satisfied with this given links to the site by other sustainable modes. The level of cycle provision is however considered insufficient with only 26 cycle spaces (13 Sheffield stands) are proposed to cater for staff and students. This figure is in accordance with the County Council's standards for staff (1 space per 6 FTE) this figure makes no provision to cater for the potential 630 students to bike / scooter. The Highway Authority conclude that it is reasonable to assume that a number of pupils will access the school by cycle and as such the availability and prominence of secure cycle parking will be key and suggest that covered cycle / scooter parking should be provided to cater for at least a minimum of 10% of students. A condition has been suggested for exact details to be agreed at a later date.
- 6.75 A further condition has been suggested because the school will be required to provide a travel plan which they should thereafter monitor at agreed intervals.
- 6.76 In conclusion, Officers consider that in highways terms the proposal is acceptable and in accordance with paragraph 32 of the NPPF. Subject to the imposition of conditions to ensure construction is in accordance with the plans, delivery is timed to ensure all modes of transport are catered for, safe use of the highway, adequate parking provision, control over highways issues during the construction phase and submission of a travel plan.

Ecology

- 6.77 Policy CP 10 "Natural Environment" of Breckland Council's Core Strategy states that there is an expectation that development will incorporate biodiversity or geological features where opportunities exist. Development that fails to exploit opportunities to incorporate available biodiversity or geological features will not be considered appropriate.
- 6.78 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.79 As part of the application an ecological assessment report has been submitted. The ecological investigations reported in the document reveal that there is limited potential for valued ecological receptors, such as protected species or ecologically rare/important habitats, to occur on the site. For some protected species with a conceivable risk of occurrence on the site, this risk can be addressed through adopting avoidance or mitigation measures. The measures include retention of the drift fencing during the construction period, hedgerow creation to compensate for any loss (shown on layout plans), replace trees lost, all contractors to be familiarised with the laws pertaining to bats, newts & protected species, two weeks before site clearance the grass should be cut to a height of 5-10cm, site clearance only outside 1st March to 31st August, construction work only during daylight hours, all waste stored in skips or pallets

and all excavations should be backfilled at the end of each day. Provided these measures are adopted the proposed development is expected to have no significant ecological impacts.

- 6.80 The County Ecologist having considered the assessment report and the suggested mitigation measure concludes that providing the measures suggested are adopted the proposed development is expected to have no significant ecological impacts. This requirement can be secured through condition.
- 6.81 It is therefore considered that subject to condition the proposal is compliant with policy CP 10 “Natural Environment” of Breckland Council’s Core Strategy and Paragraph 109 of the NPPF.

Archaeology

- 6.82 NPPF paragraph 128 specifies that in determining applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.83 Policy DC 17 “Historic Environment” of Breckland Council’s Core Strategy states that sites of archaeological interest and their settings will be protected, enhanced and preserved and development which has an unacceptable impact upon a site of archaeological interest will not be permitted.
- 6.84 An archaeological evaluation has been submitted in support of the application. The evaluation reports the findings of a programme of archaeological evaluation which comprised the excavation and recording of 17 archaeological evaluation trenches (50m long by 1.8m wide) across the proposed development area.
- 6.85 The evaluation has revealed the presence of limited potential Prehistoric remains. Medieval and Post-medieval evidence largely comprised former field boundaries, which were present as dispersed features, across the site. The evaluation has identified the presence of Medieval pits and ditches.
- 6.86 The Historic Environment Service of the County Council have considered the application and the information submitted and concludes that If planning permission is granted a condition in accordance with Paragraph 141 of the NPPF would be required to request a written scheme of investigation prior to commencement of the development. The Historic Environment Service has confirmed that they will produce a brief for the programme of archaeological works on request.
- 6.87 It is therefore considered that subject to the imposition of a condition as set out above the proposal is compliant with policy DC 17 “Historic Environment” of Breckland Council’s Core Strategy and section 12 “Conserving and enhancing the historic environment” of the NPPF.

