

Planning (Regulatory) Committee

Date: **Friday 29 September 2023**

Time: **11am**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich. NR1 2UA**

Advice for members of the public:

This meeting will be held in public and in person.

It will be live streamed on YouTube and members of the public may watch remotely by clicking on the following link: [Norfolk County Council YouTube](#)

We also welcome attendance in person, but public seating is limited, so if you wish to attend please indicate in advance by emailing committees@norfolk.gov.uk

Current practice for respiratory infections requests that we still ask everyone attending to maintain good hand and respiratory hygiene and, at times of high prevalence and in busy areas, please consider wearing a face covering.

Please stay at home if you are unwell, have tested positive for COVID 19, have symptoms of a respiratory infection or if you are a close contact of a positive COVID 19 case. This will help make the event safe for attendees and limit the transmission of respiratory infections including COVID-19.

Members of the public wishing to speak about an application on the agenda, must register to do so at least 48 hours in advance of the meeting. Further information about how to do this is given [below](#). Anyone who has registered to speak on an application will be required to attend the meeting in person and will be allocated a seat for this purpose.

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Stephen Askew

Cllr William Richmond

Cllr Rob Colwell

Cllr Steve Riley

Cllr Chris Dawson

Cllr Mike Sands

Cllr Mark Kiddle-Morris

Cllr Martin Storey

Cllr Paul Neale

Cllr Tony White

Cllr Matt Reilly

Registering to speak:

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 in [Part 2A of the Constitution](#).

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

Hollie Adams on 01603 223029 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 request a copy from committees@norfolk.gov.uk

A g e n d a

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

2. **Minutes**

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 21 July 2023

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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, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

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 Chair decides should be considered as a matter of urgency**

5. **FUL/2022/0042: Land at Brickfields Way, Thetford, Norfolk, IP24 1HX** **Page 13**
Report by the Interim Executive Director of Community and Environmental Services

Tom McCabe
Chief Executive
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 21 September 2023



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning (Regulatory) Committee
Minutes of the Meeting Held on 21 July 2023
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Rob Colwell

Cllr Chris Dawson

Cllr Mark Kiddle-Morris

Cllr Paul Neale

Cllr William Richmond

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

Substitute Members Present:

Cllr Robert Savage for Cllr Stephen Askew

Also Present

Hollie Adams

Eleanor Bannister

Chris Burgess

Ralph Cox

John Gough

Andrew Harriss

Isabel Horner

Nick Johnson

Kate Lawty

John Shaw

Committee Officer

Public Speaker

Subject Lead (Planning Team), nplaw

Principal Planner

Public Speaker

Planning Officer

Public Speaker

Head of Planning

Planning Officer

Developer Services Manager, Highways, Transport and Waste

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Stephen Askew (Cllr Robert Savage substituting), Cllr Matthew Reilly and Cllr Steve Riley

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 30 June 2023 were agreed as an accurate record with an amendment to note that Cllr Chris Dawson gave his apologies.

3 Declarations of Interest

The Chair noted that he was division Member for the application item 6 however this was not an interest requiring declaration.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for determination.

5 FUL/2022/0055 - Land East of Plantation Road, Blofield

- 5.1 The Committee received the report setting out a proposal for a new 420 place (2FE) Primary School with associated works including parking, hard play/hard standing and school playing field - Executive Director, Children's Services, Norfolk County Council.

The Planning Officer gave a presentation to the Committee:

- The location plan, site plan and a detailed site plan were shown. A shared access road would be provided to Plantation Road, permission for which was granted as part of the health centre planning approval.
- Land to the north of the site was outside of the village settlement limit.
- Planning history was set out in section 1 of the report
- Three trees on the site were protected by a tree protection order and would be retained.
- No footpath was proposed linking to Farman Way; a proposal for a footpath in this location was a subject of many objections to the application and had therefore been addressed in the report.
- The flat roof would allow for solar panels and associated equipment with a parapet wall to screen them from view
- Floor plans, elevation plans and site photos were shown
- Some trees would be removed to accommodate development; new trees would be planted in the northern and southwestern boundary and in the habitat areas on the site.
- Properties on Farman Way and Wyngates would be separated from the development by communal open space.

Committee members asked questions to the planning officer

- The Planning Officer confirmed that there would not be a bund along the border with the A47 as the A47 was in a dip, with tree planting, a footpath and hedges alongside the A47 providing a buffer.
- The Planning Officer confirmed that the school would be heated by solar panels and air source heat pumps. Other forms of heating were looked at and air source heat pump was the best option for the site. The Head of Planning clarified that the application complied with the relevant policies, and the method of heating was not a material matter for consideration.

- Traffic modelling for the entrance into the site was queried. The Developer Services Manager replied that a full assessment had been done of the entrance into the site. Mitigation measures were proposed such as junction improvements. For the level of use the facility was adequate and complied with the standards. Concerns were raised about the entry road being adequate for the number of users of the site however it was noted that it was a similar design to that used at other schools in the county.
- The Public Right of Way to the north of the site would not be affected by the development.
- It was confirmed that the land to the south of the site was due to be owned by the Parish Council and would not be sold to the school.
- The footpath to the east of the site was queried as an alternative access route to the school. The Planning Officer reported that this footpath was looked at as an alternative to upgrade however there were issues with getting permission for making upgrades. It would also not save time over walking through existing footpaths in the village.
- Access to the doctor's surgery would join from the shared access road to the school. A Committee member pointed out that on junctions, priority should be given to pedestrians rather than cars. The Developer Services Manager **agreed** to look at the priorities at this junction.

5.2 The committee heard from registered speakers.

5.3.1 Eleanor Bannister spoke as representative of Blofield Parish Council:

- Blofield Parish Council did not currently own the land south of the proposed new school.
- The Parish Council supported the need for a new school in Blofield to accommodate the increase in children coming to the village from housing proposed to be built in Blofield and the surrounding villages.
- As part of the land transfer to allow the school to be built, the Parish Council asked for Norfolk County Council Highways to ensure that the offsite highway improvements did not impinge on the plans of the Parish Council for the old school site. These included a new access from Plantation Road to the proposed community hub. The community hub would include play areas, outdoor gym equipment and a new carpark, potentially for use for school drop off and pick up and as overflow for the extended doctors surgery. These plans positively impacted residents of Blofield, addressed issues raised in the 2019 community consultation and reflected the Blofield Neighbourhood Plan
- The Parish Council asked that Children's Services start work on the playing field at the school site as early as possible in the build schedule so that it would be ready for use when the school opened, and help avoid delays to the works planned by the Parish Council in the creation of the new community play park
- at the Parish Council meeting of 22 May 2023, it was noted that the Parish Council had safety concerns in relation to a secondary pedestrian access to the school site: "as the intended landowner (of the remaining community space) Blofield Parish Council cannot give permission for a secondary path from Wyngates / Farman way, given it has serious safety concerns about the

surrounding roads which would lead to the path”. The safety concerns were noted in the Parish Council Meeting minutes of 5 April 2023.

5.3.2 Isabel Horner from Children’s Services spoke on behalf of the applicant:

- Children’s Services had worked with the community and stakeholders on the development, including the district and parish council and the doctor’s surgery, to consider how the new school could be developed in the context of the community.
- Highways works would be carried out offsite to address additional traffic. It was hoped that the parish council’s plans to re-use the old school site and carpark would help manage additional traffic and help parents park safely.
- The concerns raised by the Committee at the previous meeting about the use of flat roofs were raised. The school had been designed in accordance with best practice in school design and the Department for Education’s design specifications. The flat roof would allow for full use of the area for PV (photovoltaic) panels, whereas a pitched roof would only provide space for 50% of such provision. The flat roof would also allow for safe access to the roof to repair and replace the PV panels and support a critical mass cooling strategy to help cope with increasing temperatures in coming years.
- There was no evidence of insufficient nursery places in the area, so a nursery had not been included in the design however there was space on the site to provide one in future if needed.

5.3.3 Committee Members asked questions to the speakers

- A Committee Member asked if it would be possible to include basketball markings on the multi-use games area. Isabel Horner **agreed** to discuss with the school whether this would be useful for them.
- It was confirmed that the space for a possible nursery was for a 52-place nursery, which was the standard size.
- Some Committee Members raised their concerns about flat roofs stating they felt it did not fit in with the character of the area, may reduce effectiveness of the PV panels, be more difficult to repair and have a shorter lifespan. Isabel Horner replied that the PV were mounted on brackets at various angles to reflect the sun at various times of day. The building had a minimum life of 60 years, and the roof had a minimum life of 20 years. The supports under the roof would be made of concrete.
- A query was raised about the location of the fire assembly point, being in a location with no easy access to the site. The Planning Officer confirmed that it was in accordance with fire regulations.
- The Planning officer confirmed that there were some conditions that would need discharging but no pre-commencement conditions. Statutory consultees would be liaised with if they had raised concerns related to the conditions.

