

Planning (Regulatory) Committee

Report title:	C/2/2018/2022: Land north of Willows Road, Willows Industrial Estate, King's Lynn
Date of meeting:	15 March 2019
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Construction and operation of replacement Household Waste Recycling Centre, including associated works and vehicular access (Director of Community & Environmental Services, Norfolk County Council)	

Executive summary

Planning permission is sought for the development of a replacement Household Waste Recycling Centre (HWRC) at Willow Road, King's Lynn. The HWRC is being relocated in order to facilitate proposals for the construction and operation of a new gas-fired power station (the 'King's Lynn 'B' CCGT Power Station Project') which will consume the existing HWRC site.

No objections have been received from statutory consultees or members of the public and under the constitution the application could be approved under delegated powers. The application is being reported to Members of the Planning (Regulatory) Committee at the request of the Local Member, Alexandra Kemp.

The proposal accords with the development plan and National Planning Policy Framework and would deal with waste in a sustainable manner, driving waste management up the waste hierarchy in accordance with both the National Planning Policy for Waste (2014), and the Resources and Waste Strategy for England (2018).

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 13.**
- II. Discharge conditions 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 to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

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| 1.1 | Type of development | : Household Waste Recycling Centre (HWRC) |
| 1.2 | Site Area | : 1.04 ha (new HWRC would extend to approximately 0.5ha) |

- 1.3 Annual tonnage : 8000 tonnes of household and trade waste (including 80 tonnes of hazardous waste and 80 construction demolition and excavation).
- 1.4 Market served : King's Lynn and surrounding area
- 1.5 Duration : Permanent
- 1.6 Hours of working / opening to public : Hours of operation
 1 April – 30 September: 07:00 – 20:00
 1 October – 31 March: 07:00 – 17:00
Opening Hours
 1 April – 30 September: 09:00 – 17:00
 1 October – 31 March: 09:00 – 16:00
- 1.7 Access : Three new access/egress points onto Willow Road (public entrance and exit and separate operations/egress) an unadopted road. Willow Road connects to Saddlebow Road which in turn connects to the A47.
- 1.8 Landscaping : Four replacement trees to replace four to be removed on frontage of the site; grassed area around perimeter of site.

Description of proposal

- 1.9 The application seeks full planning permission for a replacement relocated Household Waste Recycling Centre on land to the north of Willow Road, at the Willows Industrial Estate, King's Lynn, and Norfolk.
- 1.10 The replacement HWRC is required in order to facilitate proposals for the construction and operation of a new gas-fired power station (the 'King's Lynn 'B' CCGT Power Station Project') on land at the Willows Industrial Estate.
- 1.11 Householders and trades people would be able to deposit non-hazardous waste from their vehicles into separate waste containers at the site. Waste would then be taken off site for recycling, recovery or disposal as appropriate. The site would also accept a limited amount of chemical and hazardous items once a year.
- 1.12 A one-way system would operate within the site with vehicles circulating the HWRC in a clockwise direction and would allow the public to stop and deposit waste in the relevant waste receptacle/bin. To facilitate this, new access and exit points would be created onto Willow Road at the south of the HWRC for public vehicles. A third access and egress point would also be created to the site from Willow road for operational purposes and to remove wastes once they have been bulked up and separated for further treatment recovery or disposal.
- 1.13 The proposed new HWRC would be of a similar layout to the one it seeks to replace. A number of the existing facilities such as waste containers would be relocated from the current site. In terms of buildings etc, a single storey 're-use building' measuring some 14 metres x 5 metres would be constructed for the sale

of recovered products that can be re-sold rather than recycled. This would be situated near to the site entrance along with a single storey staff welfare unit measuring some 10 metres x 7 metres and providing an office, WC facilities and other amenities. In addition, two canopies would be provided with one along the north-eastern part of the circular road / car parking area and another larger one in the south eastern area of the site. These would be 5 metres and 28.75 metres in length respectively and approximately 5 metres in height. Photovoltaic panels would be placed on the roof of the canopies in order to provide a proportion of the site's energy requirements. The site would be enclosed by a 2.4 metre high palisade fence topped with three strands of barbed wire.

