

Planning (Regulatory) Committee

Date: **Friday, 01 April 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 B Long (Chairman)

Mr S Agnew	Mr J Law
Mr S Askew	Ms E Morgan
Mr M Baker	Mr W Northam
Mr B Bremner	Mr M Sands (Vice-Chairman)
Mr D Collis	Mr E Seward
Mr C Foulger	Mr M Storey
Mr A Grey	Mr J Ward
Mr D Harrison	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 receive and agree the Minutes of the meeting held on 19 February 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/3/2015/3016: Besthorpe: Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newell Civil Engineering business** Page 9

6. **C/1/2015/1020: Holt: Variation of conditions 1 and 2 of Planning Permission C/1/2013/1014 to extend duration of mineral extraction and restoration until 31st December 2030 and remove screen bund from north west boundary** Page 35

7. **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)** Page 63

8. **C/6/2016/6001: Caister: Change of use to a mixed use development to allow the acceptance of trade waste in addition to household waste;** Page 76

and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs)

- | | |
|--|-----------------|
| 9. C/2/2015/2044: K Lynn: 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); to include extension to existing re-use shop. | Page 91 |
| 10. Y/5/2015/5031: Reepham: Formation of additional parking spaces, to allow the parking of up to 20 cars or light vehicles to the rear drill yard for other users other than NFRS staff | Page 105 |

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

Date Agenda Published: 22 March 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 19 February 2016
at 10am in the Edwards Room, County Hall**

Present:

Mr B Long (Chairman)

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mr D Collis
Mr A Grey
Mr D Harrison
Mr J Law

Ms E Morgan
Mr W Northam
Mr W Richmond
Mr M Sands – Vice-Chair
Mr M Storey
Mr J Ward
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr C Foulger (Mr W Richmond substituted) and Mr E Seward.

2 Minutes from the meeting held on 8 January 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 8 January 2016 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

There were no declarations of interest.

4 Urgent Business

There were no items of urgent business.

Applications referred to the Committee for Determination:

- 5 Breckland District: C/3/2015/3017: Dereham HWRC: 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.

- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing Dereham 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.
- 5.2 During the presentation of the report, the Committee was notified that Mr P Gilmour, Local Member for Dereham South Ward had confirmed he had no objection to the proposal.
- 5.3 The following points were noted in response to questions from the Committee:
- Trade waste was currently sent to private sites, which charged a fee for disposal.
 - The operational throughput would not exceed the current limit of 6,000 tonnes.
 - The number of additional vehicle movements were indicative and had been estimated given that this was a trial to be carried out by the Environment and Waste Team. Although a few additional vehicles may visit the site, it was anticipated that customers would purchase items whilst at the site, rather than attending specifically to purchase goods.
- 5.4 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.
- 6 Broadland District: C/5/2015/5020: Mayton Wood HWRC: 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**
- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing Mayton

Wood 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.

6.2 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.

The meeting ended at 10.15am.

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.

Applications Referred to Committee for Determination:

Breckland District: C/3/2015/3016: Besthorpe:

Land at Heron Farm, Bunwell Lane, Besthorpe:

**Retrospective application for the recovery of
aggregates and soils from imported inert materials
linked to the adjacent Newall Civil Engineering
business: Mr Ben Allison**

Report by the Executive Director of Community and Environmental
Services

Summary

Retrospective planning permission is sought to regularize the development of a 1.2 hectare inert waste recycling facility adjacent to an existing civil engineering business at Heron Farm, Besthorpe. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

No objections have been received from statutory or non-statutory consultees subject to conditions, but a number of objections have been received from members of the public.

This is a finely balanced planning application and the proposal represents a departure from the Development Plan due to the location of the site in the open countryside. However, it is felt that there are material considerations that outweigh this departure from policy and justify a recommendation for approval. These include that the applicant has identified a need for the facility at this site, the proposal would promote the movement of waste management up the waste hierarchy, the Environment Agency has issued an Environmental Permit for waste processing at this site, and there are benefits of the co-locating the facility next to the adjacent civil engineering business (which has itself introduced a semi-industrial use at this location) in terms of reducing road miles and providing a source of recycled aggregate for their adjacent business. The proposal is therefore considered to represent a sustainable form of development.

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

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

1. The Proposal

- 1.1 Location : Land at Heron Farm, Bunwell Road, Besthorpe
- 1.2 Type of development : Recycling / recovery of imported construction, demolition and excavation: 60,000 tonnes per annum.
- 1.3 Area of site : 1.2 hectares including site access.
- 1.4 Duration : Permanent
- 1.5 Plant :
- Volvo track mounted 360 degree excavator;
 - A front end Loading Shovel;
 - Anaconda mobile crushing plant;
 - Anaconda mobile screening plant;
 - Komatsu PC130 360 degree excavator with washer bucket attachment;
 - A bunded 2000 litre fuel bowser.
- 1.6 Vehicle movements and numbers : An average of 2.5 HGV (18t payload) visits per hour equalling 25 return vehicle movements per 10 hour day (50 movements in total) if all material is imported and exported in separate HGVs.
- 1.7 Hours of operation : 07:00 - 17:00 Monday to Fridays;
07:00 - 13:00 Saturdays.
(Crushing and screening restricted to 09.00 – 17.00 Monday to Friday.)
- 1.8 Access : Access to compound would be along existing metalled single width access route linking the civil engineering depot to Bunwell Road.
- 1.9 Landscaping : Four metre high landscaped bund located on the southern and eastern boundaries with additional hedge and tree screening to be planted.

2. Constraints

- 2.1 The following constraints apply to the application site:
- Application site occupies grade 3 agricultural land;
 - Two overhead powerlines cross the site (the southern of the two is a 33,000 Volt line supplying the main station in Attleborough);
 - MOD Airport safeguarding area.

3. Planning History

- 3.1 The application site is an 'L' shaped parcel of predominantly agricultural land and has no previous planning history. The site is located to the south and east of, and also shares an access with Newall's civil engineering yard. That site was granted planning permission for the 'Change of use of existing farm buildings into offices, assoc. HGV parking & storage of plant (retrospective)' by the Breckland District Council in May 2007 under reference 3PL/2007/0147/CU. There is no other relevant planning history in respect of the site.

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) (NMWDF) | : CS3
CS4
CS5
CS6
CS7
CS13
CS14
CS15
DM3
DM4
DM7
DM8
DM10
DM12
DM13
DM16 | Waste management capacity to be provided
New waste management capacity to be provided
General location of waste management facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental Protection
Transport
Groundwater and surface water
Flood risk
Safeguarded aerodromes
Design, local landscape and townscape character
Transport
Amenity
Air Quality
Soils |
| 4.2 | Breckland Local Development Framework, (2009) | : CP11
CP14
DC1
DC12
DC7
DC21 | Protection and Enhancement of the Landscape
Sustainable Rural Communities
Protection of amenity
Trees and Landscape
Employment Outside of Existing Employment Areas
Farm Diversification |
| 4.3 | The National Planning Policy Framework (2012) | : 1
11 | Building a strong competitive economy
Conserving and enhancing the natural environment |

4.4 National Planning Policy for Waste (2014)

4.5 Waste Management Plan for England (2013)

5. Consultations

5.1 Breckland Council : No comments received.

5.2 Besthorpe Parish Council : No strong opinion either way.

5.3 Environmental Health Officer (Breckland) : No objection subject to conditions.

5.4 Defence Infrastructure Organization (MOD) : No comments received.

5.5 UK Power Networks : No objection. The presence of overhead power lines does not necessarily prevent the proposed use of the site, but it should be noted that it will be the responsibility of the owner of the site (and operator if different) to ensure that all activities on the site are carried out in a safe manner.
[An informative would be provided to this effect.]

5.6 National Grid : No comments received.

5.7 Environment Agency : No objection.

5.8 Lead Local Flood Authority (NCC) : No objection subject to compliance with paragraph 103 of the NPPF that the proposal would not increase flood risk elsewhere. Also provide standing advice.

5.9 Highway Authority (NCC) : No objection subject to conditions concerning:

- implementation of a scheme for carriageway markings;
- an HGV Management Plan for the routing of vehicles to and from the site;
- a scheme for the implementation of offsite highway works for the provision of 3 no. passing bays on the C139 Bunwell Road.

5.10 Ecologist (NCC) : No objection

5.11 Landscape (NCC) : No objection subject to conditions.

5.12 Economic Development (NCC) : Support the application.

- | | | |
|------|--|---|
| 5.13 | Public Rights of Way Officer (NCC) | : No objection. |
| 5.14 | Historic Environment (Archaeology) (NCC) | : No objection: no implications in respect of the historic environment. |
| 5.15 | Old Buckenham Airfield | : No comments received. |
| 5.16 | Local residents | <p>: Correspondence has been received from eleven local residents/residences. Whilst only three of these explicitly object, the remainder raise strong concerns about the proposal. A summary of their reasons for objection/concerns are as follows:</p> <ul style="list-style-type: none"> • The application is retrospective in its character; • Local road system is unable to cope with the levels of HGV movements generated with vehicles having trouble passing and, damage caused to the highway verge; • HGVs pass regularly close to village school playground; • The road is narrow in places and has badly flooded in recent times – it needs a much higher level of maintenance to keep it sound; • Low loaders with large loads regularly impede traffic movement and damage local roads; • Vehicle restrictions required on local roads; • The number of HGV movements operating from the site and using local roads has increased; • Increase in air pollution from HGV traffic generated from the site; • The entrance to the site is inadequate to serve HGV traffic generated; • A residential property, is located adjacent to the entrance of the site on Bunwell Road; • Noise from the site is audible from nearby residential properties; • Unacceptable levels of noise pollution - loss of peace and tranquillity; • Generation of low frequency noise; • Proposed noise barrier should be extended to western boundary; • The location is now industrial in its character; |

- The proposal should be located to an industrial estate;
- Airborne dust pollution caused by crushing and stacking of materials;
- Inadequacies of the noise assessment to accurately reflect impacts of noise generated on the amenities of local residents;
- Unsocial hours of operation and disruptive effects of this on local residents;
- Increase in light pollution from the site during working hours;
- Localised flooding issues not adequately addressed;
- No justification of need for this development established;
- Decrease in property values and saleability of properties.

5.17 County Councillor (Alexander Byrne) : No comments received (to be reported orally).

6. Assessment

Proposal

- 6.1 Retrospective planning permission is sought to regularise and retain an existing waste transfer and recovery facility for the recovery of aggregate and soils from excavation, construction and demolition waste imported to the site.
- 6.2 The facility is already operational and is located on grade 3 agricultural land to the south and east of a former farmstead. Construction, demolition and excavation waste, is imported onto the site from the existing civil engineering business. Mobile crushing and screening machinery already in situ is used to recover aggregates and soils for the sale of these recycled materials back into the construction and engineering business locally, and within the wider Norfolk area. No fixed buildings or infrastructure are required on site given that staff facilities and car parking etc are available within the existing adjacent civil engineering yard.
- 6.3 The applicant states the recycling operation has evolved as the civil engineering side of the farm (adjacent to this site) has grown to a point where its off-site engineering works have been generating increasing amounts of materials capable of being recovered from demolition and excavation wastes. Whereas these materials were previously taken elsewhere to licensed facilities, they are now dealt with on land adjacent to their permitted civil engineering business 'the application site'. As a result this reduces the amount of road miles their HGVs have to cover and it also usable materials that can be supplied to customers in place of primary aggregates etc.

- 6.4 Whilst the application originally applied for a throughput of 75,000 tonnes per annum, on the advice of the Planning Authority this has now been reduced to 60,000 tonnes. Although permission is sought to operate the site between 07.00-17.00 Monday to Friday and 07.00 – 13.00 Saturdays, the application states that crushing and screen of waste would only take place between 09.00 – 17.00 Monday to Friday with no processing on Saturdays. The application also states that the applicant company employs 9 people that are directly involved in the recycling operation.
- 6.5 The recycling would take place in the southern section of the site where material would also be stocked (awaiting processing) up to three metres in height. The northern section of the site (to the east of the civil engineering yard would solely be used for storage of processed stock and stored up to four metres in height. A four metre landscaped bund would enclose the site to the south and east of the processing area (these have already largely been engineered)
- 6.6 Site
The application site is an ‘L’ shaped parcel of predominantly (grade 3) agricultural land and some 1.2 hectares in size. The site is located to the south and east of Newall’s civil engineering yard (planning permission was granted in 2007) which the applicant advises employs some 150 people. The site includes an existing access road that links the site to the C139 Bunwell Road and is also used by the civil engineering business.
- 6.7 Besthorpe village is 2 kilometres west of the site and Attleborough is a further kilometre west. The A11 Trunk Road is some 2.3 kilometres to the north. The nearest residential properties to the site are Heron Farm and Herron Cottage the boundaries of which that are some 90 metres and 185 metres respectively from the operational area of the site (the civil engineering yard sits between both properties and the application site). A further cluster of residential properties lie both 0.5 kilometres north east of the site and 0.5 kilometres north west of the site.
- 6.8 To the south, east and west lie agricultural land: much of the land to the south was formerly the Old Buckenham airbase (some runway infrastructure still remains). The landscape character of the area is open countryside characterised as Plateau Farmland.
- 6.9 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 excess of 0.5ha in area), the scheme is not considered to be EIA development as it is not in or near a sensitive area and would not be likely not have a significant impact on the environment in the context of the EIA Regs.
- 6.10 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.

Principle of development

- 6.11 The underlying principle in respect of assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

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

- 6.12 In terms of the development plan, the County Planning Authority considers the relevant 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”) and the Breckland Core Strategy (2009). 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.
- 6.13 In the context of Policy CS5: *General location of waste management facilities* of the NMWDF, the site is regarded as a ‘non-strategic’ waste facility and is well related to the market Town of Attleborough (only 3 kilometres away), as required by the policy. NMWDF policy CS7: *Recycling, composting anaerobic digestion and waste transfer stations* states the development of new recycling facilities will be considered favourably as long as they would not cause unacceptable environmental, amenity or highway impacts. These impacts have been assessed in the respective sections below.
- 6.14 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.
- 6.15 Though adjoining a permitted and substantial civil engineering business, the major part of the site, located to the east and the south of this compound, occupies land in the open countryside (as confirmed in policy terms in the Breckland Core Strategy Proposals Maps). The site is not allocated in the adopted Waste Site Specific Allocations Plan and is therefore not recognised as an allocated waste management site to be provided for the plan period until 2026. The development therefore represents a departure from the development plan and was advertised as such, in both the statutory press and site notices posted.

- 6.16 Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, it needs to be determined whether there are sufficient material considerations that would justify a grant of permission and outweigh this land use policy conflict. Also, because the site is not in conformity with the development plan, in accordance with the National Planning Policy for Waste (2014), there is also a requirement for the applicant to have demonstrated a need for the proposed facility.
- 6.17 With regards to this issue and specifically NMWDF policies CS3: *Waste management capacity to be provided* and CS4: *New waste management capacity to be provided*, the application explains why there is a need for this facility at this site explaining why the alternative allocated sites identified in the Council's adopted Waste Site Specific Allocations DPD 2013 in the area are considered unsuitable for the proposed use, and also cites the loss of a previous inert waste recycling facility at Shropham Quarry (some 8-10 kilometres away) as further justifying the need for this site. The reasons provided by the applicant and justification for the need is considered reasonable.
- 6.18 Furthermore, the fact that the site has functioned for the last 12 months or so and according to the applicant recycled some 55,000 tonnes of construction and demolition waste, albeit without planning permission, would indicate there is a need for such a facility at this location that this business is fulfilling. The applicant therefore maintains that the proposal therefore demonstrates an acceptable departure from policy in terms of need and has also highlighted the benefits and linkages of proposed location adjacent to the civil engineering business which generates the waste treated: co-locating the facility reduces road miles and has also now provided a source of recycled material that can be supplied to customers in place of primary aggregates.
- 6.19 With regards to policies in the Breckland Core Strategy, policy CP14: *Sustainable Rural Communities* has a caveat for new enterprises in the countryside where they are operationally justified provided there are no significant detrimental environmental, landscape or conservation impacts. As stated above, the NMWDF directs this type of development to industrial/employment land. The Breckland Core Strategy Policy DC7: *Employment Development Outside of General Employment Areas* does allow this where there are particular reasons for the development not being located on an established site, for example the expansion of an existing business, as is being proposed here.
- 6.20 Although policy DC21: *Farm Diversification* only seeks to support different economic activities being carried out on a farm where the nature of the development is complementary in kind and scale with the continuing farm enterprise, the precedent for this nature of diversification (commercial/industrial) at this farm was set when Breckland District Council first granted permission for the civil engineering yard in 2007.
- 6.21 In this instance, as outlined above, there are a number of material considerations that could justify a departure from the development plan subject to compliance with other development plan policies as set out below. In addition, the proposal

would move the management of waste up the waste hierarchy in accordance with the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013).

Amenity (noise, dust, light pollution, air quality)

- 6.22 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. Breckland Core Strategy policy DC1: *Amenity* also seeks to prevent new development causing unacceptable impact on local 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. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented ‘from contributing to unacceptable levels of air pollution’.
- 6.23 The nearest residential properties to the site are Heron Farm and Herron Cottage the boundaries of which that are some 90 metres and 185 metres respectively from the operational area of the site. The existing civil engineering yard sits between both properties and the application site. A further cluster of residential properties lie 0.5 kilometres north east of the site and 0.5 kilometres north west of the site.
- 6.24 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 issues emissions such as noise and dust through conditions.
- 6.25 The EA in their consultation response commented that they had no objection to the proposal and that the applicant already holds one of their Standard Rules Environmental Permits for the treatment of waste to produce soil, soil substitutes and aggregate at this site, and that the permit conditions ‘include emissions to water, air and land, fugitive emissions, impact of odour, noise and pests, and monitoring’; this was issued in December 2014. An Environmental Permit can now be issued before planning permission is granted, and the applicant has stated they understood this to be the only consent they required to operate the site (hence the retrospective nature of the application).
- 6.26 As part of the application, a noise assessment was undertaken to identify the key noise and vibration sources associated with the development. The assessment concluded that provided a suitable three metre noise barrier is installed, the proposed development is acceptable and that the proposed impact will enable a good standard of amenity to be maintained.

