

Planning (Regulatory) Committee

Date: **Friday, 19 February 2016**

Time: **10:00**

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

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

Membership

Mr B Long (Chairman)

Mr S Agnew	Mr J Law
Mr S Askew	Ms E Morgan
Mr M Baker	Mr W Northam
Mr B Bremner	Mr M Sands (Vice-Chairman)
Mr D Collis	Mr E Seward
Mr C Foulger	Mr M Storey
Mr A Grey	Mr J Ward
Mr D Harrison	Mr A White

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

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

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

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

Julie Mortimer, on 01603 223055 or email committees@norfolk.gov.uk

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

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

A g e n d a

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

2. To receive and agree the Minutes of the meeting held on 8 January 2016.

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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

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

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

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

5. **C/3/2015/3017: Dereham HWRC: Change of use to a mixed development to allow acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs).**

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6. **C/5/2015/5020: Mayton Wood HWRC: Change of use to a mixed development to allow acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs).**

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Chris Walton
Head of Democratic Services
County Hall

Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 11 February 2016



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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 Friday 8 January 2016
at 10am in the Edwards Room, County Hall**

Present:

Mr B Long (Chairman)
Mr S Agnew
Mr S Askew
Mr B Bremner
Mr C Foulger
Mr A Grey
Mr D Harrison
Mr J Law

Ms E Morgan
Mr W Northam
Mr M Sands
Mr E Seward
Mr M Storey
Mr J Ward
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr M Baker and Mr D Collis.

2 Minutes from the meeting held on 27 November 2015

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 27 November 2015 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

Mr M Storey declared an “other interest” in item 5 (Borough of King’s Lynn & West Norfolk: C/2/2015/2030: King’s Lynn: Construction of a sludge cake reception facility within the operational boundary of King’s Lynn Water Recycling Centre) as he was a member of the King’s Lynn and West Norfolk Borough Council Planning Committee which had considered the application and made a recommendation to Norfolk County Council that a landscaping condition be imposed if planning permission was granted.

Mr A White declared an “other interest” in item 5 (Borough of King’s Lynn & West Norfolk: C/2/2015/2030: King’s Lynn: Construction of a sludge cake reception facility within the operational boundary of King’s Lynn Water Recycling Centre) as he was a member of the King’s Lynn and West Norfolk Borough Council Planning Committee which had considered the application and made a recommendation to Norfolk County Council that a landscaping condition be imposed if planning permission was granted.

4 Urgent Business

There were no items of urgent business.

Applications referred to the Committee for Determination:

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

5.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for construction of a sludge cake reception facility within the existing King's Lynn Water Recycling Centre (WRC). The facility would enable sludge cake (dewatered at other Anglian Water sites) to be imported to the site in HGVs and allow the existing Sludge Treatment Centre (STC) to operate at its full capacity of 19,000 tonnes per annum of dry solids.

5.2 Mr Steve Swan, Anglian Water addressed the Committee on behalf of the applicant. Mr Swan reassured the Committee that there would be no additional vehicle movements if the application was approved, and that there would actually be a reduction in vehicle movements. Local people had been consulted about the application, although it was recognised that not all residents would find the proposals acceptable. He added that the site generated sufficient electricity from the biogas to make it self-sufficient, with the surplus energy being sold back to the grid. The Committee was also informed that the site would not expand as part of the application.

Mr Swan notified the Committee that Anglian Water would be challenging condition 12.4 (No more than 222,500 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority on request. In the interests of maintaining highway efficiency and safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste core strategy DPD 2010-2026). This was because the Environmental Permit allowed for treatment of up to 400,000 tonnes per year and the applicant considered that the proposed condition contained a restriction which overlapped with another regulatory regime and therefore it was not appropriate to impose it.

5.3 Ms A Kemp, County Councillor for Clenchwarton and King's Lynn South Division addressed the Committee as the Local Member. Ms Kemp stated that although she was not opposed to the application, she asked for conditions to be imposed for Anglian Water to pay Norfolk County Council to improve, and keep maintained, the access road and provide the landscaping which had been requested by the Borough Council of King's Lynn and West Norfolk if planning permission was granted.

5.4 In response to questions from the Committee, the following points were noted:

5.4.1 If the plant continued to transport sludge waste rather than solid waste, an additional 43 tanker movements would be required per day. Members noted that one tanker

containing cake waste was equivalent to nine tankers carrying liquid sludge waste.

