

**Planning (Regulatory) Committee
Minutes of the Meeting Held on 23 April 2024 at
11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Steven Askew

Cllr Rob Colwell

Cllr Alexandra Kemp

Cllr Mark Kiddle-Morris

Cllr Paul Neale

Cllr Martin Storey

Cllr Steve Riley

Cllr Tony White

Substitute Members Present:

Cllr David Bills for Cllr Chris Dawson

Cllr Robert Savage for Cllr Will Richmond

Cllr Brenda Jones for Cllr Mike Sands

Also Present

Hollie Adams

Wayne Bland

Chris Burgess

Jack Clemence

Ralph Cox

Jonathan Hanner

Andrew Harriss

Isabel Horner

Kate Lawty

Cllr Victor Lukaniuk

Angela Masterson

Crysta Pestano

Sarah Shipley

Richard Skehens

Cllr Phil Wittam

Committee officer

Public speaker

Subject Lead (Planning Team), nplaw

Public speaker

Principal Planner

Principal Engineer (Developer Services)

Planning Officer

Public speaker

Planning Officer

Public speaker

Public speaker

Public speaker

Public speaker

Public speaker

Public speaker

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Chris Dawson (Cllr David Bills substituting), Cllr Will Richmond (Cllr Robert Savage substituting) and Cllr Mike Sands (Cllr Brenda Jones substituting).

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 26 January and 22 March 2024 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 No interests were declared.

4 Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

5 FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA

- 5.1.1 The Committee received the report setting out an application for retention of a replacement (second) rail siding at Brandon Rail Sidings. The sidings site is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road. Submission of the application followed the issue of an Enforcement Notice by the County Council which required removal of the rail siding track. An update report had been circulated to the committee, appended to these minutes at appendix A.
- 6.1.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation.
- Maps of the application site and proposed site layout were shown.
 - Photographs from the edge of the site of the storage bays and location of nearby housing in relation to the proposed site were shown.
 - The second siding would allow for a smaller number of train deliveries for the same throughput and unloading would be further away from the nearby housing at Redbrick Cottages.
 - The six-step unloading schedule at the site was shown and explained.
 - The application allowed for acoustic and dust mitigation measures to be secured under conditions.
 - Photographs were shown of road access to the site. HGV routes were dictated by contracts and local markets. The transport assessment that had been carried out stated that HGVs would be encouraged to avoid Brandon town centre.
 - No objections were raised by statutory consultees subject to suitably worded conditions being imposed.

- 6.2 The Committee asked questions about the presentation:

- The Planning Officer confirmed the acoustic fencing next to Redbrick Cottages was made of acoustic panels with wet weather membrane around it. A Committee Member queried whether the appearance for residents was adequate. The Planning Officer replied that this fencing had been put in place in discussion with residents as part of a range of acoustic measures. Some Committee Members were concerned that the acoustic fence would not provide adequate acoustic buffering. The Planning Officer stated that an acoustic survey had been carried out as part of the planning application process and a noise management plan had been submitted.
- The Planning Officer clarified that the hibernaculum was vegetation placed on an unused patch of land to provide a habitat for reptiles. Committee Members raised concerns about the appearance of the hibernaculum not being aesthetic.
- Heavy lorries and their impact on local roads was queried. The Principal Engineer (Developer Services) clarified that HGVs from the site had lawful use of the road network and the proposals in the planning application would not go over and above this.
- The Chair confirmed that the applicant was permitted to put in sidings, but this application was being considered by committee due to the aggregate use.
- A Committee Member spoke about the traffic survey data submitted by public speaker Cllr Lukaniuk, included at appendix B of these minutes. She queried why there had not been a wheel wash installed on site given these high numbers of vehicle movements. The Principal Engineer (Developer Services) replied that the figures in this survey were for HGVs travelling on the A1065 over a 5-day period. It showed that 462 HGVs originated at the site. The applicant had put forward suggestions of 52 vehicle movements per day, 26 in and 26 out. There were no controls on the site at the moment, but conditions could be secured to ensure throughput of aggregate was limited and mitigate dust and other impacting issues.
- The Planning Officer clarified that the application did not provide for installation of a wheelwash and the applicant had advised that the site layout and weigh bridge would have to be reconfigured to allow for a wheel wash to be installed on site. The applicant had proposed using a vacuum sweeper to sweep the site and nearby roads twice a week. A Committee Member voiced concerns about the impact this would have on traffic travelling through Brandon.

6.3 The Committee heard from public speakers.

6.3.1 Wayne Bland spoke as an objector to the application:

- Mr Bland was a resident of Brandon living close to the site.
- He noted that the application was retrospective. He believed that the second siding had been constructed without permission and without regard to planning law. He did not feel it was appropriate for conditions to be left to the operator to monitor but that Norfolk County Council should take responsibility of monitoring them such as counting trains, lorries, the size of the heap and checking air quality.
- Mr Bland stated that the cloud of dust from the site could be seen from Google Earth images.

- Mr Bland was concerned that the operator would be able to put in another machine and transport a further half a million tonnes of aggregate through Brandon.
- Mr Bland felt that due to the designation of the site it was unlikely to be refused but that Norfolk County Council Should take responsibility to monitor conditions and ensure additional aggregates and traffic movements could not come down Brandon High Street, as well as ensuring a wheel wash was on site as he felt a road sweeper was not sufficient.

