

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 7 June
at 11am in the Edwards Room, County Hall**

Present:

Cllr Colin Foulger (Chairman)
Cllr Brian Long (Vice Chairman)

Cllr Stephen Askew
Cllr Roy Brame
Cllr Mick Castle
Cllr D Douglas
Cllr Brian Iles

Cllr William Richmond
Cllr Eric Seward
Cllr Martin Storey
Cllr Tony White

Officers Present:

Neil Campbell
Ralph Cox
Nick Johnson
Jane Linley

Senior Planning Officer
Principal Planning Officer
Head of Planning
Team Lead (Planning & Environmental Law), nplaw

1 Apologies and Substitutions

Apologies were received from Cllr David Collis and Cllr Mike Sands

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 15 March 2019 were agreed as an accurate record and signed by the Chairman.

3 Declarations of Interest

- 3.1 Cllr Eric Seward declared a non-pecuniary interest about item 5, application C/1/2017/1010, as he was a North Walsham Resident and knew people who worked for Drury's. Cllr Seward's wife was a Member of the Town Council Committee who considered the original planning application; Cllr Seward clarified that he had no involvement in this application.
- 3.2 Cllr Stephen Askew declared a non-pecuniary interest in Item 6, application C/3/2018/3010, as his business had used the company in the past.

4 Urgent Business

There was no urgent business discussed.

Applications referred to the Committee for determination.

5 C/1/2017/1010: Cornish Way Business Park, Lyngate Ind Est, North Walsham, Norfolk, NR28 OFE

5.1.1 The Committee considered the application for inert waste storage and processing, lagoons, plant storage area and installation of a porta-cabin and to increase throughput from 20,000 tonnes per annum to 75,000 tonnes per annum.

- 5.1.2 The following proposed changes to the conditions to be attached to the permission should the application for permission be granted were presented:
- **Paragraph 13.8:** All plant and machinery shall only be operated at original ground level and not at an elevated position on bunds or stockpiles, with the exception of the front-end loader, feeding the processing plant which will be permitted to operate up to 2 metres above the 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.
 - **Paragraph 13.9:** Within 60 days of the date of this permission the permanent bunding and the acoustic fencing as shown on Drwg No. 22209/004 Rev L, dated 19.04.19, 2209/020 Rev E, dated 25.06.2018 & 06 J7/01042 shall be constructed. Reason: To protect the amenities of neighbouring properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026
 - **Paragraph 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.

- 5.1.3 The Senior Planner gave background to the application and presented photographs of the site:
- Two late representations had been received. One objection from a local resident had been received on the grounds of amenity on the basis of noise, hours of opening, Saturday working, and highways impact on Lyngate Road; and a letter of support had been received from a neighbouring business who said they had not experienced noise or dust issues from the business and thought operations on the site were appropriate
 - The nearest local residents lived approximately 200m away
 - The application was part retrospective; part of the site had an allocation for an unspecified employment use from North Norfolk District Council since 2011; part of the site had also been allocated for a waste use, for composting and anaerobic digestion in the Norfolk Minerals and Waste Development Framework 2013
 - The environmental permit for the site issued by the Environment Agency which regulated activities on site such as noise, pests and litter would need to be varied if the application was approved

- The landscaping officer had not raised concerns about extending the height of the perimeter bunding at the site and conditions were in place around removal of portacabins and changing the height of stockpiled material, which would be kept lower than the bund
- Proposals in the application to increase the height of the bunds and have lower level working would mitigate concerns raised by residents about noise; the noise impact assessment identified the jackhammer on the crusher would lead to unacceptable levels of noise and this had been removed from the application by the applicant.

5.1.4 Members asked questions about the presentation:

- Timescale for consultees to provide comments was queried; the Head of Planning confirmed that all parties were advised they had until 48 hours prior to the meeting to make representations and that it could not be guaranteed that information sent after this time would be considered
- The Team Lead (Planning & Environmental Law), nplaw advised that if a cut-off point was given to consultees before the report was finalised, to enable all consultee comments to be covered by the report, the Council may be in breach of the law because its decision may not take into consideration all the material considerations Cllr White felt it would be helpful for Members to see the late information contained in a written presentation immediately prior to the meeting
- Cllr Castle noted that there were few objectors to the application
- The Vice-Chairman asked about the new bund and whether new planting would be in addition to existing trees; it was confirmed that it would. The Vice-Chairman felt that retaining existing trees should be a condition of the planning permission (if granted) as they would provide effective noise screening.