5.4 The Committee moved to debate

- A Committee Member felt that the design of the school was not in keeping of the area. The Chair agreed that it was possible to develop inspirational school building designs however this would be costly.

- A Committee Member queried whether a condition could be placed on the application for an emergency gate to be installed on the south side of the site. The Planning Officer advised that this would be a matter for the applicant to change by an amended plan if it was deemed necessary; the Head of Planning pointed out that the fire service was consulted about the application and did not raise any concerns with fire safety in the application. He suggested that planning officers could write to the fire service and see if they wanted to make a return visit.
- A Committee member raised concerns over the right of way given to cars instead of pedestrians on the shared access road to the school. It was noted that this access road had been granted permission as part of the already granted doctor's surgery planning permission and the approved details were not part of this application. The Head of Planning added that highways had looked at this access road and confirmed it was safe, with full knowledge of the users of both sites.
- Cllr Paul Neale proposed to defer the application. With no seconder, this proposal was lost.

5.4.1 With 10 votes for and 1 against, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorised to:

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

6. FUL/2021/0007: Land at Oak Field, Watlington Road, Nr Tottenhill Row, Nr Watlington, Kings Lynn, Norfolk: Extraction of sand, gravel and clay and subsequent importation of inert material to achieve a beneficial restoration of the site, together with operation of an inert waste recycling facility and continued use of the plant site; Construction of additional silt lagoon and subsequent removal of sand and gravel (part retrospective) amended description of proposal: Mick George Ltd

6.1.1 The Committee received the report setting out a proposal for extraction of sand, gravel and clay and subsequent importation of inert material to achieve a beneficial restoration of the site, together with operation of an inert waste recycling facility and continued use of the plant site, construction of additional silt lagoon and subsequent removal of sand and gravel (part retrospective).

6.1.2 The Planning Officer gave a presentation to the Committee:

- The site plan, proposed working scheme, proposed restoration scheme and site photos were shown.
- Mature trees were on the site which would be protected and maintained through working and restoration. One oak tree on the eastern edge of phase 2 would be removed, which was deemed of poor quality.

- Power lines crossing the site may need relocating if operations nearby affected safe working clearances or stability of the structures.
- A two-metre-high screening bund was proposed along the eastern and southern boundaries of phase 5.
- The existing processing site would also host the waste recycling facility. The Environmental Agency and Environmental Health Officer had not raised concerns over noise from the site.
- Construction of the silt lagoon had started.
- The HGV (Heavy Goods Vehicle) management plan was proposed in line with the existing HGV management plan for the site, which requires, with exception of local deliveries and occasions when the junction of Watlington Road with the A10 is closed to traffic, for all HGVs arriving and departing the site to travel directly along Watlington Road to and from the A10.

6.1.3 Committee Members asked questions to the Planning Officer:

- The application provides for commencement of mineral extraction from 7am daily, Mondays to Saturdays. The Planning Officer clarified that this was a common starting time for mineral workings; there would be a 2-metre high bund along the southern and eastern boundaries of phase 5 for acoustic screening and the Environmental Health Officer did not object on the grounds of noise.
- The Head of Planning confirmed that conditions on start times of work could be put on an application if they were reasonable, however, given the feedback from the Environmental Health Officer he believed that works beginning at 7am as planned was reasonable.
- A Committee Member queried if the quarry would impact on breeding programmes at Watatunga Wildlife Reserve. The Chair, who was local member in this area, had not received concerns about the quarry impacting on Watatunga Wildlife Reserve. The Planning Officer also noted that the quarry and Watatunga Wildlife Reserve were in the same land ownership, therefore the landowner was aware of the impact on the wildlife site.
- The Crusher would only be operated within the plant site.

6.2 The Committee heard from registered speakers:

6.2.1 John Gough from MG Planning spoke on behalf of the applicant:

- The application would allow for extraction of 750,000 tonnes of sand and gravel from the site, as identified in the emerging local plan.
- The application would allow for sequential importation of inert waste from a variety of sites allowing a beneficial end use of the site.
- Restoration would provide linked biodiversity habitats, and conservation headlands and grasslands would strengthen wildlife corridors on this site.
- The site was remote from residential dwellings and no local residents or statutory consultees had raised objections.
- Crushing activity had been raised as a concern by the parish council but this had been carried out on site prior to this application with no objections raised to date.

- The conditions on the application were right to ensure that the impact on local residents was mitigated and that areas of historical and environmental interest would be protected.
- The excavation process was quite quiet, involving one machine loading a dump truck. The mineral processing would be carried out further north.

6.3 The Committee moved to debate:

- It was confirmed that the working and restoration timescale was 11 years and reflective of the current working arrangements at the site.

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

1. Grant planning permission subject to a legal agreement in respect of off-site groundwater monitoring and mitigation, and the conditions outlined in section 11;
2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;
3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12:27

Chairman



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Planning (Regulatory) Committee

Item No: 5

Decision making report title: FUL/2022/0042: Land at Brickfields Way, Thetford, Norfolk, IP24 1HX

Date of meeting: 29 September 2023

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave (Interim Director of Community and Environmental Services)

Is this a key decision? No

Proposal & Applicant: Proposed Liquid Waste Transfer Station Whites Recycling Limited (Applicant)

Executive Summary

Planning permission is sought for a Liquid Waste Transfer Station accepting up to 400m³ of liquid waste-water from food and drink manufacturers per day. The development would require a waste processing building, control room building, 3no. external storage vessels and a yard/parking area for tanker manoeuvring and carparking. The land subject to this application is allocated as a general employment area on Brickfields Way, Thetford.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because four non-statutory representations from neighbouring businesses have been received raising concerns about the traffic impact, highway safety, adverse amenity impacts principally due to odour and noise, and unfavourable aesthetics.

It is considered that the proposal would be in accordance with the development plan and with the National Planning Policy Framework and National Planning Policy for Waste. No objections have been received from statutory consultees including the Environment Agency who would be responsible for regulating impacts such as noise and odour.

Recommendation:

That the Interim Executive Director of Community and Environmental Services be authorised to:

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

1. Background

- 1.1. The land subject to this application is situated on Brickfields Way, Thetford, measuring approximately 0.8ha. The applicant has advised that the land is currently used for the parking of empty liquid waste tankers in relation to the applicant's business (Whites Recycling Ltd). It is understood that this activity has occurred since November 2016.
- 1.2. The County Council do not hold any planning records for this site. The applicant has provided the planning history detailing permissions granted by Breckland District Council (BDC), which are understood to consist of the following:
 - 3PL/1997/0066/F - Establishment of a vehicle rental depot (approved)
 - 3PL/2010/0836/F – Unit factory development – 11 units (withdrawn)
 - 3PL/2011/0090/F - Unit factory development (B2) (approved)
- 1.3. The site is within the Parish of Thetford Town Council.

2. Proposals

2.1. SITE

- 2.2. The site area is approximately 0.8 hectares, approximately half of the site consists of hardstanding in the form of a hardcore surface, with the remainder of the site being grassed. There is an existing portacabin and 2no. shipping containers in the south-east corner of the site.
- 2.3. The perimeter of the site and access benefit from some mature hedging which helps in screening some of the site's current activities. All of the boundaries of the site are bordered by existing businesses and associated industrial buildings.
- 2.4. The site is accessed via Brickfields Way, which ultimately leads to Fison Way and the junction with the A1066 Mundford Road. The site is approximately 900m to the South of the A11, and 900m from Thetford town centre.

2.5. PROPOSAL

- 2.6. The proposal seeks permission for a new liquid waste transfer station. The applicant has advised that approximately 400m³ of liquid waste, primarily from the food and drinks manufacturing industry would be accepted at the site

per day. Tankers would arrive at the site and enter the process building (sealed building with roller shutter door), the effluent would then be screened inside with solids removed and the remaining liquid pumped to one of the 3 external storage vessels. The remaining liquid would then undergo treatment, and then ultimately would be released at a controlled rate under gravity to Anglian Water's main sewer.