6.3.2 Sarah Shipley spoke on behalf of Cllr Robert Kybird and on her own behalf as Assistant Director of Health and Housing at Breckland council with responsibility for Environmental Health

- Officers from Breckland had worked closely with Norfolk County Council planning officers.
- Since the current operators had been operating on site there had been several complaints related to noise dust and vibration especially from Redbrick Cottages residents who were closest to the site
- This application did not impact on the existing sidings which could operate without conditions or restrictions. The use of the second siding would allow the train to be split in two on arrival and unload at the furthest point from the cottages. Without use of second siding the train would remain whole and travel along the original siding to the area to the area immediately outside the cottages.
- All railway operators had a duty to run a safe and efficient transport system including sidings. This duty did not exempt them from action under the Environmental Protection Act 1990 for noise and dust, but action would fail if it could be proven that the operator had used best practicable means.
- The use of the second siding would allow the operator to act within best practical means as it would allow unloading as far away from the residential properties as possible. If the application was not approved, it would make future complaints about noise and dust from the site difficult to enforce under statutory nuisance legislation.
- several voluntary measures had been put in place to reduce disturbance to nearby residents. Planning permission for the second siding would enable these measures to become formal through conditions such as:
 - restricted access in front of Redbrick Cottages,
 - an area of rewilding,
 - an annual level on the maximum number of trains and wagons that can enter the site,
 - a condition that does not increase the amount of aggregate arriving on site,
 - no unloading on the second siding between 7:00 a.m. and 6:00 p.m,
 - dust monitoring and
 - a weather station to ensure dust control is employed.
- Breckland Council environmental health had worked very closely with County planners on this matter as well as the current site operator Network Rail and local residents to help reach the best available solution and believed that the best solution to help minimize long-term issues with noise and dust in the

immediate vicinity of the sidings was to Grant permission for the second sidings with the suggested conditions

6.3.3 Cllr Phil Wittam Chair of Brandon town council:

- when the A11 was dualled the A134 became the approved route for traffic to join the A11, as indicated on Norfolk County Council highway signage.
- Cllr Wittam felt it was wrong that a Norfolk County Council planning application should impose on West Suffolk. He stated that HGV traffic from the site travelled through Brandon causing damage to Thetford Road and Bury Road which were B roads, Brandon High Street and London Road and this damage cost West Suffolk Council and Suffolk County Council money to repair.
- Cllr Wittam also noted the impact for people living on Brandon High Street, London Road Thetford Road and Bury Road from the HGVs travelling on them.
- Cllr Wittam felt that if traffic from the site was diverted to join the Mundford roundabout and join the A11 this would mitigate issues caused by the HGV traffic.

6.3.4 Jack Clemence spoke on behalf of the applicant:

- Rail connected this site which acted as an aggregate depot for import and then export by road. It played an important role in the local and regional economy and rail use here dated back to the nineteenth century.
- Use of rail to import aggregate reduced HGV miles and was important as it allowed importation of non-local aggregates to Norfolk.
- The site was indicated as a strategic rail site. The planning application had been submitted to retain existing use of the rail track with an additional track to give a second rail siding to improve efficacy of the site.
- The applicant had tried to work positively with the Council and mitigate issues which had been raised. The site could operate on one siding without restrictions, but the additional siding had advantages to the operations and amenity by allowing more efficient use of the site such as longer 24 wagon trains so that less deliveries could be brought on to the site by less trains. It would also mean that the locomotive could be positioned further into the site and further away from residential properties.
- There was no formal mechanism to secure implementation of measures outside of the planning process and was at the discretion of the operator who had worked with planners and the Breckland District Council Environmental Health team.
- The acoustic fencing was installed at the request of the residents of Redbrick Cottages and was made longer following their request. It was designed with an acoustic engineer on board.
- The hibernaculum was located away from operations to provide a reptile habitat.
- It was not possible to provide a wheel wash at that time, but it was being considered for the future.

6.3.5 Cllr Lukaniuk, Suffolk County Councillor for Brandon, spoke as Local Member. Documents circulated to Committee Members by Cllr Lukaniuk before the meeting are appended at appendix B of these minutes:

- Cllr Lukaniuk objected to the siding which would increase aggregate travelling through Brandon. He stated that the rail sidings at Brandon used to be used for a wood depot and for troop movements.
- He felt that as a compromise, two conditions on this application would improve the environment for local residents: a wheel wash facility, which would mitigate against the dust and mud produced on site, and a redirection of HGVs right along the A1065 and A134 to avoid Brandon. Concrete works opposite to the site were subject to a section 106 agreement by Breckland District Council requiring vehicles from this site to take this route.
- Suffolk County Council, with the permission of Norfolk County Council, carried out an HGV count in October, 5-day period 459 trucks entered the facility; they use articulated lorries carrying 20 tonnes per unit which was 450,000 tonnes annually which was over the operator's figures set out in the report.
- In 2019 Brandon Town Council recorded a weekly figure of vehicles leaving the site, as set out in a logbook provided by Cllr Lukaniuk
- Cllr Lukaniuk stated that the residents of Redbrick Cottages were unhappy with the mitigating measures in place.

6.4 Committee Members asked questions about points raised by speakers:

- The Chair felt that asking for the operator to install a wheel wash was a reasonable condition to put on the application considering the concerns which had been raised by the speakers.
- A Committee member asked about the possibility of putting a condition in place enforcing an HGV route. The Principal Engineer (Developer Services) confirmed that a routing agreement to avoid Brandon town centre would be within the remit of Suffolk County Council Highways Authority to recommend. However the Planning Officer confirmed that they did not feel that activity on the site would increase and did not object.
- A Committee Member asked for more information on the rewilding area. The Planning officer replied that there was an area of land at the eastern end of the sidings site where operations would not be undertaken in order to safeguard the amenity of Redbrick Cottages and which would be left to revegetate. Committee Members discussed that re-wilding was not the correct term for the process being used in this case and raised concerns about the appearance of this area.
- Committee Members asked how many complaints had been received about the site. Angela Masterson, Environmental Protection Officer at Breckland Council, replied that Breckland Council had worked with residents and the operator to address complaints. As this was an operating siding statutory nuisance was limited so the operator had to show they were not operating un-reasonably; it was not unreasonable for trains to enter the site and be unloaded. Measures had been put in place and agreed with the site operator, noise consultants and residents and there were now fewer complaints with most issues dealt with by the operator.

