

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 23 March 2018
at 10.10 am in the Edwards Room, County Hall**

Present:

Mr C Foulger – Chairman

Mr D Collis
Mr D Douglas
Mr D Harrison
Mr B Long
Mr W Richmond

Mr M Sands – Vice-Chairman
Mr E Seward
Mr M Storey
Mr A White

1 Apologies and Substitutions

An apology for absence was received from Mr C Smith.

2 Minutes from the meeting held on 16 February 2018

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 16 February 2018 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

Mr B Long declared a non-pecuniary interest in agenda item 6 (Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road, Gayton) as he was Vice-Chairman of King's Lynn Internal Drainage Board which had made representations about the application. Mr Long confirmed he had not taken part in any of the deliberations on this application at Board meetings.

Mr E Seward declared that, with regard to agenda item 5 (C/1/2017/1003: Boundary Pit, Off Sandy Hills, Old Yarmouth Road, North Walsham) as County Councillor in the neighbouring ward to the application site, he was aware of the application, but had not taken part in any deliberations or discussions about the application.

4 Urgent Business

There was no urgent business.

5 C/1/2017/1003: Boundary Pit, Off Sandy Hill lane, Old Yarmouth Road, North Walsham

- 5.1 Proposal: Extension of waste recycling site and increase in annual throughput from 75,000 to 90,000 tonnes, to include additional area for inert storage, building extensions, installation of 12no. PV panels, picking line, perimeter bunding, vehicle parking area (part retrospective), re-excavation of eastern end of the site to remove deposited inert waste and achieve final level as approved under application C/1/2011/1003, off site highway improvements and consolidation of planning permissions (Carl Bird Limited).
- 5.2 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to extend the overall size of an existing recycling and waste transfer facility that dealt with inert construction and demolition waste, mixed skip waste and municipal waste, from approximately 4 hectares (ha) to 6ha. The application also sought to increase by 20% the site's permitted waste throughput from 75,000 to 90,000 tonnes per annum (tpa). The application included development within the existing site consisting of a picking line, a new internal road layout and installation of PV panels to the office.
- 5.3 Mr S Daw, Planning Agent, addressed the Committee on behalf of the applicant in support of the application. Mr Daw spoke about the lack of objections from North Norfolk District Council, Worsted Parish Council, North Walsham Town Council, Environment Health Officer, Environment Agency and Highways Agency. He added that 84 individuals had signed a petition in support of the application and no local residents had raised any objections. He added that the only objection appeared to have come from the Norfolk County Council Landscape Officer who had stated the proposed extension sought to increase the size of the operational site, undermining local landscape and presenting an encroachment on the countryside, and that this objection had not been supported by the District Council. Mr Daw continued that permanent bunds already existed at the site and that the operation was needed. The Planning Agent felt that the report had tried to discredit the applicant.
- 5.4 Mr John Timewell, County Councillor for North Walsham West and Erpingham Ward addressed the Committee as Local Member. Mr Timewell stated that the site had been operating since 2001 and dealt with inert waste. He added that Carl Bird Ltd's standard of operation was a credit to the waste industry and that the company was contracted to Norfolk County Council. Carl Bird Ltd was a family business employing 19 staff which would increase by a further 5 if planning permission was granted, jobs which were needed within the county. Mr Timewell continued by saying that no objections had been received about the application and that residents, Worsted Parish Council and local leisure and hospitality businesses supported the development. The site had not caused any pollution in the local area.
- 5.5 Mr E Seward, County Councillor for North Walsham East ward whose boundary joined onto part of the application site said he was very familiar with the area. He

added that Norfolk County Council had its own recycling centre at Worsted with cars and lorries travelling to and from the site 7 days per week. He referred to the planning permission granted in 2001 and 2011 which had been a departure from Policy. He also referred to the hospitality and leisure businesses situated close to the application site and the fact that there had been no complaints from these businesses about noise and odour. Mr Seward referred to the fact that the only objection was from the Norfolk County Council Landscape Officer. He continued that the site was well run; had attracted no public opposition and that it would help Norfolk County Council meet its recycling targets. Mr Seward fully supported the conditions proposed by the Highways Authority. Mr Seward added that the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies CS3 and CS4 were meeting demand; the agricultural land was not a significant loss as it was low grade; he knew of no alternative site in the North Walsham area that could take the waste; and that he could not support the recommendation to refuse the application.

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

- 5.5.1 Norfolk did not currently have the waste management capacity that the Waste Local Plan identified as necessary. The waste treatment figures for North Norfolk and North Walsham were not available individually as the target was a Norfolk-wide target.
- 5.5.2 Although there had been some unauthorised use of neighbouring agricultural land for the unauthorised storage of waste, no enforcement action would be considered until the planning application had been determined.
- 5.5.3 Approval for the solar farm on the A149 opposite the application site had been determined and granted by the local District Council. The Planning Services Manager considered that the use could be classed as temporary although it was likely to be in place for 25 years.
- 5.5.4 Some Members questioned why the application had been recommended for refusal when the only objection appeared to be from the Norfolk County Council Landscape Officer, and asked if a condition could be included stating that no more extensions would be allowed in the future. The Planning Services Manager responded that every application needed to be considered individually, and it would not be possible to impose conditions restricting future extensions.
- 5.5.5 The Norfolk County Council Landscape Officer who had commented on the application could not be asked to attend the meeting to present their reasons for objection as they no longer worked for the County Council.
- 5.5.6 Mr A White proposed that the Committee approve the application as, although it was contrary to the plan, there was a recognised need for the development.
- 5.5.7 Mr Long proposed an amendment, adding that the Committee did not feel the extra impact would have a negative effect on the landscape given the established use of

the waste site presently as well as from the existing surrounding development. Mr A White seconded the amended proposal.