Statement of Community Involvement

- 6.88 A statement of community involvement has been included with the submitted documentation. It includes details of the consultation events that took place prior to submission. These events consisted of a public consultation session with the local community and a meeting with the Mayor of Attleborough and representatives of the neighbourhood plan steering group. Summary details of the two events demonstrate that a number of pertinent issues were discussed including highways/parking & drop off, the loss of employment land and footpath connections. The statement also provides in appendix 1 details of the presentation boards.
- 6.89 Officers consider that the statement does demonstrate how the views of the local community have been sought. The statement does not explain how those views have helped to shape the scheme itself, however it is apparent that the issues raised have been considered and addressed in the final design now being proposed.

Responses to the representations received

- 6.90 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.91 There were 6 letters received from local residents in response to the consultation. It is worthy of note that many of the respondents agree with the principle of the new school and recognise the need but have expressed concern regarding particular points, including:
- The potential for there to be increased noise and disturbance.
 - Loss of privacy.
 - General highway safety in particular around drop off and pick up times.
 - Controls over parent parking at drop off and pick up times.
 - Inadequate links for pedestrians.
 - Request for tighter controls than those currently in place over speed in the area once the school is operational.
 - Request for a safe crossing point.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

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

8.5 Equality Impact Assessment (EqIA)

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

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

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

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

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

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 The proposal the subject of this application would provide 3,490m² of much needed educational and pre-school accommodation particularly given the recent and planned levels of increased housing provision consisting of 21 classrooms

for 630 pupils of primary school age and 52 nursery places.

- 11.2 The buildings being proposed are of a high design standard and incorporate a good specification of sustainability measures and which should generate 10% of the buildings energy demand being delivered from a low zero carbon or renewable source.
- 11.3 The proposed development is considered acceptable subject to a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. There are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.
- Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 12.2 The development must be carried out in strict accordance with the application form, plans and documents.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 12.3 Prior to the commencement of any works on site, details of the type and colour of the brickwork, mortar courses and roofing materials, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall then be constructed and retained in accordance with the approved details.
- Reason: To ensure the satisfactory appearance of the development.
- 12.4 Prior to the commencement of any works on site, details of the design, materials and colour of the windows and doors, shall be submitted to, and approved in writing by, the County Planning Authority. The railing and doors shall thereby be undertaken and retained in accordance with the approved details.
- Reason: To ensure the satisfactory appearance of the development.
- 12.5 Prior to the commencement of any works on site, details of the colour and finish of the external joinery and rainwater goods, shall be submitted to, and agreed in writing, by the County Planning Authority. The external joinery and rainwater goods shall thereby be undertaken and retained in accordance with the approved details.
- Reason: To ensure the satisfactory appearance of the development.
- 12.6 Prior to the commencement of any works on site, details of the photovoltaic panels, shall be submitted to, and agreed in writing, by the County Planning Authority. The panels once insitu shall be retained in accordance with the approved details.
- Reason: To ensure the satisfactory appearance of the development.