- 6.27 The District Council's Environmental Health Officer (EHO) commented that noise could be an issue on occasion particularly from material handling and loading into storage piles and/or the loading of large sized material into the hoppers for the crusher and screening units. Since becoming aware of this site, the County Planning Authority (CPA) has received complaints about its operation both prior to, and during determination of the application. No formal enforcement action has been taken by the County Planning Authority until the outcome of the planning application is known.
- 6.28 With regards to the EHO's comments, the practice of loading the hopper from an elevated position i.e. on top of stockpile heaps not only poses a risk of noise emissions to local properties, but would also have an unacceptable impact on the surrounding flat landscape (i.e. plant of an industrial nature protruding above the height of bunds). Therefore, in order to address this, in the event planning permission is granted, it is proposed that all plant be operated on the floor of the site (including the loading of hoppers) to prevent an unacceptable impact on amenity with regards to noise and landscape impacts: this would be required by a planning condition and the applicant has indicated this approach is acceptable (without this condition the proposal would not be acceptable). As proposed in the application, the EHO has recommended a condition be applied to any permission which may be granted restricting crushing and screening of waste to only take place between 09.00 – 17.00 Mondays to Fridays (with no processing taking place on Saturdays).
- 6.29 The EHO also recommended conditions concerning noise levels (that levels at surrounding noise-sensitive properties do not exceed the background noise level by more than 10dB(A)), and a dust management scheme. However, as stated in 6.24, the control of noise and dust itself is a matter for the EA's Environmental Permit. This has been pointed out to the EHO who has maintained no objection to the application providing these matters are controlled by the Environmental Permit (the EA has confirmed this).
- 6.30 With regards to dust and air quality, the conclusion of the submitted Dust Impact Report was that the sensitivity of surrounding receptors to potential dust soiling from the development is low and that the significance of the potential dust soiling before mitigation is predicted to be 'minor' to 'negligible' at all receptors. It is therefore not expected this would cause an unacceptable impact on amenity or air quality subject to appropriate working practices taking place on site such as damping stock piles etc in dry weather etc.
- 6.31 No lighting has been proposed at this site and if permission is granted a condition would be applied preventing lighting that would cause glare beyond the site boundary.
- 6.32 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, and the application complies with both NMWDF Policies CS14 and DM12, Breckland Core Strategy Policy DC1, 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.

Archaeology

- 6.33 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.
- 6.34 The County Archaeologist has commented that based on currently available information, the proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work. The proposal is in accordance with policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

Landscape

- 6.35 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. Breckland Core Strategy Policy CP11: *Protection and Enhancement of the Landscape* states that 'the landscape of the district will be protected for its own intrinsic beauty'....and the council expects all development to be of the highest quality in terms of both architecture and landscape. Breckland Core Strategy Policy DC12: *Trees and Landscape* requires appropriate landscaping schemes to mitigate against landscape impact.
- 6.36 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 Conservation Area), AONB) in terms of the NMWDF policies and the NPPF.
- 6.37 The site is located within the 'E3: Old Buckenham Plateau' in the Landscape Classification of Breckland within Breckland District Council's adopted Landscape Character Assessment (2007) Development Plan Document (DPD). The Landscape Strategy for this classification is to 'conserve the rural, tranquil character. Opportunities should be explored to replant field boundary hedgerows....'
- 6.38 As stated above, the proposal is a departure from policy on the basis the proposal seeks to regularise the use of a waste recycling facility in the open countryside: normally the presumption for this nature of development would be to locate it on industrial land or within an existing quarry for the duration of the mineral working. Accordingly, the site is proposed to be surrounded by bunds of 4 metres in height to the south and east of the processing/operational area. Given that bunds can themselves look incongruous in an open flat landscape, this is the maximum height that would be acceptable at this location (the planning statement had indicated bunds of 5-6 metres to screen the site). The screen bunds would also require tree planting in front of them at the toe of the bund to soften their impact. The applicant has indicated a preference for tree planting on the bunds themselves, but given the location of the site within the plateau farmland landscape character which would be sensitive to planting (on the bund

itself), this would be less favourable in landscape terms as it would result in an exaggerated false ridgeline. Furthermore, the presence of 33,000 Volt powerline crossing the southern part of the site would also restrict the ability to plant on the bund itself.

- 6.39 An existing hedgerow would assist in screening the processed stock area where processed material is proposed to be / is stored up to 4 metres in height. However, if permission is granted, it is proposed that stockpiles here be limited by condition to 3 metres in height, and that further native landscaping is planted to gap up the existing hedge line particularly as there is not room within the application site to accommodate a further screen bund here. Elsewhere, stockpiles of waste for processing would also be limited to 3 metres in height: whilst the applicant had originally proposed material be stored up to 4 metres (i.e. the height of the bunds) they have agreed to reduce to 3 metres (below the height of the screen bunds).
- 6.40 The further landscaping detail would be requested by a condition for a comprehensive landscape scheme to be implemented in the next planting season and for it to be maintained for a period of 5 years until it is fully established. As also stated in section 6.25 above, a condition of any permission granted would also be that all plant is operated at ground level and not on top of any stockpile or bund. This will largely prevent plant operated on site protruding above the bunding proposed and therefore the development having an unacceptable impact on the surrounding landscape.
- 6.41 Subject to compliance with these conditions, it is considered that there are no landscaping issues with the proposal would not undermine the development plan policies outlined above, namely, NMWDF policies CS14 and DM8 and Breckland Core Strategy Policies CP11 and DC12.

Biodiversity and geodiversity

- 6.42 NMWDF policy CS14: *Environmental protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites.
- 6.43 Although an Ecology Report was submitted as part of the application documentation, it could not fully assess the ecology of the site in its original state due to the retrospective nature of the planning application. This recommended that boundary hedgerows are retained where practical to do so and any clearance of hedgerow or scrub should take place outside of the bird nesting season.
- 6.44 The County Ecologist's nonetheless stated the Ecology Report is acceptable and stated that in that in ecological terms there are no grounds for objection to this application with reference made to there being no sites designated for nature conservation within 1km, and no habitats of principal interest on the site that would be disturbed. Furthermore, hedgerows and boundary trees would be retained, with additional hedgerow planting proposed to bolster those features for wildlife and as a screen.

6.45 Habitats Regulation Assessment

The operational area of the site is within 6.8 kilometres of the Norfolk Valley Fens Special Area of Conservation (SAC), however in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the development would be very unlikely to have any adverse impacts on the ecology of the designated areas hence an Appropriate Assessment is not required.

- 6.46 Therefore the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including internationally designated sites and chapter 11: *Conserving and enhancing the natural environment* of the NPPF.

Transport

- 6.47 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.
- 6.48 The operation shares an access with the existing Newall civil engineering business: the applicant has stated all traffic accesses the site via Spooner Row from the A11. As stated above, the applicant has advised that in the last 12 months the site dealt with some 55,000 tonnes of waste. The application proposes to deal with a maximum of 60,000 tonnes of waste per annum (tpa): they originally applied for 75,000 tpa that their Standard Rules Permit allows however the application has been amended to reduce this to 60,000 tpa on the advice of officers (both in the interests of highway safety and capacity of the site).
- 6.49 Based on a standard HGV (used for this nature of material) with a payload of 18 tonnes, over a 270 working days a year, this averages at around 2.5 HGVs (five movements) per hour coming into / leaving the site over the course of a 10 hour working day if all material was to be imported and exported on different HGVs (25 HGVs / 50 movements over the day). However, it is the applicant's intention to remove processed material from the site in backfilled loads where possible.
- 6.50 The applicant advises there would be peaks and troughs in deliveries and in a worst case scenario there could be eight vehicles an hour delivering waste (i.e. 16 movements). The likely peak over a working day would be five vehicles an hour (10 movements). Obviously that would level out over the course of a year with an average of fewer than 2.5 vehicles per hour at other occasions.
- 6.51 The County Highway Authority has raised no objection to the proposal subject to a number of conditions concerning the implementation of a scheme for carriageway markings, an HGV Management Plan for the routing of vehicles to and from the site, and a scheme for the implementation of offsite highway works for the provision of 3 no. passing bays on the C139 Bunwell Road. The highway works will also be of benefit to the HGVs and other vehicles/plant associated with

the adjacent civil engineering business which has no limit or cap with regards to numbers.

- 6.52 It is therefore 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.

Sustainability

- 6.53 NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure seeks to generate a minimum of 10% renewable energy from new development. Although no statement was submitted addressing this issue, in light of the fact that there would not be any buildings or fixed structures on site to harness renewable energy provision, it would make it very difficult to provide this infrastructure on site for the plant that is used, and the proposal is not considered to undermine this policy.

Groundwater/surface water

- 6.54 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. None of the proposed development site lies above a groundwater protection zone and the Environment Agency has not raised any issues with regards to this. Accordingly the proposal is compliant with NMWDF policy DM3.

Flood Risk

- 6.55 NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. 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 1.2 hectares).
- 6.56 The FRA concluded that development will not increase any known flood risk to the site nor incur any known residual risks. The FRA however also included an Evacuation Plan to be implemented in event the site was subject to flooding. The EA has raised no comments with regards to this issue and on this basis, the proposal accords with policy DM4: *Flood Risk* of the NMWDF and chapter 11 of the NPPF.

Protection of best and most versatile agricultural land

- 6.57 Some 0.75 hectares of the application site has been retrospectively located on what was previously agricultural land. The remainder of the application site (0.45 hectares) comprises the access to the application site and a storage area for processed stock to the east of the civil engineering site which does not appear to have been in productive agricultural use. Due to the size of the application site, it is not necessary to consult Natural England for comments on this issue as the site is not over 20 hectares in size, nor would it cumulatively lead to a further loss of agricultural land amounting of 20 hectares.

- 6.58 The agricultural land is grade 3 however no evidence has been put forward by the applicant as to whether it is grade 3a or 3b land. The application does however state that the land is 'poor quality agricultural' and was 'therefore used in the main for pig farming and occasional low yield crops'.
- 6.59 The proposal would not result in the irreversible loss of the land given that the application would solely permit the use of the site. In the event the use ceased, the land could be returned to agricultural use (there would be no permanent buildings or structures constructed as part of the proposal), and this would be a condition of the permission. Similarly, if Members were minded to refuse the planning application, appropriate enforcement action would be taken requiring the landowner to reinstate the land to its previous condition (i.e. suitable for agriculture) given its retrospective nature.
- 6.60 Due to these factors, the proposal is not considered to undermine policy NMWDF Policy DM16: *Soils* which seeks to prevent development only on grade 1 agricultural land and paragraph 112 of the NPPF given that this not considered to be the significant development of agricultural land.

Heritage

- 6.61 There are not any heritage assets in the vicinity of the application site that would be harmed, or have their setting be harmed, as a result of the proposed development.

Public Rights of Way

- 6.62 No public Rights of Way would be affected by the development.

Responses to the representations received

- 6.63 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.64 The issues raised largely relating to impacts on amenity (dust, noise etc) and the public highway have been addressed above. With regards to the issue of decreased property prices, this is not a material planning consideration.

Intentional Unauthorised Development

- 6.65 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.
- 6.66 In this instance the applicant has inferred that naivety was the cause of this unauthorised development having initially considered their Standard Rules Permit and PPC permits as the only necessary consents to operate this site, and the need for planning permission was therefore overlooked. Moreover, in making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this case, whilst the development has taken place on a greenfield site, it is not actually in the Green Belt.

- 6.67 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and no weight is given to this in the planning balance.

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 Retrospective planning permission is sought to regularize the development of a 1.2 hectare site to the south of and adjacent to the existing civil engineering business at Heron Farm, Besthorpe. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation materials linked to the adjacent Newall civil engineering business.
- 11.2 The proposal is a departure from the development plan in terms of NMWDF policies CS6: *General waste management considerations* because of the location of the site on a greenfield site in the open countryside. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 11.3 The material considerations that can be used to justify a departure from the development plan are that the proposal moves the management of waste up the waste hierarchy and the applicant has also demonstrated a need for the facility at this location in accordance with the National Planning Policy for Waste. The operation is also closely linked with the existing civil engineering business that operates from the adjacent site and generates the waste treated by the facility, and has also established a semi-industrial use at this location. With regards to the landscape impact of the development in the countryside, subject to strict conditions on the height of stockpiles and the operation of plant solely at ground level, and the submission of a detailed landscaping scheme, it is considered the impact can adequately be mitigated.
- 11.4 Whilst significant concern has been raised by local residents with regards to the

impact on amenity from emissions, including noise and dust, the operation requires an Environmental Permit to control such impacts, and neither the EA nor Breckland District Council's EHO has raised an objection. Furthermore, the EA believe the scheme can be permitted and have already issued an Environmental Permit for the site in December 2014). Concern has also been raised regarding the impact on the public highway however the Highway Authority raises no objection subject to conditions concerning highway improvements and vehicle routeing, and the applicant has also agreed to decrease the annual throughput to 60,000 tonnes of waste (from the originally proposed 75,000tpa).

- 11.5 No objections have been received from any other statutory or non-statutory consultees subject to conditions.
- 11.6 Whilst this is a finely balanced application, the proposed development is considered acceptable and represents a sustainable form of development, and there are no other material considerations why it should not be permitted. On this basis, the departure is considered justified and accordingly full conditional planning permission is recommended.

12. Conditions

- 12.1 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 accompanying the application:
- i. Planning Application Statement; dated October 2015 (except where amended by drawing number LD44-HF-004b);
 - ii. Drawing number LD44-HF-004b; Site Layout Plan; dated March 2016;
 - iii. Drawing number LF44-HF-005; Landholding Plan; dated November 2015;
 - iv. Volvo Excavator EC150 specification;
 - v. Anaconda J960 'Eco' Jaw Crusher specification;
 - vi. Anaconda DF512 Tracked Screen specification;
 - vii. Volvo Wheel Loader L120E Specification;
 - viii. Flood Risk Assessment; dated 30 November 2015;
 - ix. Arboricultural Implications Assessment and Preliminary Method Statement OAS/15/-188-AR01; dated 30 November 2015;
 - x. Drawing number OAS 15-188 TS01; Tree Protection Plan; dated November 2015;
 - xi. Dust Impact Assessment; dated November 2015;
 - xii. Noise Assessment; October 2015.

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

- 12.2 No waste other than construction, demolition and excavation waste (as detailed on the site's Environmental Permit) shall be brought onto the application site.

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.

- 12.3 No more than 60,000 tonnes of waste shall be imported to the site per

annum and no more than 40,000 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.

- 12.4 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.

- 12.5 No operation of the site shall take place on Sundays or Bank Holidays or other than during the following periods:
07.00 – 17.00 Monday to Friday
07.00 – 13.00 Saturdays.

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

- 12.6 No crushing, screening or other waste processing activities shall take place except during the following periods:
09.00 – 17.00 Monday to Friday.

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.

- 12.7 No plant and machinery shall be operated unless it on the ground level on the floor of the site. No plant or machinery shall be operated at an elevated level on top of a stockpile or bund.

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.

- 12.8 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.

- 12.9 Measures shall be taken to prevent dust nuisance and sand blow caused by the

operations, including spraying of road surfaces, plant area and stockpiles as necessary.

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

- 12.10 Within 1 month of the date of the permission a revised Tree Protection Plan shall be submitted for approval in writing by the County Planning Authority for approval in writing and implementation thereafter. The Plan shall include provision for protection of existing hedgerows to be retained on site.

Reason: To ensure the protection of existing trees on the site to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.11 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.

- 12.12 Within 3 months of the date of the permission, carriageway markings shall be provided at the existing vehicular access to the site in accordance with a detailed scheme to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority.

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

- 12.13 Within 1 month of the date of the permission, the applicant shall submit to the Local Planning Authority, a HGV Management Plan for the routing of HGVs to and from the site. The Plan shall thereafter be implemented as approved before any operations commence on the site. The plan shall make provision for:
- Monitoring of the approved arrangements during the life of the site;
 - Ensuring that all drivers of vehicles under the control of the Applicant are
 - made aware of the approved arrangements;
 - The disciplinary steps that will be exercised in the event of a default;
 - Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.

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

- 12.14 Notwithstanding the details indicated on the submitted drawings, within 1 month of the date of the permission a detailed scheme for the off-site highway improvement works of 3 no. passing places on the C139 Bunwell Road (leading

from the site back (eastwards) to the C140 junction) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

- 12.15 Within 3 months of permission the off-site highway improvement works referred to in condition 12.14 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.

- 12.16 Appropriate measures shall be taken to ensure that no mud or other debris is deposited on the public highway.

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

- 12.17 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways, and all oil or chemical storage tanks, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

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

- 12.18 Notwithstanding the detail approved in condition 12.1, within 1 month of the date of the permission a scheme of landscaping shall be 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 following the granting of planning permission. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance, and details of the construction and maintenance of the soil bunds. Provision shall also be made for tree planting at the toe (on the outside) of the bunds. It shall be completed within 12 months of the date of this permission (or such other timescale agreed in writing) and make provision for:
- (a) the screening of the operations by trees, hedges and soil bunds (as detailed on Working Plan; LD44-HF-004b) including the gapping up of the existing north-eastern hedge line;
 - (b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - (c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
 - (d) the replacement of any damaged or dead trees with trees of similar size and

species at the next appropriate season.

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

- 12.19 Notwithstanding approved drawing number LD44-HF-004b (Site Layout Plan) dated March 2016, no waste material (both incoming and processed stock) shall exceed 3 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.

- 12.20 Should the permitted use here cease for a period of 12 consecutive months, all plant and bunds shall be removed from the site and the land shall be reinstated to its previous condition.

