

# Planning Regulatory Committee

Date: **Friday 8 January 2016**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

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

## **Membership**

Mr B Long - Chairman

Mr S Agnew  
Mr S Askew  
Mr M Baker  
Mr B Bremner  
Mr D Collis  
Mr C Foulger  
Mr A Grey  
Mr D Harrison

Mr J Law  
Ms E Morgan  
Mr W Northam  
Mr M Sands – Vice-Chairman  
Mr E Seward  
Mr M Storey  
Mr J Ward  
Mr A White

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

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

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

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

**For further details and general enquiries about this Agenda  
please contact the Committee Officer: Julie Mortimer  
on 01603 223055  
or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)**

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

## **A g e n d a**

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

- 2 Minutes:**

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To receive and agree the Minutes of the meeting held on 27 November 2015.

- 3 Members to Declare any Interests**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

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

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

- 4 To receive any items of business which the Chairman decides should be considered as a matter of urgency**

### **Applications referred to the Committee for Determination**

Reports by the Executive Director of Community and Environmental Services

- |      |  |                |
|------|--|----------------|
| 5    | <b>Borough of King's Lynn &amp; West Norfolk: C/2/2015/2030: King's Lynn: Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre: Anglian Water Services Ltd</b>   | <b>Page 7</b>  |
| <br> |  |                |
| 6    | <b>Breckland District: C/3/2015/3014: 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</b>     | <b>Page 31</b> |
| <br> |  |                |
| 7    | <b>South Norfolk District: C/7/2015/7015: 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</b> | <b>Page 46</b> |

**Chris Walton**  
**Head of Democratic Services**  
County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: 30 December 2015



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

### **Equality Act 2010**

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

### **Human Rights Act 1998**

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

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

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

**Planning Regulatory Committee  
Minutes of the Meeting Held on Friday 27 November 2015  
at 10am in the Edwards Room, County Hall**

**Present:**

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

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

**1 Apologies and Substitutions**

Apologies for absence were received from Mr D Harrison.

**2 Minutes from the meeting held on 24 July 2015**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 24 July 2015 were agreed as a correct record by the Committee and signed by the Chairman.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Urgent Business**

There were no items of urgent business.

Application referred to the Committee for Determination:

- 5 North Norfolk District Council: Y/1/2015/1010: Scottow Enterprise Park (former RAF Coltishall) Barton Road, Scottow, NR10 5DG: Variation of condition 2 of planning permission Y/1/2014/1007 for erection of live fire training facility, hard-standing area and retention of four fire training containers; plus change of use of Building 440 to provide briefing, mess and rest room facilities and Building 109A for ancillary storage; to allow for variations to the fire training facility and hard standing area: Norfolk Fire and Rescue Service.**

- 5.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking a variation to condition 2 (which identified the approved plans) of the extant permission (Y/1/2014/1007) to allow for variations to the proposed live fire training facility and hard standing. The extant permission was approved by Members of the Planning (Regulatory) Committee on 20 February 2015 and was yet to be implemented.
- 5.2 During the presentation of the report, the Planning Services Manager advised that a response had now been received from North Norfolk District Council, one of the statutory consultees which included the response from the Environmental Health Officer (EHO). North Norfolk District Council had stated they had already made their comments when responding to the original application that had been approved in February 2015, and confirmed they had no objection to the revised application.
- 5.3 The Committee was also advised that a letter had been received from Norman Lamb MP highlighting some potential discrepancies in the distances quoted in the original application. The Planning Services Manager confirmed that all statutory consultees would have had access to plans and an opportunity to raise any objections during the consultation period if they had considered it appropriate.
- 5.4 The Planning Services Manager said that no complaints had been received by the Environmental Health Officer at North Norfolk District Council about the operation at the site, and advised that any complaints which were received by the EHO would be investigated and any appropriate action taken.
- 5.5 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
  - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
  - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 10.15 am.

**CHAIRMAN**



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

Report by the Executive Director of Community and Environmental  
Services

**Summary**

Planning permission is sought for construction of a sludge cake reception facility within the existing King's Lynn Water Recycling Centre (WRC). This would enable sludge cake (dewatered at other Anglian Water sites) to be imported to the site in HGVs and allow the existing Sludge Treatment Centre (STC) to operate at its full capacity of 19,000 tonnes per annum of dry solids (currently it operates at 11,000).

This would increase the amount of sludge cake treated in the existing AD plant that forms part of the existing STC and therefore also the amount of renewable energy created by this process as well as maximising operating efficiency. The proposal would also result in a small decrease in the number of HGVs visiting the WRC.

The planning application has received no objections from statutory consultees however representations have been received from Clenchwarton Parish Council and two local residents objecting to the development. In accordance with the Council's scheme of delegation, the application would not ordinarily be reported to this committee however the Local Member Cllr Alexandra Kemp has, in accordance with the Council's constitution, requested the application be determined by this committee.

The application accords with the development plan 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. 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 : Land within existing King's Lynn Water Recycling Centre.
- 1.2 Type of development : Water Recycling Centre and associated infrastructure.
- 1.3 Area of site : 0.74ha
- 1.4 Annual tonnage : Sludge cake: 19,000 tonnes per annum (the sludge cake reception centre would enable the existing capacity to be reached: currently it is operating at 11,000 tonnes per annum)
- 1.5 Market served : Circa 25 - 40 mile radius: the applicant has identified a number of sewage treatment works within the east of England where sludge cake would be imported from)
- 1.6 Duration : Permanent
- 1.7 Hours of working : **Operation of sludge cake reception facility:**  
24 hour working proposed 7 days a week  
(including bank holidays)

### **Traffic Access to the site:**

07.00 – 19.00 Sunday to Monday

### **Construction of the proposed development:**

07.00 – 18.00 Monday to Friday

07.00 – 13.00 Saturdays

No working Sundays or Bank Holidays

- 1.8 Vehicle movements and numbers : **Construction of the proposed development:**  
Predicted to be 82 (41 in and out) additional movements per day over a 33 week construction period consisting of
- 20 cars / LGVs associated with staff;
  - 15 HGVs;
  - 5 other delivery vehicles;
  - 1 HGV every 2 weeks to remove site waste

### **Following construction, the vehicle**

### **movements for the sludge treatment centre:**

Predicted to be a net decrease of between 24 and 4 HGV movements (12 and 2 HGVs in and out).

HGVs accessing the site would be:

- 34 to 44 HGVs consisting of 29 to 39



imports and 5 exports (68 to 88 movements).

1.9 Access : Existing access/egress to WRC from Clockcase Lane

1.10 Landscaping : No additional landscaping proposed.

## **2. Constraints**

2.1 The following constraints apply to the application site:

- Public Footpath King's Lynn FP36 runs some 75 metres east of the site, adjacent to the River Ouse.
- Site lies within Flood Zone 3.
- Site lies in King's Lynn Internal Drainage Board (IDB)
- Northern most point of site (the access within the existing WwTW) is 1.35 kilometres south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

## **3. Planning History**

3.1 It is understood that the Water Recycling Centre (previously the 'Wastewater Treatment Works') has operated at its existing site on Clockcase Lane since before 1971.

3.2 In 2006 the County Council granted planning permission for the 'Construction of a Bio-solids Treatment Plant' at the existing WwTW under reference C/2/2006/2006 following a resolution by this committee. This is the sole previous application that the County Planning Authority has permitted for this site.

3.3 In December 2013, this committee resolved to refuse an application for Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline' under reference C/3/2013/2003. The grounds of refusal were on the basis of the location of liquid sludge import centre element of the proposal located in open countryside with the loss of Grade 1 Agricultural land. Therefore the proposal did not accord with the development plan and there were not considered to be material considerations to justify a departure from the plan.

3.4 The applicant subsequently appealed this decision and in October & December 2014 a Hearing was held to consider the appeal. The Planning Inspectorate however dismissed the applicant's appeal and upholding the Council's original

decision which was issued in February 2015.