- 2.7. The application proposes the erection of a new process/reception building which would have space to accommodate 4no. tankers. The building would also contain various items of plant including a rotary screen, sludge tank, chemical dosing and storage unit, Dissolved Air Flotation (DAF) unit and effluent pumps. The building would have a footprint of 30m x 20m, with a monopitched roof (with PV panels attached) and a height of 7.8m. The proposals also include the installation of a 10m high stack, which would release air drawn from the process building and main effluent storage tank, once having been passed through a carbon filter. The control room, office and welfare facilities would be contained within a separate building.
- 2.8. Externally the development would also include the installation of 3no. liquid storage vessels, cylindrical in form with a diameter of 6.8m and a height of 9.7m. The building would be of a clad portal frame construction and the storage vessels of a glass lined steel panel construction.
- 2.9. The application details 6 car parking spaces, which includes one space with an electric vehicle charging point. The surface of the external areas and parking would be a compacted hardcore surface. A cycle store is also proposed adjacent to the car parking area. The application also originally sought permission for external tanker parking, however following concerns in respect of potential odour issues this external parking has now been omitted from the application.
- 2.10. Access into the site would remain unchanged from the existing bell mouth onto Brickfields Way. A vehicle tracking plan has been submitted with the application to show that adequate space is available so that HGV's can turn around within the site and exit in a forward gear.
- 2.11. A landscaping plan also accompanies the application which shows that existing hedging around the site would be retained and additional tree and shrub planting to the north and south of the entrance and the south-west corner of the site would be provided. Approximately half of the site to the west originally proposed as tanker parking, would now instead form a landscape buffer for the site.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Breckland Local Plan (November 2019) (BLP), and the Adopted Thetford Area Action Plan (TAAP) (2012)

provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework (September 2011)

Policy CS3: Waste Management Capacity to be Provided
Policy CS4: New Waste Management Capacity to be Provided
Policy CS5: General Location of Waste Management Facilities
Policy CS6: General Waste Management Considerations
Policy CS7: Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations
Policy CS13: Climate Change and Renewable Energy Generation
Policy CS14: Environmental Protection
Policy CS15: Transport
Policy DM1: Nature Conservation
Policy DM3: Groundwater and Surface Water
Policy DM4: Flood Risk
Policy DM7: Safeguarding Aerodromes
Policy DM8: Design, Local Landscape and Townscape Character
Policy DM9: Archaeological sites
Policy DM10: Transport
Policy DM11: Sustainable Construction and Operations
Policy DM12: Amenity
Policy DM13: Air Quality
Policy DM15: Cumulative Impacts

Norfolk Minerals and Waste Local Development Framework:
Waste Site Specific Allocations DPD (2013)

The site is not allocated for development in the DPD.

Breckland Local Plan (November 2019)

Policy GEN01: Sustainable Development in Breckland
Policy GEN02: Promoting High Quality Design
Policy GEN03: Settlement Hierarchy
Policy GEN05: Settlement Boundaries
Policy TR01: Sustainable Transport Network
Policy TR02: Transport Requirements
Policy ENV01: Green Infrastructure
Policy ENV02: Biodiversity Protection and Enhancement
Policy ENV03: The Brecks Protected Habitats & Species
Policy ENV05: Protection and Enhancement of the Landscape
Policy ENV 06 Trees, Hedgerows and Development
Policy ENV07 Designated Heritage Assets
Policy ENV09: Flood Risk & Surface Water Drainage
Policy ENV10: Renewable Energy Development
Policy EC01: Economic Development
Policy EC03: General Employment Area
Policy COM01: Design
Policy COM03: Protection of Amenity

Thetford Area Action Plan (TAAP) (2012)

Policy TH 4 Transport - Achieving Modal Shift
Policy TH 5 The Impact of Change on Pedestrians, Cyclists and Buses
Policy TH 18 Archaeology

Neighbourhood Plan

The area in which the planning application is located does not have a Neighbourhood Development Plan or Neighbourhood Plan in preparation.

3.2. OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in September 2023 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following chapters are of relevance to this application:

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

- 3.3. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a further material consideration in planning decisions.
- 3.4. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The policies below are material to the application:

The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission Publication period, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ended in December 2022 and

therefore the following policies have been given some weight in the planning balance.

Norfolk Minerals and Waste Local Plan: Publication (2022)

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MW3: Climate change adaptation and mitigation

Policy MW4: The Brecks protected habitats and species

Policy WP1: Waste Management Capacity to be provided

Policy WP2: Spatial Strategy for waste management facilities

Policy WP3: Land suitable for waste management facilities

Policy WP5: Waste transfer stations, materials recycling facilities, end-of-life vehicle facilities and waste electrical and electronic equipment recovery facilities

Policy WP16: Design of waste management facilities

- 3.5. Breckland District Council adopted the Breckland Local Plan in November 2019 to replace the suite of plans produced as part of the Local Development Framework process. In September 2022, Breckland Council agreed to undertake a review of the Adopted Local Plan 2019, but this is at a very early stage with no draft policies for consideration. Therefore, this is not a relevant material consideration.

3.6. CONSULTATIONS

BRECKLAND DISTRICT COUNCIL – No response received.

BRECKLAND DISTRICT COUNCIL CONSERVATION OFFICER – No response received.

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – I recommend approval providing the development proceeds in line with the application details, I would however request that the following measures are secured either via condition or through a site management plan to alleviate environmental concerns and provide some protection to neighbouring businesses.

- All liquid waste materials must be delivered to site in sealed containers.
- All liquid waste delivery vehicles must unload in a sealed building.
- All vehicles entering site are clean of any residual waste on the outside of the vehicle which may present a possible odour source.
- No tanker parking outside
- An in-line attenuator is installed either in the ductwork between each fan and the base of the stack, or in the vertical portion of the stack itself

ENVIRONMENT AGENCY - No objection. Environmental Permitting advice provided as follows: We are in receipt of a bespoke installation permit application. At this stage we cannot say there are no major permitting

concerns as consideration of the environmental permit is still underway. We will not be able to issue a permit until information regarding how the site will operate to Best Available Techniques is assessed.

HIGHWAY AUTHORITY – No objection. Four HGV's can be accommodated within the building, with staff parking externally. Adequate space is provided for manoeuvring HGV's externally. Such uses are suited to employment areas with suitable access to the highway network as provided at Fison Way Industrial Estate. Should parking problems outside of the site emerge causing a safety issue the highway authority may consider the need for parking restrictions. Condition recommended that the parking and turning area detailed in the application is provided prior to the first use of the development.

LEAD LOCAL FLOOD AUTHORITY – No comments; falls below current threshold for providing detailed comment. Standing advice provided.

COUNTY COUNCIL'S ECOLOGIST – No objection subject to conditions in relation mitigation measures being followed, ecological enhancements (integral bat and bird boxes) secured and details of any external lighting.

COUNTY COUNCIL'S ARBORICULTURIST – No objection. Tree protection measures should be conditioned.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – No objection. Sufficient detail in regards to planting specification and maintenance has been submitted. The planting and maintenance schedule should be used to condition landscape works on site.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – No comments to make.

THETFORD TOWN COUNCIL – Support application. However, are aware of the potential odour issues for adjoining businesses but will support all measures to reduce vehicle movement in Thetford town centre.

LOCAL MEMBER (CLLR JANE JAMES) – No comments received.

OPEN SPACES SOCIETY – No comments received.

ANGLIAN WATER – No objection: The foul drainage from this development is in the catchment of Thetford Water Recycling Centre that will have available capacity for these flows. Further advice and informatives provided in respect of affected assets, used water network, surface water disposal and trade effluent. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

MINISTRY OF DEFENCE - No safeguarding objections to the proposals.

NATURAL ENGLAND – No objection

NORFOLK FIRE AND RESCUE SERVICE – Standing advice provided.
Comments on internal layout will be made at building regulations stage.

3.7. REPRESENTATIONS

The application was advertised by means of neighbour notification letters, an advert in the Eastern Daily Press and a site notice outside the site entrance. Four objections have been received from the public/non-statutory consultees (some of whom have made multiple representations), three of which explicitly object to the planning application, and one poses only question in relation to the application. The grounds of objection and concerns raised are summarised as follows:

- Adjacent business for the past two years have had complaints from staff and customers in relation to the odour emanating from Whites Recycling vehicles parked 200 metres away. The new proposals show these would be closer being 30m away if approved.
- Extremely worried that the new proximity for the parking of vehicles will make the working conditions unbearable and deter customers from visiting the trade counter.
- Odour potentially worse with the additional plant proposed along side the vehicles.
- Projects such as this should be sited away from built up areas.
- What vehicle movements are expected?
- Where will the vehicles access and exit the site?
- What details are there in relation to odour from the site?
- Proposal would undermine my business
- The business is not compatible with the location
- Odour concerns
- The increase in traffic, on what is an already reduced road width due to parked vehicles, would have a severe adverse impact on road safety and would create a potential safety hazard.
- Facility will not be limited on throughput and tanker numbers could increase in the future.
- Concerned odour levels will have been underestimated and so too the volumes of waste being received.
- As an employer we have a legal HSE obligation to ensure that every indoor workspace is ventilated by a sufficient quantity of fresh air, and we currently do this by opening windows/doors throughout our facility as necessary. Concerned that fresh air will no longer be available to ventilate our business premises due to the odour from the proposed plant.
- Air handling system may not be adequate if volumes increase.
- Development out of character with industrial area, to the detriment of the local environment.
- Extremely apprehensive that the unacceptable odour levels and traffic/access issues will have a harmful effect on the marketing of our business and its facilities.
- Currently, at times, the existing parked tankers emit an offensive foul-smelling odour that is noticeable within our buildings/offices. As no

contents are being emptied at the site, this stench is coming purely from the external remnants on the vehicle.