Reason: To ensure the proper and expeditious restoration of the site if the development is no longer required, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12 above.
- (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

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>

Breckland Core Strategy (2009)

http://www.breckland.gov.uk/sites/default/files/Uploads/planning_building_control/Core%20Strat%20Final%2020%2003%202012.pdf

Breckland District Landscape Character Assessment

https://www.google.co.uk/?gws_rd=ssl#q=breckland+landscape+character+assessment

t

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 (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

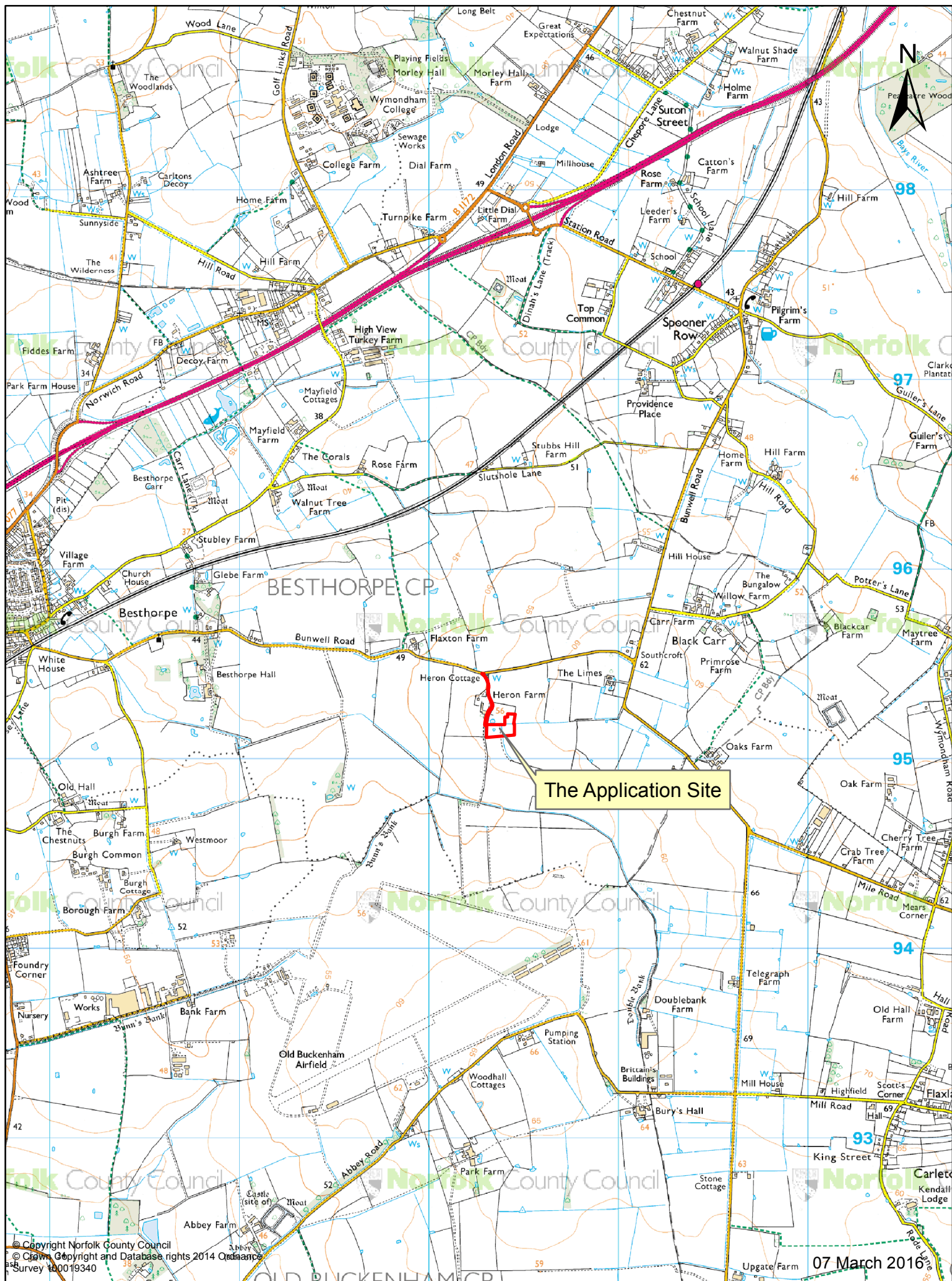
Officer Contact

If you have any questions about matters contained in this paper 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.



Applications Referred to Committee for Determination:

North Norfolk District:

**C/1/2015/1020: Holt Quarry, Hunworth Road, Holt,
Norfolk. NR25 6SR**

**Variation of conditions 1 and 2 of Planning Permission
C/1/2013/1014 to extend duration of mineral extraction
and restoration until 31st December 2030 and remove
screen bund from north west boundary:
Cemex UK Operations Ltd**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission C/1/2013/1014 requires cessation of mineral extraction by 29 July 2015 and restoration of the site by 29 July 2016. Permission is sought to extend the time period for extraction of remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030, together with temporary removal of part of an existing screen bund along the north west boundary of the quarry. The application is before the Planning (Regulatory) Committee because the application is subject to the Environmental Impact Assessment (EIA) Regulations.

No objections are raised by any statutory consultees, subject to conditions. Objection has been raised by Holt Town Council and concerns are raised by two local residents. Their concerns relate primarily to the impacts arising from removal of the bund, traffic issues in and around Holt and, impacts on local underground water supply.

This is a finely balanced application due to the location of the site within the Glaven Valley Conservation Area. It is concluded that the development would affect the character of the Conservation Area but that this affect and thus harm would be less than substantial. As such, the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used in determination of this application. The environmental impacts of the proposal have been carefully considered. In this instance, it is considered that there are material considerations of sufficient weight to outweigh the issue with the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, and justify a recommendation for approval.

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

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

1. The Proposal

- | | | | |
|------|-------------------------------|---|---|
| 1.1 | Location | : | Land at Holt Quarry, Hunworth Road, Holt. |
| 1.2 | Type of development | : | Extraction of sand and gravel
Restoration to agriculture with small wetland feature |
| 1.3 | Area | : | 22.2 Hectares |
| 1.4 | Area proposed for extraction | : | 10.5 hectares |
| 1.5 | Total tonnage | : | 490,000 tonnes |
| 1.6 | Annual tonnage | : | Estimated average output 30,000 - 120,000 tonnes |
| 1.7 | Mineral/waste type: | : | Sand and gravel; Inert waste |
| 1.8 | Duration | : | Extraction and restoration until 31 December 2030 |
| 1.9 | Hours of working | : | 07.00 - 18.00 Monday – Friday;
07.00 – 13.00 Saturdays
No operations on Sundays or Bank Holidays (as currently permitted) |
| 1.10 | Vehicle movements and numbers | : | Approximately 50 loads out per day = 100 HGV movements
Typical payload between two and twenty tonnes |
| 1.11 | Access | : | Existing quarry access onto Hunworth Road. |
| 1.12 | Landscaping | : | Temporary screen bunding and existing planting belts |
| 1.13 | Restoration and after-use | : | Restoration to gently sloping agricultural field with creation of small wetland habitat area, acid grassland and additional tree planting |

2. Constraints

- 2.1 The following constraints apply to the application site:

Rural Conservation Area:

The site is located within the Glaven Valley Conservation Area.

Ancient Woodland

The site is located some 0.49km from Common Hill Wood Ancient Woodland.

Special Area of Conservation (SAC):

The site is located some 0.6km from Holt Lowes, a component part of the Norfolk Valley Fens Special Area of Conservation (SAC).

Site of Special Scientific Interest (SSSI):

The site is located some 0.6km from Holt Lowes SSSI

Groundwater Protection Zone:

The north west corner of the application site is located within Source Protection Zone 3.

3. Planning History

- 3.1 Relevant applications to this application are, as determined by Norfolk County Council are:
- 3.2 **C/1/2013/1014** - Variation of conditions 2 (drawings) and 3 (restoration scheme) of planning permission C/1/2008/1007 to amend approved restoration scheme – Approved 2014.
- 3.3 **C/1/2012/1008** - Non-material amendment to planning permission ref. C/1/2008/1007 to facilitate additional soil storage mounds – Approved 2012
- 3.4 **C/1/2008/1007** - Extraction of sand and gravel, restoration to agriculture, with small wetland feature - Approved 2011
- 3.5 **C/1/2008/1003** - Variation of Condition 2 of PP C/1/1997/1007 (as varied by PP C/1/05/1001) to continue mineral extraction until 1.3.2010 and restoration until 1.3.2012 – Approved 2009
- 3.6 **C/1/2002/1010** - Proposed continued implementation of Planning Permission No C/1/1997/1007 without compliance with condition no. 12 – Approved 2002
- 3.7 **C/1/1997/1007** - Extraction of sand & gravel; restoration and retention of processing plant-supplementary statement and increased site area – Approved 1999

4. Planning Policy

- | | | | | |
|-----|--|---|---|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | CS1
CS2

CS13
CS14
CS15
CS16

DM1
DM3
DM4 | Minerals extraction
General locations for mineral extraction and associated facilities

Climate change
Environmental protection
Transport
Safeguarding mineral sites and mineral resources

Nature conservation
Groundwater and surface water
Flood risk |
|-----|--|---|---|--|

			DM8	Design, local landscape character
			DM9	Archaeological sites
			DM10	Transport
			DM11	Sustainable construction and operations
			DM12	Amenity
			DM13	Air Quality
			DM14	Progressive working, restoration and after-use
			DM15	Cumulative impacts
			DM16	Soils
4.2	North Norfolk Core Strategy (Incorporating Development Control Policies) (2008)	:	SS 1	Spatial Strategy for North Norfolk
			SS 2	Development in the Countryside
			SS 4	Environment
			EN 1	Norfolk Coast AONB
			EN 2	Protection and Enhancement of Landscape and Settlement Character
			EN 4	Design
			EN 8	Protecting and Enhancing the Historic Environment
			EN 9	Biodiversity & Geology
			EN 10	Development and Flood Risk
			EN 13	Pollution and Hazard Prevention and Minimisation
			CT 5	The Transport Impact of New Development
4.3	The National Planning Policy Framework (2012)	:		1. Building a strong, competitive economy
				3. Supporting a prosperous rural economy
				4. Promoting sustainable transport
				7. Requiring good design
				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
				13. Facilitating the sustainable use of minerals
4.4	Planning Practice Guidance Suite (2014)	:		Minerals

5. Consultations

- | | | |
|-----|---|---|
| 5.1 | North Norfolk District Council | <p>: Initially raised concerns in relation to proposed permanent removal of bunding from North West boundary in terms of adverse effect on the landscape within the Conservation Area.</p> <p>Upon submission of additional information / amended proposal raises no objection.</p> |
| 5.2 | Holt Town Council | <p>: Raise objection on the following grounds:</p> <ol style="list-style-type: none"> 1. This application is encroaching into the town boundary 2. The bund removal removes protection for the town 3. This application will cause even more traffic issues in and around Holt 4. This application will be a breach of personal liberties for people in Holt |
| 5.3 | Lead Local Flood Authority | <p>: No comments to make</p> |
| 5.4 | Environmental Health Officer (North Norfolk district) | <p>: Initially raised concerns in relation to proposed permanent removal of bunding from North West boundary in terms of potential impact on Oak Farm.</p> <p>Upon submission of additional information / amended proposal raises no objection.</p> <p>Recommends re-imposition of conditions nos. 6 (dust control), 8 (hours of operation) and 9 (flood risk assessment) of PP C/1/2013/1014 and, imposition of condition in relation to reversing alarms.</p> |
| 5.5 | Norfolk Historic Environment Service | <p>: No response received</p> |
| 5.6 | Environment Agency | <p>: No objection</p> <p>Provide informative in relation to the Environmental Permits.</p> |
| 5.7 | Highway Authority (NCC) | <p>: No objection, subject to continuation of the current routing arrangements and 'wear and tear' agreement.</p> |

- 5.8 County Ecologist: : No objections on ecological grounds
- 5.9 Senior Green Infrastructure Officer: : Initially raised concerns with regard to the permanent removal of the bund alongside Oak Farm.
- Upon submission of additional information / amended proposal, raises no objection subject to condition in relation to reinstatement of the soil bund in September 2016.
- Does not consider that the temporary removal of the bund results in significant harm to the Glaven Valley Conservation Area.
- 5.10 Natural England : No comment to make
- 5.11 Historic England : Do not wish to offer any comments
- 5.12 Norfolk Coast Partnership : Provide the following comments:
- Would not expect this proposal to have any impacts on the landscape setting of the AONB.
- If noise and dust are adequately controlled, would not anticipate that there would be impacts from these.
- Given the location of the quarry above the valley of the River Glaven, there may potentially be some risk from run-off of pollutants and sediment into the river, possibly along roads running down into the valley. Suggest that the County Council should be assured that these potential effects are adequately considered and mitigated if necessary.
- 5.13 Forestry Commission : No comments to make
- 5.14 Health & Safety Executive : From interrogation of the HSE website it would appear that the development does not meet the consultation criteria.
- 5.15 Local residents : Representations have been received from two local residents:
- One resident asks, are there any assurances in regard to the underground water supply to the properties along Thornage Road?
- One resident is concerned that removal of the

screen bund will adversely affect her quiet enjoyment of her property and expose her to noise and dust.

- 5.16 County Councillor (Mr M Baker) : No response received

6. Assessment

- 6.1 The application is before the Planning (Regulatory) Committee, in accordance with the County Council's Scheme of Delegation, because it is subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application was accompanied by an Environmental Statement (ES), in accordance with the EIA Regulations. The Committee's decision must take into account the environmental information contained within the ES, and any representations made about the environmental effects of the development. Further information was sought by the County Council during the course of the application under Regulation 22 of the EIA Regulations (2011) in relation to landscape and visual impact. The environmental information is described in the following paragraphs, and the representations made are summarised above.

6.2 Proposal

- 6.3 Planning permission reference C/1/2013/1014 was granted in 2014 for, Variation of conditions 2 (drawings) and 3 (restoration scheme) of planning permission C/1/2008/1007 to amend approved restoration scheme. Permission is sought for variation of conditions 1 and 2 of PP C/1/2013/1014 to extend the timescale for completion of extraction and restoration, with revised screening arrangements. The specific changes proposed are as follows:-

6.4 Condition 1

Condition 1 relates to the duration of development and the restoration scheme. Condition 1 requires cessation of mineral extraction by 29 July 2015 and restoration of the site by 29 July 2016.

- 6.5 In relation to condition 1, the application under consideration seeks permission to extend the duration of mineral extraction and restoration until 31st December 2030.
- 6.6 The application states that the need to extend the timescale has been brought about by reduced production. At the time of submission of application reference C/1/2008/1007, in 2008, it was estimated that the annual output would be 120,000 tonnes. Production levels have since fluctuated between 120,000 tpa and 30,000 tpa. Extraction to date has seen over half the site stripped and worked.
- 6.7 The applicant predicts an extraction rate of 32,000tpa which would add an additional 15 years to the life of the site; although it is hoped production shall increase to historic levels of 120,000tpa.

6.8 Condition 2

Condition 2 relates to the development details, including screening arrangements.

6.9 The current approved working scheme provides for the site to be worked in an anti-clockwise direction in five phases in total, which will be worked and restored consecutively. The scheme further provides for initially stripped soils to be placed into screening bunds around the boundaries of the extraction area. Currently, screen bunds are in place along the western section of the northern boundary and that section of the western boundary directly adjacent Oak Farm. Soils to be stripped from phase 3 (in the north west corner) will be placed along the remainder of the western boundary. Thereafter, stripped soils will be directly placed for progressive restoration. The bunds along the northern and western boundaries will remain in place until final placement for restoration.

6.10 In relation to condition 2, it is proposed to amend the screening arrangements such that, an approximate 80m long section of the existing soil bund along the north west boundary adjacent Oak Farm, will be removed and the soils relocated approximately 50m further south, along the western boundary. The application states that the need to vary condition 2 has arisen due to a request from the landowners to remove the soil screening bund adjacent to their property (Oak Farm), to accommodate a personal function at Oak Farm during 2016.

6.11 During determination of this application and following consideration of concerns raised by statutory consultees in relation to removal of the bund, the applicant took the decision to amend the proposal such that, instead of the permanent removal of the bund, the bund would be removed for a temporary period (between March 2016 and September 2016). The bunding would then be reinstated.

6.12 **Site**

6.13 The site, known as Holt Quarry, is being progressively worked for sand and gravel, and progressively restored to low level agricultural land, with small wetland feature. Substantial areas of the original quarry have been restored to agricultural use. The current area of extraction is located to the north of the processing plant site.

6.14 The site is located approximately 0.5km south of Holt, with the village of Hunworth approximately 2.0km to the south. The site is bounded to the east by Hunworth Road, with agricultural land to the north and west, and the plant site and restored land to the south.

6.15 The closest residential properties are a property directly abutting the north west corner of the application site (Oak Farm), two properties located some 170m opposite the south east corner of the site across Hunworth Road, and property on the B1110, some 0.32km north of the site. The site is accessed from the east via a purpose built haul road off Hunworth Road.

6.16 **Principle of development**

6.17 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”.