- 1.14 It is anticipated the throughput of waste would be in the region of 8,000 tonnes per annum and the site would have separate winter and summer operational and opening hours as set out in 1.6 above. The site would not open Christmas Day, Boxing Day or New Year's Day. The scheme also makes provision for the ancillary small-scale sale of non-recycled products such as Christmas trees, green waste sacks, composting bins and logs, as sold at the existing site. The HWRC would be operated by Norse Environmental Waste Services Limited on behalf of Norfolk County Council.

2. Site

- 2.1 The proposed site is located approximately 2.8 kilometres south-east of King's Lynn Town Centre on the Willows Industrial Estate. The replacement HWRC would be located on the northern side of Willow Road on an area of predominantly vacant greenfield land, and extend to approximately 0.5 hectares in area, a similar size to the existing HWRC. The other circa 0.5 hectare required for the development would be for a compound to be used for parking and storage of plant and construction materials during the construction phase. The largely undeveloped site (with the exception of an Anglian Water pumping station) is characterised by low level vegetation and scrub. Willow Road, an unadopted road, connects to Saddlebow Road which in turn connects to the A47 at the Saddlebow Interchange.
- 2.2 The aforementioned Anglian Water pumping station lies within the western most part of the application site occupying an area of some 126 metres². This is not however located in the site of the proposed HWRC, but within the temporary construction area that will be required to be reinstated after its use. Once the site is developed it would be approximately 35 metres from the HWRC. Beyond the pumping station is an electricity substation which falls entirely out of the planning application site.
- 2.3 Further to the west of the site is vacant industrial land and beyond this the existing Centrica operated King's Lynn 'A' Power Station which is located some 200 metres to the west and in turn borders the eastern bank of the River Great Ouse. Also to the west of the site, around 125 metres away but on the southern side of Willow Road, is the existing County Council HWRC which this scheme seeks to replace. To the south of the site on the other side of Willow Road are commercial premises occupied by C&A Superbikes. Immediately to the east is a Police Investigation Centre, adjoined by Saddlebow Industrial Estate, which also includes the speedway stadium.

- 2.4 The nearest residential properties to the site are located approximately 350 metres to the southwest, along High Road. The entirety of the site is on land that is entirely within the ownership of Norfolk County Council.

3. Constraints

- 3.1 The following constraints apply to the application site:

- The application site is within Flood Zone 3a.
- The application site is 400m from a National Grid Gas Pipe.
- An Anglian Water pumping station sits within the red line boundary of the application (adjacent to land to be used for the construction compound).

4. Planning History

- 4.1 C/2/2011/2020: Proposed Energy from Waste facility (Withdrawn 8 January 2015).

5. Planning Policy

Development Plan Policy

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

CS5: General location of waste management facilities

CS6: General waste management considerations

CS14: Environmental protection

CS15: Transport

DM3: Groundwater and surface water

DM4: Flood Risk

DM6: Household Waste Recycling Centres

DM7: Safeguarding Aerodromes

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity

DM15: Cumulative impact

DM16: Soils

- 5.2 **Norfolk Minerals and Waste Local Development Framework: Waste Site Specific Allocations DPD (2013)**

- WAS 65 – Land at the Willow's Business Park, King's Lynn

- 5.3 **Borough Council of King's Lynn and West Norfolk – Local Development Framework – Core Strategy (Adopted July 2011)**

CS06: Rural Areas

CS08: Sustainable Development

CS11: Transportation

CS12: Environmental Assets

- 5.4 **Borough Council of King's Lynn and West Norfolk – Local Development Framework – Site Allocations and Development Management Policies Plan (Adopted September 2016)**
 DM1: Presumption in Favour of Sustainable Development
 DM2: Development Boundaries
 DM10: Retail Development
 DM15: Environment, Design and Amenity
 DM21: Sites in Areas of Flood Risk

Other Material Considerations

- 5.7 **The National Planning Policy Framework (2019)**
- 1: Building a strong competitive economy
 - 14: Meeting the challenge of climate change, flooding and coastal change
- 5.8 **National Planning Policy for Waste (2014)**
- 5.9 **Our Waste, Our Resources: A Strategy for England (2018)**