- Will vehicles need to be washed at the site?
- Will tankers be processed immediately when arriving at the site, without queuing or waiting?
- Currently at most 10 tankers parked at the site, so the odour impact will potentially increase 4 or 5 fold should the application be approved.
- Unfavourable aesthetics
- If granted will vehicle movements, operational activity processes, volumes processed, noise and odour be monitored for the life of the site licence to ensure they are not breached?
- Concerned the data produced in the impact assessments do not provide a 'real life' perspective.

3.8. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water

3.9. A - PRINCIPLE OF DEVELOPMENT

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

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

- 3.10. The proposal involves the dewatering of liquid waste so that the water generated can be treated and recycled back into the wastewater system. The land on which the proposals would be sited is allocated as general employment area as defined in the Thetford Proposals Map. Policy CS3 and CS4 of the NMWLDF CS aim to provide sufficient waste management capacity for the County and set targets for different waste management facilities. Emerging NMWLP policy WP1 encourages new facilities which help to achieve the targets for recycling, composting, reuse and recovery set out in the Waste Management Plan for England (2013) and sets out the aim to ensure that capacity exists to manage at least the forecast quantities of

waste. It is considered that in this respect the proposals would seek to meet the increasing targets set for recycling and recovery capacity within Norfolk.

- 3.11. Policy CS5 of the NMWLDF CS supports strategic and non-strategic waste facilities which are well related to one of Norfolk's main settlements for which Thetford is one. The policy also advises that, if waste management activity could take place on a permitted or allocated industrial estate (use class B2), particularly if contained within a building, the impacts may be little different to any other general industrial use. In this instance the development would be contained within a building and on a site located within a general employment area. As such the development is considered to accord with the aims of this policy.
- 3.12 Policy CS6 supports the development of new waste sites on existing industrial/employment land, subject to there being no unacceptable environmental impacts. Policy CS7 further advises that development of such sites as this will be considered favourably subject to an assessment of the impacts on the environment, amenity and highways.
- 3.13 Emerging NMWLP Policy WP2 states that, New or enhanced waste management facilities should be located within five miles of one of Norfolk's urban areas, including Thetford, and be accessible via appropriate transport infrastructure. Policy WP2 further states that, waste management facilities must also comply with the land use requirements of policy WP3 (which includes land allocated for B2 and B8 uses) and the development management criteria set out in Policy MW1.
- 3.14 The application site is situated within the defined settlement boundary as identified on the Thetford Policies Map (2020). Breckland Local Plan Policy GEN 1 seeks to create and maintain inclusive, environmentally sustainable communities making the best and most efficient use of previously developed land and buildings. Policy GEN 3 directs that most new development needs will be met through the proposed sustainable settlement hierarchy, which identifies Thetford as a Key Settlement, whilst Policy GEN 5 directs that, within the defined settlement boundaries proposals for new development are acceptable, subject to compliance with relevant Development Plan policies. Furthermore the site would be within an area identified as a *General Employment Area* within the Thetford Policies Map, this policy seeks to protect these areas for employment uses, advising that proposals to accommodate new employment development (B1, B2 and B8) will be permitted in these areas subject to 5 criteria which in brief are a) not a town centre use b) will not undermine the function of the wider employment area c) scale, bulk and appearance is compatible with its surroundings d) no unacceptable amenity impacts e) traffic impacts do not have a severe adverse impact on local amenity, highway safety or the operation of the highways network. Subject to an assessment of the likely impacts it is considered that the development accords with the locational requirements of the Breckland

Local Plan with the land subject to this application being allocated as a General Employment Area.

- 3.15. The proposed scheme continues to assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Government's 'Our Waste, Our Resources: A Strategy for England' which similarly seeks to promote the management of waste up the waste hierarchy. The National Planning Policy for Waste also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the compliance with the land use policies detailed above, there is no requirement to demonstrate a need for this facility at this location.

3.16. B - LANDSCAPE & VISUAL IMPACT/DESIGN

- 3.17. NMWDF Policy DM8: Design, local landscape and townscape character seeks to only permit development that does not have unacceptable impacts on the character and quality of the landscape. BLP Policy GEN02: Promoting High Quality Design states that all new development should achieve the highest standard of design. Emerging NMWLP Policy WP16: Design of waste management facilities requires all waste development to secure high quality design.
- 3.18. In terms of design the proposals essentially consist of a steel framed process building which would be finished in cladding, with an array of solar panels covering the roof. The cladding details have not been provided with the application, and would therefore need to be agreed by condition should permission be granted. The building would have four roller shutter doors allowing tanker access into the building, and three personnel doors. The building would have a footprint of 30m x 20m and a maximum height of 7.8m with a monopitch roof. To the west of the process building there would also be a relatively small flat roofed control room in a separate building, again the plans do not contain any information in respect of external finish so these would need to be secured by condition. In addition to the two buildings there would be 3no. cylindrical storage vessels, which would be constructed in glass lined steel panels, with a diameter of 6.8m and a total (walls and GRP roof) height of 9.8m, the precise colour of which would again need to be secured by condition. A 10 metre high stack with associated ground level carbon filters would be sited adjacent to the storage vessel tanks. No finish details of the stack have been provided but again this could be controlled by condition.
- 3.19 It is acknowledged that the buildings and associated tanks would be of a functional industrial appearance, however the setting of the site is such that it is within an established industrial estate with a variety of buildings similar in appearance. The monopitch roof has been chosen for the design to allow

sufficient height for tankers to enter the building, without further increasing the roof height with a pitched roof. The proposed monopitch roof also provides the required surface for installation of the south facing PV array. No objections have been received from the landscape officer in respect of the design or landscape impact of the proposals. One third party representation included an objection on the grounds of unfavourable aesthetics, however given the nature of the development and the character of the area it is considered that the appearance of the development would not be in conflict with the character of the area, or that the design of the proposals are of such a concern to warrant an objection on design/landscape grounds.

- 3.20 Externally it is proposed that the eastern part of the site approximately half of the total site is to be used to accommodate the buildings and external tanks, with the remainder laid to a hardcore surface providing parking for 6 cars, a cycle shelter and adequate turning area for HGV's accessing the site. The entrance to the site is via an existing bellmouth which currently benefits from some bunding and existing hedge planting. Additionally, the perimeter of the site benefits from some existing hedge planting. The application submitted includes a landscaping scheme which details additional planting at the entrance and around the perimeter where there is a gap along the southern boundary.
- 3.21 The western part of the site which was originally proposed to be used as tanker parking, has now been amended during the course of the application to form a landscape buffer in the form of grassland, with shrub and tree planting providing a visual break between the car parking and turning area, and this area of grassland.
- 3.22 A tree protection plan also accompanies the application which details that the existing boundary planting would be protected during the course of construction. No objections have been raised by the County Council's Landscape and Tree Officers subject to securing the proposed landscaping, maintenance and tree protection by condition.
- 3.23 It is considered that the proposed development is of an acceptable design for this location, it would not be out of character with the surrounding area and its functional appearance reflects the requirements of the processes which would be carried out at the site. The landscaping scheme proposed would offer some low level screening of the development from outside of the site, however it is accepted that some of the built structure would be clearly visible owing to its height. However, this land is within the confines of the industrial estate and in this respect the development would be seen within this context. The proposals are therefore considered on balance to accord with the aims of NMWLDf policy DM8, BLP Policy GEN02, and emerging NMWLP Policy WP16.

3.24 C – AMENITY

- 3.25 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. BLP Policy COM03: Protection of Amenity states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants. Regard will be given to issues such as odour, noise, vibration or other forms of disturbance, contamination, light pollution and emission of particulates.
- 3.26 The site is separated from the nearest residential properties on Stanford Road to the South East by approximately 300m, and also Catherine Howard Lane to the North East by approximately 320m. Immediately surrounding and some abutting the boundary of the site are various other commercial/industrial premises.
- 3.27 Representations have been received from nearby commercial businesses raising concerns over the potential for noise and odour impacts within their business premises, some of which require open windows for ventilation, some contain office space and some have members of the public visiting. Some of the objections have referenced activities which have previously been undertaken by the applicant on this site in the form of storage of tankers and equipment which neighbouring occupiers have advised creates odour issues in the locality. During the course of the application the applicant has omitted the external storage from the scheme so now all tankers would be parked within a building, with the only external parking being for cars.
- 3.28 The application is supported by noise and odour assessments, both of which have been updated/revised during the course of the application to take into account the removal of the external tanker parking from the application, and at the request of the District EHO that the neighbouring businesses are also taken into account in the assessments and not just the nearest residential properties.
- 3.29 To note, with regards to the actual regulation of an operation such as this, in accordance with paragraph 188 of the NPPF and the National Planning Policy for Waste, the County Planning Authority (CPA) needs to focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs 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). However, it is the role of the Environmental Permit (which the facility requires before it can operate) as issued by the Environment Agency to actually control emissions such as noise and odour through conditions, and Planning Authorities should assume this regime will operate effectively.