- 5.4.2 With regard to a question about the possibility of Anglian Water being asked to contribute to the costs incurred in maintaining the access road, which was a public highway and not a private road, it was noted that Anglian Water paid approximately £90,000 per annum in road fund licence fees which contributed towards maintaining roads.
- 5.4.3 Condition 12.4 (No more than 222,500 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority on request. In the interests of maintaining highway efficiency and safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste core strategy DPD 2010-2026) had been included following a recommendation by the Highways Authority, to control development and allow the Planning Authority to inspect the details of vehicle movements at the site. The Planning Officer confirmed that, in his opinion, it was permissible to impose the condition as it related to land within the applicant's control.
- 5.4.4 No traffic counts had been undertaken near the site to gauge the percentage of Anglian Water traffic compared to other traffic using Clockcase Lane although, given the rural nature of the road, it was likely that there would also be some agricultural vehicles using the road. The Local Member confirmed that there were a number of farms gaining access from the road and that, therefore, agricultural vehicles used the road.
- 5.4.5 The Planning Services Manager advised the Committee that it would be unprecedented to request that a condition be imposed on an applicant to maintain, or contribute funds to maintain, the public highway. In this particular case, the applicant had stated that there would be no increase in traffic movements and that traffic movements would actually decrease if planning permission was granted.
- 5.4.6 Anglian Water representatives confirmed it would not be practical to schedule the arrival and departure times of tankers visiting the site, due to the number of tankers and sites involved.
- 5.4.7 There were three or four houses situated near the junction of Ferry Lane and Clockcase Lane where the road was wide enough to allow two vehicles to pass. Passing places were situated at intervals along the road. Residents and workers at a couple of farms situated along Clockcase Lane passed the treatment works site to access their properties.
- 5.5 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.

- ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

6 Breckland District: C/3/2015/3014: Thetford HWRC: Change of use to a mixed use development to allow the acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs): Norfolk County Council, Executive Director of Community and Environmental Services.

6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing Thetford Household Waste Recycling Centre (HWRC) to accept trade waste in addition to household waste, and to facilitate the small scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.

6.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:

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

7 South Norfolk District: C/7/2015/7015: Ketteringham: Change of use to a mixed use development to allow the acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs): Norfolk County Council, Executive Director of Community and Environmental Services

7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing Ketteringham Household Waste Recycling Centre (HWRC) to accept trade waste in addition to household waste, and to facilitate the small scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the

recycling service and generate a small income to offset the cost of running the service.

- 7.2 Mr C Foulger, County Councillor for Forehoe Division addressed the Committee as the Local Member. Mr Foulger stated that he used the site at Ketteringham regularly and had always found it to be efficient and well maintained and a good example of a site of this type.

Mr Foulger added that he had attended a recent Ketteringham & East Carleton Parish Council meeting when the application had been discussed. The Parish Council had raised no objection to the application in principle on the basis that the proposed size/weight of vehicles and the daily numbers was to be maintained. One concern the Parish Council had raised was about another site close to the HWRC and asked if further planning applications were received relating to the site, consideration could be given to placing conditions relating to access and parking.

- 7.3 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 10.55am.

CHAIRMAN



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Applications Referred to Committee for Determination:

Breckland District:

C/3/2015/3017: Dereham:

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

Norfolk County Council, Executive Director of Community and Environmental Services

Report by the Executive Director of Community and Environmental Services

Summary

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

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

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

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

Recommendation

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

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

1. The Proposal

- 1.1 Location : Dereham HWRC, Trafalgar Business Park, Rash's Green, Dereham.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.99 hectares (including access and egress roads)
- 1.4 Annual tonnage : 6,000 (total for HWRC)
- 1.5 Duration : Permanent
- 1.6 Hours of working : 1 October – 31 March (winter hours)
Sunday to Saturday: 08.00 – 16.00 (including Bank Holidays)
1 April to 30 September (summer hours)
Sunday to Saturday: 08.00 – 18.00 (including Bank Holidays)
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 6 additional daily vehicle movements (up to 3.5 tonne) (3 in and 3 out).
Sales of Goods: Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees.
- 1.8 Access : Access from Yaxham Road adjacent to the Roys of Wroxham store; egress through the business park and onto Rash's Green.