5.5.8 The Team Lead (Planning & Environment) nplaw advised the Committee that if it decided to approve the application contrary to the recommendations in the report, it needed to make its reasons very clear. She added that the Committee would need to delegate to Officers the drafting of the decision notice, and include suitable conditions. The following recommendation was proposed and **agreed** by the Committee:

- 5.5.9
- The Committee believed the waste site should be granted permission. The material considerations that weighed in favour of granting planning permission were that the proposals would not have a negative impact on the landscape due to existing bunding and landscaping already in place and due to the existing / previous development in the vicinity of the site, hence the site was not considered to be typical open countryside. The development also accorded with the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (2010-2016) (NMWDF) Waste Policy CS3 (Waste Management capacity) and Policy CS4 (New waste management capacity).

5.6 The Committee unanimously **RESOLVED** to:

- **Approve** the application, delegating to officers the drafting of the decision notice, including suitable conditions.

6 Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road in Gayton

6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking full planning permission for the change of use of agricultural land and the erection of a new school and nursery to replace the existing school currently located on Lynn Road, Gayton. The application site related to an unallocated greenfield site, outside but on the edge of the development boundary identified for Gayton.

6.2 During the presentation of the report, it was noted that, since the report had been published, one further letter had been received from a local resident endorsing the recommendation for a site visit and requesting that the site visit take place at either the start or the end of the school day. No other new information had been received.

6.3 The Chairman reminded Members that any questions or debate could only relate to the necessity of undertaking a site visit; who should be invited and the localities it wished to view. The site visit would take place on a date to be agreed. He added that no debate about the merits of the application would be allowed and the application would be presented to a future Committee meeting for decision. The Chairman also advised only those Committee Members who had attended the site visit would be able to debate and vote on the application when it was formally

presented to a future Planning (Regulatory) Committee meeting.

- 6.4 Mr G Gibling, resident of Gayton, who lived opposite the proposed site, addressed the Committee. Mr Gibling stated that he fully supported the recommendation to undertake a site visit and suggested Committee Members consider the following during their visit:
- View the alternative sites that had been explored but not considered suitable by the applicant, particularly site 1 (Land east of Grimston Road – B1153); site 10 Land to north of St Nicholas Close and site 11 (Playing field and part of land north of St Nicholas Close).
 - View proposed site 8 (Land corner of Back Street/Winch Road), walking along Back Street, towards Winch Road returning to Back Street and imagine the size of the building, how it would operate and the movement of people and cars in and around the proposed entrance to the school.
 - Walk on the field of the proposed site, walk its perimeter and imagine the height and situation of the buildings.
 - View the water culverts.
 - View the proposed site for the pedestrian crossing.
 - Walk up Winch Road to view the sewage pumping facility.
- 6.5 In response to general questions from the Committee, the following points were noted:
- 6.5.1 The Committee agreed that a site visit was in the interests of all Committee Members to enable them to make an informed decision when it considered the formal application at a future committee meeting.
- 6.5.2 Members asked to visit the location of the existing school to see how it was working and current constraints.
- 6.5.3 It was proposed that the site visit took place at the end of the school day so the Committee could view potential traffic issues.
- 6.5.4 It was suggested that invitations for the site visit be extended to:
- Mr Graham Brown, King's Lynn Internal Drainage Board
Graham Middleton, Local Member for Gayton Ward
- 6.6 The Committee unanimously **RESOLVED** to:
- **Note** the report.
 - **Agree** to undertake a site visit (to be arranged) before determination of the submitted planning application.
- 7 **Member Technical Briefing**

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services proposing that Members be provided with a technical briefing service to update them on general planning matters prior to planning committee meetings.
- 7.2 The following points were noted during the discussion:
- 7.2.1 If the Committee decided to hold a technical briefing before each Planning (Regulatory) Committee meeting, there could be no debate about individual planning applications and any questions or discussions would need to be contained to technical information and queries only.
- 7.2.2 The Committee was advised that technical briefings could be an opportunity to inform Members about new case law and any changes in Government policy or guidance relevant to planning applications. The Committee was reassured it would be informed if there were any changes in policy or guidance during Committee meetings and that the main reason for proposing the briefing was to assist new Members of the Planning (Regulatory) Committee who may find a longer explanation useful and relevant.
- 7.2.3 Due to public perception around predetermination and in the interests of openness and transparency, some Members were not in favour of holding technical briefings and felt any technical information should be provided in Committee meetings to ensure everyone attending the meeting was aware of the updated information. In response it was stated that members of the public would be informed about the technical briefing and they would be able to attend and listen to questions and responses if they wished.
- 7.2.4 As a technical briefing would not give rise to any decision making no authorisation was required to initiate a meeting, therefore Environment, Transport and Development Committee was not required to approve the holding of technical briefings and it was not proposed to prepare a report on the proposed technical briefing for the Environment, Transport and Development Committee.
- 7.2.5 It was not proposed to make technical briefings mandatory for all Committee Members to attend, it was entirely voluntary. All the issues covered in the technical briefing would be reported at the Committee meeting.
- 7.2.6 The Chairman reported that briefings had been held at South Norfolk District Council for a number of years; they were informative and no issues about predetermination had been identified.
- 7.3 Four members supported the proposal and six members of the Committee **did not support** the holding of a technical briefing meeting prior to future Planning (Regulatory) Committee meetings.

The meeting concluded at 11.40am.

Chairman



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