

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

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|-----|--|---|---|---|
| 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:

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