## 4. Planning Policy

4.1	Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS5	General location of waste management facilities
			CS6	General waste management considerations
			CS7	Recycling, composting, anaerobic digestion and waste transfer stations
			CS11	Wastewater/sewage infrastructure and treatment facilities
			CS14	Environmental protection
			CS15	Transport
			DM3	Groundwater and surface water
			DM4	Flood risk
			DM8	Design, local landscape and townscape character
			DM9	Archaeological Sites
			DM10	Transport
			DM12	Amenity
			DM13	Air quality
			DM15	Cumulative impacts
4.2	King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)	:	CS01	Spatial Strategy
			CS02	The Settlement Hierarchy
			CS03	King's Lynn Area
			CS06	Development in Rural Areas
			CS08	Sustainable Development
			CS11	Transport
			CS12	Environmental Assets
4.3	King's Lynn & West Norfolk Borough Council Local Plan (1998)	:	No relevant saved policies.	
4.4	The National Planning Policy Framework (NPPF) (2012)	:	10	Meeting the challenge of climate change, flooding coastal change
			11	Conserving and enhancing the natural environment
4.5	National Planning Policy for Waste (2014)			
4.6	National Planning Practice Guidance Notes (2014)			

## 5. Consultations

- |     |  |  |
|-----|--|--|
| 5.1 | Borough Council of King's Lynn & West Norfolk    | : No objection. The application was referred to their Planning Committee and Members resolved not to object but to request extra screen planting is considered.  |
| 5.2 | Clenchwarton Parish Council                      | : Unanimously voted to object to the application on the grounds that Clockcase Lane is a village single track land and totally inadequate for the huge volume of tanker traffic already using the lane. Anglian Water should not be able to expand its facility until a better access road is in place.  |
| 5.3 | Highway Authority (NCC)                          | : On receipt of additional information (as requested), satisfied the development would not lead to an increase in HGVs accessing the site. No objection subject to conditions concerning a management plan for backfilling of vehicles to limit vehicles to current levels, and a condition to limiting the tonnage of material and HGV to the equivalent of current levels. |
| 5.4 | Environmental Quality (KL&WN)                    | : No objection on air quality grounds. Recommend that a Construction Environment Management Plan be required by condition to minimise environmental impact during the construction phase.  |
| 5.5 | Community Safety & Neighbourhood Officer (KL&WN) | : No objection. The site is covered by an IPPC regulated by the Environment Agency which controls factors such as noise, vibration, odour and pests. The Permit has recently been varied to cover the proposed new development once it is operational and therefore it is not appropriate to duplicate these controls through additional conditions via the planning system. |
| 5.6 | Norfolk Historic Environment Service (NCC)       | : No Objection: the proposal does not have any implications for the historic environment.  |
| 5.7 | Environment Agency                               | : No objection. Confirm that the new sludge cake reception facility has already been included within the existing Environmental Permit by means of a permit variation.   |
| 5.8 | Natural England                                  | : No objection. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.  |

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|------|--|--|
| 5.9  | King's Lynn Drainage Board                     | : No objection.  |
| 5.10 | Lead Local Flood Authority (NCC)               | : No comments to make.   |
| 5.11 | Ecologist (NCC)                                | : No objection.  |
| 5.12 | Landscape & Green Infrastructure Officer (NCC) | : No objection.  |
| 5.13 | UK Power Networks                              | : No response received.  |
| 5.14 | Public Rights of Way Officer (NCC)             | : No objection.  |
| 5.15 | Local residents                                | : Objections / correspondence expressing concern about the development received from two members of the public on the following grounds: <ul style="list-style-type: none"> <li>• Clockcase Lane is not adequate for 40t HGVs that the development would result in using it;</li> <li>• As more waste is imported from Lincolnshire, Cambridgeshire and East Norfolk it is inconceivable traffic will reduce;</li> <li>• The monthly repairs to this road show that the single track village lane is in a continuous state of collapse and poor repair as it is completely unsuitable for the weight of these HGV's, not only in size (being a single track village lane) but also in construction having never been built for the weight, size and huge number of Anglian Water HGV tankers continually damaging it;</li> <li>• The huge number of repairs and inspections for such a short village lane probably makes this the most expensive road to maintain in England and is a shocking waste of NCC taxpayers;</li> <li>• No expansion should take place until either a new road or pumping station is built.</li> </ul> |

Part of the correspondence included a letter sent to the Head of the Ofwat Board raising additional concerns including:

- The Site being on the edge of a Site of Special Scientific Interest;
- No attempt has been made to screen the

existing dominating eyesore with effective landscaping: an effective landscaping plan must be made a condition of any approval;

- Odour and noise impacts of existing HGVs;
- Odour impacts of the existing WRC plant (from waste itself or perfumes used by AW which are a cheap and ineffective solution)
- The site is poorly managed with no-one seemingly monitoring the above impacts.

- 5.16 County Councillor (Mrs A Kemp) : Is of the view the application cannot go ahead: until Ofwat has responded with their strategic plan, Members will not have sufficient information to base their decision on. *[Email was sent to Ofwat in October 2015 by Cllr Kemp requesting information on Ofwat's requirements for a new road to be constructed between Millennium Way and the WRC and underlining that the current access is not fit for purpose]*.  
Has made clear in a number of meetings and telephone conversations that Clockcase Lane is not considered adequate to serve the vehicle movements of existing WwTW which have increased in recent years (particular reference has been made to private vehicles importing sludge).

## 6. Assessment

### Proposal

- 6.1 Planning permission is sought for the development of a new sludge cake reception building and associated equipment at the existing King' Lynn Water Recycling Centre to enable the works to receive sludge in cake form (sludge dewatered at other Anglian Water sites) rather than in liquid form as it currently does.
- 6.2 As detailed in the section 3, in 2006 the County Council granted planning permission for a Sludge Treatment Centre (STC) at the site which was completed on site in 2007. This plant provides capacity to treat up to 19,000 tonnes of dry solids per annum and replaced the previous raw sludge lime treatment plant. An Anaerobic Digestion process is used to treat the dewatered sludge cake with combined heat and power engines used to generate renewable energy (electricity) from the biogas that is a by-product of the sludge digestion process. The applicant states that the facility is presently treating 11,000 tonnes per annum (tpa) and is therefore operating considerably below the 19,000 tpa originally anticipated capacity. The application would enable the existing STC to receive more sludge cake utilising spare capacity at the works, and increasing the amount of renewable energy created by this process as well as maximising operating efficiency.
- 6.3 The sludge cake reception centre would comprise of the following buildings/structures/plant:

- Cake reception building (profiled steel cladding) and bunker where lorries would deposit the waste and ancillary mechanical equipment (12.8 metres in height) (total footprint including equipment, ramps and stairs etc 34.2 x 12 metres (building itself 22.3 x 7.2 metres)).
- Odour control unit (including 13.2 metre high exhaust stack). This would be constructed from glass reinforced plastic and galvanised steel and would control odour from the cake reception building bunker using a two stage process using a bio scrubber and then a polishing step before being emitted through the stack.
- Glass reinforced plastic (GRP) motor control centre (MCC) building (Holly green) (12.9 x 5 metres footprint). This would be a single storey building used to house the MCC which is a large electrical panel containing instrumentation and process controllers to operation mechanical and electrical equipment needed.
- Cake Silo (total height including access ladder etc would be 19.2 metres) constructed from stainless steel (Goosewing grey). Sludge cake would be transferred here from the bunker via sealed pipework and stored temporarily before transfer to the existing anaerobic digestion plant.

#### **Site**

- 6.4 This is proposed to be located within the curtilage of the existing Water Recycling Centre (WRC) in a central area. The WRC works itself is located on the western bank of the River Great Ouse some 1.5 kilometres north east of Clenchwarton Village and 1.5 kilometres north east of King's Lynn town centre (1 kilometre from the outskirts of the town). Vehicular access to the WRC is accessed via Clockcase Lane. The landscape character to the north, west and south is open farmed fenland. Point Farm, the nearest residential property is some 275 metres from the boundary of the WRC.

#### **Principle of development**

- 6.5 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”.

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 King's Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy for Waste (2014) and the National Planning Policy Framework (NPPF) are also a further material consideration of significant weight).

- 6.6 The principle of development is to enable sludge cake to be imported to the site

by road thereby increasing the amount of sludge cake accepted at the works treated by the existing Anaerobic digestion plant. This process moves the management of waste up the waste hierarchy and recovers value from the waste stream in terms of both biogas (used to produce energy on site) and the production of soil conditioner used in agriculture. The management of waste in this way is therefore consistent with the National Planning Policy for Waste (2014) and also KL&WN Core Strategy policy CS08: *Sustainable Development* which supports the generation of energy from renewable sources (AD is now regarded as an established form of renewable energy).