- 6.18 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 LDF Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, and the adopted North Norfolk Core Strategy (2008). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also material to consideration of the application.
- 6.19 The principle of development which this application seeks to vary was most recently considered acceptable in 2014 (ref C/1/2013/1014).
- 6.20 Paragraph 144 of the NPPF requires local planning authorities to give great weight to the benefits of mineral extraction, including to the economy. It is therefore considered that the proposal would be in general accordance with the aims of the NPPF.
- 6.21 The site is an established mineral working, well connected to the strategic road network, with a site access onto Hunworth Road close to it's junction with the B1149, a road classified by the NCC Route Hierarchy as a Main Distributor Route, and being some 1.3km from the A148, a principal Primary Route which has the highest category on the hierarchy. In addition, the site is some 11km (7 miles) from Sheringham. Given the above, it is considered that the proposal is compliant with policy CS2 of the NMWLDF.
- 6.22 The essence of this planning application is to extend the timescale for completion of mineral extraction and restoration, together with revised screening arrangements. Given the above, it is considered that the proposal would be acceptable in principle. It therefore needs to be determined whether the variations sought are acceptable in terms of the potential impacts they may have, primarily upon residential amenity, visual amenity and highway safety.
- 6.23 **Mineral Supply / Need**
- 6.24 NMWLDF Core Strategy Policy CS1 sets out the requirement for the sand and gravel landbank to be maintained at between 7 and 10 years' supply. Paragraph 145 of the NPPF requires MPAs to make provision for the maintenance of at least a 7 year supply of sand and gravel.
- 6.25 As at the end of February 2016, the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stood at 11.24 years.
- 6.26 Notwithstanding that the landbank is slightly above the 10 years' supply required by NMWLDF CS policy CS1, it is important to recognise that this site already benefits from planning permission for mineral extraction. As such, the reserve at this site is already included within the County's existing permitted landbank for sand and gravel. It is therefore considered that there is no conflict with the supply targets referred to in the NPPF and NMWLDF CS Policy CS1.
- 6.27 **Importation of waste**
- 6.28 Policies CS3 and CS4 of the NMWLDF Core Strategy set out the aims to provide sufficient waste management capacity for the County and targets for

- different waste management facilities, including for quarry restoration void space. Policy CS6 states that waste sites at existing mineral workings will be acceptable in principle, as long as they are restricted to a temporary permission lasting until the cessation date for the mineral operation.
- 6.29 In addition to use of on-site restoration materials, progressive restoration of the site is supplemented by recycled soils from inert waste recycling operations at Holt Quarry, albeit not currently. Restoration with the aid of inert waste accords with these policies.
- 6.30 **Amenity (noise, dust, light pollution etc)**
- 6.31 The impact of the development on neighbouring occupiers was considered acceptable when permission was originally granted in 2011. It is proposed to amend the screening arrangements such that, that part of the three metre high screening bund along the north west boundary adjacent Oak Farm, will be temporarily removed. No other changes to the approved scheme of progressive working or restoration are being proposed as part of this application. Current noise limits at neighbouring locations, including Oak Farm (55dB LAeq, 1 hour free field), are stipulated in condition no. 7 of PP C/1/2013/1014.
- 6.32 Holt Town Council raises concern that the removal of the bund removes protection for the town and one local resident also raises concern that removal of the bund will expose her property to noise and dust.
- 6.33 Dust
- 6.34 A Dust Assessment was undertaken pursuant to application C/1/2008/1007 which concludes that, the nature of the proposed extraction at Holt Quarry will ensure that potential for dust emissions is low. The dust impact of the development was considered acceptable when permission was originally granted in 2011.
- 6.35 An updated Dust Assessment has also been submitted as part of the ES. The assessment has concluded that, the continuation of operations will have a very low potential to cause dust related disturbance.
- 6.36 Noise
- 6.37 A Noise Assessment has been undertaken as part of the ES. During the determination process concerns were raised by the EHO in relation to potential impact on Oak Farm arising from permanent removal of the screen bund. This resulted in a Technical Note being provided by the applicant to supplement the ES and demonstrate the potential noise implications arising from the proposed bunding arrangements.
- 6.38 The Technical Note concludes that it is possible for the site to be operated with the amendments to the bunding requested by the landowner whilst demonstrating compliance with the noise limit at Oak Farm as set out in the existing planning permission. The Assessment and Technical Note further conclude that calculated noise levels are compliant with the noise limits at the other locations subject of condition no. 7 of PP C/1/2013/10104.
- 6.39 North Norfolk EHO has been consulted on the application and raises no objection. The EHO recommends re-imposition of conditions nos. 6 (dust control) and 8 (hours of operation) of PP C/1/2013/1014 and, imposition of a condition in relation to reversing alarms. Given the rural location, this would seem to be a reasonable request..
- 6.40 Subject to the above mentioned conditions, it is therefore considered that the extension of timescales, and revised bunding will cause no material harm to

the amenities of neighbouring occupiers or the local area, and the proposal is therefore considered to be in accordance with NMWLDF: Core Strategy Policies DM12 and DM13, North Norfolk Core Strategy policies EN 4 and EN 13, and the NPPF.

6.41 **Landscape**

- 6.42 In the North Norfolk Landscape Character Assessment (2009), the site is identified as lying within the Holt to Cromer Wooded with Parkland landscape character area. This includes areas of arable land interspersed with woodland areas. The Issues sub-section of the LCA states that, Woodland is a very critical element in protecting this busy landscape from exposing its less attractive elements. The site is located some 1.2km south of the southern boundary of the Norfolk Coast AONB.
- 6.43 The proposal is for an extension of time for working and restoration of an existing permitted site, together with temporary removal of part of the soil bund along the north west boundary adjacent Oak Farm. The removal of the soil bund would provide open views to the occupiers of Oak Farm who have requested removal of the bund. The approved restoration scheme for the site is to low level agriculture, with woodland: no changes to the approved restoration scheme are being proposed as part of this application.
- 6.44 A landscape appraisal of the proposed development has been submitted as part of the ES. As regards the Landscape Character Area, the appraisal concludes that the restored site would successfully integrate with the surrounding landscape. Overall, the appraisal concludes that the proposal would not result in unacceptable adverse effects on landscape features, character or visual amenity.
- 6.45 As regards the AONB, the appraisal concludes that the proposals would have negligible adverse effects on this designated area. This view would appear to be supported by the Norfolk Coast Partnership who have been consulted on the application and advise that they would not expect this proposal to have any impacts on the landscape setting of the AONB.
- 6.46 The County Council's Green Infrastructure Officer has been consulted on the application and raises no objection, subject to condition in relation to reinstatement of the bund.
- 6.47 Given the above, it is considered that the proposal respects the character and landscape assets of the Holt to Cromer Wooded with Parkland LCA and there is no conflict with the strategy for this area. As such, it is considered that the development accords with the landscape principles set out in policies CS14 and DM8 of the NMWLDF Core Strategy, policies EN 1 and EN 2 of the North Norfolk Core Strategy, and the NPPF.

6.48 **Heritage Assets**

- 6.49 The site is located within the Glaven Valley Conservation Area. North Norfolk Council has not yet undertaken an appraisal of the conservation area.
- 6.50 Given the site's location within a Conservation Area, it is necessary to have regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Recent case law (Penshurst Judgement) has emphasised the considerable weight that Planning Authorities must apply to the preservation of the settings of listed buildings and conservation areas in planning decisions. As such, where

any harm to the setting of a designated heritage asset even if “less than substantial,” can be shown to occur, the default position should be a refusal by the LPA. The decision has made it clear that “special attention,” is a statutory requirement of the Act but that this can be outweighed by sufficiently powerful material considerations. Therefore where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal.

- 6.51 Paragraph 134 of the NPPF states that, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...” Paragraph 144 of the NPPF states that LPAs should: as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside Conservation Areas.
- 6.52 Paragraph 142 of the NPPF recognises that, “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs”. Furthermore, paragraph 144 requires LPA’s to “give great weight to the benefits of mineral extraction”.
- 6.53 The application under consideration seeks: (i) to extend the time period for extraction of remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030 and, (ii) the temporary removal of part of an existing screen bund along the north west boundary of the quarry.
- 6.54 In support of the application, the ES concludes that the proposal would enable the continued supply of sand and gravel to the local markets and thus continue contributing to the local economy. The proposal would also maintain employment for existing staff and offer biodiversity benefits.
- 6.55 The landscape appraisal submitted as part of the ES concludes that the proposals would result in adverse effects of moderate significance on landscape character and adverse effects of negligible significance on landscape features.
- 6.56 In response to the consultation, North Norfolk Council raises no objection. Historic England has also been consulted on the application and do not wish to offer any comments.
- 6.57 The County Council’s Green Infrastructure Officer raises no objection, subject to condition in relation to reinstatement of the soil bund and does not consider that the temporary removal of the bund would result in significant harm to the Conservation Area.
- 6.58 Given the above, it is concluded that the development would affect the character of the conservation area but that this affect and thus harm would be moderate, and thereby less than substantial. As such, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used by the planning committee when determining this application.
- 6.59 As regards the Planning (Listed Buildings and Conservation Areas) Act 1990, as detailed above, where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal. As regards the NPPF, Planning Practice Guidance states that, the NPPF represents up-to-date Government planning policy and must be taken into account where it is relevant to a planning application or appeal. If decision takers choose not to follow the National Planning Policy Framework, clear and convincing reasons for doing so

- are needed.
- 6.60 In relation to the proposed extension of time, it is considered that the potential for harm albeit moderate should be weighed against the following material considerations: the site being an existing mineral working with remaining reserves of sand and gravel; the benefits to society of mineral extraction; the temporary nature of the extraction/restoration i.e. until 31st December 2030; and the biodiversity and landscape enhancements arising from the proposed restoration. In this instance, it is considered that the material considerations are sufficiently powerful to outweigh the statutory presumption in favour of refusal.
- 6.61 In relation to the proposed temporary removal of screen bunding from the north west boundary, the material planning considerations raised are more finely balanced. The application states that the need to temporarily remove the bund has arisen due to a request from the landowner to accommodate a personal function at Oak Farm during 2016. Whilst it is acknowledged that removal of the section of bund cannot be said to achieve public benefits, this is balanced against the temporary nature of the removal of the bund, i.e. between March and September 2016 and the fact that no objections have been raised by statutory consultees.
- 6.62 It is therefore considered, on balance, that subject to the imposition of conditions including timescale and restoration, the impact on heritage assets would not be such as to be unacceptable when considered against the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, NMWLDF policies CS14, DM8 and DM9, and policy EN 8 of the North Norfolk Core Strategy and government objectives of the NPPF.
- 6.63 **Biodiversity and geodiversity**
- 6.64 The site carries no particular nature conservation designation. The nearest site of international importance is Holt Lowes SSSI, a component part of the Norfolk Valley Fens Special Area of Conservation (SAC), which is situated some 0.6km east of the site. It is important, therefore, to ensure that no development is undertaken which would adversely affect this feature. The site is located some 0.2km from Edgefield Heath County Wildlife Site.
- 6.65 As detailed elsewhere in this report, mineral extraction at the site does not take place below the water table; no dewatering is proposed. With exception of temporary removal of a section of screen bunding, the application does not provide for any amendment to the approved working or restoration scheme.
- 6.66 The submitted ES concludes that, the land has negligible ecological value and subject to implementation of existing conditions there shall be no adverse impact arising from continuation of extraction.
- 6.67 The Council's Ecologist has been consulted on the application and raises no objections on ecological grounds. Natural England has been consulted on the application and has no comment to make.
- 6.68 There are a number of conditions on the existing permission which are aimed at environmental protection (e.g. no. 5 – habitat mitigation scheme including hedgerow protection and Great Crested Newts) and it is recommended that these are retained.
- 6.69 Given the above, it is considered that the variations sought will not have any significant implications for biodiversity. As such, it is considered that the development is compliant with NMWLDF: CS Policies CS14 and DM1, North

Norfolk Core Strategy policy EN 9, and the requirements of the NPPF.

6.70 **Habitats Regulations**

6.71 The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.72 **Transport**

6.73 The quarry is accessed via an existing access onto Hunworth Road, close to its junction with the B1149. Permission is primarily sought to extend the timescale for completion of extraction and restoration. No changes to the access are being proposed as part of this application.

6.74 The application is accompanied by a Transport Assessment which has assessed historic vehicle movements of 120,000tpa and reduced tonnage. The assessment advises that the proposal will not lead to an increase in traffic and concludes that, the current access arrangements for traffic associated with the site remain suitable for the proposed continuation of extraction.

6.75 Holt Town Council raises concern that this application will cause even more traffic issues in and around Holt. The application does not provide for extraction of any additional sand and gravel at this site and therefore there is no additional traffic. Furthermore, given that extraction rates have been lower than anticipated, the traffic generated by the development has been dispersed over a longer period of time.

6.76 Planning permission reference C/1/2013/1014 is subject to a S106 Agreement requiring vehicles to approach and leave the site via that section of the C267, Hunworth Road, to the north of the site. There is also provision in the agreement for the applicant to pay expenses in respect of 'wear and tear' to Hunworth Road between the site access and the junction with the B1149.

6.77 There is no objection on highway grounds, subject to the current routeing arrangements being secured by S106 Agreement or condition and continuation of the 'wear and tear' agreement. Given the rural road network, this would seem to be a reasonable request

6.78 The applicant has agreed to accept the continuation of the routeing and 'wear and tear' agreement. Subject to the conclusion of the Deed of Variation, the development is considered compliant with NMWLDF: Core Strategy policies CS15 and DM10, North Norfolk Core Strategy Policy CT 5, and the government objectives of the NPPF.

6.79 **Climate change and renewable energy generation**

6.80 NMWLDF Policy CS13 requires applicants to aim for incorporation of renewable or low carbon energy to generate a minimum of 10 per cent of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.

6.81 During the application process additional details relating to renewable energy generation were requested. Consideration has been given to the possibility of how the development could generate its own energy from wind or solar power. It is concluded that neither energy source is appropriate in landscape terms due to the potential impact upon the Conservation Area, and the cost of installation over

- the proposed extension period is not considered to be offset by the saving from energy produced on site.
- 6.82 Although it is disappointing that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance.
- 6.83 **Flood risk**
- 6.84 The site lies within Flood Zone 1, which is an area at low risk of flooding. A Flood Risk Assessment (FRA) was undertaken pursuant to application C/1/2008/1007 which concludes that, during the period of extraction there will be a net gain of flood storage on the site. Given that post-restoration land levels will be generally below pre-extraction levels, the FRA further concludes that there will be an increase in storage with a slight reduction in flood risk. The impact of the development on flood risk was considered acceptable when permission was originally granted in 2011.
- 6.85 Based on the information provided, the Lead Local Flood Authority has no comments to make.
- 6.86 The EHO has been consulted on the application and recommends re-imposition of condition no. 9 (compliance with submitted flood risk assessment) of PP C/1/2013/1014. This would seem to be a reasonable request.
- 6.87 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding. Given the above, it is considered that there is no conflict with NMWLDf Policies CS13 and DM4, Policy EN 10 of the North Norfolk Core Strategy and the NPPF.
- 6.88 **Groundwater/surface water**
- 6.89 The north west corner of the application site is located within Source Protection Zone 3. With exception of amendment to the screening arrangements, the application does not provide for any amendment to the approved working or restoration scheme for the site.
- 6.90 One local resident has raised concerns in relation to the underground water supply to properties along Thornage Road.
- 6.91 The Norfolk Coast Partnership comment that there may potentially be some risk from run-off of pollutants and sediment into the River Glaven and suggests that the County Council should be assured that these potential effects are adequately considered and mitigated if necessary.
- 6.92 The Planning Statement states that, it is proposed that extraction shall continue at 0.5m above ground water. The applicant has also submitted a Hydrology and Hydrogeology Assessment of the application site. This advises that there will be no dewatering due to the limited depth of extraction and there are no surface water discharges from the site. The Assessment advises that a number of abstractions have been identified in the vicinity of the site and concludes that these potential receptors are not at risk of impact as no dewatering will be required.
- 6.93 In relation to groundwater protection, the EHO and Environment Agency have been consulted on the application and have raised no objection.
- 6.94 In relation to pollution and sediment control to the water environment, the Council's Ecologist and the Environment Agency have been consulted on the application and have raised no objection to the proposal. It is therefore

- considered that no additional mitigation measures are required.
- 6.95 It is therefore considered that there would be no conflict with NMWLDF CS policy DM3, and Policy EN 13 of the North Norfolk Core Strategy, or the NPPF.
- 6.96 **Protection of best and most versatile agricultural land**
- 6.97 The current permitted area of working comprises of grade 2, 3a, 3b and 4 agricultural land. The impact of the development on soil resources was most recently considered acceptable when permission reference C/1/2013/1014 was granted in 2014.
- 6.98 It is proposed to amend the screening arrangements such that, that part of the soil bund along the north west boundary adjacent Oak Farm, will be temporarily removed. No changes to the approved restoration scheme are being proposed as part of this application.
- 6.99 Natural England has been consulted on the proposal and has raised no objection in relation to the revised soil storage arrangements.
- 6.100 There are a number of conditions on the existing permission which are aimed at ensuring the productive afteruse of the land and it is recommended that these are retained should permission be granted. Given the above, it is considered that the extension of timescales, and revised soil storage scheme will cause no material harm to the soil resources, and the proposal therefore complies with NMWLDF CS Policy DM16, and objectives of the NPPF.
- 6.101 **Progressive working, restoration and after-use**
- 6.102 The application is for an extension of time for working and restoration of an existing permitted site, together with revised screening arrangements.
- 6.103 As regards timescale, the application seeks to extend the life of the site by some 14+ years beyond the current planning consent. National Planning Practice Guidance underlines that planning for the supply of minerals has a number of special characteristics that are not present in other development and recognises that mineral working is a temporary use of land, although it often takes place over a long period of time.
- 6.104 As detailed elsewhere in this report, the proposal to extend the timescale has been brought about by lower sale of minerals from the site than was anticipated in the original application, reference C/1/2008/1007. The requested timescale is a function of the projected rate of extraction / restoration and the current permitted reserve. When permission reference C/1/2008/1007 was granted, the permitted timescale was based upon the applicant's estimated timescale for completion of extraction and restoration, which would have been based upon historic and predicted sales from the site. Given that sales volumes of sand and gravel are dependent upon demand, the economic downturn has led to a decline in sales from this site, in common with other mineral workings. The applicant has therefore had to revise the proposed timescales for completion of mineral extraction and restoration, accordingly. Given the reduced extraction rate, it is considered that working and restoration are both feasible and achievable within the timescale proposed.
- 6.105 The approved restoration scheme for the site is to low level agriculture, with woodland and small wetland feature. This application proposes to retain the existing progressive relationship between extraction and restoration.

- 6.106 The Council's Ecologist has been consulted on the application and raises no objection. To conclude on the working and restoration issues, the proposed extension of time would enable the remaining permitted mineral reserve to be extracted and restoration of the site to be completed. It is considered that the proposal is therefore in accordance with NMWLDF: Core Strategy Policy DM14, Policy EN 9 of the North Norfolk Core Strategy and the objectives of the NPPF.
- 6.107 **Responses to the representations received**
- 6.108 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper.
- 6.109 A number of objections/concerns were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.110 Representation is made by Holt Town Council that this application is encroaching into the Town boundary. The application under consideration seeks variation of conditions of Planning Permission C/1/2013/1014. The principle of development which this application seeks to vary was originally considered acceptable in 2011 (ref C/1/2008/1007). The application does not provide for any physical extension to the site towards Holt.
- 6.111 It should be noted that the Minerals Site Specific Allocations DPD (adopted 2013) allocates land west of Norwich Road, Lodge Farm, Holt (site reference MIN 71) for sand and gravel extraction. This site lies just southwest of Holt and immediately north of the quarry subject of the application under consideration. The allocated site does not form part of the application under consideration.
- 6.112 Representation is made by Holt Town Council that this application will be a breach of personal liberties for people in Holt. In the UK, personal liberty is protected by the Human Rights Act 1998. This Act gives effect to the human rights set out in the European Convention on Human Rights. As can be seen from section 8 below, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 6.113 **Intentional Unauthorised Development**
- 6.114 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received from 31 August 2015.
- 6.115 The application under consideration was received on 29 July 2015. During inspections of the site in September and December 2015 it was noted that the existing soil bund along the north west boundary adjacent Oak Farm remained in situ. During a subsequent inspection on 10th March this year it was noted that the soil bund along the north west boundary had already been removed.
- 6.116 The Quarry Manager has since confirmed that the bund was removed on 2nd March. The applicant company has stated that the bund was removed prior to determination of the application to enable the area to be seeded prior to Easter.
- 6.117 In making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this case, the development has taken place pursuant to an application received prior to 31 August 2015 and on a site outside a defined Green Belt.
- 6.118 Whilst regrettable, in this instance it is not felt that the part retrospective nature of

the application would represent a ground for refusal of planning permission for this development and no weight is given to this in the planning balance.