- Carpenter noted the panels of the acoustic screening were thicker than they appeared on the screen.

6.5 Committee Members debated the application:

- A Committee Member pointed out that the tonnage handled at the site was different as indicated in the report and by speakers. The Planning Officer replied that the operator had indicated that 189,696k tonnes of aggregate would be delivered per year split over a maximum of 104 train deliveries. This limited HGV trips from the site. It was recommended that a condition was put on the application capping the aggregate input onto the site.
- Cllr Tony White **proposed** that acoustic fencing should be installed in the form of 10 ft posts with heavy board fencing. With no seconder, this proposal was **lost**.
- It was confirmed that a routing plan could not be conditioned as this action was within the remit of Suffolk County Council.
- Cllr Paul Neale proposed a that a wheel wash should be installed on the site. The Chair agreed that this would allow vehicles to be cleaned before leaving site and mean that the sweeper would not be needed. The Principal Planner noted that condition 11 stated "Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway." A Committee Member pointed out that a condition of this nature would improve the environment for residents and that one of the photos of the site showed puddles.
- The Chair **proposed** that condition 11 be amended to include provision of a wheel washing facility on the side to improve amenity for local residents, seconded by Cllr Colwell. With 12 votes in favour and one against, the proposal was **agreed**.
- The chair proposed that an HGV haulage route traffic management plan was put in place to direct traffic along the A134 seconded by Cllr Colwell. With 8 votes for and 5 against, the proposal was passed.
- A Committee Member was concerned about the traffic management plan impacting on vehicles travelling south and using small country roads, and that this condition may not be enforceable.
- A Committee Member discussed traffic issues experienced in Brandon Town

6.6 With 12 votes for and one abstention, the Committee agreed that the Lead Director for Communities and Environment be authorised to:

1. Grant planning permission subject to the conditions outlined in section 11 with the addition of the following two conditions:
 - A condition requiring the operator to develop an HGV route management plan. Final wording to be agreed by the Chair and Vice Chair with Planning Officers.
 - A condition requiring a wheel wash to be installed on site. Wording to be agreed by the Chair and Vice Chair with Planning Officers.
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.

6.7 The committee took a break from 12:35 until 12:45

7. FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY

7.1 The Committee received the report setting out an application for an Increase in tonnage of Air Pollution Control residue from 30,000 tonnes to 100,000 tonnes in connection with manufacturing of carbon negative aggregates; additional third production line in the process building; proposed increase in operational hours to 24-hour working, 7 days a week; aggregate processing building; 7 no. additional APCr and cement silos; 1 no. additional CO2 tank; sand storage building; additional conveyor and curing bay; extension to side of process building; acoustic barrier along access; 6m high rainwater harvesting tank; process water tanks; pipe bridge; additional staff and visitor parking; visitor and welfare facilities building; 0.2 hectare extension to site area and associated development.

7.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation.

- A location plan, site plans, elevation diagrams of the proposed visitor and welfare building, silos, sand storage building, curing bay building, and screening plant building, showing the height of the buildings was lower than those already on site.
- The application included a proposed extension to the site to accommodate a new visitor and welfare building. It was also proposed to install additional silos, a processing building, a second conveyor, a storage building and curing bays.
- Photographs of road access to the site were shown. No changes to road access were proposed.
- The nearest residential property to the development site was owned by the applicant. Part of the application included installing a metre high fence in front of the property for noise mitigation.
- Photos were shown of boundaries of the site; the welfare building would be built in a location which would not impact established trees or their roots.

7.3 Committee Members asked questions about the presentation:

- A Committee Member asked about consultations with the residents of the property owned by the applicant. The Planning Officer confirmed that consultations were made with neighbours as part of the application through neighbour letters and press notices and only one rejection was received. The nearest neighbours after the property owned by the applicant were shown on a map.
- The possibility of the escape of material during filling of the bulk tankers was queried. The Planning Officer replied that the tanks were filled pneumatically. This was done in the open air but as the containers were linked during the process there should not be any leakage.

- The Principal Engineer (Developer Services) clarified to the Committee a small error in one of the conditions set out in the report. Condition 9 on page 70 of the agenda should read: Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (*drawing: Site Access : 1460-CAL-DR-22-DR-D-SK002 Rev P02*) exceeding 0.6 metres above the level of the adjacent highway carriageway.

7.4 The Committee heard from registered speakers:

7.4.1 Richard Skehens from OCO Technology spoke as the applicant:

- The company had promised the community when they first received planning consent that they would set up a community liaison group. This group had been set up and now met once every 3 months, chaired by Cllr Fabian Eagle with attendance from Breckland District Council, the Parish Council and the Environment Agency. This group allowed the company to talk to the community about what was happening on site and for them to ask questions. This group was effective and as a result the parish council supported this application.
- The Company employed 20 local people and from the application presented today aimed to employ a further 10 local people.
- The Environment Agency had issued a permit for the site for 100,000 tonnes and when they visited site they commented that it was excellent to see a model waste recovery facility in operation and asked to use it as a model of how things should be done.
- The company had received international visitors to look at the technology on site, and had built a facility in Japan and Spain

7.5 The Committee debated the application:

- Committee Members voiced their support of the application:
- Committee Member noted the community liaison group as positive. The chair commented that this showed their role as a good neighbour.