6.7 Whilst not explicitly referred to as one in NMWDF policy CS5: *General location of waste management facilities*, King's Lynn WRC is regarded as a strategic or major waste management facility given the catchment it serves and its annual throughput (which exceeds 10,000 tonnes per annum). The WRC itself has historically been located on the banks of the Ouse at its present location, and this application proposes to provide a reception centre to increase the amount of sludge cake that can be accepted at the site.

6.8 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not have cause unacceptable environmental impacts:

- a) land already in waste management use;
- b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
- c) other previously developed land; and,
- d) contaminated or derelict land.

The entirety of the application site falls within the confines of the existing WRC site and therefore the proposal is considered compliant with this policy on the basis the proposal is consistent with this policy. Furthermore, because this is not a greenfield site the proposal would be compliant with King's Lynn Core Strategy Policy CS06: *Development in rural areas* providing the proposal does not undermine the policy's aim to maintain local character and a high quality environment, as set out in the assessment below.

6.9 NMWDF Policy CS7: Recycling, composting, anaerobic digestion and waste transfer stations states that the expansion of anaerobic digestion (AD) facilities will be considered favourably so long as they would not cause unacceptable environmental, amenity or highway impacts. The development of the sludge cake reception centre at the existing WRC would increase the capacity of the existing AD plant within the WRC from 11,000 to 19,000 tonnes per annum. The impacts of the AD plant itself were considered when the bio-solids treatment centre was permitted in 2006, and the sludge cake reception centre only seeks to enable the facility to accept dewatered sludge cake imported by road. Ultimately the proposal would increase the amount of sludge treated in this way moving the management of this waste stream up the waste hierarchy.

6.10 Wastewater treatment plants are a vital part of community infrastructure and are necessary to protect human health and water quality. NMWDF policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended wastewater/sewage infrastructure and treatment facilities will be

acceptable where proposals aim to treat a greater quantity of wastewater, or reduces the environmental impact of operation. It adds that the developer will be required to demonstrate that the proposal can be located and operated without giving rise to unacceptable environmental, amenity and highway impacts. The assessment below which discusses these factors will determine whether the proposal is consistent with this criteria.

- 6.11 NMWDF policy Core Strategy Policy CS16: Safeguarded mineral and waste sites and mineral resources seeks to safeguard existing key Wastewater and sludge treatment facilities including this site. The proposal would not undermine any future development at this site but would in fact assist in enabling the sludge treatment centre to operate at capacity hence it is in compliance with this policy.

### **Amenity**

- 6.12 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on amenity.

- 6.13 Both the National Planning Policy for Waste and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively.

- 6.14 Due to the nature of the waste dealt with, development of this type obviously has the potential to have an impact on local amenity with particular regard to odour but also noise and dust including during construction works.

### 6.15 Noise

A Noise Survey was submitted with the application which examined noise from construction activities, operation of the sludge cake reception centre and HGV movements. This concluded that noise impacts from the development would result in 'no significant effects', and with specific regard to the operation of the sludge cake facility this would not be expected to increase existing levels at the site boundary. As stated above, the applicant also proposes to only deliver to the site between 07.00 – 19.00 hours albeit the facility would be operational 24 hours a day. In the event that permission is granted, noise would be a matter controlled by the Environmental Permit regulated by the Environment Agency.

- 6.16 The Borough Council's Community Safety and Neighbourhood Nuisance Officer [EHO] has not raised any objection with regards to noise however it has been requested that a Construction Environment Management Plan be required as a condition of any planning consent.

### 6.17 Odour



Both an odour assessment and odour management plan were submitted as part of the application. The Odour Assessment predicted that there is unlikely to be an adverse impact on sensitive receptors in the vicinity of the site as a result of the development. Part of the development includes an odour control unit whereby the sludge cake hopper, the transfer conveyors and the cake silo are provided with an extraction system that maintains a negative pressure within these units to minimise the potential for fugitive emissions. The extracted air would be treated in a two stage odour abatement plant comprising a biological filter and a downstream dry media polishing unit. The treated off-gases would be discharged via a vent stack to the atmosphere through a vent stack. This system would be monitored continuously to ensure proper operation of the abatement plant.

- 6.18 In addition, when depositing sludge cake, HGVs would reverse into the sludge cake reception building. Once the external door is closed, the inner door opens and the sludge cake is tipped into the bunker to ensure odour isn't emitted from the building during this stage.
- 6.19 The Borough Council's Community Safety and Neighbourhood Nuisance Officer has raised no objection with regards to odour commenting that 'there would be no significant adverse impacts on members of the community'. In the event that permission is granted, the actual control of odour would be a matter regulated by the Environmental Permit issued by the Environment Agency.
- 6.20 Lighting  
The only lighting proposed would be in the form of small bulk head lighting units affixed above external doorways. This would provide low level light and would be fitted with reflectors and guards to prevent light being emitted upwards and fitted with sensors.
- 6.21 As confirmed in the Environment Agency's (EA) consultation response, the applicant would have already applied to vary the existing Environmental Permit for the sludge treatment centre to include the new sludge cake reception centre. Whilst the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity (in consultation with the Borough Council), in accordance with paragraph 122 of the NPPF, it is nonetheless the role of the Environmental Permit as issued by the Environment Agency to actually control issues emissions such as odour, noise and dust through conditions.
- 6.22 There are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Subject to the above mentioned schemes being implemented, and the site being regulated by an Environmental Permit, it is not considered that there would be unacceptable impacts on local amenity, and accordingly the application complies with both NMWDF Policies CS14 and DM12 and Section 11 of the NPPF and the National Planning Policy for Waste.
- 6.23 **Air Quality**  
NMWDF policy DM13: Air Quality seeks to only permit development where

development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. It also states that development will be permitted where adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'. Paragraph 120 states that 'to prevent unacceptable risks from pollution, planning policies and decisions should ensure that development is appropriate for its location'.

- 6.24 The issue of odour has been addressed above and no other concerns have been raised by the Borough Council's Community Safety and Neighbourhood Nuisance Officer. Subject to the implementation of and approval of the construction management plan that is requested by the Borough Council's EHO, the proposal is considered to accord with NMWDF policy DM13 and Section 11 of the NPPF.

### **Landscape**

- 6.25 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape.
- 6.26 In terms of the sludge cake reception centre, this would be located within the confines of the existing WRC in a central location. The development would include a sludge cake reception building measuring 12.8 metres to the ridge line and a sludge cake silo that would be some 19 metres in height. Located in the heart of the existing WRC, this development is functional in design and would assimilate with current structures of a similar nature. Furthermore, the surrounding landscape including east of the River Ouse at King's Lynn Port has become characterized by large structures of this nature.
- 6.27 A Landscape and Visual Impact Assessment was undertaken as part of the application and concluded that there would be no long term significant effects on landscape character in the area. By year 15 of the operational phase, the majority of the effects on the landscape of the study area would be neutral. This is because existing planting on the WRC would have matured, providing greater screening of the works as a whole.
- 6.28 Whilst Members of the Borough Council's Planning Committee recommend extra screen planting is considered in their consultation response (no details of where this could be located were provided), given the existing screen planting in place, and the scale of the development itself, it is not felt that this is necessary or would be effective.
- 6.29 The County Council's landscape and green Infrastructure Officer raises no objection and it is not considered that there would be an unacceptable impact on the wider landscape. Accordingly the scheme is in accordance with NMWDF policies CS14 and DM8 and Section 11 of the NPPF.

### **Biodiversity/Ecology**

- 6.30 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species. The site lies some 1.35 kilometres to the south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.
- 6.31 Natural England has advised that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 6.32 The County Council's Ecologist commented that the ecological value of the development area is considered to be low and has raised no objection on the basis of the small scale nature of the development within the existing site, and the proposed mitigation along with small scale enhancements for biodiversity in the way of a new wildflower meadow on the existing grass areas.
- 6.33 Appropriate Assessment  
Whilst the site is located within 1.25 kilometres of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on the integrity of this site and accordingly no Appropriate Assessment of the development is required.
- 6.34 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites, King's Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, and Chapter 11 of the NPPF: Conserving and enhancing the natural environment.

### **Transport**

- 6.35 NMWDF Policies CS15: Transport and DM10: Transport requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water. The National Planning Policy for Waste (2104) lists 'the capacity of existing and potential transport infrastructure to support the sustainable movement of waste,' as one of the criteria against which waste planning authorities should assess the suitability of sites for new or enhanced waste management facilities.