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 is to vary two conditions of planning permission reference C/1/2013/1014 in order to extend the time period for extraction of the remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030, together with temporary removal of part of an existing screening bund along the north west boundary of the quarry.
- 11.2 It is concluded that the development would affect the character of the Glaven Valley Conservation Area but that this affect and thus harm would be less than substantial. As such, the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used in determination of this application.
- 11.3 The environmental impacts of the proposal have been carefully considered. Whilst in a Conservation Area, the extension of timescale is considered acceptable in order to allow sufficient time for the completion of extraction and restoration of the site, and the impact on local amenity and the Conservation Area arising from temporary removal of the bunding would not be such as to be unacceptable.
- 11.4 Objection has been raised by Holt Town Council and concerns are raised by two local residents. Their concerns relate primarily to the impacts arising from removal of the bund, traffic issues in and around Holt and, impacts on local underground water supply. No objections are raised by any statutory or non-statutory consultees, subject to conditions.
- 11.5 The original permission was subject to a legal agreement in relation to vehicle routeing to and from the site and, highway 'wear and tear' payment. The applicant has agreed to accept the continuation of the routeing and 'wear and tear' requirements.
- 11.6 Whilst this is a finely balanced application, for the reasons detailed in this report, the proposed development is considered acceptable, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The mineral extraction to which this permission relates shall cease and the site shall be restored and completed in accordance with condition number 19 of this permission, by 31 December 2030.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.2 The development must be carried out in strict accordance with the application form, plans and documents as submitted.

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

- 12.3 The soil storage mound Phases 1b and 2 worked together identified on Drawing No. HQE/4 Revision D, Phases 1a to 3, shall be reinstated no later than 30 September 2016. The soil storage mound shall thereafter be retained in accordance with the approved scheme shown on Drawings Nos. HQE/4 Revision D, Phases 1a to 3, Project No. A038162 dated Mar 16 and HQE/5 Revision C, Phases 4 and 5, Project No. A038162 dated Mar 16 until its removal through the implementation of the restoration scheme approved under condition no. 19 of this permission.

Reason

To ensure the duration of visual disturbance within the Glaven Valley Conservation Area is minimised to an acceptable level, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.4 The development shall be undertaken in accordance with the submitted document entitled Archaeological Services; unreferenced; undated.

Reason:

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

- 12.5 Except as modified by the provisions of condition no. 19 of this consent, the development shall be undertaken in accordance with the submitted Habitat Mitigation Scheme; prepared by Bowland Ecology; unreferenced; dated September 2010

Reason:

To ensure the satisfactory development of the site and continued protection of

protected species, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy EN 9 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.6 Any dust nuisance and sand blow caused by the operations, shall be mitigated in accordance with the details contained in submitted document entitled Holt Quarry Extension Chapter 10, Dust, reference A038162 Final, prepared by WYG Environment Planning Transport Limited, dated 2008.

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.

- 12.7 Noise caused by operations shall be attenuated and in any event shall not exceed the levels indicated below at the locations identified in accordance with the letter from CEMEX, Reference Holt Extension dated the 13/7/2009, received on the 16/7/2009 pursuant to planning permission C/1/2008/1007 and held on that file, these being :-

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours – 13.00 hours 55dB LAeq, 1hour, free field at the property named Oak Farm.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours - 13.00 hours 44dB LAeq, 1hour, free field at the property named Sanderlings.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours - 13.00 hours 46dB LAeq, 1hour, free field at the property named Jenis Barn.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours – 13.00 hours 55dB LAeq, 1hour, free field at the junction of Hunworth Road with the B1149.

Monday - Friday 07.00 - 18.00 hours Saturday 07.00 - 13.00 hours 48dB LAeq, 1hour, free field at the property named Heath House Cottage.

Monday - Friday 07.00 hours - 18.00 hours Saturday 07.00 hours - 13.00 hours 53dB LAeq, 1hour, free field at the property named Halfway House.

The above sites are identified on the enclosed plan entitled C/1/2008/1007 – Noise Monitoring Points Holt produced by the County Planning Authority enclosed with this decision notice.

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.

- 12.8 No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicle, other than those which use white

noise.

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.

- 12.9 No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:-

07.00 hours - 18.00 hours Mondays to Fridays

07.00 hours - 13.00 hours Saturdays

Reason:

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

- 12.10 Except as modified by the provisions of condition no. 19 of this consent, the development shall be constructed in accordance with the submitted Flood Risk Assessment, reference K0004/1 (rev1); prepared by Hydrologic, dated November 2007.

Reason:

To avoid any risk of flooding and adverse impact on the hydrogeology of the area in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy EN10 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.11 The visibility splay provided to each side of the existing access where it meets the highway, pursuant to condition no. 16 of planning permission C/1/2013/1014, shall for the life of the development be retained free from any obstruction exceeding 0.225m above the level of the adjacent highway.

Reason:

To ensure a safe and satisfactory access, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy CT5 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.12 The grassing, weed killing and maintenance of the soil storage mound shown on Drawings Nos. HQE/4 Revision D, Phases 1a to 3, Project No. A038162 dated Mar 16 and HQE/5 Revision C, Phases 4 and 5, Project No. A038162 dated Mar 16 shall be carried out in accordance with the scheme approved by the County Planning Authority pursuant to condition 9 of planning permission C/1/2008/1007. Except as modified by the provisions of the letter from the agent to the County Planning Authority; reference Holt; dated 10/02/2016, the soil storage mound shall be retained in accordance with this approved scheme until its removal through the implementation of the restoration scheme approved under condition no. 19 of this permission.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.13 Until the topsoil and subsoil have been stripped from the site from each phase of works (excluding Phase 1a) as shown on the plan, Proposed Quarry Phases, Project No A038162, Drawing No HQE/3, submitted pursuant to planning permission reference C/1/2013/1014 and held on that file, the land shall not be traversed by any plant or machinery, save that which is engaged in stripping operations, and all such machinery shall be used in such a way as to minimise soil compaction.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.14 No topsoil or subsoil shall be taken off the site.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.15 An even layer of subsoil shall be re-spread on the site to a depth of 600mm.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.16 An even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.17 The subsoil shall be crossripped and any pans and compaction shall be broken up to the satisfaction of the County Planning Authority before replacement of the topsoil.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.18 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.19 The restoration of the site shall be completed by 31 December 2030 in accordance with the submitted scheme shown on Drawing No. P2/979/2 Restoration Master Plan, dated May 2013 as supplemented by the submitted details contained in the document entitled, Outline Five Year Aftercare Scheme and Landscaping Details for Holt Quarry Extension, Norfolk, prepared by Cemex UK Operations Ltd (Eastern Region), dated October 2014.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.20 The aftercare scheme as detailed in the submitted document entitled, Outline Five Year Aftercare Scheme and Landscaping Details for Holt Quarry Extension, Norfolk, dated October 2014, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

Recommendation

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

- (i) Grant planning permission subject to a legal agreement in respect of vehicle routeing and highway wear and tear payment and, 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 2010-2026 (2011)

<http://www.norfolk.gov.uk/view/ncc094912>

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

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

The National Planning Policy Framework (NPPF) (2012)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

DCLG Planning Practice Guidance (2014)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

National Planning Policy for Waste (2014)

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

Officer Contact

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

Name

Andrew Harriss

Telephone Number

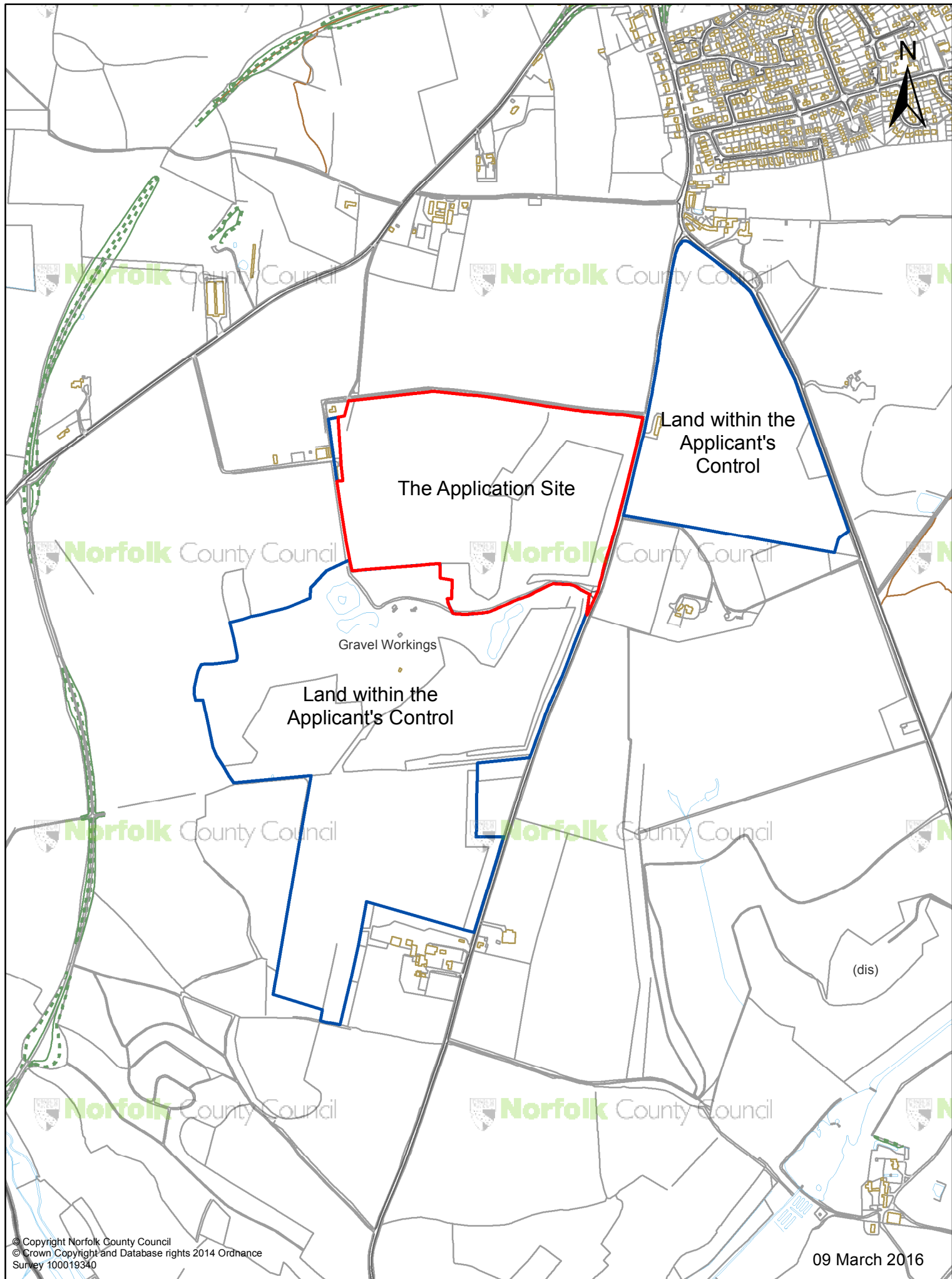
01603 224147

Email address

andrew.harriss@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 Andrew Harriss or textphone 0344 800 8011 and we will do our best to help.



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

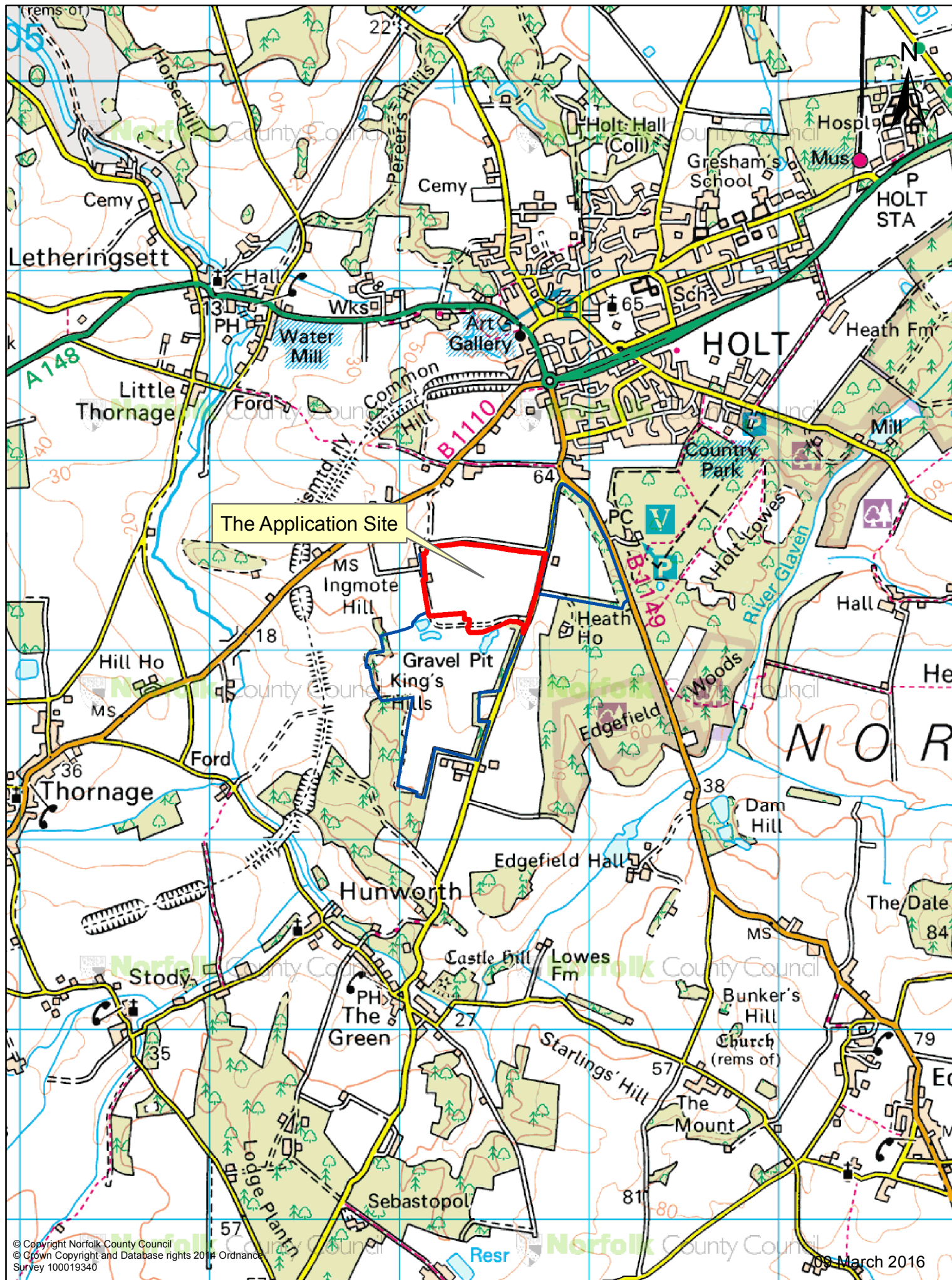
09 March 2016

C/1/2015/1020 - Holt Quarry
 Holt

0 50 100 200 300 400 500
 Metres

 **Norfolk** County Council

1:10,000



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

09 March 2016

C/1/2015/1020 - Holt Quarry
 Holt

0 500 1,000
 Metres

Norfolk County Council

1:25,000

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 at least 110% of the total stored capacity.