7.6 With 12 votes for and 1 abstention, the Committee **AGREED** that the Interim Executive Director of Community and Environmental Services (or equivalent) 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.

8. Point of Order

8.1 The Committee resolved to take item 8, "FUL/2023/0047– South of Lynn Road, Swaffham" next, and then return to the running order as set out on the agenda.

9. FUL/2023/0047– South of Lynn Road, Swaffham

- 9.1 The Committee received the report setting out a proposal for a new 224 place Special Educational Needs (SEN) school, new vehicular access road, shared cycle/pedestrian path, staff & visitor car park with pick-up and drop-off area, hard and soft sports pitches, play spaces, fencing, landscaping, associated plant and ancillary works – Executive Director of Children's Services
- 9.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation. An update report had been circulated to the committee, appended to these minutes at appendix C.
- Maps showing location plans of the site were shown.
 - Residential and commercial properties were on the northern side of the site, a mobile home park was to the east and open land was to the west. The application site was outside of the settlement site for Swaffham.
 - A proposed site layout was shown, and the design and layout of the school site was explained. The proposed landscape plan was shown and explained.
 - Elevation diagrams of the school and floor plans were shown.
 - Photographs of the highways alongside the site were shown. A hedge would need to be removed on Lynn Road to accommodate a shared footpath and allow visibility.
- 9.3 Cllr Brenda Jones left at 1:15.
- 9.4 The Committee heard from registered speakers:
- 9.4.1 Isabel Horner spoke on behalf of the applicant:
- This application was an important scheme for the County Council, which would increase places for children with Special Educational Needs and Disabilities
 - The school would provide a replacement location for a Special Educational Needs and Disabilities School in Dereham. This school had around 90 pupils in 2008, but by 2019 had 151 pupils, creating challenges for school leaders.
 - The increase in pupils was due to increased demand for special school places nationally. The current number of pupils on roll at the school was 190.
 - The report set out that a site assessment was carried out on the current school in Dereham to assess the capacity for expansion; this was not possible due to ongoing disruption for pupils and as it was not possible to gather the required land around it.
 - As part of the Special Educational Needs and Disabilities expansion programme, another school was identified in Easton which was now open. A shortfall of places was identified in West and Central Norfolk so it was found that a site further west of Dereham would be preferable. As Swaffham has good road links it was a good location.
 - There was no specific catchment area for Special Educational Needs and Disabilities schools, but their locations were being extended to reduce travel time as much as possible. There was also a requirement for Special

Educational Needs and Disabilities schools to be located as close to a market town as possible.

- The external layout of the school was changed to reduce the impact on the closes neighbours of being overlooked.
- The new site would allow the school to expand the age range to provide education for young children up to the age of sixth form.

9.5 The Committee asked questions to the Planning Officer and speaker:

- A Committee Member asked if consideration had been given to the proximity of the site to RAF Brandon, taking into account the impact of the sound of low flying planes on autistic pupils. Crysta Pestano, the architect for the application, confirmed that she had considered noise from the site and external noise and the building was designed with the best acoustics in mind. It was considered that it was important to both protect the children but also to prepare them for the adult world. The Committee Member noted that the SEN Swaffham ambient noise report did not refer to aeroplane noise. The Planning Officer replied that aeroplane noise was raised during consultation and checked, and noise monitoring stated that this was picked up during the initial survey.
- A Committee Member asked about provision of active travel on the site, noting the high number of car parking spaces compared to cycle provision. The Planning Officer confirmed that cycle parking was separate from the vehicle entrance and parking. The Principal Engineer (Developer Services) explained that there would be a junction realignment on Whitsands Road with a footpath joining to existing provision and a zebra crossing. It was clarified that there would be around 180 full time equivalent staff and so a suitable number of parking spaces needed to be provided for them as well as professionals visiting the site to work with pupils to minimise the impact on the wider area from parking. Most cycle and pedestrian traffic would be from staff.
- It was queried whether there was additional capacity on the site for more pupils in the future or to expand the site if needed. Isabel Horner confirmed that there was not an intention to increase the size of this school as it was already one of the largest in the county, but instead to provide more school places at other Special Educational Needs and Disabilities schools in the county. There was capacity to consider this in the future if needed.
- The height of the building was queried; the Planning Officer confirmed that the proposed school building was at the midpoint of the site and the impact of the visuals of the site had been considered from many viewpoints and had been considered acceptable in terms of scale. It was in keeping of the area, taking reference from buildings in the town centre. The use of three floors added interest to the appearance.
- The Planning Officer confirmed that Sport England had raised a query about use of the leisure facilities by the local community, however, due to the disabilities of the pupils, the facilities were bespoke, and specially designed so in this case it was not necessary at this time. The site management could decide to make the facilities available to the community in the future if they wanted.

- A Committee Member raised a concern about the removal of hedges on the boundary. The Planning Officer confirmed that retention of the hedge had been discussed at length but there were many elements being put in place at this boundary such as a footpath and lighting infrastructure. There were established hedges being planted on the site and a forest school which would mitigate its loss.
- A Committee Member asked if converting existing buildings to provide more, smaller Special Educational Needs and Disabilities schools had been considered instead. Isabel Horner replied that children could be placed in a special school via a tribunal which did not consider the capacity of the school, and which small schools could not accommodate. This would be a bespoke facility which could support specific needs of children; retrofitting facilities to support children's needs into old buildings would not provide as good a facility for children.

9.10 The Committee unanimously **AGREED** that the Lead Director for Communities & Environment 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.

9.11 Cllr Stephen Askew left at 13:55

10. FUL/2023/0039: Quarry, Ipswich Road, Dunston

10.1 The Committee received the report setting out a planning application under section 73 of the Town and Country Planning Act 1990 to amend conditions 2 and 29 of permission reference C/7/2016/7013, to extend the period to restore the quarry until 31 December 2027.

