

Planning (Regulatory) Committee

Date: **Friday, 10 June 2016**

Time: **10:00**

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

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

Membership

Mr S Agnew Mr B Long
Mr S Askew Ms E Morgan
Mr M Baker Mr W Northam
Mr B Bremner Mr M Sands
Mr C Foulger Mr E Seward
Mr A Grey Mr M Storey
Mr D Harrison Mr J Ward
Mr T Jermy Mr A White
Mr J Law

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

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

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

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

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

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

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

A g e n d a

1. Election of Chairman

To elect a Chairman for the ensuing Council year.

2. Election of Vice Chairman

To elect a Vice-Chairman for the ensuing Council year.

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

4. To agree the minutes of the meeting held on 1 April 2016.

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5. Declarations of Interest

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

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

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

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

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

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

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

**7. C/5/2016/5003: Strumpshaw HWRC, Stone Road, Strumpshaw:
Installation of a reuse shop, for onsite sale of items suitable for reuse,
and change of use to a mixed use development to allow the ancillary
small scale sale of non-recycled products (compost bins, green waste
sacks, Christmas trees and logs).**

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Chris Walton
Head of Democratic Services
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Date Agenda Published: 02 June 2016



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 1 April 2016
at 10am in the Edwards Room, County Hall**

Present:

Mr B Long (Chairman)

Mr S Agnew
Mr M Baker
Mr D Collis
Mr C Foulger
Mr A Grey
Mr D Harrison
Mr J Law

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

1 Apologies and Substitutions

Apologies for absence were received from Mr B Bremner and Mr S Askew.

2 Minutes from the meeting held on 19 February 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 19 February 2016 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.

Applications referred to the Committee for Determination:

5 C/3/2015/3016: Besthorpe: Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newell Civil Engineering business.

- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking retrospective planning permission to regularise the development of a 1.2 hectare inert waste recycling facility adjacent to an existing civil

engineering business at Heron Farm, Besthorpe.

- 5.2 During the presentation of the report, the Committee was notified that, following a visit to the site after being made aware there may be noise issues related to activities at the site, the Environment Agency had submitted some additional comments. They noted that the Environmental Permit issued by the Environment Agency did not cover the whole planning application site and that they had not had any involvement in any noise assessments conducted. Where processing was carried out in accordance with the relevant Quality Protocol, not all materials on site would be considered waste, hence the reason for the smaller EA permit area. The EA nonetheless still raised no objection. The Committee also noted that, despite these comments, the Environment Agency had raised no objection to the application.
- 5.3 The following points were noted in response to questions from the Committee:
- Some Members raised a concern about how loading could be carried out by working at ground level only and were advised that the applicant believed ground level loading could be carried out safely at the site.
 - A recycling operation had been carried out at the site since an environmental permit had been issued in December 2014. The Planning Services Team at Norfolk County Council had been made aware of the operation in May 2015, when they had asked the operators to submit a planning application.
 - It was estimated that an average of 2.5 additional vehicles (five movements) per hour would be generated into and out of the site over the course of a working day.
 - In response to a question about the pros and cons of allowing the development, Members noted that the Development Plan had been used as a starting point in ascertaining the need for this site. The Principal Planner advised that whilst the development was contrary to NMWDF Policy CS6 and therefore the Development Plan, ultimately it was considered to be a sustainable form of development. It had been a finely balanced and marginal decision to recommend the application for approval.
 - 30 tonne lorries with an 18 tonne payload would be used to transport materials.
 - If the application was approved the County Highway Authority had requested conditions be imposed, including carriageway markings, an HGV Management Plan for routing of vehicles and a scheme for passing bays on the C139 Bunwell Road.
- 5.4 Mr K Robinson, nearby resident, spoke in objection to the application on the grounds of location, noise, dust, landscape and visual impact, traffic, the need for the facility and the fact that the operation had been taking place for some time before planning permission had been applied for, hence the need for retrospective application. Mr Robinson also raised concerns about the start time at the site, noise from the concrete crushers and vehicle reversing bleeps and urged the Committee to refuse the

application.

- 5.5 Mr I Briggs addressed the Committee on behalf of the applicant during which he outlined the need for a recycling operation at the site; and also stated that any environmental effects of the operation could be controlled by planning conditions; the Civil Engineering yard at Heron Farm would remain if the application was refused; the site met the broad criteria for locating waste management facilities and the proposal maintained the aim of maximizing recycling in line with adopted council and national policies.
- 5.6 In response to questions from the Committee, the following points were noted:
- 5.6.1 The Principal Planner confirmed that no formal enforcement action had been taken at this site and added that once Norfolk County Council had been made aware of the operation, an agreement had been reached with the operator that no crushing or screening would commence before 10am. If the application was approved conditions imposed as part of the permission would restrict crushing and screening works to take place between the hours of 9am and 5pm.
- 5.6.2 The Environment Agency had notified Norfolk County Council in May 2015 that it had granted a standard rules permit in 2014. Once Norfolk County Council had been made aware of the operation, the operators were asked to submit a formal planning application. A list of issued permits was regularly sent to Norfolk County Council by the Environment Agency, which were then checked to ascertain if planning permission was required.
- 5.6.3 The Planning Services Manager confirmed that the planning permission granted by Breckland District Council in 2007 had been as a result of a retrospective application.
- 5.6.4 The Planning Services Manager advised that carrying out an operation without planning permission was not an offence and consideration needed to be given to whether weight could be applied to a retrospective application whilst taking into account the Development Plan and all relevant material considerations.