2. Constraints

- 2.1
- Operational area of the HWRC in groundwater Source Protection Zone (SPZ) 3.
 - Site within 1.2 and 1.5 kilometres respectively of two Site of Special Scientific Interest (SSSI) that are part of the Norfolk Valley Fens Special Areas of Conservation (SAC): Potter and Scarning Fens and Badley Moor.

3. Planning History

- 3.1 Planning permission was granted in June 2010 for the 'Creation of a new recycling centre for the disposal, recycling and resale of household waste, and small scale sale of compost, composting bins, and associated items. The centre includes a concrete blockwork site office building, steel canopies, and the use of various receptacles for the storage of waste. Part of an existing warehouse building will be demolished to accommodate the proposed development: an area of land between the remaining section of building and proposed fence line will retain its existing industrial use' following a resolution by the committee. The site has since been developed for this use.
- 3.2 Prior to this, the site was operated by SCWS Limited, a steel work company.

4. Planning Policy

- | | | | | |
|-----|--|---|---|---|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8

DM10
DM12
DM13 | General location of waste management facilities and associated facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental protection
Transport
Nature conservation
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Transport
Amenity
Air quality |
| 4.2 | Breckland Core Strategy (2009) | : | CP7
CP10
DC1
DC6
DC12
DC16 | Town Centres
Natural Environment
Protection of Amenity
General Employment Areas
Trees and Landscape
Design |
| 4.3 | The National Planning Policy Framework (2012) | : | 11 | Conserving and enhancing the natural environment |
| 4.4 | National Planning Policy for Waste (2014) | | | |
| 4.5 | National Planning Practice Guidance Notes (2014) | | | |

5. Consultations

- | | | | |
|-----|----------------------------------|---|--|
| 5.1 | Breckland District Council | : | No response received. |
| 5.2 | Dereham Town Council | : | No objection. |
| 5.3 | EHO (Breckland) | : | No response received. |
| 5.4 | Environment Agency | : | No objection. |
| 5.5 | Highway Authority (NCC) | : | No objection subject to the items being stored for sale in the areas indicated on the plans. |
| 5.6 | Lead Local Flood Authority (NCC) | : | No response received. |
| 5.7 | Local residents | : | No representations received. |

- 5.8 County Councillor (Mr : No response received.
Paul Gilmour)

6. Assessment

Proposal

- 6.1 Planning permission is sought to enable the existing Dereham Household Waste Recycling Centre (HWRC) to become a mixed use development to accept trade waste (in addition to household waste), and to facilitate the small scale sale of additional items such as compost bins, green waste sacks, Christmas trees and logs (for firewood).
- 6.2 The County Council wishes to introduce a service aimed at small and medium sized businesses to deposit waste at the site for a charge (currently traders are not permitted to use the recycling centre). Waste would be separated into different material streams and deposited in the existing containers used for household waste (no additional ones would be required). It is anticipated the additional waste would be accommodated into the existing permitted annual throughput of 6,000 tonnes, and it would not compromise the primary function of the site as an HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items such as those listed above to complement the sale of compost or soil improver which is already permitted. The additional items for sale would be stored in or within the curtilage of the re-use centre (which already sells recycled household products) near to the exit of the operational area of the HWRC. The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.
- 6.4 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

Site

- 6.5 The HWRC site occupies land on the Trafalgar Business Park to the south of both the A47, which borders the northern edge of the site, and also the town centre. The HWRC takes up some 5% of this business park and the total site including access and egress roads is just under 1 hectare in size of which the operational area of the Recycling Centre itself consumes 3765 square metres (0.38 of a hectare).
- 6.6 The site is surrounded by industrial units to the south and west, and is bordered to the east by the Mid Norfolk Railway. Access to the site is from an existing access road, located off Yaxham Road, adjacent to the Roys of Wroxham store. The access to the site utilises Roys' private access road before travelling beneath the A47 and then onto the Trafalgar Business Park. Vehicles exit the site via a road through the business park and then onto Rash's Green. The boundary of the nearest residential property lies some 150 metres to the west of the operational area of the proposed Recycling Centre.