- 3.30 The noise report submitted concludes that noise emissions from the proposed liquid waste transfer station are considered to result in a low adverse impact at all nearby receptors (residential and commercial). The majority of the processing would take place within the building where the associated plant would be located. Externally however there is still the requirement for aerator and feed pumps, odour extractor fans and an exhaust stack. Each of these items of plant would have noise associated with them. The noise report details that to control noise emissions from the exhaust stack an in-line attenuator is recommended which should be fitted in the ducting from the odour extractor fans to the stack or within the stack itself.
- 3.31 The updated noise assessment has demonstrated that the proposals can meet the levels set out using the methodology of the BS4142: Methods for rating and assessing industrial and commercial sound, in respect of the closest residential properties to the site. The BS4142 does not contain any specific criteria in assessing noise impact from one commercial business to another. Subsequently the EHO requested a bespoke assessment based on their criteria. The EHO have confirmed that they are happy with the assessment and raise no objection to the proposals in this respect. They have however requested that a number of working practices (no external HGV parking, waste only delivered in sealed containers, unloading within building only, all vehicles to be sealed and clean and an inline attenuator required in stack or ducting) are either controlled by condition or secured through a site management plan. It should be noted that the measures detailed and the actual control/regulation of emissions from the site would fall under the remit of the site's Environmental Permit, regulated by the Environment Agency. It is therefore considered that in accordance with 3.29 above, the control of these measures should not be duplicated through the planning permission should members be minded to approve the application. It is considered that the applicant has demonstrated that this is an acceptable use of the land as required by para 188 of the NPPF, and that the development can in principle operate without any unacceptable impacts in terms of noise and odour to the nearest residential properties and neighbouring businesses.
- 3.32 The odour assessment submitted with the application concludes that 'The odour impact linked to the odour control stack will not cause serious pollution. In planning terms, the modelling shows that the additional impact will have a negligible adverse effect'. No objections have been received from the EHO or the EA in this respect. All unloading of tankers would take place within a building with no external parking (except cars).
- 3.33 The District Council Environmental Health Officer raises no objection to the proposed development following the submission of the updated noise and odour assessments taking into account the amenity of the neighbouring businesses. Therefore, the proposal is considered to be in principle an acceptable use of land and would comply with the relevant planning policies in regards to amenity.

3.34 D – ECOLOGY

- 3.35 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. NMWDF Policy CS14 Environmental Protection and BLP Policy ENV02: Biodiversity Protection and Enhancement refer that development should demonstrate how net gains for biodiversity are secured as part of the development, proportionate to the scale of development and potential impacts (if any).
- 3.36 The site essentially consists of two areas, one is existing hard standing in the form of compacted hardcore, and the other is grassland. Around the perimeter of the site there are existing hedgerows. A Preliminary Ecological Appraisal (PEA) submitted with the application, advises that a desktop study and field survey have been carried out to assess the ecological status of the site. The report concludes that no further survey work is recommended owing to the lack of ecological interest in the site. It is however recommended in the report that bat and bird boxes are provided and that nesting birds are protected in the perimeter hedging and scrub area, during any construction/clearance works.
- 3.37 The NCC Ecologist has no objection to the proposals and considers the information contained within the PEA adequately assesses the potential ecological impact and the mitigation measures detailed are appropriate. Conditions are recommended requiring full details of the proposed ecological enhancement measures (installation of bat boxes and bird boxes), to include specifications, numbers and locations, along with a timetable for installation, and to secure the mitigation as detailed. In addition, full external lighting details can also be secured by condition.
- 3.38 The PEA mitigation and enhancement measures, along with the planting plan detailed in the Landscape section of this report, will protect and enhance biodiversity with a net gain as required by Policy ENV02 of the BLP. There are no concerns from the arboricultural officer. With the imposition of the suggested conditions, the development complies with the relevant planning policies and NPPF.

3.39 Appropriate Assessment

The application site is located approximately 890m from the Breckland Special Protection Area (SPA) and 1600m from the Breckland Special Area of Conservation (SAC), which are internationally protected habitats. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the designated sites, the proposal would not have a significant impact on these or any other protected habitat. The County Council's Ecologist has advised in respect of the Habitat Regulations that likely significant effects on the SPA

and SAC can be ruled out. Accordingly, no Appropriate Assessment of the development is required.

- 3.40 Nutrient Neutrality - On 16 March 2022 Natural England wrote to a cohort of 42 councils including the County Council reviewing its position on nutrient neutrality. In this instance the proposed site is not located within Natural England's identified nutrient neutrality Site of Special Scientific Interest (SSSI) catchment, therefore there are no outstanding issues in regard to nutrient neutrality.
- 3.41 It is concluded that these proposals will not have an adverse effect on the integrity of the designated sites identified above, either alone or in combination with other plans and projects. It is therefore considered that the proposed development complies with Policies CS14 and DM1 of the Norfolk Core Strategy.

3.42 E – IMPACT ON HERITAGE ASSETS

- 3.43 NMWDF Policy DM8: Design, local landscape and townscape character states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations.
- 3.44 Policy ENV 07 Designated Heritage Assets of the Breckland Local Plan November 2019 states that development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset.
- 3.45 In addition to the above development plan policy, Listed Buildings are afforded additional protection by both the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and by section 16 of the NPPF: Conserving and enhancing the historic environment.
- 3.46 The application site is located some 580m north of the Thetford Conservation Area and, 17 nr. Scheduled Ancient Monuments (SAM) and several listed buildings are situated within a 2km radius of the application site. The closest Scheduled Ancient Monument to the site would be an iron age religious site on Gallows Hill, immediately to the north of the Fison Way industrial estate approximately 850m from the application site.
- 3.47 The Heritage Statement accompanying the application acknowledges that the site lies within an area where significant prehistoric and roman and remains have been date recorded previously. However, the statement further advises that an archaeological evaluation undertaken in 2010 has indicated that such remains do not extend on to the present site. No objections have been received from the Historic Environment Officer, and there has been no request for any archaeological works to be secured by condition.

- 3.48 Para 195 of the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and paras 199 – 202 require an assessment of the heritage asset and consideration of any potential impact and the degree of harm.
- 3.49 In visual terms the proposed development is situated within the confines of an existing industrial estate, surrounded by other industrial buildings. Given the distance from the closest SAM and listed buildings, and the existing visual barriers formed by the industrial estate it is considered that the development will not have any unacceptable impacts upon the setting of the listed buildings or SAM.
- 3.50 It is therefore considered that the proposal is continued to be well screened from the SAM and listed buildings and would not cause any unacceptable harm to these heritage assets. The proposal is considered to be in accordance with policies CS14 and DM8 of the NMWLDF and BLP Policy ENV07 Designated Heritage Assets, Planning (Listed Buildings and Conservation Areas) Act 1990 and objectives of the NPPF.

3.51 F – TRANSPORT

- 3.52 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.
- 3.53 The site lies 900m to the south of the A11, with access from the Fison Way Industrial Estate leading to the A1066 and then onto the A11. The site is therefore considered to be very close to the trunk road network. The application sets out that there would be 42 HGV movements per day, additionally there would be 2 members of staff personnel on the site each day.
- 3.54 The County Council's highways officer has advised that such uses as those proposed in the application are suited to employment areas with suitable access to the highway networks, as provided at Fison Way Industrial Estate. It has further been noted that there is extensive on-street parking evident along Brickfields Way and Howlett Way, which restricts the width of Brickfields Way resulting in HGV's when egressing having to straddle the centre line of the road. The on-street parking also restricts visibility at the junction with Howlett Way. It is assumed that most of this parking is associated with the existing businesses. However the highways officer advises that the roads have a 30mph speed limit, have pedestrian footways with no record of injury accidents within the vicinity of the site.
- 3.55 No objections are therefore raised by the highways officer, subject to a condition requiring the provision of the external car parking, cycle parking and

HGV turning area prior to the development coming into use. It is also advised that should safety issues emerge the local highway authority may wish to reconsider the need for such parking restrictions in the locality.

- 3.56 An objection has been raised from a neighbouring business advising that the increase in traffic, on what is an already reduced road width due to parked vehicles, would have a severe adverse impact on road safety and would create a potential safety hazard. However in response to this it should be noted that Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and the Highways officer has no objections to the scheme. It is also worth noting that the parking issues in the locality are likely as a result of the existing businesses, and the highways authority may therefore consider imposing parking restrictions at a later date should any safety issues emerge.
- 3.57 It is therefore considered that the proposal would not have any unacceptable impact upon highway safety, and the site is located with good access onto a main trunk road. The proposal in this respect would accord with NMWLDF Policies CS15 and DM10, and the objectives of the NPPF.