The Government had not provided any clear guidance as to the extent of material consideration required in regard to retrospective applications.

Mr C Skinner, NPLaw, advised the Committee that they should consider the application on the basis of the development plan and other material considerations and should give very little weight to whether the application was retrospective.

- 5.6.5 According to the application nine people were currently employed at the site in terms of the recycling operation.
- 5.6.6 Officers confirmed that, in consultation with the Environment Agency, if the Committee approved the application, they were confident that the conditions imposed would prevent any unacceptable impact on amenity taking place at the site.

- 5.6.7 The Planning Services Manager advised the Committee that Norfolk County Council employed an Enforcement and Monitoring Team who were pro-active in conducting unannounced site visits approximately four times per year to monitor operations.

Any formal complaints were responded to within three working days, with the method of response dependent on the nature of the complaint, for example if a complaint was made about work and noise in the early mornings, the site visit would be conducted at a suitable time to enable the complaint to be checked. The Enforcement and Monitoring Team was also able to monitor noise levels, although monitoring of dust levels was generally carried out by the site operators.

- 5.6.8 If planning permission was not granted, the material would be sent to other third party sites for processing.

- 5.6.9 If planning permission was granted, the conditions set out in Section 12 of the report would be imposed to restrict operating hours and would be monitored by the Enforcement and Monitoring Team.

- 5.7 Upon the recommendations in the report being put to the vote, with 5 votes in favour, 8 votes against and 1 abstention, the Committee **RESOLVED to REFUSE** the application on the grounds that the Committee considered that the application was contrary to the Development Plan and material considerations did not outweigh the requirement to determine the proposal in accordance with the plan. That officers, in discussion with the Chairman, issue a notice of refusal.

6 C/1/2015/1020: Holt: Variation of conditions 1 and 2 of Planning Permission C/1/2013/1014 to extend duration of mineral extraction and restoration until 31 December 2030 and remove screen bund from north west boundary.

- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to extend the time period for extraction of remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030, together with temporary removal of part of an existing screen bund along the north-west boundary of the quarry.

- 6.2 The following points were noted in response to questions from the Committee:

- 6.2.1 It was confirmed that there were a number of agricultural buildings located within the application site and that the house adjacent to the north west corner of the mineral working was outside the application site.

- 6.2.2 Although the location plan appeared to show a public right of way adjacent to the north-west corner of the site, the Senior Planning Officer confirmed that he was not aware of any Public Rights of Way within or adjacent to the application site. He added that there were a number of tracks running alongside the boundary of the site, leading to a nearby property.

- 6.2.3 The existing site formed part of the County's existing sand and gravel land bank.

- 6.2.4 The Environment Agency had been consulted on the application and had raised no objection with regard to run-off of pollutants from the operation. Control over run-off of pollutants from mineral workings was the responsibility of the Environment Agency.
- 6.2.5 The land-owner had requested the removal of a section of the bund to facilitate a function at his property during the summer. The bund would be reinstated once the function had taken place.
- 6.3 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to a legal agreement in respect of vehicle routing and highway wear and tear payment and, the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.
- 7 C/1/2015/1025: Hempton: 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).**
- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing Hempton Household Waste Recycling Centre (HWRC) to accept trade waste in addition to household waste and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.
- 7.2 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.

8 C/6/2016/6001: Caister: 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).

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

9 C/2/2015/2044: King's Lynn: 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).

- 9.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to enable the existing King's Lynn 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. The proposals also included a modest extension (5.7m x 5m) to the existing re-use centre.
- 9.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:

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

10 Y/5/2015/5031: Reepham: Formation of additional parking spaces, to allow the parking of up to 20 cars or light vehicles to the rear drill yard for other users other than NFRS Staff.