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

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

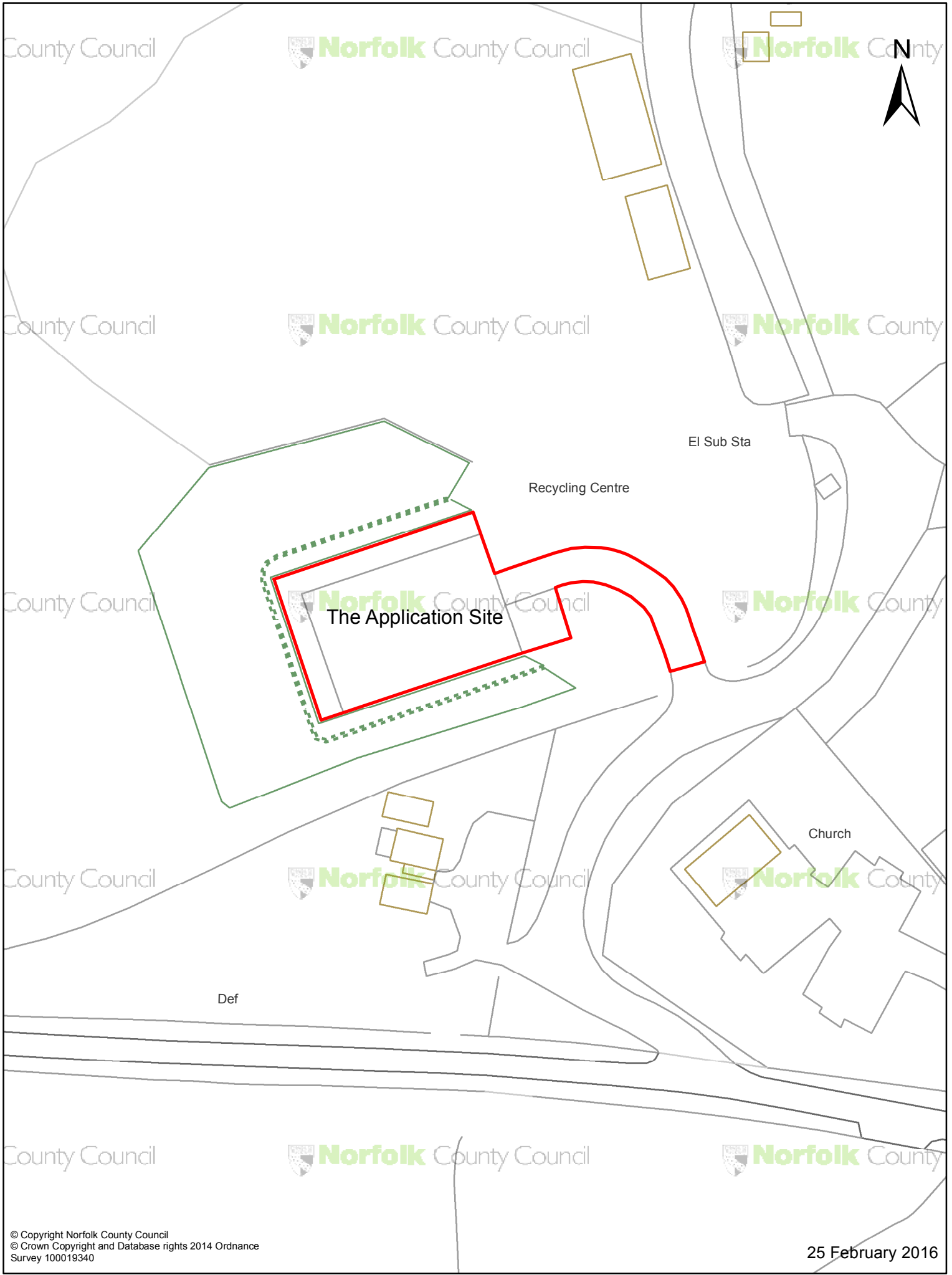
Officer Contact

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

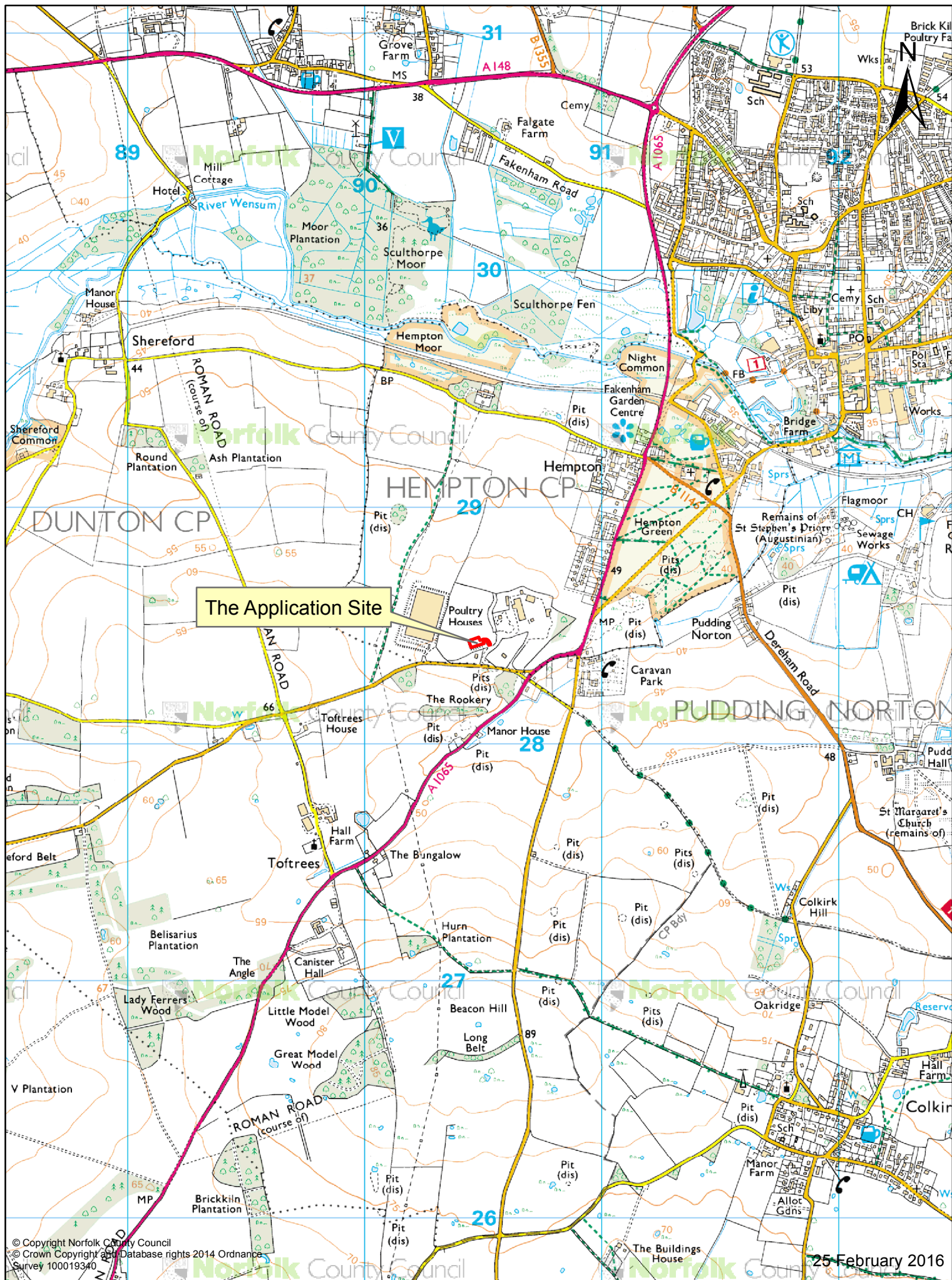


If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Ralph Cox or textphone 0344 800 8011 and we will do our best to help.



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

25 February 2016



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

C/1/2015/1025: Hempton HWRC
 Hempton

0 100 200 400 600 800 1,000
 Metres

75

Norfolk County Council

1:20,000

25 February 2016

Applications Referred to Committee for Determination:

Great Yarmouth Borough:

C/6/2016/6001:

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 Caister 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 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 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 : Caister recycling centre, Pump Lane, Caister, Norfolk, NR30 5TE
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.36 Hectares
- 1.4 Annual tonnage : 6000 tonnes per annum
- 1.5 Duration : Permanent
- 1.6 Hours of working : 1 October – 31 March (winter hours)
Sunday to Saturday: 08.00 – 16.00
1 April to 30 September (summer hours)
Sunday to Saturday: 08.00 – 18.00
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be up to 8 (4 in/ out) additional daily vehicle movements (up to 3.5 tonne)
Sales of Goods: Anticipated to be up to 10 (5 in/ out) additional daily movements during peak season i.e. sale of Christmas trees.
- 1.8 Access : Access is from Pump Lane, off the A149 Caister Bypass, with the entrance marked. The site provides an In/out for circulation and parking area.

2. Constraints

- 2.1
- The site is located within 1 km of the Great Yarmouth North Denes Site of Special Scientific Interest (SSSI) and 1.3km of the Special Protected Area.
 - The site is in the Environment agency's flood zone 3.

3. Planning History

- 3.1 Planning permission was granted for the Household recycling centre in 2011 under application C/6/2011/6011, for land transfer to provide a new recycling centre and Highways depot with the recycling centre including a drainage system, replacement hardstanding, a staff welfare unit and a relocation of the existing plant and waste containers.
- 3.2 The site has been running since with no complaints, and has been an industrial area since circa 1993.

4. Planning Policy

- 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste : CS5 General location of waste management facilities and associated facilities
CS6 General waste management considerations
CS7 Recycling, composting, anaerobic

	Development Management Policies Development Plan Document 2010-2016 (2011)		CS13 CS14 CS15 DM1 DM3 DM4 DM8 DM10 DM12 DM13	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 Air quality
4.2	Great Yarmouth Local Plan (Adopted 2015)	:	CS1 CS6 Cs11 CS13	Focusing on a sustainable future Supporting the Local economy Enhancing the Natural Environment Protecting areas at risk of flooding or coastal change
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	District Council	:	No objections	
5.2	Ecology Manager	:	No comment	
5.3	EHO	:	No comment	
5.4	Environment Agency	:	No objections as long as waste types received at site are as described in environmental permit.	
5.5	Highway Authority (NCC)	:	No objections	
5.6	Lead Local Flood Authority (NCC)	:	No objections	
5.7	Landscaping Officer (NCC)	:	No objections	
5.8	Broads Authority	:	No comment	
5.9	Parish Councillor (Patrick Hacon)	:	No objections	:
5.10	Local residents	:	No objections	

6. Assessment

Proposal

- 6.1 Planning permission is sought to enable the existing Caister 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 6000 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). This is located within the site to the east, within two metal walk-in containers where facilities are in place for cash handling and card payments. 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 site occupies 0.36 hectares and is located off Pump Lane near the Caister bypass (A149). The site is in an industrial estate bordering a sewage treatment plant, a recycling centre, and a highways depot, with access marked and signed on the highway.
- 6.6 The site itself operates a one way system with in/out access point facilitating parking around the site alongside refuse points. Parking areas are highlighted in red with yellow indicating general movement around the site. The site handles up to 6000 tonnes of household waste and recycling a year generated by local residents.

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 Great Yarmouth Local Plan (2015). 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 HWRC is located within the Great Yarmouth Local Plan (2015). The operation of the HWRC was also considered acceptable here in 2011. Therefore this site was considered appropriate in the context of NMWDF policy CS6: *General waste management considerations* when consent was granted for the HWRC. It is consistent also with the recently adopted National Planning Policy for Waste (2014) which 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 Great Yarmouth Policy CS7: Strengthening our centres states they aim to improve the vitality and viability of our town and district centres by Safeguarding the retail function and character of each centre. 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 (Great Yarmouth) or District centre (Caister-on-Sea) and the proposal would comply with this Development Plan policy.

Amenity

- 6.12 The site has operated to date without complaint and is also the subject of an Environmental Permit issued by the Environment Agency to control issues such as noise, dust, and odour etc. 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 cartilage 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

As stated in section 2.1, the site is within 1 km of the Great Yarmouth North Denes Site of Special Scientific Interest (SSSI) and 1.3km of the North Denes Special Protected Area. However, 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 area hence an Appropriate Assessment is not required.

- 6.19 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy given that it is not felt the amended scheme would harm the SPA or SSSI or any other locally designated nature conservation or geodiversity sites or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans.

Transport

- 6.20 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 6000 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 4 vehicles per day (i.e. 8 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in an increase up to 19 additional vehicles 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. 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 attract 100 visitors (3.6%) over December and some 5 cars (10 movements during the period) on a daily basis.
- 6.22 The Highway Authority raised no objections to the proposals and the sale of the

specified non-recycled products will be limited by condition to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *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 The HWRC is located in Flood Zone 3 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. Additionally Policy CS13 in the Great Yarmouth local plan seeks to Protect areas at risk of flooding or coastal change.
- 6.25 The Environment Agency raised no comments in respect of the application and 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, which 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 Caistor 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 Except where amended by relevant applications and by the following documents submitted with this application:

- i. Application form;
- ii. Planning Statement; unreferenced; undated;
- iii. Caistor Recycling Centre- Site Boundary Plan; Caister_Plan_2015_001 rev 1
- iv. Caistor Recycling Centre- Site Layout Plan; Caister_Plan_2015_002 rev 1

the development shall not take place except in accordance with drawing references and documents approved under permission reference C/6/2011/6011:

- i. a) Site Location and Landowner Plan, MMD-256387-C-DR-PA-01-XX-0010, Rev P3, dated 09/11
- ii. b) Site Plan, Proposed, Sheet 1 of 3, MMD-256387-C-DR-PA-01-XX-0013, Rev P3, dated 02/12
- iii. c) Site Plan - Proposed, Sheet 2 of 3, MMD-256387-C-DR-PA-01-XX-0014, Rev P4, dated 02/12
- iv. d) Site Plan - Proposed, Sheet 3 of 3, MMD-256387-C-DR-PA-01-XX-0039, Rev P2, dated 12/11.
- v. e) Indicative Drainage Plan, Sheet 1 of 3, MMD-256387-C-DR-PA-01-XX-0015, Rev P2, dated 12/11
- vi. f) Indicative Drainage Plan, Sheet 2 of 3, MMD-256387-C-DR-PA-01-XX-0016, Rev P3, dated 12/11.
- vii. g) Indicative Drainage Plan, Sheet 3 of 3, MMD-256387-C-DR-PA-01-XX-0040, Rev P1, dated 12/11.
- viii. h) Welfare Unit, MMD-256387-C-DR-PA-01-XX-0017, Rev P1, dated 09/11.
- ix. i) Existing Welfare Building, MMD-256387-C-DR-PA-01-XX-0018, Rev P1, dated 09/11.
- x. j) Meeting Room, MMD-256387-C-DR-PA-01-XX-0019, Rev P1, dated 09/11.
- xi. k) Workshop, MMD-256387-C-DR-PA-01-XX-0020, Rev P1, dated 09/11.
- xii. l) Container A and B, MMD-256387-C-DR-PA-01-XX-0021, Rev P1, dated 09/11.
- xiii. m) Containers C, D, E and J, MMD-256387-C-DR-PA-01-XX-0022, Rev P1, dated 09/11.
- xiv. n) Container F, MMD-256387-C-DR-PA-01-XX-0023, Rev P1, dated 09/11.
- xv. o) Containers G and H, MMD-256387-C-DR-PA-01-XX-0024, Rev P1, dated 09/11.
- xvi. p) Container I and Fuel Tank A, MMD-256387-C-DR-PA-01-XX-0025, Rev P1, dated 09/11.
- xvii. q) Fuel Tank B and Battery Charging Shed, MMD-256387-C-DR-PA-01-

- XX-0026, Rev P1, dated 09/11.
- xviii. r) Fencing, Gates and Security Measures, MMD-256387-C-DR-PA-01-XX-0027, Rev P1, dated 09/11.
 - xix. s) Containers, MMD-256387-C-DR-PA-01-XX-0028, Rev P1, dated 09/11.
 - xx. t) Existing and Proposed Site Sections, MMD-256387-C-DR-PA-01-XX-0029, Rev P1, dated 09/11.
 - xxi. u) Proposed Re-use Shelter, MMD-256387-C-DR-PA-01-XX-0030, Rev P1, dated 09/11
 - xxii. v) Proposed Welfare Building, MMD-256387-C-DR-PA-01-XX-0031, Rev P2, dated 02/12.
 - xxiii. x) Design and Access Statement, dated September 2011
 - xxiv. y) Air Quality and Noise Assessment, dated September 2011
 - xxv. z) Transport Statement, dated September 2011
 - xxvi. aa) Flood Risk Assessment, dated September 2011
 - cxvii. bb) Arboricultural Implications Assessment, dated 31 August 2011
 - xviii. cc) Environmental Report, dated September 2011
 - xxix. dd) Information to Inform Appropriate Assessment, dated September 2011
 - xxx. ee) Foul Sewage Assessment, dated September 2011
 - xxxi. ff) Landscaping Details, dated September 2011
 - cxii. gg) Lighting Assessment, dated September 2011
 - xxiii. hh) Planning Statement, dated September 2011
 - xxiv. ii) Statement of Community Involvement, dated September 2011
 - cxv. jj) Contamination Risk Assessment, dated February 2012.
 - xxvi. Kk) Caister- on-sea land transfer- recycling centre/ highways Depot Outline site management plan- Dated September 2011, Stamped 08 August 2012

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

- 12.2 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 October - 31 March (Winter Hours)

Sunday to Saturday: 08.00-16.00

1 April - 30 September (Summer Hours)

Sunday - Saturday: 08.00-18.00

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.

- 12.3 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.

- 12.4 Landscaping should be in scheme with the relevant areas on the landscape layout plans MMD-256387-C-DR-PA01-xx-0126 and MMD-256387-C-DR-PA01-xx-0125 Rev 2 stamped 29th June 2012 submitted under planning application C/6/2012/6001. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged diseased or die, shall be replaced within twelve months with plants of similar species and size.

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.

- 12.5 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue boxed in black on drawing reference Caistor_plan_2015_002 dated 21.12.15

- 12.6 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.

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.

- 12.7 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.

- 12.8 Vehicles leaving the site shall not be in a condition whereby they would deposit loose material on the public highway.

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

- 12.9 Measures shall be taken where necessary to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces 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.

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

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

- 12.10 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.

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>

Great Yarmouth local plan, core strategy (2015)

