

## PLANNING COMMITTEE

3 JULY 2023

### SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item 9/1(a) 23/00265/CU Page No. 14

**Ministerial Statement: ‘Planning for accommodation for looked after children,’ statement made on 23<sup>rd</sup> May 2023.** Statement summarised as follows:

- With support of Secretary of State for Education, set out Government’s commitment to support the development of accommodation for looked after children, and its delivery through the planning system.
- The Planning System should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important the care system provides stable, loving homes close to children’s communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children live far from where they call home (without a clear protection reason), separated from the people they know and love.
- As set out in para. 62 of the NPPF, LPAs should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. LPAs should consider whether its appropriate to include accommodation for children in need of social services care as part of that assessment.
- LPAs should give due weight and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local need. All parties should work together to facilitate timely delivery of vital accommodation across the country.
- Part of the Ofsted registration process includes using a location assessment to see if their service is needed in the locality.
- In two tier authorities, we expect LPAs to support these vital developments where appropriate, so ensure that children in need of accommodation are provided for in their communities.
- Planning permission is not always required when there is no change from Use Class C3 or where there is no material change of use to Class C2. In these instances, an application to the LPA for a lawful development certificate can be made rather than an application for planning permission.

**THREE letters of OBJECTION** - the issues raised are similar to those previously stated and outlined in the updated Committee Report. New issues raised are as follows:-

- 2014 Care Act states we should prevent and protect elderly from abuse and neglect, whether they live in care or living independently in the community. The care home in Folgate Lane would be detrimental to the current elderly residents.
- The care home proposed will be classed as an Institution and will not be a normal family home so to suggest otherwise is not factual or truthful.
- Feel noise issues are being side-lined i.e. shift change over times, visitors etc.
- Two local incidents of crime stated. Objection implies they are related to the other children’s home in locality (local farmer had property stolen and a separate incident of a lady threatened with a baseball bat). Reiterate issues already covered regarding government statistics and issues related to children with behavioural issues.

**Assistant Director's Comments:** Members are directed towards the Ministerial Statement which sets out the Government's commitment to support the development of accommodation for looked after children and its delivery through the planning system.

The additional objections to the proposal are similar to those already submitted and covered with the report. An emphasis has again been placed on potential issues with noise issues and crime. These are addressed within the officer report.

**Item 9/2(a) 22/02265/FM Page No. 32**

**Parish Council: OBJECT** - The Parish Council are hugely opposed to this whole application and amendment as per our comments 22/02265/FM and 22/02021/FM.

Looking at the NEW road layout, it's going through 3 battery storage sites from Walpole Bank to Folgate Lane.

1) What about the security of different sites?

2) If each site has locked gates, who's got/ going to have the keys to unlock the gates? How can the Fire Brigade or any emergency service gain entrance?

Because if that was the case, which and how many Fire Brigades would be given keys?

3) Midway of the road there is a T- junction and we consider that this raises concerns to add another Battery Storage Site.

4) Could / Would still use Folgate Lane for access to sites.

**Environment Agency: Earlier comments repeated**

**Water Management Alliance: No additional comments**

**Cllr Rust:** has brought it to our attention that the agent has emailed Members endorsing the proposed development covering the issues of Location, Fire Mitigation and Local Comments.

**Cllr Ryves:** has identified concerns regarding fire safety and has identified weblinks to articles/news items for reference.

**Cllr Kunes:** has responded by stating: "Just thought you might like some facts on this issue! Every now and again, a news story about an electric vehicle catching fire is published. Underneath the article, you are almost certain to find at least one comment along the lines of "another electric vehicle...". But are these vehicles really more likely to catch fire than cars with internal combustion engines? A major insurance company in the United States recently conducted a study. Electric cars, according to the study, are in fact the least likely to catch fire. 25.1 out of every 100,000 electric vehicles sold caught fire. For the same number of combustion engine cars, 1,529.9 caught fire."

**Correction:** Amendment to Condition 2 to read as follows:

2. Condition: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 21/16/301/01 Revision B, 21/16/301/02 Revision B, 21/16/301/03, P3090(08)-175-01 Revision O & P3090(07)-175-01 Revision O.

**Assistant Director's Comments:** With regards to the Parish Council's concerns above relating to the security of the three sites, the emergency access route can be created without infringing upon security. The details regarding interaction with Norfolk Fire & Rescue Services (NFRS) in terms of key codes etc. will form part of the Battery Safety Management Plan to be secured via Condition 23. NFRS raise no objection to this arrangement and will be involved in the finalised scheme/plan.

The Local Highway Authority raises no objection to the proposed development with the access arrangements shown.

The matter of fire safety is covered in the report, and it must be reinforced that NFRS raise no objection to the proposed development.