- 12.7 Prior to the first occupation of the development hereby permitted the vehicular (and / or pedestrian / cyclists) crossings over the footway / ditch / watercourse (including School Keep Clear Markings and appropriate pedestrian restraint measures) shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.
- Reason: To ensure construction of a satisfactory access and in the interests of highway safety.
- 12.8 Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No NPS-DR-A 061 Rev P7 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.
- Reason: In the interests of highway safety.
- 12.9 The gradient of the vehicular access(es) shall not exceed 1:12 for the first 10 metres into the site as measured from the near channel edge of the adjacent carriageway.
- Reason: In the interests of the safety of persons using the access and users of the highway.
- 12.10 Prior to the first occupation of the development 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 10 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.
- 12.11 Prior to the first occupation of the development hereby permitted signs shall be provided and thereafter retained at the means of ingress and egress (onto London Road) in accordance with a one way system scheme to be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of highway and site safety and traffic movement.
- 12.12 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- Reason: In the interests of highway safety.
- 12.13 Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 12.14 Prior to occupation a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.
- 12.15 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- Reason: To ensure adequate off-street parking during construction in the interests of highway safety.
- 12.16 No works shall commence on site until the details of wheel cleaning facilities for construction vehicles 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.
- 12.17 For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in condition 16.
- Reason: To prevent extraneous material being deposited on the highway.
- 12.18 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the provision of a school time 20 mph speed limit on London Road and pedestrian crossing arrangements have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.
- Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 12.19 Prior to the commencement of the use hereby permitted the school time 20 mph speed limit on London Road and pedestrian crossing arrangements referred to in condition 18 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.
- Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 12.20 Within 12 months of first occupation of the development hereby permitted, the applicant shall instruct and fund the Highway Authority to undertake a Traffic Management review within the vicinity of the site to identify if any further reasonable measures (including waiting restrictions and verge protection) are required to manage traffic associated with the development. Any such measure(s) identified shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety.

- 12.21 Within 6 months of the first occupation of the development hereby permitted a review of the existing school travel plan shall be submitted to and approved in writing by the County planning Authority in consultation with the Highway Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing in consultation with the Highway Authority as part of an annual review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking (as agreed with the Highway Authority).

Reason: To ensure that the development is as sustainable as possible, in accordance with.

- 12.22 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. hard surfacing materials;
- iv. soft landscape works, including plans and sections of tree planting in hard surfaces;
- v. minor artefacts and structures (specifically lighting, dipping platform, refuse or other storage units);
- vi. proposed sustainable drainage features (to include levels, profiles, inlets/outlets, minimum, average and maximum water depths, substrates and linings, etc.);
- vii. proposed and existing functional services above and below ground including drainage, power, communications cables, pipelines etc. indicating lines, manholes);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To ensure the satisfactory appearance of the development.

- 12.23 No development shall take place until a Flood Risk Assessment and a Drainage Strategy have been submitted to and approved in writing by the County Planning Authority. The Flood Risk Assessment and a Drainage Strategy shall demonstrate that there will be no increase in offsite flood risk and that there is a viable drainage route between the outfall and Internal Drainage Board watercourse.

Reason: To prevent environmental and amenity problems arising from flooding.

- 12.24 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the

County Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 12.25 No demolition/development shall take place/commence until a Written Scheme of Investigation (archaeological) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

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

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved.

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

- 12.26 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 25 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.

- 12.27 Demolition and construction work shall not begin until a scheme for protecting the nearby sensitive receptors from noise, vibration and dust from the demolition and construction activities has been submitted to and approved by the local planning authority; all works which form part of the approved scheme shall be implemented.

Reason:

To protect the amenities of residential properties and the surrounding area.

- 12.28 The development hereby approved shall not generate a noise level measured at the nearest residential boundary greater than 5 dB(A) above the existing background level. Measurements to be taken using the methodology of BS 4142:2014. All measurements to be taken with a sound level meter of IEC 651 Type 1, or BE EN 61672 Class 1 standard (or the equivalent relevant UK adopted standard on force at the time of measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the specified procedure in BS 4142:2014 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason: To protect the amenities of residential properties and the surrounding area.

- 12.29 Before the school hereby permitted is first occupied the cycle/footpath shall be constructed, fully surfaced and linked to the surrounding network in accordance with drawing reference NPS-DR-A061, rev P7, unless otherwise approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway and site safety and traffic movement.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12 and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

[Adopted Core Strategy and Development Control Policies Development Plan Document \(2009\)](#)

[Saved Policies Breckland District Local Plan \(2009\)](#)

[The National Planning Policy Framework and technical Guidance \(NPPF\) \(2012\)](#)

Officer Contact

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

Name	Telephone Number	Email address
Neil Campbell	01603 222724	Neil.campbell3@norfolk.gov.uk



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