5.2.1 Mr Stephen Hayward spoke in objection: Mr Hayward was a resident of Lyngate Road near to the proposed site. He felt that the planning application did not provide proportionate employment as it would create two new jobs in addition to the existing 24. Mr Hayward felt that Drury's had not operated within the existing planning permissions and operated outside controls put in place by previous planning permissions; he gave various examples, including the company: not repairing damage caused by a fire; operating in the open causing noise and dust; recycling tyres outside the area covered by the planning permission; not deploying appropriate dust control methods; storing scrap machinery, vehicles and portacabins; and operating outside their permitted hours and area. Mr Hayward also felt that the activities on the existing site impacted residents on Lyngate Road due to 'rat running' by lorries and noise of machinery.

5.2.2 Members asked questions of Mr Hayward:

- It was noted that no comments had been received from the District Council Planning Department but that the Environment Agency, Highways Authority, or other statutory bodies had responded; the Member asking the question to Mr Hayward also noted that 14 movements in and out of the site seemed a usual amount of movements for an industrial estate. Mr Hayward replied that residents living on Lyngate Road, and walkers using the area agreed with his objection. The Senior Planning Officer confirmed that one other resident objection had been received and that there had previously been monitoring issues at the site; the

purpose of the planning application was to in part to regularise the current activities on the site and mitigate issues related to the applicant operating outside of the permitted site and the noise issues which arose from this, and to support the applicant to regularise its activities

- The Head of Planning confirmed that the Environment Agency had raised no objections
- Cllr Eric Seward spoke as Member for North Walsham; he was familiar with the site; he asked Mr Hayward if he had ever carried out a monitoring exercise to record how many vehicles travelled on Lyngate Road each day. Mr Hayward acknowledged that the rat-running on the road was not caused by the Applicant but by the industrial estate as a whole. The Chairman clarified that making changes to access to roads was outside of the remit of the Committee.

5.3.1 Mr Alistair Wait spoke as the Applicant: Drury's is one of the largest employers in North Walsham with 67 employees on 3 units; the application to extend the site would require 2 additional members of staff; more staff would be employed as the team grew. The site was detailed in the 2013 waste minerals and waste development framework. The intention was to link it to the main waste services offered by the business. Mr Wait had invited neighbours to visit the site and voice their concerns; he had listened to their concerns and reviewed operations in line with this; for example reversing beepers had been changed to white noise style; dust blowing off site was now dampened down and swept 3 times a day; noise mitigation had been addressed through removing the jackhammer from operation, and including further noise mitigations in the planning application. Mr Wait discussed how work on the site on weekends and holidays was carried out by the land owner; Mr Wait had asked the landowner to be more compassionate to neighbours when working on his land at weekends.

5.3.2 Members asked questions of Mr Wait:

- It was suggested that local residents meet regularly with the Applicant to raise concerns, so they could be rectified
- A Member raised with Mr Wait that conditions of previous planning applications had not been adhered to, with regards to working outside of the site. Mr Wait replied that this related to the company importing soil ready to build the bunds as they thought the planning application process would conclude more quickly, and due to the impact of a fire on the site which had affected the running of the business
- Local Member, Cllr Eric Seward, noted that the application site was located on an industrial estate and there were other companies in the vicinity creating noise and dust and consultees had said that the application complied with planning policies related to noise and dust. The main issues raised by residents were related to vehicle access on Lyngate Road which was a single lane road; Cllr Seward felt a sign here would be helpful and would discuss this with the Highways Authority, however there was a wider issue related to access to the estate caused by the issue of low bridges in North Walsham. A new access, to avoid large vehicles using residential streets to access the site, would have to be considered as part of the Local Plan.

5.4 The Vice Chairman **PROPOSED**, seconded by Cllr Tony White, to include a condition to retain the existing tree line, and for extra planting to be in addition to existing trees.