<http://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1213&p=0>

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/6/2011/6011

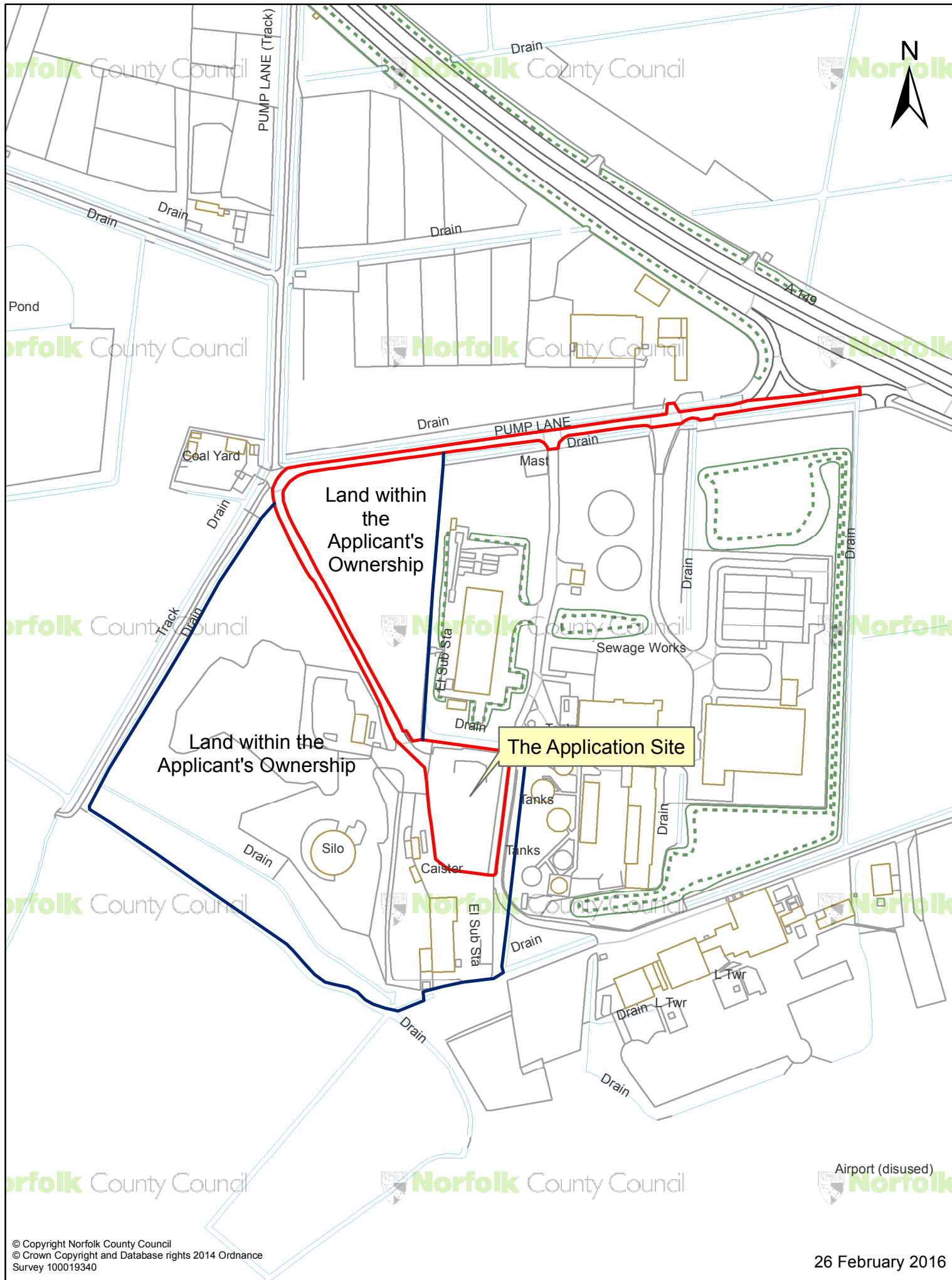
Officer Contact

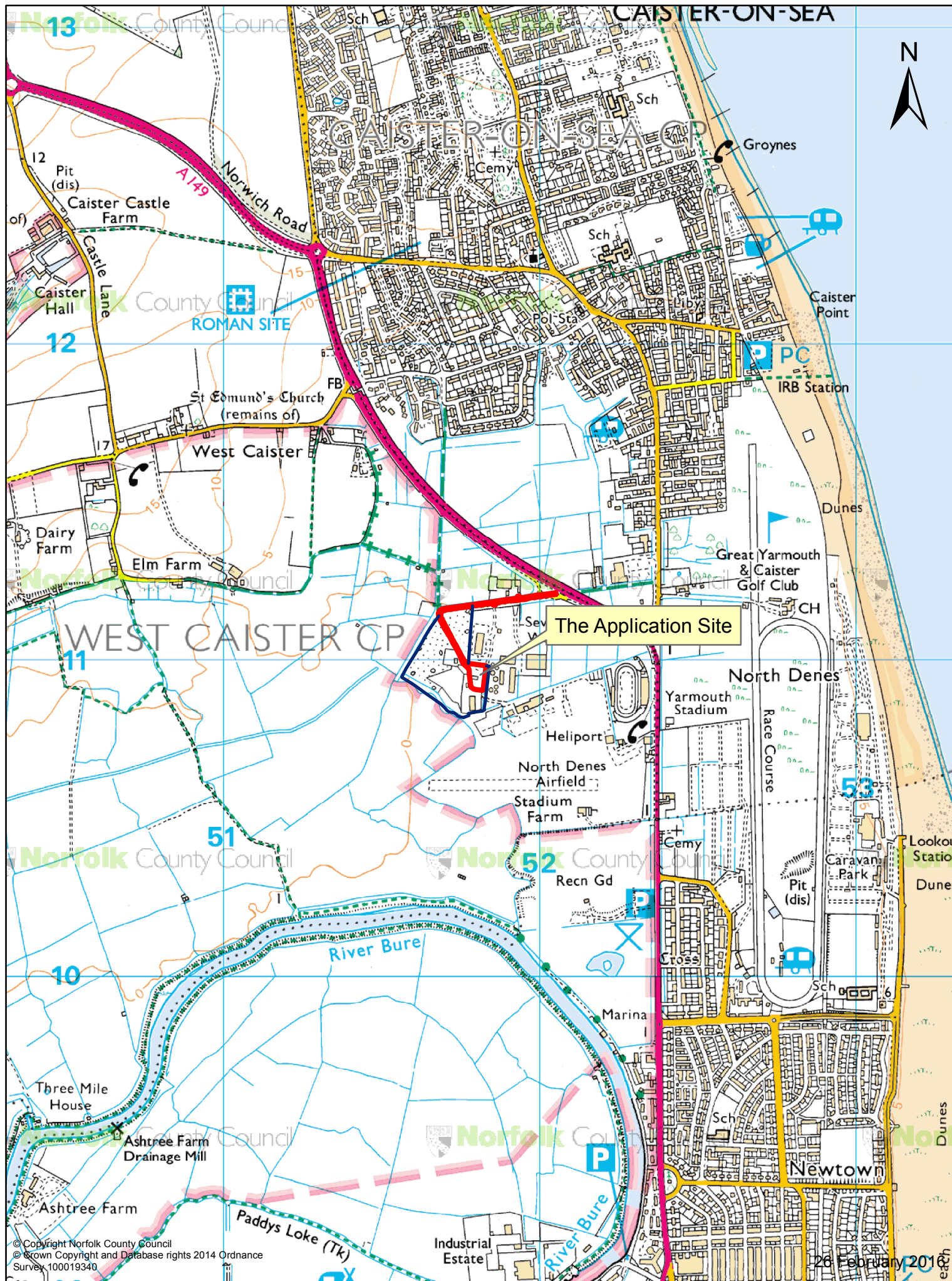
If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Hannah Northrop	01603 222757	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 and ask for Hannah Northrop or textphone 0344 800 8011 and we will do our best to help.





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

C/6/2016/6001
 Caister-on-Sea

400 200 0 400 Metres



90

Norfolk County Council

1:15,000

26 February 2016

Applications Referred to Committee for Determination:

Borough of King's Lynn and West Norfolk:

C/2/2015/2044: King's Lynn Recycling Centre:

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); to include extension to existing re-use shop. 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 King's Lynn 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. The proposals also include a modest extension (5.7m x 5m) to the existing re-use 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 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 : King's Lynn HWRC, Willows Business Park, Saddlebow.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.4 hectares
- 1.4 Annual tonnage : 8,000 household waste
- 1.5 Duration : Permanent
- 1.6 Hours of working : 08:00 – 18:00 1 March to 31 March
08:00 – 20:00 1 April to 31 August
08:00 – 19:00 1 September to 30 September
08:00 – 18:00 1 October to end British Summer Time
08:00 – 16:00 Rest of year
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 10 additional daily vehicle movements (up to 3.5 tonne) (5 in and 5 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 : Access is taken from an unadopted estate road on the Willows Business Park, which leads from the Saddlebow Road (C8).

2. Constraints

- 2.1
- The A47 Trunk road is located approximately 1.2 kilometres to the north.
 - The site is located in Floodzone 3.
 - The site is approximately 780m to the west of The River Nar Site of Special Scientific Interest (SSSI) which forms part of the Nar Core River Valley.
 - European protected sites within 10km of the site are the Roydon Common RAMSAR, forming part of the Roydon Common and Dersingham Bog Special Area of Conservation (SAC), The Wash Ramsar and SPA, The Wash and North Norfolk Coast SAC, and The Wash National Nature Reserve.
 - National Grid pipeline runs approximately 250m south west of the site.

3. Planning History

- 3.1 Planning permission was first granted for the recycling centre in 2007 under application C/2/2007/2010, however this was superseded in 2008 with a further permission (C/2/2008/2003) following a reduction in the size of the site as a result of funding and ground condition issues.

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
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8

DM10
DM12
DM13 | 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
Air quality |
| 4.2 | King's Lynn and West Norfolk Core Strategy (2011) | : | CS01
CS08
CS11 | Spatial Strategy
Sustainable Development
Transport |
| 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 | King's Lynn and West Norfolk Borough Council | : | No objections. |
| 5.2 | Wiggenhall St. Germans Parish Council | : | No comments received. |
| 5.3 | EHO (King's Lynn and West Norfolk Borough Council) | : | No comments to make regarding contaminated land or air quality. |
| 5.4 | Environment Agency | : | No objection, the site is covered by an Environmental Permit. |
| 5.5 | Highway Authority (NCC) | : | No objection. |
| 5.6 | Health and Safety Executive | : | No representations received. |

- 5.7 Local residents : No representations received.
- 5.8 County Councillor (Alexandra Kemp) : Queries regarding the Flood Risk Assessment which have since been clarified.

6. Assessment

Proposal

- 6.1 Planning permission is sought to enable the existing King's Lynn 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). A small extension with a footprint of 5.7m x 5m is also proposed to the southern side of the re-use shop.
- 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 8,000 tonnes, and it would not compromise the primary function of the site as a 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) which is sited centrally to the northern part of the site. Adjacent to the re-use centre is the office and welfare facilities. There are existing provisions in place for accepting payments and issuing receipts. 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 extension to the re-use shop would provide approximately 50% more floorspace and allow for larger, bulkier items and waste electricals to be sold. The existing re-use shop diverted approximately 91 tonnes of waste out of the waste stream in 2014/15, and it is hoped that the extension will further increase this, prioritising re-use over recycling and disposal.
- 6.5 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

- 6.6 The HWRC is located to the south of King's Lynn. From the A47, it is accessed along Saddlebow Road (C8) to the existing roundabout at the entrance to Willows Business Park then via an unadopted estate road. The site covers an area of approximately 0.4 hectares.

- 6.7 The site is an established HWRC and is comprised of a series of containers for accepting waste positioned centrally within the site, with two vehicular lanes, one is a circulating lane and the other used for parking next to each of the containers for unloading. To the west is the Kings Lynn power station, to the north, south and east is poor semi-improved grassland. The nearest residential property is approximately 190 metres to the south of the site.

Principle of development

- 6.8 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.9 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the policies in the King’s Lynn and West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.10 The site is an established household waste recycling centre, and would be regarded as previously developed land. The use of this site for waste purposes is well established and considered compliant in the context of NMWDF policy CS6: *General waste management considerations*. It is consistent also with the National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.11 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. The small extension to the existing re-use centre would be supported by policy CS7 of the NMWLDF, subject to there being no unacceptable impact upon the environment, amenity and highways.
- 6.12 Although the King’s Lynn and West Norfolk Core Strategy Policy CS01 *Spatial Strategy* and Policy CS02 *The Settlement Hierarchy* seeks to restrict retail development outside the Primary Shopping Areas of King’s Lynn (which the site is outside), 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 town centres and the proposal would not undermine the aims of these policies.

Amenity

- 6.13 The site is operating 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 previously developed land away from residential properties.
- 6.14 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity*, and King's Lynn, and West Norfolk Core Strategy Policy CS12: *Environmental Assets* which all seek to ensure there are no unacceptable adverse amenity impacts created.

Landscape / Design etc

- 6.15 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.
- 6.16 There would be no change to the existing 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.
- 6.17 The extension to the re-use centre would allow for the sale of larger, bulkier items which there is currently not sufficient space for. The extension would be constructed to the same height and form as the existing building, with materials (profiled metal cladding) to match the existing. The additional items to be sold as listed in this application would also be located within or in the immediate vicinity of the re-use shelter where reclaimed household waste products are sold along with bagged compost.
- 6.18 It is considered that there are no landscaping or design issues with the proposals, the extension to the re-use shop is modest in scale and would be in-keeping with the appearance of the existing building, accordingly the application does not undermine NMWDF policies CS14 or DM8.

Biodiversity

- 6.19 Habitats Regulation Assessment

There are no environmentally sensitive areas in or abutting the site; the nearest designated site is the River Nar SSSI situated approximately 780m to the west. The only European protected sites within 10km of the site are the Roydon Common RAMSAR, forming part of the Roydon Common and Dersingham Bog Special Area of Conservation (SAC), The Wash Ramsar and SPA, The Wash and North Norfolk Coast SAC, and The Wash National Nature Reserve. However, 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 area hence an Appropriate Assessment is not required.

- 6.20 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy and Kings Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, given that it is not felt the nature or scale of the proposals would harm the SAC, SPA, SSSI, RAMSAR or any other locally designated nature conservation or geodiversity sites or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans.

Transport

- 6.21 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 8,000 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 5 vehicles per day (i.e. 10 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in an increase to some 23 vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.22 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. 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.
- 6.23 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 Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

Sustainability

- 6.24 The 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 (new and extensions) from decentralized and renewable sources. The application does not seek permission for a new site and only a modest extension to the existing re-use building. As such it is considered that it would be unreasonable to insist that renewable energy generation be included as part of this application.

Groundwater/surface water & Flood risk

- 6.25 The HWRC is located within Flood Zone 3, as shown on the Environment Agency's Flood Zone Map. In accordance with NMWDF policy DM4: *Flood Risk* any proposal for development within an area of flood risk is required to be accompanied by a flood risk assessment in support of the application.

This assessment is then referred to the Environment Agency for comment.

- 6.26 Policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development. The flood risk assessment submitted with the application concludes that the proposals would not increase the impermeable area of the site, with the extension located on existing hard standing, therefore not increasing flood risk at or from the site. The Environment Agency raised no objections in respect of the application and it is not expected that the proposals would therefore pose any further risk to flood risk. Therefore the application is compliant with these policies.

Responses to the representations received

- 6.27 The application was advertised by means of a site notice 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 King's Lynn 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. The proposals also include a modest extension to the existing re-use building to accommodate the sale of larger, bulkier items.
- 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 must be carried out in strict accordance with the application form, plans and documents detailed below:

Site Boundary Plan – KL_Plan_2015_0001, Rev 1 dated 23/09/15
Site Layout Plan – KL_Plan_2015_002, Rev 2 dated 13/01/16
Plans and Elevations as Proposed – Drawing No. 1071082/02, Rev A

dated 17/12/15
Planning Statement – undated
Flood Risk Statement and Flood Evacuation Plan, Version No.2, Kings
Lynn Recycling Centre 13/01/16.

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

- 12.2 No operation authorised or required under this permission shall take place on Christmas Day, Boxing Day and New Year's Day or other than during the following periods:

08:00 – 18:00 1 March to 31 March
08:00 – 20:00 1 April to 31 August
08:00 – 19:00 1 September to 30 September
08:00 – 18:00 1 October to end British Summer Time
08:00 – 16:00 Rest of year

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.

- 12.3 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 Site Layout Plan – KL_Plan_2015_002, Rev 2 dated 13/01/16.

Reason: To protect the amenities of residential properties, the surrounding area, and highway safety in accordance with Policies DM12 and CS15 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.4 No material other than household and trade waste, limited to the waste types permitted under application C/2/2008/2003 shall be brought onto and sorted on the site.

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.

- 12.5 Measures shall be taken to ensure that the site is kept in a clean and tidy condition.

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.

- 12.6 The lighting scheme agreed under application C/2/2008/2003 shall continue to be adhered to for the life of the development.

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.

- 12.7 The landscaping scheme agreed under application C/2/2008/2003 shall be

retained throughout the life of the development.

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.

12.8

The scheme for keeping the field drains clear agreed under application C/2/2008/2003 shall continue to be adhered to for the life of the development.

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.

12.9

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

12.10

Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

Reason: To safeguard hydrological interests, to accord with policies CS14 and 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 above.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

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

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

Kings Lynn and West Norfolk 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 (2014)

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

Planning Practice Guidance (2014)

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

Application references: C/2/2007/2010 and C/2/2008/2003.