6. Consultations

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| 6.1 | Borough Council of King's Lynn and West Norfolk | : | No response received. |
| 6.2 | Defence Infrastructure Organization | : | No response received. |
| 6.3 | Ministry of Defence | : | No response received. |
| 6.4 | Environmental Health Officer (KL&WN) | : | <p><u>Environmental Quality</u></p> <p>No comments to make regarding contaminated land or air quality.</p> <p><u>Community Safety and Neighbourhood Nuisance</u></p> <p>No objection. Request conditions concerning submission of a detailed construction management plan prior to commencement of development, submission of a lighting scheme prior to first use of the site, operating hours as proposed in the planning application, and that no material other than household or trade waste be brought onto and sorted on the site.</p> |
| 6.5 | Emergency Planning Officer (KL&WN) | : | <p>Because of its location in an area at risk of flooding and in line with best practice in business continuity suggests that:</p> <ul style="list-style-type: none"> • the site operators should install services at high level to avoid the impacts of flooding; • sign up to the Environment Agency flood warning system; and, |

- Prepare a site flood evacuation plan.

6.6	Environment Agency	: No objection. A flood plan should be prepared for the development.
6.7	Lead Local Flood Authority (NCC)	: No objection: the application falls below the consultation threshold.
6.8	Water Management Alliance	: Confirmed the site lies within the area East of Ouse, Polver and NAR IDB – advised that the relevant body should therefore be consulted.
6.9	East of Ouse, Polver and Nar IDB	: No response received.
6.10	Anglian Water	: No objection, confirm the presence of their assets (sewage pumping station) within the site and recommend conditions concerning: <ul style="list-style-type: none"> • A scheme for on-site foul water drainage; • A surface water management strategy.
6.11	UK Power Networks	No response received.
6.12	Highway Authority (NCC)	: No objection: Requests submission of traffic management plan prior to commencement of development and compliance thereafter.
6.13	Norfolk Historic Environment Service (NCC)	: No objection: Based on currently available information the proposed development will not have any significant impact on the historic environment
6.14	Ecologist (NCC)	: No response received.
6.15	County Councillor Alexander Kemp (Clenchwarton and King's Lynn South)	: Has requested the planning application be determined by the Planning (Regulatory) Committee. Raises the following concerns and suggestions for an improved design: <ul style="list-style-type: none"> • The County Council needs to move with the times, so thought needs to be given to improved design to make the new Household Waste Recycling site more user-friendly. • Construct a platform with raised bins so people can tip the products into the bins. This works well for residents in other areas and should be introduced here. Think about incorporating an automatic lifting platform to bins. • Residents also want more parking spaces

close to the bins - this should be easy to achieve.

- The consultation asked for both improvements and it is important to listen.
- What was really needed on this site was a park-and-ride, to relieve congestion and air pollution in Lynn but the Government decided that there will now be a Power Station next door and this is why the Household Waste Site is to be moved. Another madness is the Transport Plan thinking about opening a bus lane to general traffic.

6.16 Representations

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 received by members of the public.

7. **Assessment**

7.1 The issues to be assessed for this application are:

Principle of development

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 “NMWLDF Core Strategy”), the Borough Council of King’s Lynn and West Norfolk Local Development Framework Core Strategy (Adopted July 2011), and the Borough Council of King’s Lynn and West Norfolk Local Development Framework Site Allocations and Development Management Policies Plan (Adopted September 2016). Whilst not part of the development plan, policies within the National Planning Policy Framework (2018) and National Planning Policy for Waste (2014) are also further material considerations of significant weight.

7.2 Policy CS6: *Waste management considerations* of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:

- 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.