- 6.36 Accordingly a detailed Transport Statement was submitted with the application and additional information after further clarification was sought by the Highway Authority. The information concluded that the application would actually result in a decrease in the numbers of vehicles visiting the sludge treatment centre on a daily basis which is attributed to two factors:
- i. there would be a decrease in liquid imports of sludge in favour of an increase in sludge solids imported to the site (sludge cake takes up less volume as it has already been dewatered off site); and,
  - ii. The trailers used to bring in the sludge cakes would be washed down on site, 'backfilled' and used to export the treated biosolids to farmland. At present the existing cake export is transferred by skip lorry which will decrease from current levels.
- 6.37 As stated in section 1, the daily vehicle movements would amount to between 34 to 44 HGVs consisting of 29 to 39 imports and 5 exports (68 to 88 movements) as a result of a predicted net decrease of between 12 and 2 HGVs (24 and 4 movements) per day, based on the rationale above.
- 6.38 The County Highway Authority in their consultation response recognized the local concern about the suitability of Clockcase Lane to serve the Water Recycling Centre and commented that there is an ongoing need to carry out road and verge maintenance which is higher than typically expected for a road due to its substandard width and construction.
- 6.39 Notwithstanding this, the Highway Authority also stated that upon consideration of the further information submitted it is satisfied that the scenario outlined would not lead to an increase in HGVs accessing the site. As such it is not considered reasonable for the Highway Authority to recommend refusal to the application or insist on significant improvements being made as mitigation for the application currently under consideration given that the proposal would not make matters any worse than could lawfully occur at present.
- 6.40 The Highway Authority raised no objection subject to conditions concerning both a management plan for the backfilling of lorries removing the treated cake from the site to ensure this would take place, and a tonnage limit on the site. With regards to the backfilling of HGVs, a condition is proposed in section 12 below to monitor and manage this process. In terms of the tonnage limit on the site, a condition has been recommended to limit the total throughput of the site accordingly. Although the applicant has confirmed they would not support such a condition or be agreeable to entering into a legal agreement to this effect, the Highway Authority believe this to nonetheless be necessary (otherwise no weight can be given to the applicant's assertion that vehicle movements would not increase as a result of the development).
- 6.41 It's regrettable that opportunities to import sludge by river has not been further explored in accordance with NMWDF policy CS15 given the location of the site adjacent to a river. However it is understood this option was discounted by the applicant when assessing options to put forward as part of their Asset Management Plan 5 (AMP5) to address 'access improvements' to the site when the application for the off-site sludge import centre and pipeline was lodged (and

subsequently refused). However on the basis the proposal would not increase vehicle movements to the site (and would actually result in a net decrease), this would not be grounds to refuse the application.

- 6.42 Subject to the conditions outlined above, it is considered the application complies with NMWDF Policies CS15: Transport and DM10: Transport.

### **Sustainability**

- 6.43 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.

- 6.44 The existing Water Recycling Centre currently produces renewable energy for the site whereby the biogas from the Anaerobic Digestion Process is used by a combined heat and power engine to generate electricity. It is anticipated the proposal would result in an additional 5.9 gigawatt hours (GWh) per year of energy being produced (currently the site produces 6.7 GWh) as a result of increasing the capacity to accept sludge from 11,000 to 19,000 tonnes per annum, minimising the need to import power from the National Grid. On this basis the proposal is compliant with this policy.

### **Flood risk**

- 6.45 The full extent of the application site falls within Flood Zone 3, hence in accordance with NMWDF policy DM4: *Flood Risk*, and the NPPF a Flood Risk Assessment (FRA) was submitted with the application.
- 6.46 The Environment Agency has raised no objection to the proposals although in commenting on the proposal have advised that emergency procedures for the site should be updated to ensure that appropriate measures should be taken during an extreme event – this would be attached to any planning consent granted as an informative. King's Lynn Internal Drainage Board (IDB) raised no objection commenting that all surface water run-off would be treated through the WWTW before discharge from that system.
- 6.47 It is therefore considered that the proposal complies with NMWDF policy DM4, which only seeks to permit waste management sites that do not increase the risk of flooding.

### **Groundwater and surface water**

- 6.48 NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources.
- 6.49 The site does not lie above a source protection zone and no concerns have been raised by the Environment Agency with regards to this. It is considered that the proposal is compliant with NMWDF policy DM3 and Section 11: Conserving and enhancing the natural environment of the NPPF.

### **Protection of best and most versatile agricultural land**

- 6.50 The application site is located solely within the existing WwTW works hence

there would be no loss of agricultural land.

### **Public Rights of Way**

- 6.51 The King's Lynn Footpath FP36 runs adjacent to the existing WwTW where the sludge cake reception centre would be sited and continues along the bank of the River Ouse away from the route of the proposed pipeline. The Public Rights of Way Officer is satisfied with the proposal and raises no objection.

### **Archaeology**

- 6.52 NMWDF Policy DM9: Archaeological Sites states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not.
- 6.53 The County's Historic Environment Service has confirmed that there are no implications for the historic environment and the proposal is therefore in accordance with policy DM9 and chapter 12: Conserving and enhancing the historic environment of the NPPF.

### **Cumulative Impacts**

- 6.54 NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.
- 6.55 In this instance, there are no other existing or permitted waste management facilities in the vicinity to consider. Whilst concern has been raised with regards to vehicle movements and their impacts, the development as proposed wouldn't increase HGV movements as set out and assessed above. On this basis the proposal is compliant with these policies.

### **Responses to the representations received**

- 6.56 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.57 Comments have been received from two individuals which have largely been addressed above (highways, amenity etc).
- 6.58 With regard to the claim that the site is poorly managed, if local residents have specific concerns regarding amenity etc, these can be reported to the relevant regulatory authority (the County Planning Authority, the Environment Agency etc) and will be investigated and appropriate action taken if substantiated. However, the applicant themselves is not a material consideration given that any planning consent would run with the land.

## **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 for the development of a sludge cake reception centre within the existing King's Lynn Water Recycling Centre. The proposal would enable sludge cake (dewatered at other Anglian Water sites) to be imported to the site by road in HGVs and allow the existing Sludge Treatment Centre to operate at its full capacity of 19,000 tonnes per annum of dry solids (currently it operates at 11,000).
- 11.2 This would increase the amount of sludge cake treated in the existing AD plant and therefore also the amount of renewable energy created by this process as well as maximising operating efficiency. The proposal complies with policies in the development plan and would assist in moving the management up of waste up the Waste Hierarchy in accordance with the National Planning Policy for Waste.
- 11.3 Whilst concerns/objections have been received from two local people and Glenchwarton Parish Council predominantly on highway grounds (and the impact of the site on Clockcase Lane), the proposals would decrease overall vehicle movements to the site and the Highway Authority does not object to the proposals subject to conditions.
- 11.4 No objections have been received from statutory or non-statutory consultees. The proposal would not have an unacceptable impact on the landscape, amenity, ecology (including The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC)) or the public highway.
- 11.5 The proposed development is therefore considered acceptable and there are no other material considerations that indicate it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **12. Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990,



as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 12.2 The development shall not take place except in accordance with the application form and the following approved drawings and documents:
- i. Cake Reception Building Hopper and Conveyor Elevations; reference SEW-07846-KLYNST-SS-PLG-0005 rev 1; dated 13 July 2015;
  - ii. Cake Reception Building Hopper and Conveyor Plan; reference SEW-07846-KLYNST-SS-PLG-0004 rev 1; dated 13 July 2015;
  - iii. Cake Silo Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0006 rev 1; dated 13 July 2015;
  - iv. Site Location; reference SEW-07846-KLYNST-SS-PLG-0002; dated 13 July 2015;
  - v. MCC Kiosk Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0007; dated 13 July 2015;
  - vi. Odour Control Unit Elevations; reference SEW-07846-KLYNST-SS-PLG-0008 rev 2; dated 13 July 2015;
  - vii. Site Elevations; reference SEW-07846-KLYNST-SS-PLG-0003 rev 1; dated 13 July 2015;
  - viii. Site Layout; reference SEW-07846-KLYNST-SS-PLG-0001 rev 1; dated 13 July 2015;
  - ix. Planning Application Supporting Statement; reference SEW-07846; dated August 2015;
  - x. Phase One Contaminated Land Desk Study; reference 355282/EVT/EMP/1/E rev E; dated 1 July 2015;
  - xi. Preliminary Ecological Appraisal; reference 355282/EVT/EMP/1/A; dated May 2015;
  - xii. Landscape and Visual Impact Assessment; reference SEW-07846 355282/EVT/EMP/1/A rev B; dated 11 May 2015;
  - xiii. Noise Impact Assessment; reference 355282BA01/HWY/HDS/001/B rev B; dated 07 August 2015;
  - xiv. Odour Assessment; reference 355282/EVT/EMP/1/A; dated 01 June 2015;
  - xv. Odour Management Plan; reference SEW-07846 rev B; dated 01 May 2015;
  - xvi. Sustainability Statement; reference 355282/EVT/EMP/1/B rev B; dated 7 August 2015;
  - xvii. Transport Statement; reference 355282/BSE/EAD/TS01/C rev B; dated 11 August 2015 as amended by email received from Steve Swan on 22

October 2015 @ 9:31am.