10.2 The Principal Planner gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation. An update report had been circulated to the committee, appended to these minutes at appendix:

- Maps showing the location plan and site plan were shown.
- Photographs were shown of highways access to the site and the stockpiling area. Moving the stockpile would remove a sand martin colony, and a condition was in place to provide a suitable nesting area for them in a revised restoration scheme.
- Photos of the phases of working on the site were shown.
- An approved restoration scheme was partially in place and a map of this was shown.
- There was no foreseen impact on local amenity.

10.3 The Committee asked questions about the application:

- The Chair asked if they do not complete within the time granted within this application, would they need to come back for a future application. The Principal Planner replied that the applicant had submitted a scoping request for a 10-year extension and been advised by officers that 5 years was a preferential duration to complete the works. The applicant had said that the delay was caused by a delay in obtaining an environmental permit from the Environment Agency on land south of Mangreen Lane. Their lease on the land would also expire in 4 years' time.

10.4 The Committee unanimously **AGREED** that the Lead Director for Communities and Environment be authorized to:

1. Grant planning permission subject to the conditions outlined in section 11 and the signing of a Deed of Variation for the existing S106 Agreement;
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 14:06

Chair



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Planning (Regulatory) Committee

Item No: 5

Report Title: FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA

Date of Meeting: 23 April 2024

Responsible Cabinet Member: N/A

Responsible Director: Steve Miller, Lead Director for Communities & Environment

Proposal & Applicant: Retention of replacement rail siding (retrospective): Network Rail

There are four updates since the planning application committee report was published:

Organisation	Comment	Officer Response
Suffolk County Council (SCC) as Highway Authority	On 9, 10 and 12 April 2024 SCC as Highway Authority wrote to Norfolk County Council to advise that it is not considered that the proposed activities would lead to an intensification of HGV movements on the local highway network, and SCC as Highway Authority does not wish to object to the proposals.	Members to note this additional representation
West Suffolk Council (WSC)	On 10 April 2024 WSC wrote to Norfolk County Council to advise that the environmental benefits of securing additional controls, as per the suggested conditions in the report are significant.	Members to note this additional representation

	WSC note that no controls exist in relation to the otherwise lawful use of the site for importation, storage and distribution of aggregates.	
West Suffolk Council	<p>In their email WSC note that PP ref. 3PL/2005/0326/F on an adjacent site is subject to an obligation in respect of routeing of HGVs using the site to ensure all such vehicles, other than those delivering to Brandon and Weeting avoid movements through this town and village respectively.</p> <p>WSC note that the Ward Member for Brandon West would like to see this control imposed in relation to the application under consideration, and noting that the revised siding arrangement will undoubtedly encourage a likely greater and more intense use of the site, and facilitate the more efficient transportation of aggregates to the site, WSC consider it reasonable that the use of such a restriction is considered.</p>	<p>PP ref. 3PL/2005/0326/F for Erection of a new factory with external storage, parking and perimeter wall at Mundford Road, Weeting was granted by Breckland Council in October 2005. This permission is subject to a S106 Agreement to ensure HGVs avoid movements through Brandon and Weeting, other than those delivering to Brandon and Weeting.</p> <p>Breckland Council Director of Planning and Building Control advises that this is an old consent, and it would be highly unlikely that their planning officers would ask for routeing conditions/S106 Agreements now, given issues around enforceability. The Director is unaware of any other such conditions in the vicinity and associated with any nearby uses. Breckland is not requesting a routeing condition and does not as a matter of routine apply such conditions.</p> <p>As detailed at section 3.8 of the planning application committee report, Norfolk County Council (NCC) as Highway Authority has</p>

		<p>been consulted on the application and raises no objection, and as detailed elsewhere in this report update Suffolk County Council as Highway Authority raises no objection. In so doing, neither NCC or SCC as Highway Authorities have requested any vehicle routeing restrictions.</p> <p>This matter has also been further discussed with NCC as Highway Authority. The Authority responds that it is not aware of the Breckland permission, and whilst it would be interesting to understand the reasoning, do not consider that this would change their stance. Ultimately the site has good access onto the A road network in Norfolk.</p>
West Suffolk Council	<p>In their email WSC note the provisions of condition 12 but consider that this is likely to be challenging to enforce. WSC suggest that provision of a wheel wash would be an effective and enforceable level of control, and improve the likely adverse environmental effects arising. WSC ask that consideration be given to such.</p>	<p>Notwithstanding that reference is made to condition 12 (external lighting) given the nature of the concerns raised it is considered reasonable to assume that this relates to condition 11, which requires that <i>Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.</i></p> <p>Condition 11 is a standard planning condition imposed on planning permissions for minerals and waste development across Norfolk.</p>