Principle of development

- 6.7 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the policies in the Breckland Core Strategy (2009). The original application was assessed against both of these policy documents. Whilst not part of the development plan, policies within both the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.9 The existing operational HWRC is located within land allocated as a General Employment Area in Breckland District Council’s adopted LDF Proposals Map for Dereham and is also regarded as both previously developed land and contaminated or derelict land. Therefore this site was (and is still) considered appropriate in the context of NMWDF policy CS6: *General waste management considerations* and Breckland Core Strategy Policy DC6: *General Employment Areas* when consent was granted for the HWRC. It is consistent also with the Government’s National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.10 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 Although Breckland Core Strategy Policy CP7 *Town Centres* seeks to restrict retail development outside the town’s Primary Shopping Areas (which the site is outside), in this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not impact on the vitality and viability of the town centre itself and the proposal would not undermine the aims of this policy.

Amenity

- 6.12 The site has operated to date without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site’s location on

industrial land and away from residential property.

- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity*, and Breckland Core Strategy Policy DC1: *Protection of Amenity* which seek to ensure there are no unacceptable adverse amenity impacts created.

Landscape / Design etc

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

Biodiversity

- 6.18 Habitats Regulation Assessment

Whilst the operational area of the HWRC is within 1.2 and 1.5 kilometres respectively of two Site of Special Scientific Interest (SSSI) that are part of the Norfolk Valley Fens Special Areas of Conservation (SAC): Potter and Scarning Fens and Badley Moor, in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated areas hence an Appropriate Assessment is not required.

- 6.19 Given the small scale nature of the scheme, it is considered to be compliant with policies CS14: *Environmental Protection* and DM1: *Nature Conservation* of the NMWDF Core Strategy, and Breckland Core Strategy policy CP10: *Natural Environment*, given that the changes would not harm the SAC, or any other locally designated nature conservation or geodiversity sites, habitats or species.

Transport

- 6.20 The proposals to accept trade waste would be accommodated within the existing permitted throughput of the site which is 6,000 tonnes: the applicant expects acceptance of trade waste would amount to a 1% increase in the total annual throughput, to some 4000 tonnes per annum (still within the 6,000 tonnes throughput). At this level of use it would generate an additional 3 vehicles per day (i.e. 6 movements). If the service proved more popular and trade waste

represented 5% of total visits it would result in a daily increase of some 16-17 additional vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.

- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.
- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

Sustainability

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

Groundwater/surface water & Flood risk

- 6.24 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.
- 6.25 Whilst the operational area of the site is within a groundwater Source protection Zone (SPZ) 3 as designated by the Environment Agency (EA), the EA has nonetheless raised no comments in respect of the application. It is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

Responses to the representations received

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

7. Resource Implications

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

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

8. Other Implications

8.1 Human rights

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

8.5 Equality Impact Assessment (EqIA)

- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought to enable the existing Dereham HWRC to accept trade waste in addition to Household Waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.
- 11.2 The development would not have unacceptable impacts on amenity, ecology, the landscape, ground or surface water, flood risk, or the highway network.
- 11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.
- 11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 Except where amended by the following documents submitted with this application:

- i. Dereham Recycling Centre Site Layout Plan:Dereham_Plan_2015_002 dated 4 November 2015;
- ii. Planning Statement;

the development shall not take place except in accordance with drawing references and documents approved under permission reference C/3/2009/3022:

- iii. Site Plan 1 of 6: 256387-AA01-201 Rev P2 received on the 4 March 2010;
- iv. Site Plan 2 of 6: 256387-AA01-202 Rev P3 received on the 12 May 2010;
- v. Site Plan 3 of 6: 256387-AA01-203 Rev P2 received on the 4 March 2010;
- vi. Site Plan 4 of 6: 256387-AA01-204 Rev P2 received on the 4 March 2010;
- vii. Site Plan 5 of 6: 256387-AA01-205 Rev P3 received on the 4 March 2010;
- viii. Site Plan 6 of 6: 256387-AA01-206 Rev P3 received on the 4 March 2010;
- ix. Drainage Plan 1 of 2: 256387-AA01-208 Rev P3 received on the 12 May 2010;
- x. Drainage Plan 2 of 2: 256387-AA01-209 Rev P3 received on the 12 May 2010;
- xi. Short Canopy (Plans and Elevations): 256387-AA01-212 Rev P2 received on the 4 March 2010;
- xii. Canopy and Security Lighting: 256387-AA01-214 Rev P2 received on the 4 March 2010;
- xiii. Fencing, Gates, Security and Cycle Stands: 256387-AA01-215 Rev P2 received on the 4 March 2010;
- xiv. Long Canopy (Plans and Elevations): 256387-AA01-222 Rev P2 received on the 4 March 2010;
- xv. Site Office/Re-use Shelter (Plans and Elevations): 256387-AA01-223 Rev P3 received on the 12 May 2010;
- xvi. Site Office/Re-use Shelter (Sections): 256387-AA01-229 Rev P1 received

- on the 18 March 2010; and,
- xvii. Container Elevations: 256387-AA01-230 Rev P1 received on the 18 March 2010.