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

- 12.3 Prior to the first use of the proposed development, a detailed management plan for the backfilling of HGVs shall be submitted to the County Planning Authority for approval in writing. The scheme shall make provision for:
- i) Designated area(s) where HGVs will be washed down and backfilled;
  - ii) Records to be kept of the HGVs backfilled which will be kept for at least 12 months and made available for inspection upon request of the CPA.

The approved scheme shall be implemented for the lifetime of the development and no sludge cake / soil conditioner shall leave the site except in accordance with this scheme.

In the interests of maintaining highway efficiency and safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.4 No more than 222,500 metres<sup>3</sup> of liquid sludge and 44,000 metres<sup>3</sup> of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority upon request.

In the interests of maintaining highway efficiency and safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.5 No development shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Borough Council. The scheme shall be implemented as approved during the period of construction.

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

- 12.6 No deliveries of sludge cake shall take place except between the hours of: 07.00 – 19.00 Sunday to Monday

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

- 12.7 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 12.8 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.

- 12.9 No material other than dewatered sludge cake shall be brought into the application site, the subject of this permission.

Reason: To protect the amenities of neighbouring properties, in accordance with Policy DM12 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>

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011): <http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

The National Planning Policy Framework (NPPF) (2012):

[http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Policy for Waste:

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

Planning Practice Guidance (2014): <http://planningguidance.planningportal.gov.uk/>

Application references C/2/2006/2006, C/2/2013/2003

## **Officer Contact**

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

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Ralph Cox

**Telephone Number**

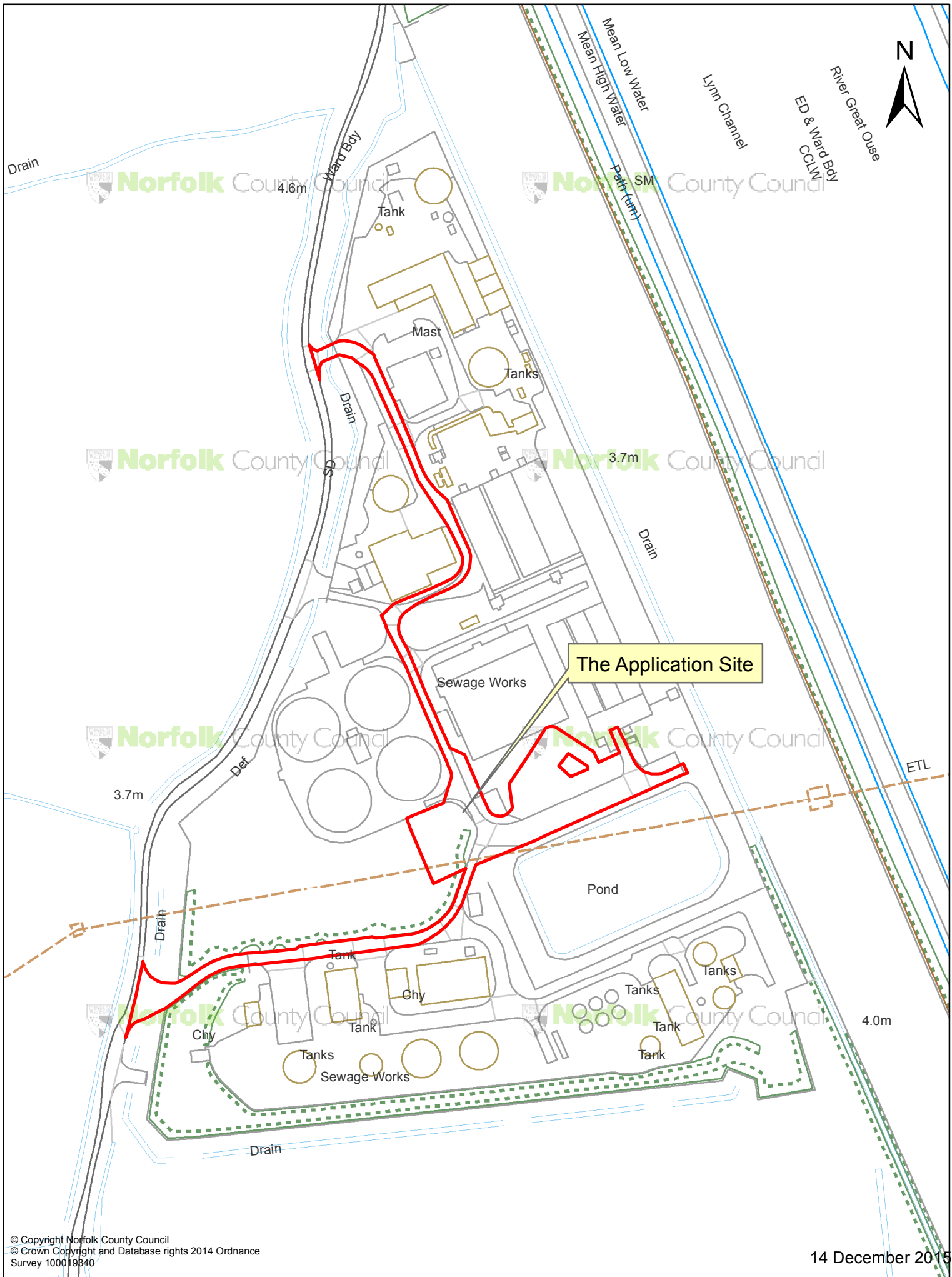
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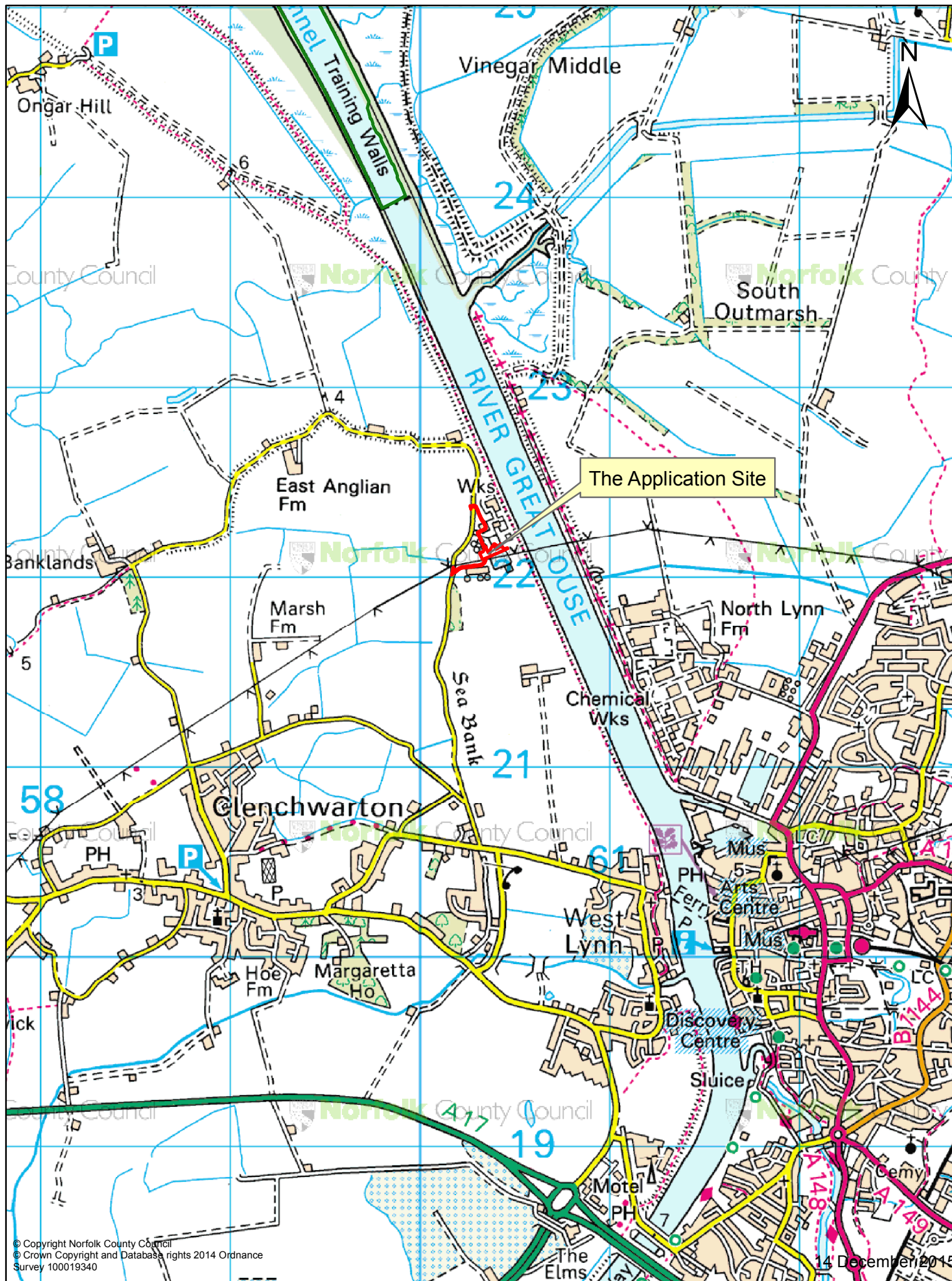
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14 December 2015