		<p>In the event that there is material on the highway, the operator will have failed to comply with the condition and may be subject to enforcement action. Prosecution in relation to continued non-compliance following service of a Breach of Condition Notice would be easily evidenced.</p> <p>As regards concerns raised in relation to absence of a wheel wash, as detailed at paragraph 3.70 of the planning application committee report this matter has been pursued with the applicant who confirms that a wheel wash is not proposed as part of this application.</p> <p>As further detailed at para 3.70, the Dust Management Plan provides for a dedicated vacuum road sweeper for the site. This will be used at minimum as follows, or more frequently as required based on daily site checks:</p> <ul style="list-style-type: none"> o Along the site access road twice per week; o Within the Station Car Park on a daily basis; • on the public highway twice per week, as follows: <ul style="list-style-type: none"> o Heading north from site access along A1065/Mundford Road for a distance of 0.6 miles o Heading south from site access to junction of
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		<p>A1065 High Street, London Road and Thetford Road</p> <p>Breckland EHO, and NCC and SCC as Highway Authorities have not raised objection in relation to absence of a wheel wash.</p>
West Suffolk Council	<p>In their email WSC note the benefits of unloading all wagons from the southern siding and, in the interests of amenity, recommend that unloading arrangements detailed at para. 2.23 onwards of the Committee report be conditioned.</p>	<p>Notwithstanding that condition 1 refers to the Planning Statement, and a letter and email from the agent, all of which confirm the unloading arrangements utilising two sidings, it is considered relevant and reasonable to impose an additional specific condition which also refers to the schematic drawing of the unloading arrangements as included in the Acoustic Comparison Report and Air Quality and Monitoring Assessment, and as shown as a slide in the powerpoint presentation.</p> <p>It is therefore recommended that an additional condition is imposed. Please see amendments to paragraph 11.2 (Additional condition) below</p>
Breckland Council Environmental Protection Officer	<p>On 16 April Breckland Council Environmental Protection Officer wrote to Norfolk County Council to advise that whereas reference is made in the Dust Management Plan to</p>	<p>This matter has been pursued with the agent and a revised Dust Management Plan has been received. Please see amendments to paragraph 11.2 Condition</p>

	mechanical sweeping of the A106/Mundford Road and A106 High Street the correct road number is the A1065.	3 (Meteorological Station) and Condition 8 (Dust Management Plan) below
Councillor for Brandon East West Suffolk Council	On 16 April the Ward Member for Brandon East wrote to Norfolk County Council to advise that whilst he had previously raised objection to this application, he could now support it, subject to the following conditions: (1) installation of a wheel wash (2) all HGVs delivering to and from the site turn right when leaving the site (and not left which takes them along Brandon High Street).	As regards a wheel wash, as detailed elsewhere in this report update Breckland EHO, and NCC and SCC as Highway Authorities have not raised objection in relation to absence of a wheel wash. As regards HGV routeing restrictions, as detailed elsewhere in this report update neither NCC or SCC as Highway Authorities have requested any restrictions.

There are four amendments to the report since the planning application committee report was published:

Paragraph	Issue	Amendment
11.2 Condition 2 (Air quality monitoring)	<p>Updated wording</p> <p>Condition 2 originally required:</p> <ul style="list-style-type: none"> - the programme of ambient air monitoring to determine particulate levels generated by site activities at the boundary of the site with Redbrick Cottages to commence with effect from 1st May 2024, and -for the monitoring to be undertaken for a minimum period of six calendar months (excluding baseline measurement period) and, - in the event that there are no exceedances of the dust thresholds during 	<p>It is recommended that the wording of condition 2 be amended as follows:</p> <p>With effect from 1st June 2024 the programme of ambient air monitoring to determine particulate levels generated by site activities at the boundary of the site with Redbrick Cottages shall commence in accordance with the provisions of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024.</p> <p>The programme shall demonstrate that the particulate levels at Redbrick Cottages do not exceed</p>

	<p>October 2024, the monitoring to cease on 31st October 2024; or</p> <ul style="list-style-type: none"> - in the event that the exceedance levels are breached at any time during October 2024 monitoring to continue until such time as the exceedance levels are not breached for a period of one calendar month. <p>Given that it was necessary to defer consideration of the application until 23 April, and given that meaningful dust monitoring can only be undertaken during periods of the year that ideally encompass warm and dry conditions, it is considered reasonable and necessary to defer the commencement of dust monitoring until 1st June 2024, and to split the monitoring timescale over 2024 and 2025 so as to capture data for the months of April to August inclusive, as a minimum.</p> <p>The revised wording of condition 2 has also been agreed with the applicant and Breckland Council EHO</p>	<p>the national Air Quality Objectives Concentration in England of:</p> <ul style="list-style-type: none"> - Annual mean Particulate Matter (PM10) 40 µg/m³ - 24-hour mean Particulate Matter (PM10) 50 µg/m³ not to be exceeded more than 18 times during the six month monitoring period or, should the monitoring period be extended, 35 times a year; and - Annual mean Particulate Matter (PM2.5) 20 µg/m³ <p>In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m² /day, averaged over a four week period</p> <p>The dust monitoring programme shall initially be undertaken for a minimum period of three calendar months (excluding baseline measurement period) and,</p> <p>(i) In the event that there are no exceedances of the above dust thresholds during the month of August 2024, the monitoring shall temporarily cease on 31st August 2024, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the month of August 2024 shall be submitted to the County Planning Authority for its approval in writing; or</p> <p>(ii) In the event that the exceedance levels are breached at any time during the month of August 2024 monitoring shall be undertaken during September 2024 and monitoring documentation to demonstrate the particulate levels for the month of September 2024 shall be submitted to the County Planning Authority; and</p>
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		<p>(iii) with effect from 1st April 2025 the programme of ambient air monitoring shall re-commence in accordance with the provisions of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024; and The programme shall demonstrate that the particulate levels at Redbrick Cottages do not exceed the national Air Quality Objectives Concentration in England of:</p> <ul style="list-style-type: none"> - Annual mean Particulate Matter (PM10) 40 µg/m3 - 24-hour mean Particulate Matter (PM10) 50 µg/m3 not to be exceeded more than 18 times during the six month monitoring period or, should the monitoring period be extended, 35 times a year; and - Annual mean Particulate Matter (PM2.5) 20 µg/m3 <p>In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m2 /day, averaged over a four week period</p> <p>The re-commenced dust monitoring programme shall be undertaken for a minimum period of three calendar months and, (iv) In the event that there are no exceedances of the above dust thresholds during the month of June 2025, the monitoring shall cease on 30th June 2025, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the month of June 2025 shall be submitted to the County Planning Authority for its approval in writing;</p>
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		<p>or (v) In the event that the exceedance levels are breached at any time during the month of June 2025 monitoring shall continue until such time as the above exceedance levels are not breached for a period of one calendar month, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the full calendar month immediately prior to the cessation of monitoring shall be submitted to the County Planning Authority for its approval in writing.</p> <p>Reason: To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.</p>
11.2 Condition 3 (Meteorological Station)		<p>It is recommended that the wording of condition 3 be amended as follows (amended text in bold):</p> <p>Within three months of the date of this permission, the existing windspeed monitor/windsock shall be replaced by a Meteorological Station in accordance with the provisions of sections 3.6 to 3.9 of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024 and section 2.1 4. Windspeed Monitor/Windsock and Meteorological Station of the Dust Management Plan - Revision F; reference NP/VL/P23-2867/02 Rev F; prepared by Create Consulting Engineers Limited; dated 17th April 2024; received 17th April 2024.</p> <p>As specified within section 2.1 4. of the Dust Management Plan - Revision E, the Meteorological</p>