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

- 12.2 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Dereham_Plan_2015_002 dated 4 November 2015.

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

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

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

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

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

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

1 October to 31 March (including Bank Holidays)
Sunday to Saturday: 08.00 - 16.00

1 April to 30 September (including Bank Holidays)
Sunday to Saturday: 08.00 - 18.00

The site shall not be operated on Christmas Day, Boxing Day or New Year's Day.

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

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

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

- 12.7 Water collected from roadways and the main operational area of the site shall be collected and disposed of in accordance with the details provided in Section 6.3 of the Design and Access Statement held on file reference C/3/2009/3022.

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

Recommendation

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

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

Background Papers

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

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

Breckland Core Strategy (2009)

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

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste:

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

Application references: C/3/2009/3022

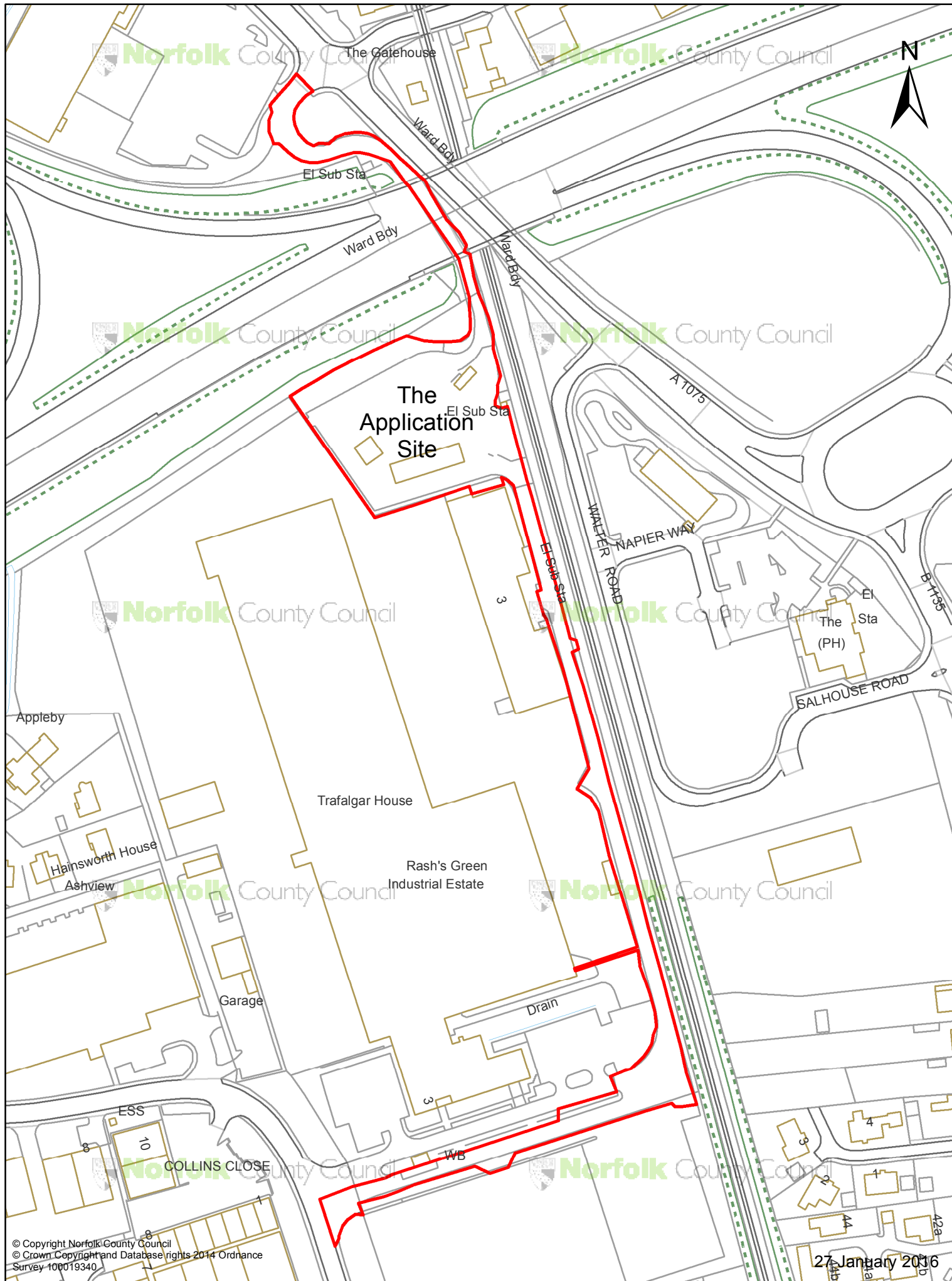
Officer Contact

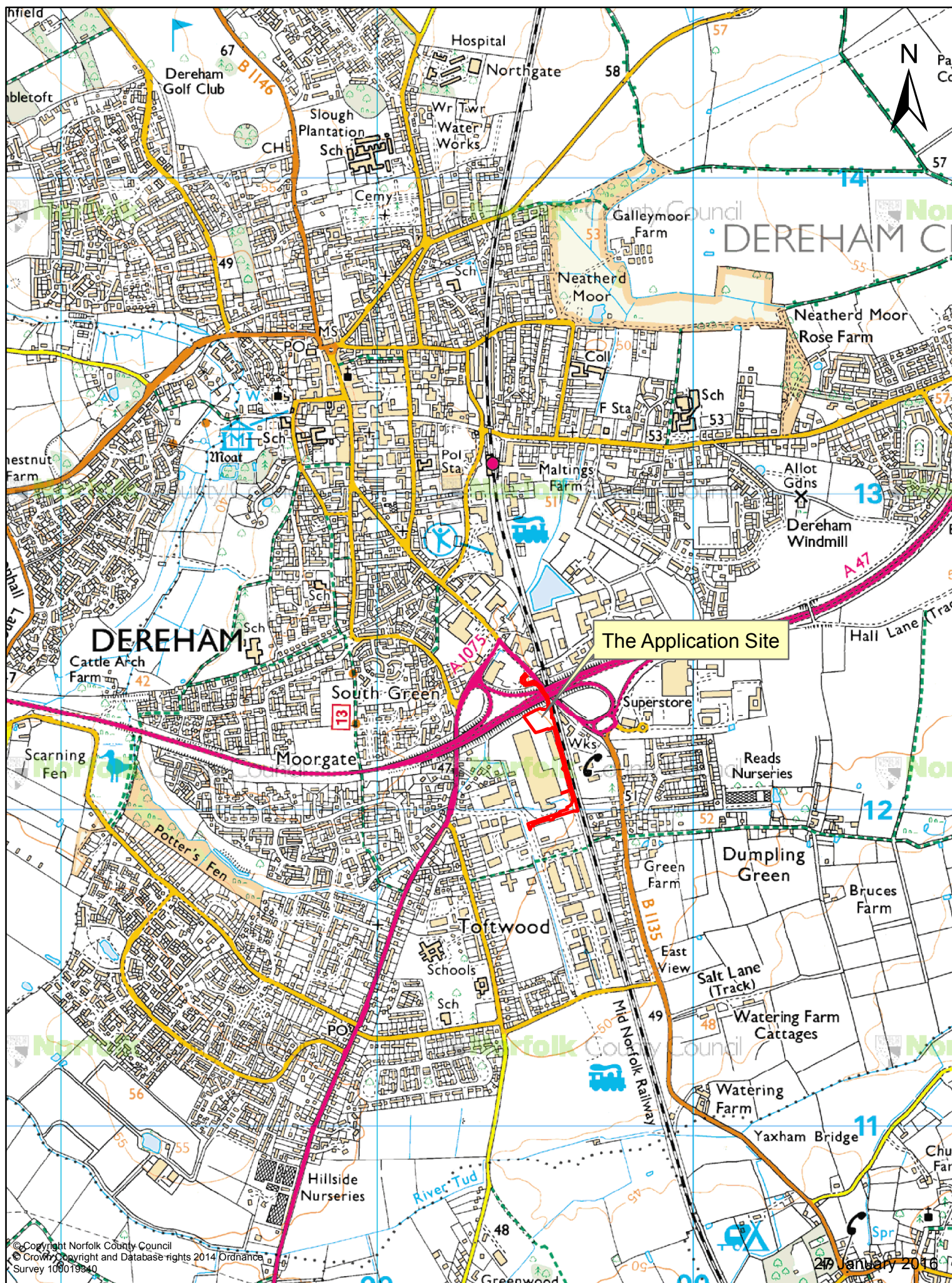
If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Ralph Cox	01603 223318	ralph.cox@norfolk.gov.uk