- 7.2 The site is Greenfield land, albeit within the defined area of the town (as identified in the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (SADMP)), which does not have an existing authorised use. The site does however form the eastern most part of site WAS 65 which is allocated in the NMWDF Waste Site Specific Allocations DPD for uses including waste recycling. Therefore, subject to the proposal not causing *environmental* impacts as also referred to in Policy CS6 and discussed in the report below, the proposal complies with this policy. In the context of NMWDF Core Strategy Policy CS5: *General location of waste management facilities*, the HWRC would be regarded as a 'non-strategic' waste facility however it is nonetheless well related to King's Lynn and therefore compliant with this policy. Additionally, NMWDF Core Strategy Policy CS7 supports the development of new recycling facilities, provided these would not cause unacceptable environmental, amenity and/or highway impacts. Therefore, subject there not being unacceptable impacts, as discussed below, the principle of the development at the site is considered acceptable.
- 7.3 The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance which underlines that the planning system is pivotal to the timely and adequate provision of waste facilities. This scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this policy and the Government's 'Our Waste, Our Resources: A Strategy for England' which similarly seeks to promote the management of waste up the waste hierarchy.
- 7.4 Although King's Lynn and West Norfolk policy DM10: *Retail Development* seeks to locate retail uses in town centres, in this instance retail would be low key/small scale and secondary to the main use of the site as a Household Waste Recycling Centre. The retail element would not impact on the vitality and viability of King's Lynn town centre and the proposal would not undermine the aims of this policy.

Amenity (noise, dust, light pollution etc)

- 7.5 Policy DM12 states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity would not arise from the construction and/or operation of a facility. This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. King's Lynn and West Norfolk Policy DM15: Environment, Design and Amenity also seeks to safeguard both existing and neighbouring occupiers from development that would have a significant adverse impact on amenity. 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. Furthermore, NPPF paragraph 170 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.

- 7.6 The nearest residential property to the site is located 350m to the southwest. As stated in the report above the site is neighboured by other existing commercial uses, the police investigation centre, and also by vacant industrial land.
- 7.7 With regards to the actual regulation of an operation such as this, in accordance with paragraph 183 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the Environment Agency to actually control emissions such as noise, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 7.8 The applicant has submitted both dust and noise assessments for the site which assess potential amenity impacts during the construction period. Both assessments concluded that the residual impacts of the construction of the site would be not be significant or negligible subject to appropriate mitigation. Whilst it is regrettable that the surveys did not include analysis of the use of the site, given the existing site has operated to date without complaint, it is not anticipated that the new replacement site would give rise to unacceptable impacts once operational. In raising no objection to the proposal, the Borough Council EHO has recommended conditions concerning the submission of both a construction management plan and a lighting scheme. Subject to this, the proposal would not have an unacceptable impact on neighbouring amenity or air quality and the proposal complies with the policies outlined above.

Design/Landscaping

- 7.9 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. The proposed new replacement HWRC would be built on vacant land on the existing Willows Industrial Estate that is allocated for a waste recycling in the Council's adopted Waste Site Allocations DPD.
- 7.10 In terms of physical development on site, this would comprise of two five metre high canopies, and both a single storey welfare unit and re-use shop. The site would be hard landscaped, with a central concrete slab surrounded by a grass strip running up to the fence line which would be a 2.4 metre high palisade fence topped with three strands of barbed wire. The proposed design, which is very similar to the existing site which it seeks to replace, is considered in keeping with the wider industrial estate.

- 7.11 Whilst four trees will need to be removed from the frontage of the site adjacent to Willow Road, the applicant has committed to replanting four new trees to mitigate for their loss. The planting specification is proposed to be agreed by planning condition and the County's Arboriculturist has recommended that these be two alder and two rowan. Two other trees that adjacent to the application site in front of the police investigation centre would be required by condition to be protected by heras fencing during development of the site and retained thereafter. Subject to these conditions the proposal is considered to be in accordance with these development plan policies.

Biodiversity and geodiversity

- 7.12 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. The County Ecologist, whilst not objecting to the principle of an HWRC at this site, initially raised concern whether the ecological assessment was insufficient to inform the level of mitigation required to conserve biodiversity / protected species or to guide opportunities for biodiversity enhancements particularly as the survey was undertaken at a suboptimal time of year.
- 7.13 Further to a site meeting with the applicant, the developer agreed to revisit its plans and a revised scheme was lodged which included an additional grassed area within the boundary of the HWRC to replace the previously proposed stone chip fill. This is proposed in order to mitigate the loss of biodiversity habitat on the site itself, and on the north-western margin of the site this will extend to some 9.5 metres and some 2-3 metres around the north-eastern and south-eastern margins.
- 7.14 The developer has also cited the mitigation also provided by the King's Lynn B Power Station proposal which if it comes to fruition would include net ecological benefits for the whole of the project's wider site. The applicant advised that the only instance the new HWRC would be built would be if the new Power Station is constructed which would also deliver the proposed ecological enhancements so these should be taken into account.
- 7.15 Notwithstanding this, the proposed new grassed area along with the replacement trees that are referred to in 7.10 are considered sufficient mitigation for the habitats and trees that would be lost by the development and accordingly the proposal is consistent with policies CS14 and DM1.
- 7.16 Appropriate Assessment
- The site is situated within 6.5 kilometres of The Wash Special Protection Area (SPA) and The Wash and North Norfolk Coast Special Area of Conservation an internationally protected site. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that the development would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