		<p>Station shall be used to monitor the following parameters as a minimum:</p> <ul style="list-style-type: none"> - Temperature (Degrees Centigrade); - Wind Speed (m/s); - Wind Direction; and - Precipitation (mm), and <p>in the event that the meteorological station identifies any of the following, immediate dust suppression measures (Dust Fighter and/or water cannon) will be deployed:</p> <ul style="list-style-type: none"> - Wind speeds greater than 3 m/s; - Temperatures greater than 18 degrees centigrade for two continuous days; - When rainfall has not occurred for three continuous days. <p>Reason for condition: To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.</p>
11.2 Condition 8 (Dust Management Plan)		<p>It is recommended that the wording of condition 8 be amended as follows (amended text in bold):</p> <p>Except as modified by revised management/mitigation measures as may be approved in writing by the County Planning Authority, the development hereby permitted shall be carried out fully in accordance with the Dust Management Plan - Revision F; reference NP/VL/P23-2867/02 Rev F; prepared by Create Consulting Engineers Limited; dated 17th April 2024; received 17th April 2024.</p> <p>Reason: To protect the amenity of residential properties, in accordance with</p>

		Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
11.2 (Additional condition and reason for condition)		<p>No rail unloading operations, with the southern siding retained shall take place other than in accordance with the provisions of:</p> <ul style="list-style-type: none"> -paragraphs 3.14 to 3.18 inclusive of the Planning and Heritage Statement; reference 22061/VW/jc; prepared by Firstplan Ltd; dated 14 October 2022; received 8 November 2022, and as shown on: -Figure 5.2: The 6 Stages of Unloading 24 Wagon Train of the Acoustic Comparison Report; reference JDB/CS/P19-1747/06; prepared by Create Consulting Engineers Limited; dated October 2022, and -Figure 4.1: Operation of Two Sidings (Scenario 2) -As proposed by Application of the Air Quality and Monitoring Assessment – Revision A; reference NP/CS/P19-1747/04 Rev A; prepared by Create Consulting Engineers Limited; dated 13 October 2022, as modified by the provisions of: -the letter from Firstplan Ltd to Norfolk County Council; reference 22061/VW/jc; dated 24 January 2023; received 24 January 2023; and -the email from Firstplan Ltd to Norfolk County Council dated 22 January 2024 10:35 <p>Reason: To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.</p>



Your Ref:
Our Ref: ENF/2009/0167/PAR

Contact: Mrs S Arnold
Direct Dial: [REDACTED]
E. Mail: [REDACTED]

Date: 1 June 2009

Dear Mr Lukaniuk

Weeting: Tarmac, Mundford Road: Breach of Section 106

I refer to your recent enquiry concerning the above traffic movements from the above site.

Following discussions with the site manager at Tarmac Brandon, I can confirm that he has spoken with all his drivers and reminded them that other than those deliveries to Brandon and Weeting they must avoid movements through this town and village respectively. He also advised that there will be a "No Right Turning" notice erected at the entrance of the site as a further reminder, and as such I consider that they have taken all reasonable steps to comply with the obligations set out in the Section 106 Agreement.

If you have any evidence to show that lorries belonging to other companies are not adhering to the requirements set out in the Section 106 Agreement please let me know and I will make further enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sue Arnold", is written over a horizontal line.

Sue Arnold
Planning Enforcement Assistant

PLANNING MILBANK 2005

THIS AGREEMENT is made the 13th day of October 2005

BETWEEN

- (1) BRECKLAND DISTRICT COUNCIL of Elizabeth House Walpole Loke Dereham Norfolk NR19 1EE ("the Council") and
- (2) JOHN GEARON BYEFORD MILBANK, LENA MARGARETA MILBANK, MICHAEL JEREMY COLIN MILBANK and VALERIE JANE MILBANK as trustees for and on behalf of Milbank Holdings Limited Retirement Benefits Scheme all of Earls Colne Business Park Earls Colne Colchester Essex CO6 2NS ("the Trustees")
- (3) NATIONAL WESTMINSTER BANK PLC (Company Number 929027) of 135 Bishopsgate London EC2M3UR ("the Mortgagee")

WHEREAS

(A) In this Agreement the following words shall have the following meanings:-

(1) "the Application"

means the application submitted to the Council in respect of a new factory with external storage and parking and perimeter wall which application is described in the forms plans and other particulars deposited with the Council under reference 3PL/2005/0326/F and for the avoidance of doubt for the purpose of this Agreement the term "the Application" shall include any application(s) to vary or renew the Permission

REV NO:

S 106 HGV BAN.