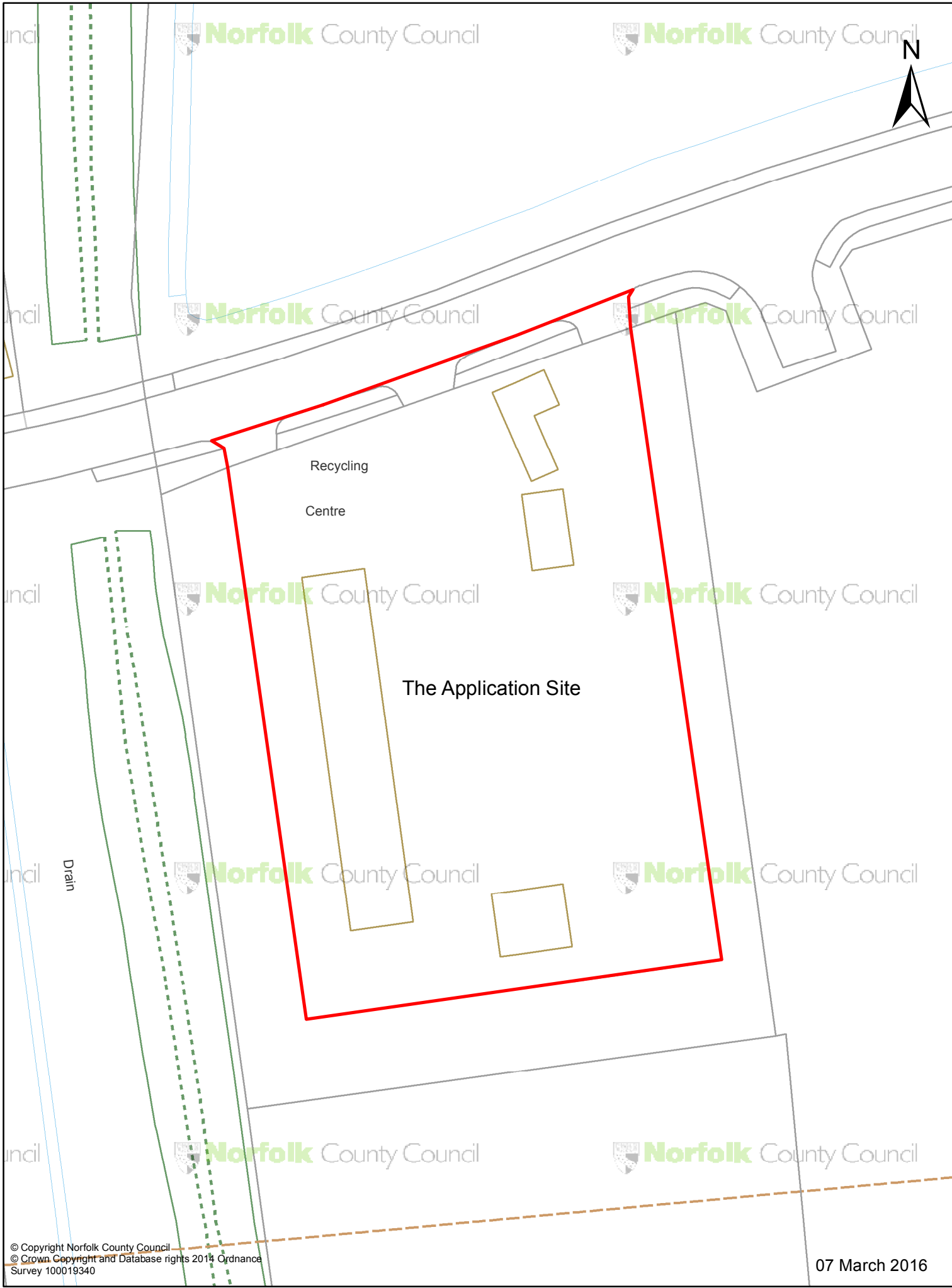
Officer Contact

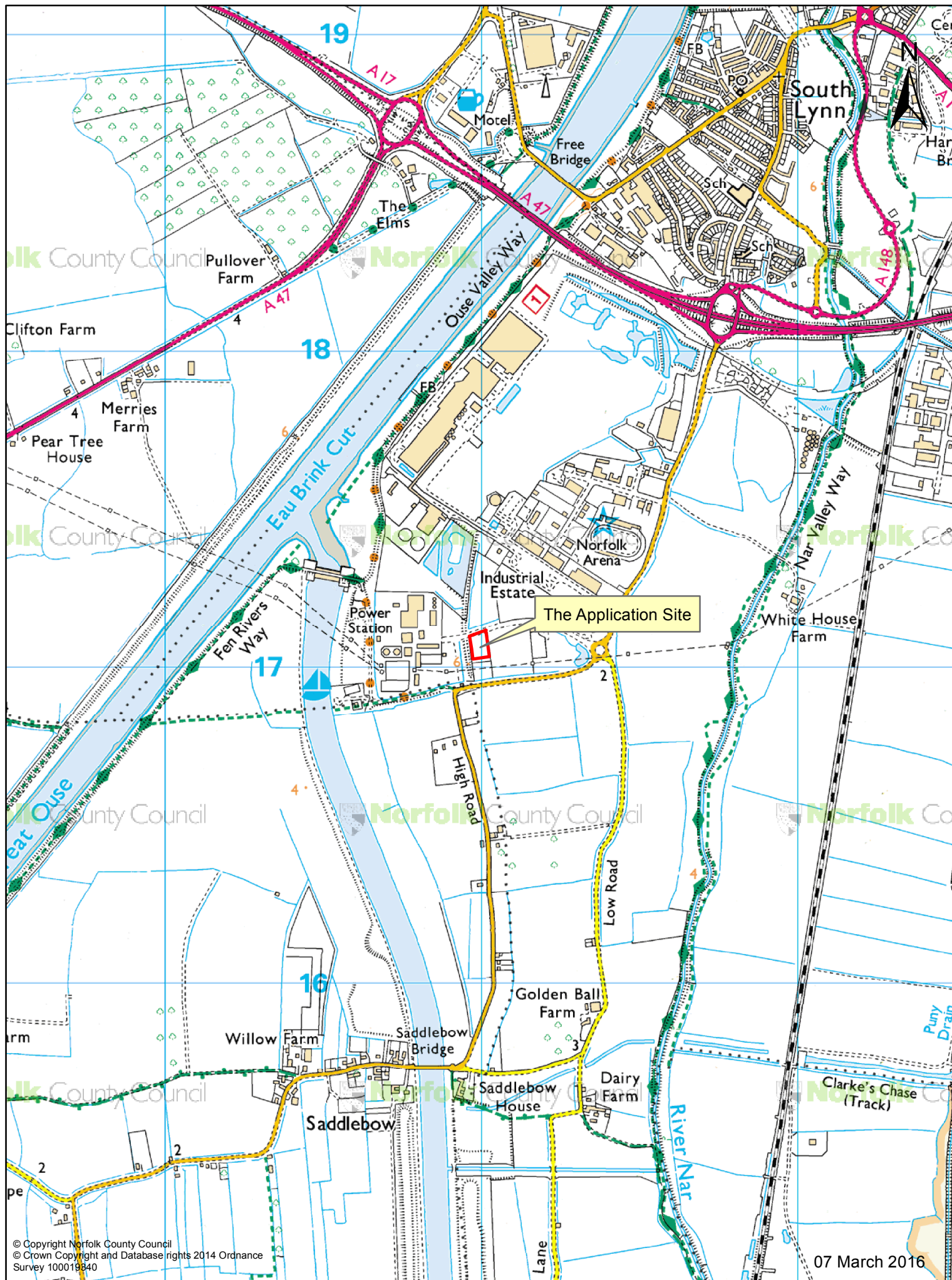
If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Charles Colling	01603 222708	charles.colling@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 Charles Colling or textphone 0344 800 8011 and we will do our best to help.





Applications Referred to Committee for Determination:

Broadland District Council:

**Y/5/2015/5031: Reepham Fire Station, 36 School Road,
Reepham, Norwich, NR10 4JP:**

**Formation of additional parking spaces, to allow the
parking of up to 20 cars or light vehicles to the rear drill
yard for other users other than Norfolk Fire and Rescue
Service (NFRS) staff:**

Norfolk Fire & Rescue Service

Report by the Executive Director of Community and Environmental Services

Summary

The proposal seeks to utilise part of the rear hardstanding that currently provides for a fire service drill area, as a daytime parking area available to local businesses under the management of the NFRS and operated using a parking permit system, not open to the general public.

Reepham Town Council support this application; no letters of objection have been received from local residents. Both Broadland District Council and the Highways Authority do not raise any objections.

Operated during daytime business hours, the proposal would not compromise the operational or training function of the NFRS site. The proposal would comply with the requirements of the Broadland District Council Development Management DPD (2015); National Planning Policy Framework (2012) and; DCLG Planning Practice Guidance (2014).

Norfolk Fire And Rescue sits within the Community and Environmental Services Department, therefore in accordance with the Council's Scheme of Delegation, the planning application is presented to the Planning (Regulatory) Committee for determination.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (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 : This application seeks to utilise part of the drill yard located to the rear of Reepham fire station building to provide for permit parking for up to 20 vehicles made available solely, by arrangement, to local businesses located nearby in Reepham.
- 1.2 : Parking would be provided within two areas to the rear of the site. Submitted plans also indicates an area providing access only, to the south front and rear of the fire station building and; areas, available only for use by NFRS staff and vehicles to the north front and south/west rear of the site.
- 1.3 Duration : Full planning permission is sought for this development.
- 1.4 Hours of operation : Vehicles would be permitted to park between the hours of 0700 and 1800hrs.
- 1.5 Access : Access to the site would be direct from the highway via the main fire station access onto School Road.

2. Constraints

- 2.1 The site is located within the development limits of Reepham and close to the town centre, outside of but abutting part of the Reepham Conservation Area boundary located to the east.

3. Planning History

- 3.1 5/2003/0231 Infill former store area, utilising existing roof, creating a female shower/disabled WC – approved 24/03/2003

4. Planning Policy

- 4.1 Broadland District Council Development Management DPD (2015) : GC1 Presumption in favour of sustainable development
: GC4 Design
: EN2 Landscape
: TS3 Highway safety
: CSU1 Additional community facilities
- 4.2 Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014) : Policy 1 Addressing climate change and protecting environmental assets
: Policy 2 Promoting good design
: Policy 6 Access and transportation
: Policy 7 Supporting communities
: Policy 14 Key Service Centres
- 4.3 The National Planning Policy Framework (2012) : Achieving Sustainable Development
: 1 Building a strong, competitive economy
: 4 Promoting sustainable transport
: 7 Requiring good design

- : 11 Conserving and enhancing the natural environment
- : 12 Conserving and enhancing the historic Environment

5. Consultations

- 5.1 Broadland District Council : No objections to this application.
- 5.2 Reepham Town Council : Fully support the application.
- 5.3 Highway Authority (NCC) : No objection subject to a condition relating to parking imposed on any grant of planning permission.
- 5.4 Local residents : At the time of writing this report no letters of representation have been received.
- 5.5 County Councillor (Mr James Joyce) : No comments received at the time of writing this report.

6. Assessment

6.1 Proposal

- 6.2 Planning permission is sought to utilise part of the drill yard located to the rear of Reepham fire station as a daytime parking area for up to 20 cars or light vehicles to serve the parking needs of local businesses. Parking would be by prior arrangement and agreement with the NFRS, operated using a parking permit system and would not be open to the general public.
- 6.3 Due to the pre-existing ground markings to the rear, necessary to serve the fire station drill and training area, individual parking bays would not be practicable as these would be likely to compromise the NFRS training facility. Two areas to the rear would be made available for parking and these are indicated on the submitted drawings that accompany the application.
- 6.4 The main entrance to the site off School Road would provide access and egress to the parking areas the subject of this planning application with areas also available for NFRS staff and vehicles.
- 6.5 Hours of operation would be limited to daytime hours of 0700 to 1800 Monday to Friday to remain outside the hours when the NFRS would need the area for fire drills.
- 6.6 **Site**
- 6.7 The site is a purpose brick built single storey building containing a retained fire station with substantial front curtilage. To the rear is located the open training area with lattice tower and compound laid in a tarmac hard surfacing with designated fire practice zones.
- 6.8 A commercial garage defines the northern (side) boundary of the site in a location, close to the town centre, that consists largely of a mixed commercial and residential area.

- 6.9 The site is located outside of but close to the Reepham Conservation Area with part of it abutting the highway providing access to the site.
- 6.10 Access is provided by a 9m wide vehicular entrance off School Road, onto the front curtilage of the site. Internally, access of some 5m width is provided to the rear curtilage on either side of the fire station building.
- 6.11 **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 is the Broadland District Council Development Management DPD (2015) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) (2012) is also a further material consideration of significant weight.
- 6.14 Policy 14 of the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (2011/2014) identifies Reepham as a key service centre, having a range of services to meet local needs and those of the surrounding area.
- 6.15 Policy CSU1 of the Broadland District Council Development Management DPD 2015 (Broadland DM DPD) permits proposals for new or extended community facilities to improve the range of local services available, provided there is no significant adverse impact.
- 6.16 Though there are no physical alterations to the site there will be a change of use, in effect, of part of the land from a fire station (Sui Generis) to a car park available on a part time basis, to local businesses. However, given that the parking would be limited to daytime use, and constrained in terms of its location and users so as not to impede the primary function of the fire station, the proposal would continue to comply with Policy CSU1 of the Broadland DM DPD and guidance contained in paragraph 28 of the NPPF in respect of maintaining a local service and facility and, by supporting the function of a local business; seeking to promote a strong rural economy.
- 6.17 This is an established retained fire station within the settlement boundary and an identified key service centre, where development is encouraged to meet local needs and those of the surrounding area. In accordance with Policy CSU1 of the Broadland DM DPD, Policy 14 of the JCS and section 3 of the NPPF, the principle of development is considered acceptable subject to consideration of the other material considerations set out in this report.
- 6.18 **Amenity (noise, dust, light pollution etc)**
- 6.19 Close to the centre of the town, the locality contains a mixture of commercial and business uses, particularly along School Road but the overall character remains predominantly residential. Rear gardens to the bungalows in Sun Barn Walk face directly onto the rear drill area of the fire station from the west. However, these

gardens are already well screened by boundary hedge and tree growth and, as such the proposal for a limited area of daytime car parking would be essentially neutral in terms of its impact upon the residential amenity of these dwellings.

- 6.20 Located to the rear of the building, the proposal would not be readily visible from outside of the site with no discernible impacts upon either dwellings located on School Road or the wider visual amenity of the street to the east which, incidentally forms the boundary of the Reepham Conservation Area. Overall, the proposal would comply with the requirements of Policy GC4 of the Broadland DM DPD in paying adequate regard to the character and appearance of the area, including the impact upon the amenity of existing properties and meeting reasonable amenity needs for potential future occupiers of property.
- 6.21 **Design**
- 6.22 Policy GC4 of the Broadland DM DPD, Policy 2 of the JCS and Section 7 of the NPPF encourages development to be of good design for the context within which it is set and; relate well in terms of scale, design and function with its surroundings.
- 6.23 Unusually for a parking proposal there is an absence of a formal parking layout. However, the primary function of the overall site remains as a fire station with parking areas ceasing their use during the evenings and at week-ends. It would therefore not be in the interests of either the fire service or wider public safety for this training area to be compromised by either the removal of the fire training markings or for this function to be confused by the overlay of markings for a parking layout.
- 6.24 The level of parking at 20 vehicles would be low density and not open to the public for use. It would therefore be reasonable to expect, as indicated in the application submission, for the fire service to be able to manage the parking on this site without the requirement of formal markings.
- 6.25 The parking layout is peculiar to the needs of this site and with suitable conditions and management by the service to prevent parking on unallocated areas, the proposal would comply with the aforementioned design policies.
- 6.26 **Impact on Heritage Assets**
- 6.27 The application site lies outside of but abuts part of the Reepham Conservation Area boundary located to the east.
- 6.28 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that when exercising its planning functions, Local Planning Authorities (LPA's) should pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.29 Policy EN2 of the Broadland DM DPD and Policy 1 of the JCS seeks to safeguard and enhance environmental assets of a district including its heritage assets.
- 6.30 The principle of safeguarding, preserving and/or enhancing heritage assets is also echoed in Section 12 of the NPPF. Paragraph 131 of the NPPF states that LPA's in determining planning applications should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation heritage assets can make to sustainable communities; and the desirability of new development making positive contribution to local character and distinctiveness.

- 6.31 Paragraph 132 of the NPPF advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 133 advises that local planning authorities should refuse consent for proposals that will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where proposals will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.32 The proposal seeks to provide car parking provision for up to 20 cars or light vehicles. Utilising part of the existing drill yard located to the rear, no alterations or markings are proposed. Though there are a number of listed buildings within the town they are located some distance to the north/east of the site across the Market Square and, as such, the development would have no impact upon their historic character or setting. Similarly, set behind the fire station, the proposal would not be readily visible and therefore have no discernible impact of the Reepham Conservation Area thereby maintaining its character and setting.
- 6.33 Overall, it is considered that the proposal would not lead to harm of the designated heritage assets, in compliance with the requirements of Policy EN2 of the Broadland DM DPD, Policy 1 of the JCS and section 12 of the NPPF, in paying adequate regard to the character and appearance of the area and; having no discernible impact upon the character and setting of nearby heritage assets.
- 6.34 **Transport**
- 6.35 Policy TS3 of the Broadland DM DPD permits development that would not result in any significant adverse impact upon the satisfactorily functioning or safety of the highway network.
- 6.36 As previously indicated, access onto the site from School Road is provided by a 9m wide vehicular entrance onto the front curtilage of the site. Internally, access of some 5m width is provided to the rear curtilage on either side of the fire station building. No changes to the access arrangements are proposed.
- 6.37 The Highway Authority have reviewed this application submission and in their consultation response do not raise any highway issues. However, it is recommended that a suitably worded condition be imposed to any planning permission that may be granted to limit parking by non NFRS staff and light vehicles to the areas to the rear of the site as indicated on the submitted drawing. This is to ensure that there is sufficient space on the site to accommodate existing parking demand associated with the fire station and to ensure that these fire service operations are not compromised.
- 6.38 It is considered that the proposed development is acceptable in highway terms and unlikely to have a material impact on the highway network, in accordance with Policy TS3 of the Broadland DM DPD.
- 6.39 **Sustainability**
- 6.40 Policy GC1 of the Broadland DM DPD, Policy 1 of the JCS and section 10 of the NPPF promote sustainable development and minimisation of resource and energy consumption.

- 6.41 Given the nature of the proposed development as a car park, the sustainability elements are somewhat limited. However, this proposal would allow the re-use of an existing tarmac hardstanding area during weekday working hours to provide local businesses with a valuable additional resource when the fire training facility is not in use and this is likely to have a significant public benefit by supporting the function of key employers within the town.
- 6.42 Sustainability credentials for the proposed development, when taking into account both the constraints of the site and benefits listed above are, on balance, acceptable when considered against the requirements in the relevant national and local planning policies relating to sustainability.
- 6.43 **Biodiversity and geodiversity**
- 6.44 The application site consists of an area of hardstanding, it is considered that the proposed development would not cause any adverse effects on ecology/biodiversity.
- 6.45 Appropriate Assessment
The site is situated within 10 kilometres of the Norfolk Valley Fens Area and the River Wensum Special Area of Conservation (SAC), which are European protected habitat. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.
- 6.46 **The Community Infrastructure Levy**
- 6.47 The development is not CIL liable.
- 6.48 **Responses to the representations received**
- 6.49 The application was advertised by means of neighbour notification letters and site notices.
- 6.50 Neighbour notification letter expiry date: 20 January 2016
Site notice expiry date: 1 February 2016
No representation has been received.

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 use of part of the Reepham Fire Station drill yard as a car park to serve local businesses, during the daytime would not impede the vital service function of the fire station. The provision of daytime parking spaces would serve to support local businesses located within the town to the overall benefit of the local rural economy.

- 11.2 Subject to the implementation of appropriate conditions, it is considered that the proposal would not create any adverse impacts and is in accordance with the development plan policies identified and national policy. There are no material considerations that indicate that the application should be refused.
- 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 must be carried out in strict accordance with the application form, plans and documents detailed below:
- a) Site Location Plan; NCC-0363; dated October 2012
 - b) Proposed Block Plan; Y/5/2015/5031 02; dated December 2015
 - c) Planning Statement; Prepared by NPS Group; dated 14 December 2015
 - d) Parking Provision Statement (Rev 1); prepared by NPS Group; dated 10 February 2016; received 10 February 2016
 - e) Heritage Statement (Rev 1); prepared by NPS Group; dated 10 February 2016; received 10 February 2016
- Reason: For the avoidance of doubt and in the interests of proper planning
- 12.3 The proposed parking area hatched green on approved plan (Proposed Block Plan; reference Y/5/2015/5031 02) shall only be used by non NFRS staff and light vehicles.
- Reason: To ensure the availability of parking spaces, in the interests of highways safety, in accordance with Policy TS3 of the Broadland District Council Development Management DPD (2015)
- 12.4 The proposed parking area hatched green on approved plan (Proposed Block Plan; reference Y/5/2015/5031 02) shall only be used for parking provision for non NFRS staff and light vehicles during the hours of 0700 – 1800 Monday to Friday.
- Reason: In the interests of amenity, in accordance with Policy GC4 of the Broadland District Council Development Management DPD (2015)

Recommendation

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

- (i) Grant planning permission subject to the conditions outline 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

Broadland District Council Development Management DPD (2015)

http://www.broadland.gov.uk/PDF/01_Development_Management_DPD_Adoption_Version_September_2015.pdf

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

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

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

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

DCLG Planning Practice Guidance (2014)

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

Officer Contact

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

Name	Telephone Number	Email address
Angelina Lambert	01603 223806	angelina.lambert@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 Angelina Lambert or textphone 0344 800 8011 and we will do our best to help.



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

27 January 2016

Y/5/2015/5031: Reepham Fire Station
Reepham

0 5 10 20
Metres

115

Norfolk County Council

1:500