- 10.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to utilise part of the rear hardstanding that currently provided for a fire service drill area, as a daytime parking area available to local businesses under the management of NFRS and operated using a parking permit scheme, not open to the general public.
- 10.2 During the presentation of the report the Committee noted the following:
 - 10.2.1 The Local Member for Reepham Division, Mr J Joyce, had confirmed he fully supported the application.
 - 10.2.2 The parking provision would be available for local businesses to purchase and would be in use from 7am to 6pm, Monday to Friday only.
- 10.3 Mr A Saunders, NPS, on behalf of the applicant, attended the meeting to answer questions from the Committee, during which the following points were noted:
 - 10.3.1 Businesses wishing to park at the site would be charged £3,500 per year with the money going to the Fire Service Premises Revenue Fund.
 - 10.3.2 The allocated car parking area was not required for use by the Fire Service during the day.
- 10.4 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 11.25am.

CHAIRMAN



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Applications Referred to Committee for Determination:

Broadland District: C/5/2016/5003:

Strumpshaw HWRC, Stone Road, Strumpshaw:

Installation of reuse shop for onsite sale of items suitable for reuse, and change of use to a mixed use development 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 Strumpshaw Household Waste Recycling Centre (HWRC) to install a reuse shop on site 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 to 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 : Strumpshaw recycling centre, Stone Road, Strumpshaw.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.1 Hectares
- 1.4 Annual tonnage : 5000 tonnes per annum
- 1.5 Duration : Permanent
- 1.6 Hours of working : 1 March – 31 March:
Sunday to Saturday: 08.00 – 18.00
1 April to 31 August:
Sunday to Saturday: 08.00 – 20.00
1 September- 30 September:
Sunday to Saturday: 08.00 – 19.00
1st October- End of British Summer Time:
Sunday to Saturday: 08.00 – 18.00
End of British Summer Time- 28 February:
Sunday to Saturday: 08.00 – 16.00
- 1.7 Vehicle movements and numbers : **Addition of sale items:** The sale of items though the reuse shop is not anticipated to increase vehicle movements
Sales of Goods: Anticipated to be up to 10 (5 in/ out) additional daily movements during peak season i.e. sale of Christmas trees.
- 1.8 Access : Access is off stone road, off the A47 near Brundall

2. Constraints

The following constraints apply to the application site:

- The Broads Authority Area lies some 250m south of the site.
- The site is located within the consultation area for Norwich International Airport for developments over 90 metres.
- The site is located some 250m east of Strumpshaw Wood Ancient Woodland and some 270m north west of Buckenham Wood Ancient Woodland.
- The site is located within Groundwater Protection Zone 2.
- The site lies approximately 250m east of Strumpshaw Wood County Wildlife Site and some 230m north west of Buckenham Wood County Wildlife Site.
- The site is located approximately 1 kilometre northeast of the Broadland

Special Protection Area (SPA).

- The site is located approximately 1 kilometre northeast of The Broads Special Area of Conservation (SAC).
- The site is located approximately 1 kilometre northeast of the Broadland RAMSAR.

3. Planning History

- 3.1 Planning permission was granted for a new household waste site in 1990 (D/5/1990/0184), in 1995 condition one was varied to allow sale of a recycled soil conditioner (C/5/1995/5007).

4. Planning Policy

- | | | | | |
|-----|--|---|---|---|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8
DM10
DM12
DM13 | General location of waste management facilities and associated facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental protection
Transport
Nature conservation
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Transport
Amenity
Air quality |
| 4.2 | Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) | : | GC2
EN2
TS3 | Location of new development
Landscape
Highway safety |
| 4.3 | Broadland District Council Development Management (DPD) | | 16
17
19 | Other Villages
Smaller rural communities and the countryside
The hierarchy of centres |
| 4.4 | The National Planning Policy Framework (2012) | : | 11 | Conserving and enhancing the natural environment |
| 4.5 | National Planning Policy for Waste (2014) | | | |
| 4.6 | National Planning Practice Guidance Notes (2014) | | | |

5. Consultations

- 5.1 Broadland District Council : No objections.
- 5.2 EHO : No comment.
- 5.3 Environment Agency : No objections as long as waste types received at site are as described in environmental permit.
- 5.4 Highway Authority (NCC) : No objections
- 5.5 Strumpshaw parish Council : Supportive of the application however note concerns regarding traffic flow.
- 5.6 Local residents : No comments.
- 5.7 County Cllr (Andrew Proctor) : No comments.

6. Proposal

- 6.1 Planning permission is sought to enable the existing Strumpshaw Household Waste Recycling Centre (HWRC) to install a 6m x 2.5m steel container to be used as a reuse shop on site, and become a mixed use development 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 install a reuse shop on site to facilitate the resale of reusable items and generate a small income to offset the cost of running the service. The proposed installation would be within the existing site boundary of the recycling centre replacing an existing container, the addition of the reuse shop would allow facilities for cash handling and card payments The development would be in keeping with the existing facility and would not alter the principle use of the site as a HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items. The additional items for sale would be stored in or within the curtilage of the planned re-use centre which would additionally sell recycled household products. This would be located within the site to the west of the containers and compactors already located on the site. 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 installation of the reuse shop would generate an additional income for Norfolk County Council which would contribute to offsetting the cost of running the recycling centre, the shop would sell items diverted from waste disposal which are suitable for resale.