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





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C/3/2015/3017
 Dereham HWRC

0 100 200 400 600 800 1,000
 Metres

24

 Norfolk County Council

1:15,000

Applications Referred to Committee for Determination:

Broadland District:

C/5/2015/5020:

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

Norfolk County Council, Executive Director of Community and Environmental Services

Report by the Executive Director of Community and Environmental Services

Summary

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

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

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

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

Recommendation

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

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

1. The Proposal

- 1.1 Location : Mayton Wood HWRC, Little Hautbois, Nr Coltishall.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.15 hectares
- 1.4 Annual tonnage : 5,000 household waste
- 1.5 Duration : Permanent
- 1.6 Hours of working : 08:00 – 18:00 1 March to 31 March
08:00 – 20:00 1 April to 31 August
08:00 – 19:00 1 September to 30 September
08:00 – 18:00 1 October to end British Summer Time
08:00 – 16:00 Rest of year
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 4 additional daily vehicle movements (up to 3.5 tonne) (2 in and 2 out).
Sales of Goods: Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees.
- 1.8 Access : Access is taken from Frettenham Road (C532).

2. Constraints

- 2.1
- The A140 Trunk road is located approximately 3.7 kilometres to the west.
 - The site is located in Groundwater Source Protection Zone 3.
 - The site is approximately 6.6km to the east of Buxton Heath Site of Special Scientific Interest (SSSI), which is part of the Norfolk Valley Fens Special Area of Conservation (SAC); and approximately 6.7km to the south of Westwick Lakes SSSI. Crostwick Marsh SSSI, which is part of the Broadland Special Protection Area (SPA) and Ramsar site and The Broads SAC, is approximately 4.5km to the south of the site.

3. Planning History

- 3.1 A number of permissions have been granted since the site became operational. The most recent of these are:
- Planning permission was granted in 2013 for the installation of a lined filtration basin and associated pipe work for the treatment and discharge of surface water from the HWRC, erection of a 1.8 metre high security fence and safety barrier, under application C/5/2013/5007.
- Planning permission was granted in July 2010 for a portable steel welfare facility for site staff and a 6000 litre cess tank under planning application C/5/2010/5006.
- Permission for the existing re-use shelter was granted in March 2009 under planning application C/5/2008/5013.

4. Planning Policy

- | | | | | |
|-----|--|---|---|---|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8

DM10
DM12
DM13 | General location of waste management facilities and associated facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental protection
Transport
Nature conservation
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Transport
Amenity
Air quality |
| 4.2 | Broadland District Development Management DPD (2015) | : | GC2
EN2
TS3 | Location of new development
Landscape
Highway safety |
| 4.3 | Joint Core Strategy for Broadland, Norwich and South Norfolk (amended 2014) | | 16
17
19 | Other Villages
Smaller rural communities and the countryside
The hierarchy of centres |
| 4.4 | The National Planning Policy Framework (2012) | : | 11 | Conserving and enhancing the natural environment |
| 4.5 | National Planning Policy for Waste (2014) | | | |
| 4.6 | National Planning Practice Guidance Notes (2014) | | | |

5. Consultations

- | | | | |
|-----|---|---|-----------------------|
| 5.1 | Broadland District Council | : | No objections. |
| 5.2 | Horstead with Stanninghall Parish Council | : | No comments received. |
| 5.3 | EHO (Broadland District Council) | : | No comments received. |

- 5.4 Environment Agency : No objection.
- 5.5 Highway Authority (NCC) : No objection subject to the items for sale being stored in the areas indicated on the plans.
- 5.6 Lead Local Flood Authority (NCC) : No comments received.
- 5.8 Local residents : No representations received.
- 5.9 County Councillor (Thomas Garrod) : No response received.