Mundford Road and except for deliveries from/to Brandon or Weeting shall not enter any part of the village of Weeting or the town of Brandon

2. The Trustees shall take all reasonable endeavours to:-
 - 2.1 procure that as from the Commencement of the Development all Heavy Goods Vehicles attending or leaving the Land in connection with the Business shall do so from/to the north along Mundford Road and except for deliveries from/to Brandon or Weeting shall not enter any part of the village of Weeting or the town of Brandon
 - 2.2 bring the requirement specified under paragraph 2.1 above to the attention of the operators and drivers of Heavy Goods Vehicles attending or leaving the Land in connection with the Business by printing appropriate directions on all invoices orders and other similar stationery

Part Two

Landscaping Areas

The Trustees covenant with the Council

1. Prior to the Commencement of Development to submit a draft Landscape Plan and a draft Landscape Management Plan to the Council for approval by the Council
2. To take their best endeavours to obtain the approval of the Council in writing to the Landscape Plan prior to first occupation of any part of the Development (such approval not to be unreasonably withheld or delayed) and to include in the Landscape Plan any reasonable comments as are made in writing by the Council
3. To comply with and implement at their own expense and in accordance with an agreed programme the terms of the Landscape Plan in relation to the setting out and initial maintenance of the Landscaped Areas in accordance with the timescales set out in the Landscape Plan
4. To take their best endeavours to obtain the approval of the Council in writing to the Landscape Management Plan prior to first occupation of any part of the Development (such approval not to be unreasonably withheld or delayed) and

Victor Lukaniuk (SCC Councillor)

From: Andrew Bramwell
Sent: 16 October 2023 10:22
To: Victor Lukaniuk (SCC Councillor)
Subject: RE: Traffic Figures

Hi Victor,

Hopefully, you got my invite to discuss the data in more detail.

As requested, here are the main points of interest to come out of the ANPR surveys in Brandon:

- **46,428 vehicles** were identified over the five-day period between 7am and 7pm entering Brandon from the five inbound locations.
- Of the 46,428 vehicles identified, there was total **of 2051 vehicles at 7.5T or over** identified entering Brandon from the five inbound locations.
- The majority of HGVs entering Brandon from the five inbound locations were via the two locations along the A1065 to the north and south of the town.
- Of the approx. 96,000 trips identified of all vehicles entering and exiting Brandon via the five locations, **HGVs** entering and exiting in one trip through Brandon along the A1065, approx. 130 travelled southbound and approx. 160 travelled northbound within 15 minutes.
- Of the **HGV trips** being identified leaving the aggregate facility via location 3 (south of entrance to site) in the first instance, approx. 462 travelled southbound and approx. 11 travelled northbound.
- Total vehicles captured travelling to the aggregate facility/entrance from the two inbound locations along the A1065 was 13,449. HGVs accounted for 8% (459 from the south and 592 from the north) of this total.

Hopefully, speak to you on the 20th of October at 10:00.

Thanks,

Andrew Bramwell
Senior Strategic Transport Planner
Transport Strategy
Growth, Highways & Infrastructure
Suffolk County Council | Endeavour House | 8 Russell Road | Ipswich | IP1 2BX
Telephone: 01473263915
Email: [REDACTED]
Website: [REDACTED]
Our Values: Wellbeing, Equality, Achieve, Support, Pride, innovate, Respect, Empower

From: Victor Lukaniuk (SCC Councillor) <Victor.Lukaniuk@suffolk.gov.uk>
Sent: Tuesday, October 3, 2023 10:36 AM



Your Ref:
Our Ref: ENF/2009/0167/PAR

Contact: Mrs S Arnold
Direct Dial: [REDACTED]
E. Mail: [REDACTED]

Date: 1 June 2009

Dear Mr Lukaniuk

Weeting: Tarmac, Mundford Road: Breach of Section 106

I refer to your recent enquiry concerning the above traffic movements from the above site.

Following discussions with the site manager at Tarmac Brandon, I can confirm that he has spoken with all his drivers and reminded them that other than those deliveries to Brandon and Weeting they must avoid movements through this town and village respectively. He also advised that there will be a "No Right Turning" notice erected at the entrance of the site as a further reminder, and as such I consider that they have taken all reasonable steps to comply with the obligations set out in the Section 106 Agreement.

If you have any evidence to show that lorries belonging to other companies are not adhering to the requirements set out in the Section 106 Agreement please let me know and I will make further enquiries.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sue Arnold", is written over a horizontal line.

Sue Arnold
Planning Enforcement Assistant

	5. Community use	5. Issue covered in report

There is one amendment to the report since the planning application committee report was published:

Paragraph	Issue	Amendment
2.6	Typing error	Substitute '1.75' for '3.2' to read '3.2' hectares.

Planning (Regulatory) Committee

Item No. 7

Report Title: FUL/2023/0039: Quarry, Ipswich Road, Dunston

Date of Meeting: 23 April 2024

Responsible Director: Steve Miller, Lead Director for Communities & Environment

Proposal & Applicant: Non-compliance with conditions 2 and 29 of permission reference C/7/2016/7013 to extend deadline for restoration of the site until 31 December 2027 (Tarmac Trading Limited)

There are no updates to report since the planning application committee report was published:

Organisation	Comment	Officer response

There is one amendment to report since the planning application committee report has been published:

Paragraph	Issue	Amendment
3.5	<p>Since publication of the report the Greater Norwich Local Plan (GNLP) was adopted by South Norfolk District Council on 25 March 2024, and is now within a 6 week legal challenge period.</p> <p>Whilst the draft plan was already given weight in 3.5 of report as an emerging plan, it is now part of Development Plan</p>	<p>No amendments necessary. The Officer advice to Members is that the application is consistent with the adopted Plan, and its adoption doesn't alter recommendation of report.</p>