

**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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