6. Assessment

Proposal

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

Site

- 6.5 The HWRC site occupies 0.15 hectares and is located approximately 2km to the north west of Coltishall. Other uses immediately around the HWRC include the adjacent closed landfill site and the Mayton Wood quarry. The A140 trunk road is located approximately 2.5km to the west of the site, with access into the site taken from Frettenham Road (C532).

- 6.6 The site is an established HWRC and is comprised of a series of containers for accepting waste with parking provided in front. To the north and west of the site is the closed landfill. To the south and east is open countryside. The nearest residential property is approximately 170 metres to the north east of the site.

Principle of development

- 6.7 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), the policies in the Broadland District Development Management DPD (2015) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014). Whilst not part of the development plan, policies within the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.9 The site is an established household waste recycling centre, and would be regarded as previously developed land. The use of this site for waste purposes is well established and considered compliant in the context of NMWDF policy CS6: *General waste management considerations*. It is consistent also with the National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.10 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 Although the Broadland Development Management DPD Policy GC2 *Location of new development and the Joint Core Strategy for Broadland, Norwich and South Norfolk Policy 19 Hierarchy of centres*, seeks to restrict retail development outside the Primary Shopping Areas (which the site is outside), in this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not impact on the vitality and viability of town centres and the proposal would not undermine the aims of these policies.

Amenity

- 6.12 The site is operating without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site's location on previously developed land away from residential properties.
- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity*, and Broadland Development Management DPD Policy EN4: *pollution* which seek to ensure there are no unacceptable adverse amenity impacts created.

Landscape / Design etc

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

Biodiversity

6.18 Habitats Regulation Assessment

As stated in constraints section 2.1 the site is located approximately 6.6km to the east of Buxton Heath Site of Special Scientific Interest (SSSI), which is part of the Norfolk Valley Fens Special Area of Conservation (SAC). Crostwick Marsh SSSI, which is part of the Broadland Special Protection Area (SPA) and Ramsar site and The Broads SAC, is approximately 4.5km to the south of the site. However, in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated area hence an Appropriate Assessment is not required.

- 6.19 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy and Broadland Development Management DPD policy EN1: *Biodiversity and Habitats*, given that it is not felt the nature or scale of the proposals would harm the SAC, SPA, SSSI, RAMSAR or any other locally designated nature conservation or geodiversity sites or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity

action plans.

Transport

- 6.20 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 5,000 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 2 vehicles per day (i.e. 4 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in an increase to some 9 vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.
- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

Sustainability

- 6.23 The NMWDF Core Strategy policy CS13: *Climate change and renewable energy generation* has an aspiration that a minimum of 10% renewable energy is provided for waste developments (new and extensions) from decentralized and renewable sources. The application does not seek permission for a new site or any physical extension/changes to the buildings on the site. As such it is considered that it would be unreasonable to insist that renewable energy generation be included as part of this application.

Groundwater/surface water & Flood risk

- 6.24 The HWRC is located in Flood Zone 1 (i.e. the lowest risk of flooding). NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.
- 6.25 The site is located in groundwater source protection zone 3. The Environment Agency raised no objections in respect of the application and it is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

Responses to the representations received

- 6.26 The application was advertised by means of a site notice and an advertisement

in the Eastern Daily Press newspaper. No objections or other representations were raised by third parties.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

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

are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought to enable the existing Mayton Wood HWRC to accept trade waste in addition to household waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.
- 11.2 The development would not have unacceptable impacts on amenity, ecology, the landscape, ground or surface water, flood risk, or the highway network.
- 11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.
- 11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The development must be carried out in strict accordance with the application form, plans and documents detailed below:

Site Boundary Plan – Mayton_Plan_2015_001, Rev 1 dated 14/10/15
Site Layout Plan – Mayton_Plan_2015_002, Rev 1 dated 14/10/15
Planning Statement - undated

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

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

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

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

- 12.3 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Site Layout Plan – Mayton_Plan_2015_002, Rev 1 dated 14/10/15.

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

Recommendation

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

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

Background Papers

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

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

Broadland District Council Development Management DPD (2015)

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

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

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Application references: C/5/2013/5007, C/5/2010/5006 and C/5/2008/5013.

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