3.58 G – SUSTAINABILITY

- 3.59 NMWDF Policy CS13: Climate change and renewable energy generation seeks to ensure new developments generate a minimum of 10% renewable energy on site.
- 3.60 The application details that the roof of the proposed process building would be covered with a PV solar array. The applicant advises that the roof top panels would provide 100% of the regulated energy and 14.29% of the predicted unregulated energy.
- 3.61 It is therefore considered that the proposals would in this respect accord with the principles of policy CS13 of the NMWLDF.
- 3.62 Whilst not part of the development plan or even a planning policy per se, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.
- 3.63 The Policy takes as its starting point the Government's own 25-year Plan published in 2018 and is structured to reflect key environmental concerns embodied in that plan. It is considered the proposals would not undermine the Goals of the plan with particular reference to using resources from nature more sustainably and efficiently.

3.64 H – FLOOD RISK

- 3.65 Breckland Local Plan 2019 Policy ENV09 - Flood risk and surface water drainage and NMWDF Policy DM4: Flood Risk requires developers to demonstrate waste management sites can function without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of the proposed development. The site is situated within flood zone 1, less than 1 hectare in size and allows the proposed land use.

3.66 I – GROUNDWATER/SURFACE WATER

- 3.67 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. The site is not within a groundwater source protection zone.
- 3.68 The application is accompanied by a Drainage Statement and Drainage Strategy for the site. Soakaway testing has been carried out at the site, however results from the testing indicate that the land is not suitable to accommodate soakaways as a viable option for drainage at the site. The drainage strategy therefore details the provision of a geo-cellular tank which would be installed to capture the run-off from the buildings on site and the outdoor turning and parking area. The tank would provide on-site storage of water to allow sufficient time for all water to be discharge at a controlled rate to the existing surface water sewer connection on Rutherford Way. A penstock/sluice gate would be fitted to prevent pollution to the public surface water sewer should there ever be any leaks etc on the site.
- 3.69 The Environment Agency have raised no objection to the application in respect of the drainage statement and strategy. The Lead Local Flood Authority have advised that they have no comments to make.
- 3.70 It is considered that the proposed drainage strategy is acceptable and would not result in any increase in flood risk or impact upon groundwater, subject to conditions requiring the development to be carried out in accordance with the agreed strategy. The proposal subject to condition, is therefore acceptable in terms of policies DM3 and DM4of the NMWLDF.

3.71 ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

3.72 RESPONSES TO REPRESENTATIONS RECEIVED

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

- 3.73 A number of concerns/objections were raised in respect of existing issues with odour from vehicles at the site. Initially this application included the parking of tankers/HGV's externally at the site. This parking has now been removed from the application. Therefore, there would be no external parking of tankers/HGV's at the site.
- 3.74 Objection has been made that projects such as these should be sited away from built up areas, that the development is not compatible with the location and that the development is out of character with the industrial area. However as set out within the report Local and National Planning Policy support these types of development in principle on land allocated for industrial/employment uses subject to an assessment of potential impacts.
- 3.75 Concern has been raised in respect of highway safety and that vehicle numbers could increase in the future. The application site is situated within an existing industrial estate with good links to the A11. Existing parking issues in the locality are likely as a result of the existing businesses, and the highways authority may therefore consider imposing parking restrictions at a later date should any safety issues emerge. No objections have been raised by the highways officer.
- 3.76 Concern has been raised that the assessments provided with the application in respect of noise and odour do not give an accurate reflection of how the business would operate. It has also been queried who would be responsible to ensure that levels are not exceeded and amenity adequately protected. In response to this the EHO is satisfied with the findings and methodology used in the assessments which meets with the required British Standards. No objection has been raised from the EA, and ultimately they would be the regulatory body for the site to control any emissions, through an Environmental Permit.
- 3.77 Concern has been raised querying whether vehicles would be processed immediately upon arrival at the site, and whether any wheel washing facilities would be required. The applicant has advised that deliveries to the site would be organised such that no waiting would be required externally. At the request of the highways officer the building has been designed in a way that it can accommodate 4 tankers if necessary. The applicant has further advised that wheel washing would not be required. All vehicles entering the site would be in a clean condition, and if this is not the case would be refused entry to the site.

3.78 INTENTIONAL UNAUTHORISED DEVELOPMENT

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.

- 3.79 In this instance it is noted that the application site has been used for the storage of liquid waste tankers and associated equipment. The CPA have no records of any planning permission for these operations. However, the site is within an industrial/employment land allocation therefore very little weight is given to this in the planning balance.

3.80 LOCAL FINANCE CONSIDERATIONS

In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 3.81 In this instance is not considered that there are local finance considerations material to this decision.

4 Conclusion & Reasons for Decision

- 4.1 The application seeks planning permission for a Liquid Waste Transfer Station within an existing industrial estate on land allocated as employment land within the Breckland Local Plan. The principle of the development is therefore considered to be acceptable and there is no need to demonstrate a need for the facility as it is in accordance with the up to date Local Plan.
- 4.2 There are no objections from statutory consultees subject to conditions. The Environment Agency would be responsible for regulating emissions from the site such as noise and odour through their Environmental Permit. Whilst the concerns of the nearby businesses have been given due consideration it is considered that the application demonstrates that the facility could operate without any unacceptable impacts.
- 4.3 No objections have been raised by the highways officer.
- 4.4 The landscaping plan is considered to be appropriate for the site and is supported by the County Council's Landscape Officer. The design of the building is acknowledged to be of a functional appearance, however given the character of the area and the purpose of the site the built development proposed is considered to be acceptable.
- 4.5 In summary there are no objections from statutory consultees. The proposed development is considered to be in accordance with both Local and National Planning Policy and there are no other material considerations as to why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5 Alternative Options

- 5.1 Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6 Financial Implications

- 6.1 The development has no financial implications from the Planning Regulatory perspective.

7 Resource Implications

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

8 Other Implications

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

8.2 Human Rights implications:

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.

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.

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.

8.3 Equality Impact Assessment (EqIA)

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.

8.4 Data Protection Impact Assessments (DPIA):

It is not considered that there are any data protections implications in regards to the above report.

8.5 Health and Safety implications

There are no health and safety implications from a planning perspective.

8.6 Sustainability implications

This has been addressed in the sustainability section of the report above.

8.7 Any other implications: None

9 Risk Implications/Assessment

9.1 There are no risk issues from a planning perspective.

10 Select Committee comments

10.1 Not applicable.

11 Recommendations

11.1 That the Interim Executive Director of Community and Environmental Services be authorised to:

- 1. Grant planning permission subject to the conditions outlined in section 11.2.**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 CONDITIONS:

1. The development hereby permitted shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Development to be carried out in accordance with the submitted plans and drawings.

2. The development must be carried out in strict accordance with the application form, plans and documents as received by the County Planning Authority as detailed below:

- Location Plan; Drawing No. 899-005, rev B, dated 14.9.21.
- Site Layout; Drawing No. 21-06, rev G, dated 04/23
- Tankers Access; Drawing No. 21-09, rev D, dated 04/23
- Tankers Egress; Drawing No. 21/10, rev C, dated 04/23
- Landscape Plan; Drawing No. 21-08, rev C, dated 04/23
- Effluent Treatment Plant Elevations; Drawing No. 899-004, rev G, dated 29/3/23
- Effluent Treatment Plant General Arrangement Plan View; Drawing No. 899-002, rev H, dated 17/4/23
- Cycle Store Plans and Elevations; Drawing No. 21-11, rev A, dated 04/23.
- Drainage Strategy; Drawing No. 26826_01_230_01, rev E, dated 13/4/23
- Tree Protection Plan; Drawing No. V1A, dated 12/5/23.
- Roof Plan; Drawing No. 23-12, dated 8/23.
- FLI CAP Technology, Plant Summary, dated 13/5/23.
- Planting Proposals; Drawing No. 401, dated 16/5/23.

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

3. No waste other than that stated in the application shall be brought onto the site.

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

4. Prior to the first use of the site a lighting plan shall be submitted to and agreed in writing with the County Planning Authority. The lighting shall then be installed and operated in accordance with the agreed details thereafter.

Reason: To protect the amenities of the surrounding area in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

5. Prior to the commencement of the development full details of external materials/finished for the buildings and external plant shall be submitted to

and agreed in writing with the County Planning Authority. The development shall then be carried out in full accordance with the agreed details.

Reason: In the interests of the appearance of the development in accordance with policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and GEN02 of the Breckland Council Local Plan (2019).

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

Reason: To ensure the permanent availability of the parking manoeuvring area, in the interests of highway safety in accordance with policies CS15 & DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent pollution from any potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. No development shall take place except in accordance with the ecological mitigation details referred to at section 5 of the Preliminary Ecological Appraisal dated 8/2/22.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

9. Prior to the commencement of the development full details of the bat and bird boxes referred to at section 6 of Preliminary Ecological Appraisal dated 8/2/22 shall be submitted to and agreed in writing with the County Planning Authority. They shall be installed prior to the first use of the development and retained thereafter.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan

(2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

10. The Landscaping at the site shall be provided within the first planting season following the first use of the development, and shall be provided and maintained in strict accordance with the Planting Proposals; Drawing No. 401, dated 16/5/23. The defects liability for dead, dying or diseased plants to be replaced with the same size/species shall be for a period of 5 years from the date of planting.