Site

- 6.5 The HWRC site occupies 0.1 hectares and is located off stone road, off the A47 near Brundall

- 6.6 The site operates a park and dispose structure with in/out access via the main entrance off stone road. The site handles up to 5000 tonnes of household waste and recycling a year generated by local residents.

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 both the Broadland district DPD and Joint Core Strategy for Broadland, Norwich and South Norfolk. 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 Whilst located in open countryside, the HWRC was located here to be in close proximity to the adjacent now restored landfill site. The HWRC has been operational since the 1990’s when consent was granted for a permanent permission. Accordingly the proposal is consistent with policy CS6: General waste management considerations. It is consistent also with the National Planning Policy for Waste (2014) which gives priority to the re-use of previously developed land for waste development.
- 6.10 In terms of the installation of a reuse shop and sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 Although the Broadland Development Management DPD Policy GC2 *Location of new development and the Joint Core Strategy for Broadland, Norwich and South Norfolk Policy 19 Hierarchy of centres*, seeks to restrict retail development outside the Primary Shopping Areas (which the site is outside), in this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not impact on the vitality and viability of nearby town centres and the proposal would not undermine the aims of these policies.

Amenity

- 6.12 The site has operated to date without complaint and is also the subject of an Environmental Permit issued by the Environment Agency to control issues such

as noise, dust, and odour etc. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site's use and location away from residential property.

- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *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 The reuse shop would comprise a 6 metre x 2.5 metre steel container with windows and a door and would be functional in its design. It would be located at the north of the site and painted green would be in keeping with the other existing containers and physical infrastructure on site.
- 6.16 The additional items to be sold would be located within or in the curtilage of the proposed re-use shop where reclaimed household waste products would be 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, the site is in approximately 1 kilometre of the Broads Special Area of Conservation (SAC) and Broadland Special Protection Area (SPA). 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 given that it is not felt the amended scheme would harm the SPA or 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 With regards to the addition of sale of items from the reuse shop, it is not expected in to bring a significant increase in visitor numbers. Instead the sale of household items is aimed at customers already utilizing the HWRC site.

- 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 attract 100 visitors (3%) over December 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 the sale of the specified non-recycled products would be limited by condition 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 sale of associated non recycled products aims to both prolong the life cycle of each product, and encourage recycling of related material. For instance Christmas Trees purchased at the site can be brought back to the site for disposal and logs are made from recycled timber.
- 6.24 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 additionally the addition of the reuse hut does not provide sufficient roof space of the addition of PV panels. As such it is considered that it would be unreasonable to insist that renewable energy generation be included as part of this application and the proposal does not undermine this policy.

Groundwater/surface water & Flood risk

- 6.25 The HWRC is located within Groundwater Source Protection Zone 2. 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.
- 6.26 The Environment Agency raised no objections in respect of the application and it is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

Responses to the representations received

- 6.27 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, which 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 Strumpshaw HWRC to Install a reuse shop 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 relevant applications and by the following documents submitted with this application:

- a) Planning statement; Dated 09 March 2016;
- b) HWRC Site Location Plan; 233904/OA10 P1; dated 06.08; received 02 March 2016;
- c) Strumpshaw recycling centre- site layout plan; Strump_plan_2016_002; Rev 1; Dated 27.01.16; received 02 March 2016;
- d) Strumpshaw recycling centre- Reuse shop Elevation; Strump_Elevation_2016_003; Rev 1; Dated 27/01/2016; Received 02 March 2016;

The development shall not take place except in accordance with drawing references and documents approved under permission reference C/5/1995/5007

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

- 12.2 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 March – 31 March: Sunday to Saturday: 08.00 – 18.00

1 April to 31 August: Sunday to Saturday: 08.00 – 20.00

1 September- 30 September: Sunday to Saturday: 08.00 – 19.00

1 October- End of British Summer Time: Sunday to Saturday: 08.00 – 18.00

End of British Summer Time- 28 February: Sunday to Saturday: 08.00 – 16.00

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.

- 12.3 No waste other than household 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.

- 12.4 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 Strumpshaw recycling centre- site layout plan; Strump_plan_2016_002; Rev 1; Dated 27.01.16; received 02 March 2016;

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

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)

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/recycling-minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf?la=en>

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

Broadland District Council Development Management (DPD)
http://www.broadland.gov.uk/housing_and_planning/4310.asp

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)
http://www.south-norfolk.gov.uk/planning/media/JCS_Adoption_Statement_South_Norfolk_Council_10_Jan_2014.pdf

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

Application references: C/5/1995/5007, D/5/1990/0184.

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 Hannah Northrop or textphone 0344 800 8011 and we would do our best to help.