C/2/2015/2030  
 King's Lynn







**Applications Referred to Committee for Determination:**

**Breckland District:**

**C/3/2015/3014:**

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

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 : Thetford HWRC, 15-17 Telford Way, Thetford.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.51 hectares
- 1.4 Annual tonnage : 5,500 household waste
- 1.5 Duration : Permanent
- 1.6 Hours of working : 1 October – 31 March (winter hours)  
Sunday to Saturday: 08.00 – 16.00  
1 April to 30 September (summer hours)  
Sunday to Saturday: 08.00 – 18.00
- 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 : Two accesses onto Telford Way: one for the main site providing an in/out for the circulation and parking area and one for the re-use building on the lower tier.

## 2. Constraints

- 2.1
- The site is allocated as a General Employment Area in Breckland District Council's Adopted Local Development Framework (LDF) Thetford Area Action Plan (TAAP) Proposals Map;
  - The A11 trunk road is located approximately 1 kilometre to the north of the site via the A1066 although closer as the crow flies (some 700 metres to the north west);
  - The site is located within 700 metres of Breckland Special Protection Area and Breckland Forest Site of Special Scientific Interest (SSSI), and some 1.5 kilometres away from Breckland Special Area of Conservation (SAC).

## 3. Planning History

- 3.1 Planning permission was granted in December 2011 for the 'Creation of a new recycling centre for the disposal, recycling and resale of household waste, and small scale sale of bagged compost; Re-use of existing building as site office (to be fitted with photovoltaic cells), siting of steel type cabin to be used as kiosk and information point, use of various receptacles for the storage of waste, and installation of associated surface and foul water drainage system' following a resolution by the committee. The site has since been developed for this use.
- 3.2 Further to this, planning permissions were granted in February 2012 a 'Non-material amendment' under reference C/3/2012/3004 relating to changes to the elevations of the re-use shelter (concerning the windows and doors), and in



January 2015 under reference C/3/2013/3017 for 'Variation of condition 2 of planning permission ref C/3/2011/3021 to make changes to reuse shelter (PV panels) and layout of site (drainage layout, ramp, car parking and addition of safety bollards)'.

- 3.3 Prior to its current use, the site was used for storage of HGV trailers and environmental waste trailers by private operator Pearson's Capital Projects Ltd.
- 3.4 In terms of Norfolk County Council's planning records, planning permission was originally granted in 1998 under permission reference C/3/1997/3024 for 'Soil and hardcore recycling and resale depot'. In 2005, Pearson's successfully applied to vary condition 14 of that consent to allow the crushing of waste material to take place under permission reference C/3/2005/3010. Further to that, in 2006 planning permission was granted for 'Additional areas for recycling of waste materials' under reference C/3/2006/3010 that permitted an additional area (0.8 hectares) for the recycling of non-hazardous waste albeit still within the previously approved application boundary.

#### **4. Planning Policy**

- |     |  |   |   |   |
|-----|--|---|---|---|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5<br>CS6<br>CS7<br>CS13<br>CS14<br>CS15<br>DM1<br>DM3<br>DM4<br>DM8<br><br>DM10<br>DM12<br>DM13 | General location of waste management facilities and associated facilities<br>General waste management considerations<br>Recycling, composting, anaerobic digestion and waste transfer stations<br>Climate change and renewable energy generation<br>Environmental protection<br>Transport<br>Nature conservation<br>Groundwater and surface water<br>Flood risk<br>Design, local landscape and townscape character<br>Transport<br>Amenity<br>Air quality |
| 4.2 | Breckland Core Strategy (2009)   | : | CP7<br>CP10<br>DC1<br>DC6<br>DC12<br>DC16   | Town Centres<br>Natural Environment<br>Protection of Amenity<br>General Employment Areas<br>Trees and Landscape<br>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 Thetford Town Council : No objection.
- 5.3 EHO (Breckland) : No objection.
- 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 Defence Infrastructure Organization (MOD) : No response received.
- 5.8 Local residents : No representations received.
- 5.9 County Councillor (Terry Jermy) : No response received.

## **6. Assessment**

### **Proposal**

- 6.1 Planning permission is sought to enable the existing Thetford Household Waste Recycling Centre (HWRC) to become a mixed use development to accept trade waste (in addition to household waste), and to facilitate the small scale sale of additional items such as compost bins, green waste sacks, Christmas trees and logs (for firewood).
- 6.2 The County Council wishes to introduce a service aimed at small and medium sized businesses to deposit waste at the site for a charge (currently traders are not permitted to use the recycling centre). Waste would be separated into different material streams and deposited in the existing containers used for household waste (no additional ones would be required). It is anticipated the additional waste would be accommodated into the existing permitted annual throughput of 5,500 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) on the lower level of the site, and around the kiosk on the upper level where facilities are in place for cash handling and card payments. The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.

- 6.4 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

### **Site**

- 6.5 The HWRC site occupies 0.51 hectares and is located in the north west of Thetford on the Telford Way Industrial Estate which currently serves small businesses including automotive hire, spares and repairs, refuse disposal and hygiene and industrial supplies. The site is allocated as a General Employment Area in Breckland District Council's Adopted LDF Proposals Map for Thetford. The A11 trunk road is located a kilometre to the north (and west) of the site and is accessed via the A1066 (Mundford Road) which adjoins Telford Way.
- 6.6 As stated above, in 2012 the site was developed into an HWRC which is split into two levels. To the east, west and south of the site are industrial units and uses that form part of the industrial estate. An existing electrical substation is located between the two access points to Telford Way. The nearest residential properties is some 140 metres to the north east of the site on Mundford Road.

### **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 site is located within land allocated as a General Employment Area in Breckland District Council's adopted LDF Proposals Map for Thetford and is also regarded as both previously developed land and contaminated or derelict land. Therefore this site was 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 recently adopted 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

As stated in section 2.1, the site is within 700 metres of Breckland Special Protection Area and Breckland Forest Site of Special Scientific Interest (SSSI) and some 1.5 kilometres away from Breckland Special Area of Conservation (SAC) which are both to the east of the town. However, in accordance with an

assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated area hence an Appropriate Assessment is not required.

- 6.19 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy and Breckland Core Strategy policy CP10: *Natural Environment* given that it is not felt the amended scheme would harm the SPA or SAC or any other locally designated nature conservation or geodiversity sites or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans.