Reason: To protect the visual amenities of the surrounding area in accordance with Policies GEN02 and COM01 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

11. The development shall be carried out in full accordance with the Arboricultural Report May 2023 and Tree Protection Plan dated 12/5/23.

Reason: To ensure adequate protection of existing trees and hedgerows in accordance with Policy ENV06 of the Breckland Council Local Plan (2019).

12. Prior to the commencement of the development a report shall be submitted to the County Planning Authority for approval, detailing the results of the further works as set out within section 10. Conclusions of the Phase II Ground Investigation Report, Ref 26826-GEO-0401, Rev B, dated April 2023. The development shall then be carried out in strict accordance with the approved report.

Reason: To protect and prevent pollution from any potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Background Papers

Planning Application reference: FUL/2020/0043 available here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0042#>

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

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

Norfolk Minerals and Waste Local Plan Review:

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

The National Planning Policy Framework (NPPF) (2023):

[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework)

Planning Practice Guidance (2014):

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

Thetford Area Action Plan (TAAP) (2012)

<https://www.breckland.gov.uk/article/18036/Thetford-Area-Action-Plan-TAAP>

Norfolk County Council's Environment Policy

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>

Officer Contact

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

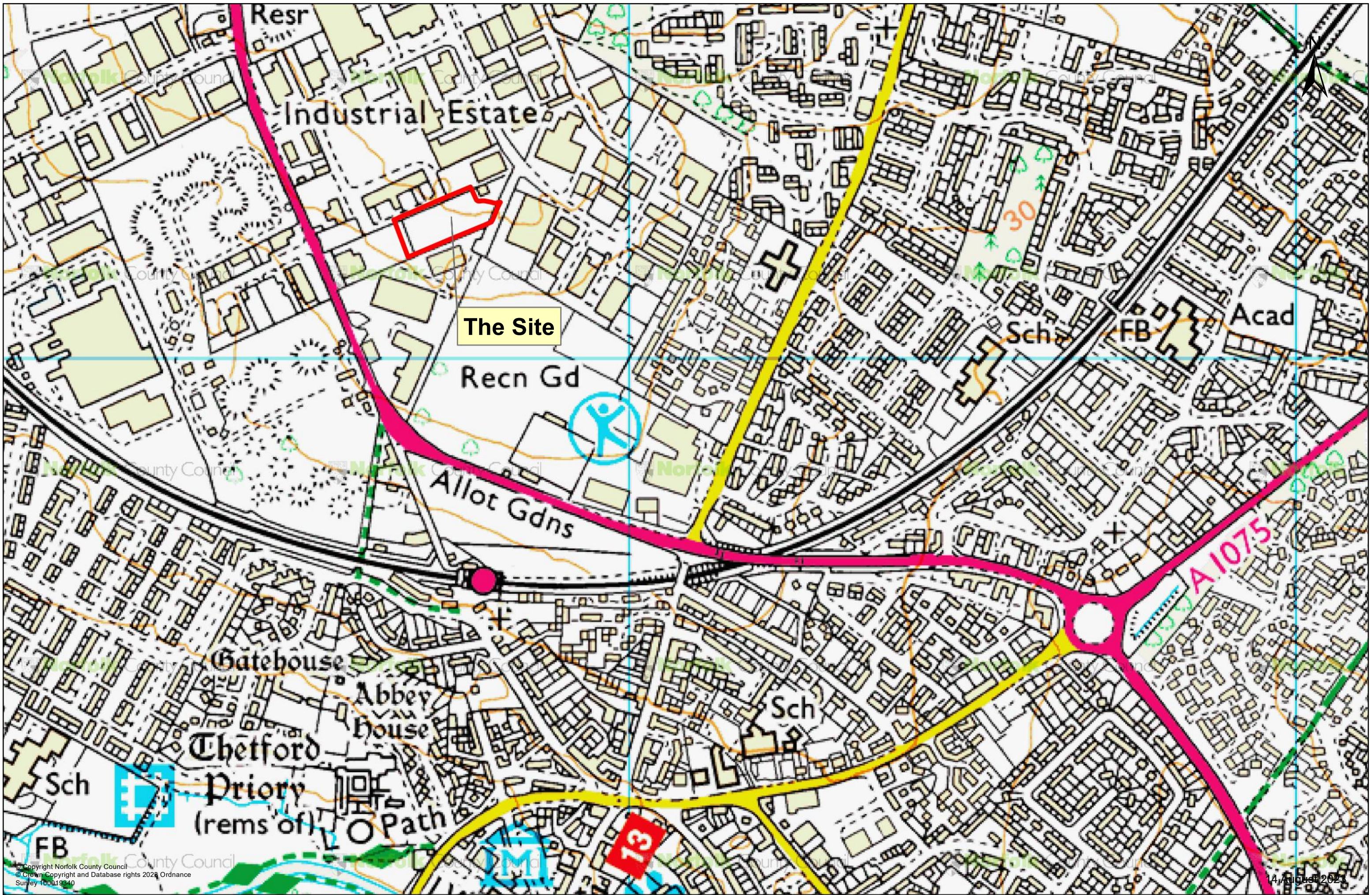
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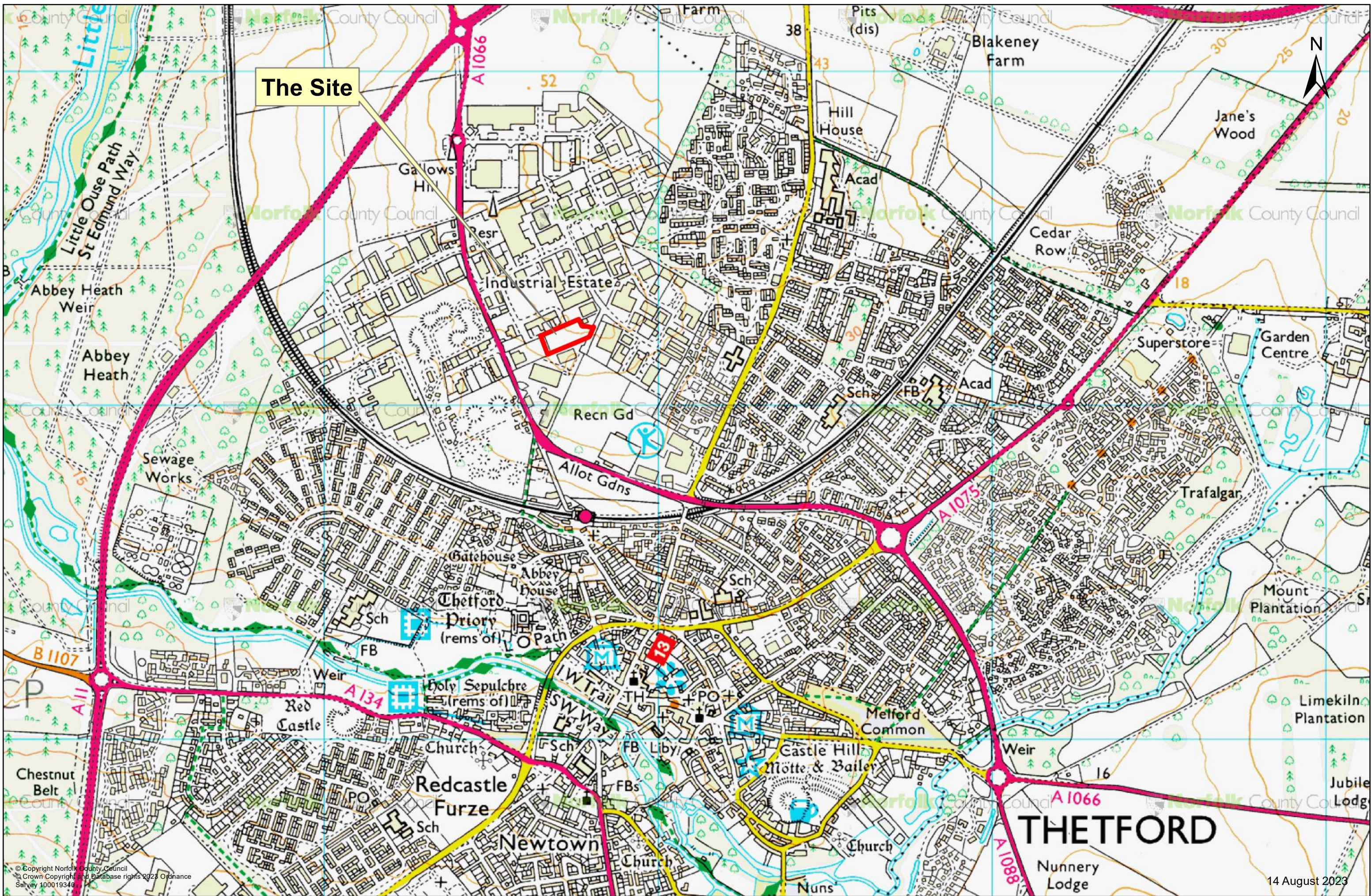
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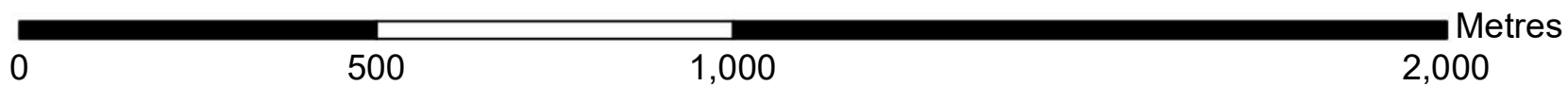