Correction to Condition 2 rectifies an error in plan referencing following an earlier amendment to the emergency access route.

**Item 9/2(b) 22/02021/FM Page No. 55**

**Parish Council: OBJECT** - The Parish Council are hugely opposed to this whole application and amendment as per our comments 22/02265/FM and 22/02021/FM.

Looking at the NEW road layout, it's going through 3 battery storage sites from Walpole Bank to Folgate Lane.

1) What about the security of different sites?

2) If each site has locked gates, who's got/ going to have the keys to unlock the gates? How can the Fire Brigade or any emergency service gain entrance?

Because if that was the case, which and how many Fire Brigades would be given keys?

3) Midway of the road there is a T- junction and we consider that this raises concerns to add another Battery Storage Site.

4) Could / Would still use Folgate Lane for access to sites.

The Parish Council are still objecting to this as per 22/02265/FM for the same reasons. Serious concerns have been raised by members of the public regarding the use of prime agricultural land and we have received no notifications of how a fire would be tackled. A public meeting with the developers would be most helpful, for both sides.

**Environment Agency: NO OBJECTION** subject to Sequential and Exception Test being passed but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Royal Haskoning DHV, November 2022) are adhered to. In particular, the FRA recommends that:

- Electrical equipment in the north-west corner of the site (shown as affected by a tidal defence breach) will be raised above the tidal breach depth (0.25m).
- Energy storage units will be located on plinths 300mm above ground level.

**Agent:** Updated landscape plans submitted to correspond with modification to proposed emergency access routing.

**Assistant Director's Comments:** With regards to the Parish Council's concerns above relating to the security of the three sites, the emergency access route can be created without infringing upon security. The details regarding interaction with Norfolk Fire & Rescue Services (NFRS) in terms of key codes etc. will form part of the Battery Safety Management Plan to be secured via Condition 23. NFRS raise no objection to this arrangement and will be involved in the finalised scheme/plan. The Local Highway Authority raises no objection to the proposed development with the access arrangements shown. The use of high-grade agricultural land is covered in the report. The application has to be determined on its own merits and assessed against Development Plan policies.

The views of the Environment Agency are what was expected and effectively accords with Condition 8 stated within the report.

The updated plans relating to landscaping will require an amendment to Conditions 2 and 5 to read as follows:

**Amended conditions:**

2. Condition: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 002.1.2 Revision 0 (received on 06/06/23), 001.3 Rev 1, 003.9, 004.1, UG\_1744\_LAN\_FBP\_DRW\_04 Rev. P03, UG\_1744\_LAN\_SEC\_DRW\_03 Rev. P04 and UG\_1744\_LAN\_GA\_DRW\_01 Rev. P05, unless otherwise agreed in writing with the Local Planning Authority.

5. Condition: The landscaping (including a new hedgerow along the northern side of Folgate Lane) shall be implemented in accordance with the details submitted and contained in the approved plans: UG\_1744\_LAN\_FBP\_DRW\_04 Rev. P03 and UG\_1744\_LAN\_GA\_DRW\_01 Rev. P05, unless otherwise agreed in writing with the Local Planning Authority.

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**Historic Environment Service: NO OBJECTION**

The application site is approximately 100m from Wormegay motte and bailey castle, which is a Scheduled Ancient Monument and is adjacent to the historic core of the village. There is potential for heritage assets, buried archaeological remains of medieval date to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. Accordingly conditions should be attached to the consent. We also suggest that you consult Historic England regarding any potential setting issues related to the Scheduled Ancient Monument.

**CORRECTIONS:**

**Add Conditions 11, 12 and 13** in response to Historic Environment Service comments.

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

11 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

12 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 11.

12 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

13 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 11 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

13 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

**Amend condition 2** to correct plan references:

2 The development hereby permitted shall be carried out in accordance with the following approved plans drawing no's:

22 041030 02 EXISTING SITE PLAN received 28 Jul 23

22 041030 05B PROPOSED SITE PLAN received 23 Nov 23

SHEET 3 NEW CHILL STORE received 4 Oct 22

~~E11471/1 PROPOSED CHILL STORE- PROPOSED ELEVATIONS received 28 Jul 22~~

E13686/1 PROPOSED CHILLI STORE EXTENSION- PROPOSED LAYOUT AND SECTION HIGH CARE PHASE received 28 Jul 22

E13686/3 PROPOSED CHILLI STORE EXTENSION- PROPOSED SECTIONS PHASE 1 received 4 OCT 23

SHEET 2 NEW CHILL STORE

2 For the avoidance of doubt and in the interests of proper planning.

**Assistant Director's Comments:**

The conditions requested by the Historic Environment Service should be attached to the planning consent. Consideration has been given to the impact of the chill store on the Scheduled Ancient Monument and this is addressed in the Officer's report.