- 5.5.1 The Committee **RESOLVED** that the Executive Director of Community and Environmental Services be **AUTHORISED** to:
- I. Grant planning permission subject to the conditions outlined in section 13 of the report as amended by paragraph 5.1.2 of these minutes and a further condition to ensure retention of the tree line and extra tree planting.
 - II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
 - III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

6 C/3/2018/3010: Walnut Tree Farm, Silver Street, Besthorpe, Norfolk, NR17 2LF
35

- 6.1.1 The Committee considered the application to extend the existing waste transfer station, provision of processing plant, infrastructure improvements and associated works (part retrospective); Change of use of agricultural land so as to provide screen bunding; Demolition of existing waste recycling building and erection of new waste recycling building; reconfiguration of bunding and landscaping; increased waste throughputs; extended hours of operation; off-site highway improvements
- 6.1.2 One update to the report as published was that an additional condition was proposed by officers requiring the reprofiling of the landscaping bunds to be undertaken within 6 months of the date of the permission, with all surplus waste and redundant plant and machinery removed.
- 6.1.3 In addition, two amendments to the proposed conditions had also been requested by the applicant:
- **Paragraph 13.3:** allow 9 months to implement the scheme of highway works once they are approved rather than 9 months from the date of the permission;
 - **Paragraph 13.13:** to allow 4 metre stockpiles of waste in line with restrictions imposed on skip storage
 - Officers were confident that these changes could be implemented without significant or unacceptable impacts.
 - Since publication of the report, one further representation had been received from the public. The resident had raised concerns relating to the suitability of the highway network with reference to the narrow carriageways, and the speed restrictions in place given the speed some heavy vehicles travel along it.
- 6.1.4 The Principal Planning Officer gave background to the application and presented photographs of the site:
- The application was not in accordance with the Norfolk Minerals and Waste plan and was a departure from the development plan
 - The nearest residential properties were located adjacent to this site access
 - The proposal included a new building - PV panels would be required to be mounted to its roof prior to its first use in accordance with condition 13.5
 - Bunds would be reprofiled and fully seeded
 - Photos of the site and access to the site were shown

- Historic England did not raise any issues about the application
- Offsite highway improvements had been requested by the Highway Authority which were required to be in place before an increase in throughput on the site could occur
- The material considerations that indicated planning permission should be granted included that the intrusion onto greenfield land was not significant and would provide additional landscape screening, and;
- Changes to the site would create 7 further full-time jobs

6.1.5 A Member asked whether any residents had raised objections; the Principal Planning Officer confirmed that the residents of the semi-detached cottages adjacent to the site had not raised objections.

6.2.1 Mr Stephen Daw spoke as planning agent for Baldwin Skip Hire Ltd: the application would provide greater sustainability for the applicant through expansion of the area, less cramped and improved working environments, increased throughputs and greater degree of mechanisation. The application would provide increased rates of recycling and diverting waste from landfill and better environmental controls. Open boundaries would be enclosed by bunding and screening to increase amenity for residents. Mr Daw appreciated the alterations to the proposed conditions presented during the meeting.

6.2.1 Cllr Tony White asked Mr Daw about mitigations for the noise caused by chains; Mr Daw had discussion mitigations with the environmental health officer and chains would be secured and strapped down; Cllr White suggested chain covers could provide further mitigation.

6.3 Cllr Danny Douglas left the room for part of the discussion, and therefore did not vote on this item

6.4 The Committee **RESOLVED** that the Executive Director of Community and Environmental Services be **AUTHORISED** to:

- I. Grant planning permission subject to the conditions outlined in section 13 as amended by paragraph 6.1.2 of these minutes.
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

7. Any Other Business

7.1 Enforcement of conditions leading to retrospective applications was raised as a concern. The Head of Planning suggested a training session on retrospective applications would be helpful for Committee members. The Team Lead (Planning & Environmental Law), nplaw clarified that before enforcement action could be taken Members must consider this it is expedient to take enforcement action; if works to address the issues were likely to get planning permission then it would be unlikely to

be expedient to take enforcement action. She clarified that retrospective planning applications being received showed that officers were proactively identifying noncompliance with conditions and were identifying actions to address the issues.

The meeting ended at 12.15

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.