### **Transport**

- 6.20 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 5,500 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 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 an increase to some 15-16 vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.
- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

### **Sustainability**

- 6.23 The existing re-use building already has PV panels installed that generate over 10% of the site's energy usage. This would remain unchanged for the proposals and the application is in accordance with 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.

### **Groundwater/surface water & Flood risk**

- 6.24 The original committee report for the HWRC recognized that the site is located on the Cam and Ely Ouse Chalk groundwater body which is designated a Principal Aquifer and coupled with that the soils at the site are classified as having a high leaching potential. The HWRC is located

in Flood Zone 1 (i.e. the lowest risk of flooding). NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.

- 6.25 The Environment Agency raised no comments in respect of the application and it is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

### **Responses to the representations received**

- 6.26 The application was advertised by means of 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 Thetford 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. Application form;
  - ii. Planning Statement; unreferenced; undated;
  - iii. Thetford Recycling Centre General Arrangement: MMD-256387-C-DR-NA01-XX-0503 Rev E

the development shall not take place except in accordance with drawing references and documents approved under permission reference C/3/2012/3004:

- i. Application form, date stamped 20 Sept 2011;
- ii. Site Location and Landowner Plan: 256387-NA01-301 P2 dated '30.08.11' and dated stamped 20 Sept 2011;
- iii. Site Plan-Proposed: 256387-NA01-303 P2, dated June 11 and date stamped 20 Sept 2011 (except where amended by iv);
- iv. Thetford Recycling General Arrangement: MMD-256387-C-DR-NA01-XX-0503 E, dated 12 November 2013 and date stamped 13 August 2014;
- v. Proposed Re-use Shelter and Welfare: 256387-NA01-306 AB1, dated 7 November 2013 and date stamped 13 August 2014;
- vi. Proposed Kiosk and Information Point: 256387-NA01-307 P2, dated May 11 and date stamped 20 Sept 2011;
- vii. Fencing Gates and Security: 256387-NA01-308 P2, dated June 11 and date stamped 20 Sept 2011;
- viii. Containers: 256387-NA01-309 P1, dated May 11 and date stamped 20 Sept 2011;
- ix. Existing and Proposed Site Sections 256387-NA01-310 P1, dated Sept 10 and date stamped 20 Sept 2011;
- x. Planning Statement, dated May 2011 and date stamped 20 Sept 2011;
- xi. Design and Access Statement, dated July 2011 and date stamped 20 Sept 2011;
- xii. Landscaping Details, dated July 2011 and date stamped 20 Sept 2011;
- xiii. Foul Sewage Assessment, dated July 2011 and date stamped 20 Sept 2011;
- xiv. Lighting Assessment, dated May 2011 and date stamped 20 Sept 11; and
- xv. Site Waste Management Plan dated May 2011 and date stamped 20 Sept 2011.

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

- 12.2 The development must be carried out in strict accordance with the Arboricultural Implications Assessment, and specifically the Tree Protection Plan (Appendix 4) provided by AT Coombes Associates, dated 25 March 2011.

Reason: To ensure the protection of existing trees on the site and the replacement of those removed, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 12.3 All planting, seeding or turfing comprised in the approved details of landscaping (as referenced in condition 2) shall be carried out in the first planting and seeding season following the granting of planning permission. Any trees or plants which within a period of 5 years from the implementation of the scheme, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To protect the amenities of the surrounding area, 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 (Winter Hours)  
Sunday to Saturday: 08.00 - 16.00

1 April to 30 September (Summer Hours)  
Sunday to Saturday: 08.00 - 18.00

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 The noise level resulting from the use hereby approved, on the South East boundary and the West boundary on the site shall not exceed 73dB(A) measured as a 5minute Laeq between the hours of 08:00 – 09:00 Tuesday to Saturday and between 13:00 Saturday and 09:00 Monday and during the construction phase on the South East boundary and the West boundary on the site shall not exceed 73dB(A) measured as a 5minute Laeq between the hours of 07:30 – 09:00 Tuesday to Saturday and between 13:00 Saturday and 09:00 Monday. All measurements to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

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

- 12.7 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.

- 12.8 Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

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

- 12.9 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 MMD-256387-C-DR\_NA01-XX-0503 REV E; Thetford Recycling Centre General Arrangement.

## 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](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](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/3/2011/3021, C/3/2012/3004, C/3/2013/3017

## Officer Contact

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

**Name**

Ralph Cox

**Telephone Number**

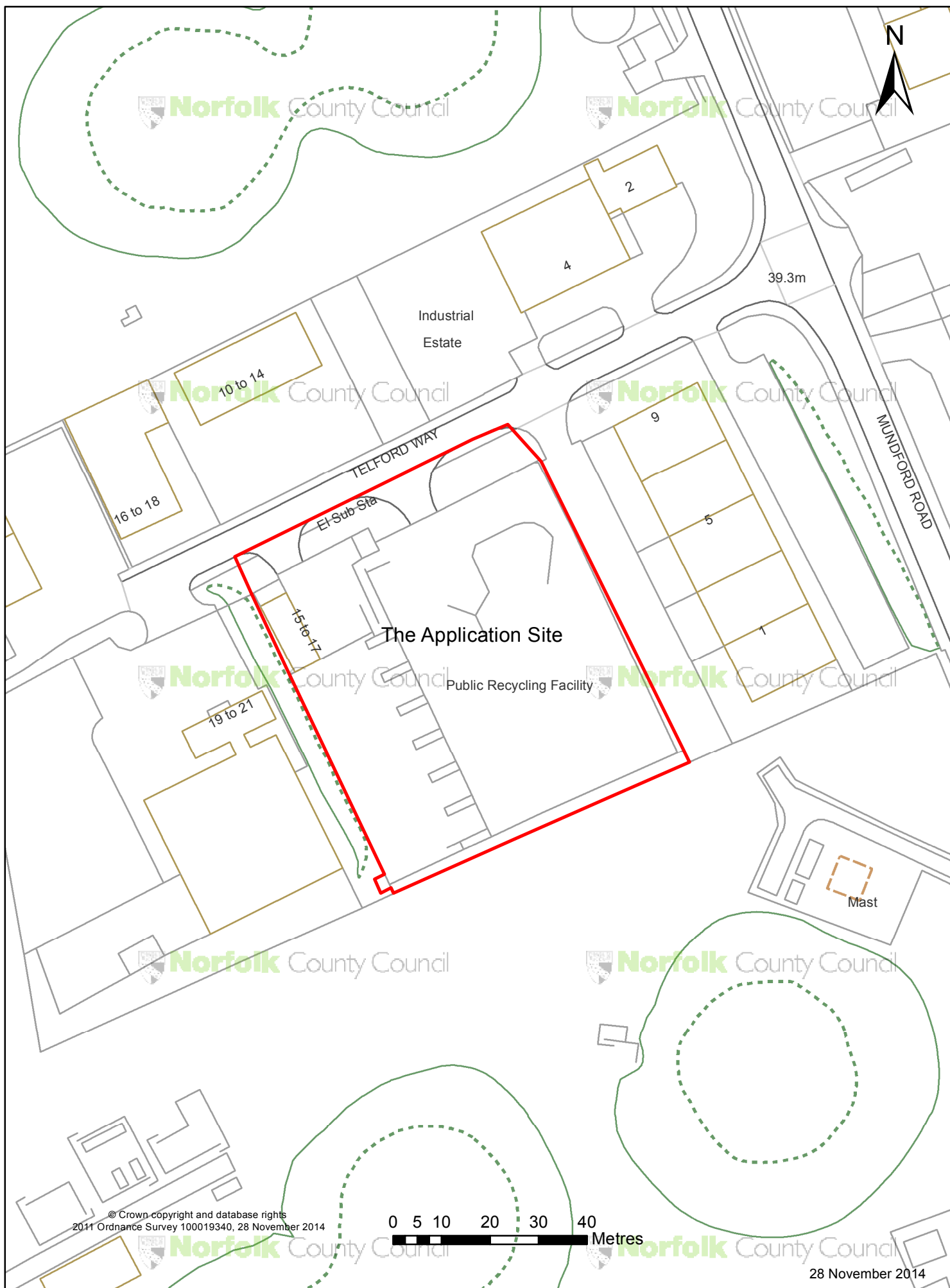
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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Ralph Cox or textphone 0344 800 8011 and we will do our best to help.