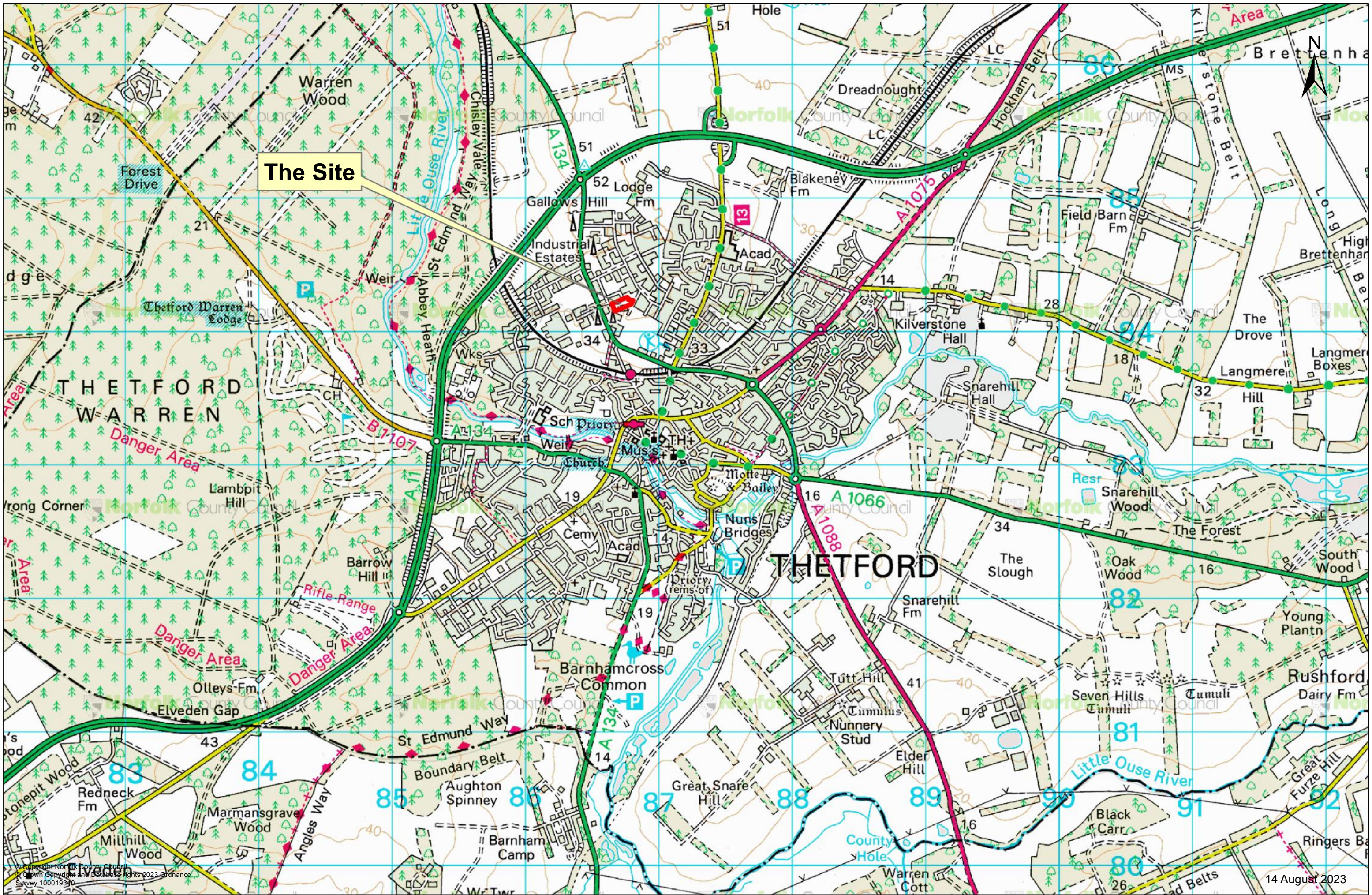
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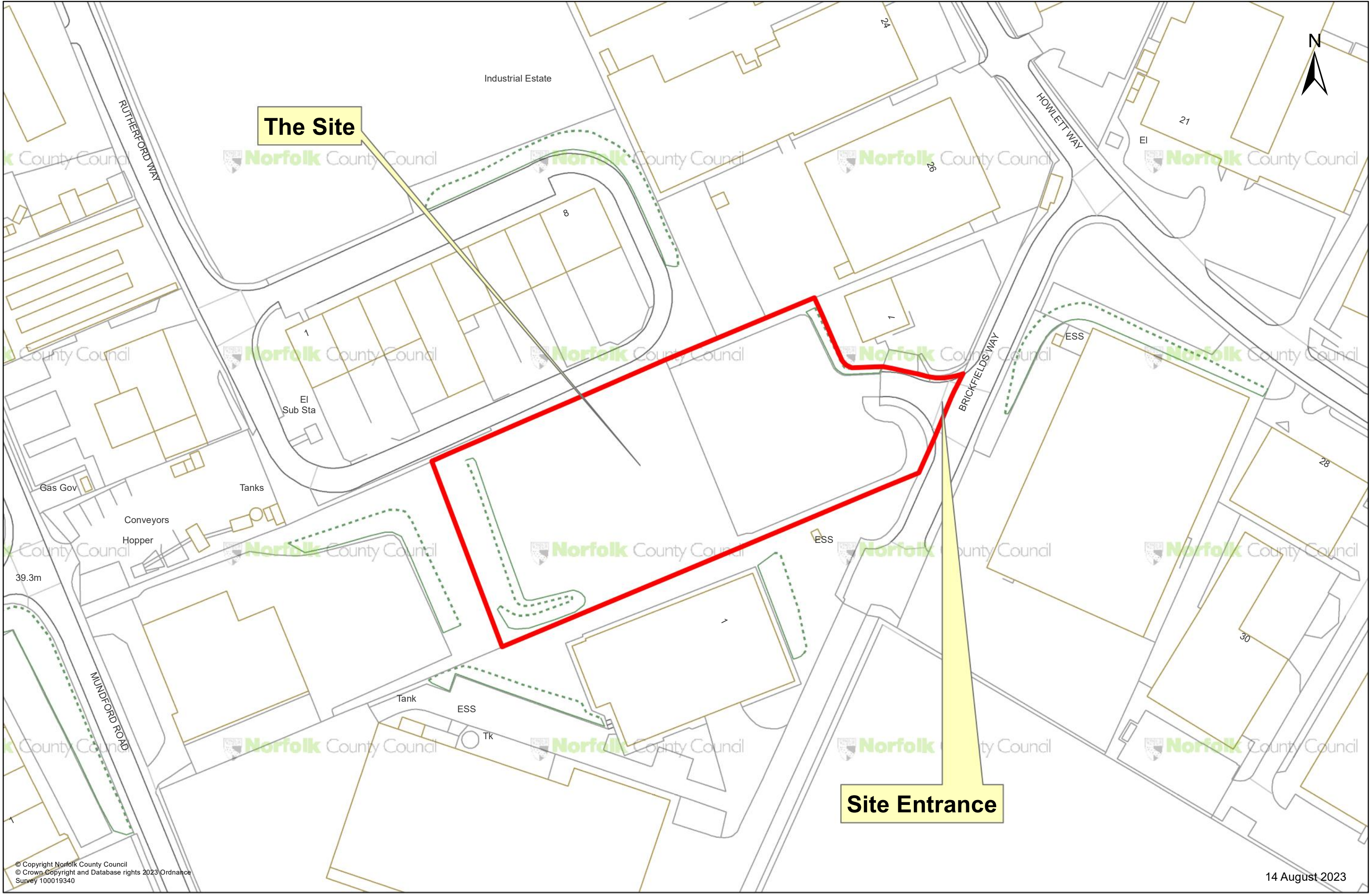




Brickfields Way Thetford Location Plan







The Site

Site Entrance

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Survey 100019340

14 August 2023

Brickfields Way Thetford Site Plan