**Applications Referred to Committee for Determination:**

**South Norfolk District:**

**C/7/2015/7015:**

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

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                      | : | Ketteringham HWRC, Station Lane, Ketteringham.   |
| 1.2 | Type of development           | : | Household Waste Recycling Centre.  |
| 1.3 | Site Area                     | : | 0.4 hectares   |
| 1.4 | Annual tonnage                | : | 4,000 household waste  |
| 1.5 | Duration                      | : | Permanent  |
| 1.6 | Hours of working              | : | 08:00 – 18:00 1 March to 31 March<br>08:00 – 20:00 1 April to 31 August<br>08:00 – 19:00 1 September to 30 September<br>08:00 – 18:00 1 October to end British Summer Time<br>08:00 – 16:00 Rest of year   |
| 1.7 | Vehicle movements and numbers | : | <b>Trade Waste:</b> Anticipated to be 4 additional daily vehicle movements (up to 3.5 tonne) (2 in and 2 out).<br><br><b>Sales of Goods:</b> Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees. |
| 1.8 | Access                        | : | Access is taken from Station Lane.   |

## 2. Constraints

- 2.1
  - The A11 trunk road is located approximately 470 metres to the north of the site via Station Lane.
  - The site is located approximately 6.5km to the North of the Norfolk Valley Fens Special Area of Conservation (SAC) and 6.3km North East of the Lower Wood, Ashwellthorpe Site of Special Scientific Interest (SSSI).

## 3. Planning History

- 3.1 Planning permission was first granted in 1990 under planning reference C/7/1990/1978 to allow the use of this site as a Household Waste Site. Since this date further applications have been approved to amend the hours of operation (C/7/1993/7015), allow the sale of recycled soil conditioner (C/7/1995/7019) and for the erection of a welfare facility building and re-use shelter (C/7/2008/7019).

## 4. Planning Policy

- |     |  |   |      |   |
|-----|--|---|------|---|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan | : | CS5  | General location of waste management facilities and associated facilities |
|     |  |   | CS6  | General waste management considerations                                   |
|     |  |   | CS7  | Recycling, composting, anaerobic digestion and waste transfer stations    |
|     |  |   | CS13 | Climate change and renewable energy generation                            |

	Document 2010-2016 (2011)		CS14 CS15 DM1 DM3 DM4 DM8  DM10 DM12 DM13	Environmental protection Transport Nature conservation Groundwater and surface water Flood risk Design, local landscape and townscape character Transport Amenity Air quality
4.2	South Norfolk Local Plan (2015)	:	DM 1.1  DM 1.3 DM 2.1 DM 2.4 DM 3.8  DM 3.11 DM 3.13 DM 3.14 DM 3.15 DM 4.5	Ensuring development management contributes to achieving sustainable development in South Norfolk  The Sustainable Location of New Development Employment and business development Location of the 'Main Town centre uses' Design principles applying to all development  Protection of Amenity Road safety and the free flow of traffic Amenity, noise and quality of life Pollution, health and safety Protection and enhancement of landscape character
4.3	Joint Core Strategy for Broadland, Norwich and South Norfolk (amended 2014)		16 17  19	Other Villages Smaller rural communities and the countryside The hierarchy of centres
4.4	The National Planning Policy Framework (2012)	:	11	Conserving and enhancing the natural environment
4.5	National Planning Policy for Waste (2014)			
4.6	National Planning Practice Guidance Notes (2014)			

## 5. Consultations

5.1	South Norfolk District Council	:	No response received.
5.2	East Carleton and Ketteringham Parish Council	:	No comments received.
5.3	EHO (South Norfolk)	:	No comments 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 comments to make.
- 5.8 Local residents : No representations received.
- 5.9 County Councillor (Colin Foulger) : No response received.

## **6. Assessment**

### **Proposal**

- 6.1 Planning permission is sought to enable the existing Ketteringham 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 4,000 tonnes, and it would not compromise the primary function of the site as a HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items such as those listed above to complement the sale of compost or soil improver which is already permitted. The additional items for sale would be stored in or within the curtilage of the re-use centre (which already sells recycled household products) which is sited on the northern boundary of the site. Adjacent to the re-use centre is the office and welfare facilities. There are existing provisions in place for accepting payments and issuing receipts. The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.
- 6.4 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

### **Site**

- 6.5 The HWRC site occupies 0.4 hectares and is located approximately 0.5km to the north east of Ketteringham village. Other uses immediately around the HWRC include the County Council's Highway Depot and White's Waste Transfer Station. The A11 trunk road is located approximately 470 metres to the north of the site with access into the site is taken from Station Lane (C182).

- 6.6 As outlined in the planning history, in 1990 the site was developed into an HWRC and is comprised of a series of containers for accepting waste with parking provided in front. To the east, west and south of the site are the highways depot and adjacent recycling centre. The nearest residential properties are approximately 100 metres to the west of the site on Station Lane.

#### **Principle of development**

- 6.7 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), the policies in the South Norfolk Local Plan (2015) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014). Whilst not part of the development plan, policies within the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.9 The site is an established household waste recycling centre, and would be regarded as previously developed land. The use of this site for waste purposes is well established and considered compliant in the context of NMWDF policy CS6: *General waste management considerations*. It is consistent also with the National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.10 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 Although South Norfolk Local Plan Development Management Policy DM 2.4 *Location of the Main Town centre uses and the Joint Core Strategy for Broadland, Norwich and South Norfolk Policy 19 Hierarchy of 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 town centres and the proposal would not undermine the aims of these policies.

## **Amenity**

- 6.12 The site is operating without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site's location on previously developed land away from residential properties.
- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity*, and South Norfolk Local Plan Policy DM 3.13: *Amenity , noise and quality of life* which seek to ensure there are no unacceptable adverse amenity impacts created.

## **Landscape / Design etc**

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

## **Biodiversity**

- 6.18 Habitats Regulation Assessment  
As stated in constraints section 2.1 the site is located approximately 6.5km to the North of the Norfolk Valley Fens Special Area of Conservation (SAC) and 6.3km North East of the Lower Wood, Ashwellthorpe Site of Special Scientific Interest (SSSI). However, in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated area hence an Appropriate Assessment is not required.
- 6.19 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy and South Norfolk Local Plan policy DM4.5: *Protection and enhancement of landscape character* given that it is not felt the nature or scale of the proposals would harm the SAC, SSSI or any other locally designated nature conservation or geodiversity sites or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans.

## **Transport**

- 6.20 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 4,000 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 2.4 vehicles per day (i.e. 4.8 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in an increase to some 11.8 vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.
- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

## **Sustainability**

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

## **Groundwater/surface water & Flood risk**

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

## **Responses to the representations received**

- 6.26 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper. No

objections or other representations were raised by third parties.

## **7. Resource Implications**

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

## **8. Other Implications**

### **8.1 Human rights**

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

### **8.5 Equality Impact Assessment (EqIA)**

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

## **9. Section 17 – Crime and Disorder Act**

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

## **10. Risk Implications/Assessment**

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

## **11. Conclusion and Reasons for Grant of Planning Permission**

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

## **12. Conditions**

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

Site Location Plan – Kett\_Plan\_2015\_001 dated 23/9/15  
Site Layout Plan – PRS/KETT/004 dated 07/02/13  
Planning Statement - undated

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

- 12.2 No operation authorised or required under this permission shall take place on Christmas day or other than during the following periods:

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

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

- 12.3 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference PRS/KETT/004; Ketteringham Site Layout.

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

## Recommendation

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

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

## Background Papers

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

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

South Norfolk Local Plan (2015)

[http://www.south-norfolk.gov.uk/planning/media/1\\_Development\\_Management\\_Policies\\_Document.pdf](http://www.south-norfolk.gov.uk/planning/media/1_Development_Management_Policies_Document.pdf)

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

[http://www.south-norfolk.gov.uk/planning/media/1\\_Adopted\\_Joint\\_Core\\_Strategy\\_January\\_2014.pdf](http://www.south-norfolk.gov.uk/planning/media/1_Adopted_Joint_Core_Strategy_January_2014.pdf)

The National Planning Policy Framework (NPPF) (2012)

[http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Policy for Waste (2014)

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

Planning Practice Guidance (2014)

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

Application references: C/7/1990/1978, C/7/1993/7015, C/7/1995/7019 and

C/7/2008/7019.

## Officer Contact

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

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





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