Transport

- 7.17 Policy CS15: *Transport* and DM10: *Transport* states that waste management facilities must not result in unacceptable risks to road users and pedestrians or

unacceptable impacts on the capacity or efficiency of the highway network, the applicant has submitted a transport statement for the application. Access to the site would be from Willow Road, an unadopted private road. Because of the one-way system that would be in operation, the HWRC would have a separate access and egress for the public, and a third access/egress point solely for operational purposes (not open to the public).

- 7.18 Construction traffic would at its peak be a maximum of 30 two-way HGV movements per day (15 in and 15 out) during the first two months and during the fourth month and reduce to 10 two way movements in the remainder of the six month construction period. This would be coupled with up to a maximum of 40 movements (cars / vans) for construction staff.
- 7.19 Once operational the site is expected to continue at its current level of dealing with some 8,000 tonnes of waste per year which it is expected would generate average visitor numbers of 400 per day (800 car movements) with a peak of up to 900 per day. The Highway Authority raised no objection to the proposal acknowledging the site would operate on a similar scale to the current facility it would replace, also on Willow Road, subject to conditions concerning the submission and implementation of a traffic management plan. The Highway Authority also raised no objection to the planting of four replacement trees given the set back where they would be planted and the geometry of the road visibility from the proposed access points. On this basis the proposal accords with policies CS15 and DM10.

Sustainability

- 7.20 NWMD Core Strategy Policy CS13 encourages new waste developments to generate renewable energy on-site with a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources. A Sustainability Statement was submitted as part of the application. This set out a number of sustainability measures that would be employed relating to the design and construction of the proposed development. The replacement facility would include solar PV panels on the two canopies to be erected on the site. Notwithstanding the above, the proposed development itself would contribute to sustainability objectives by supporting the reuse and recycling of waste. Given this the application is considered to accord with the aforementioned policy.

Impact on Heritage Assets

- 7.21 There are not listed building or Scheduled Monuments within a kilometre of the application site (the closest listed building is some 1.6kilometres away. Therefore, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 it is not considered that the development would cause any harm to any heritage assets given that the development is in an existing industrial estate and given the distance from the site of the historic assets.
- 7.22 Furthermore, the County Historic Environment Service did not make any recommendations for archaeological work during development of the site and given this, the application is considered in accordance with policy NWMD Policy DM9: Archaeological Sites.

Groundwater/surface water

- 7.23 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. As detailed in the FRA and Drainage Strategy, the applicant proposes that surface water scheme would be designed to reflect the one at the existing site whereby water would discharge through a surface water pipe network and a full retention and oil separator and silt trap before entering the existing surface water sewer to the south of the site. It is also proposed that foul water would drain to Anglian Water's foul pumping station to the south of the site and within the application boundary. Anglian Water raised no objection to the scheme subject to full detailed schemes for both foul water drainage and surface water disposal. The Environment Agency raises no concerns with regards to groundwater pollution and confirmed the proposal would also be likely to require an Environmental Permit to be in place in order to operate. This would also ensure appropriate measures are in place to safeguard groundwater. Subject to the above conditions the proposal is compliant with policy DM3.

Flood risk

- 7.24 Policy CS13 states that applicants must ensure that flood risk is not increased as a result of the waste management sites and that these can be developed and operate without unacceptable flood risk to the site itself and surrounding area. Policy DM4 (Flood risk) states that Norfolk LPA's Strategic Flood Risk Assessments will be used to inform decisions for waste management facilities and the Sequential Test must be applied to all proposals. In accordance with paragraph 163 of the NPPF, a site specific flood risk assessment is required for all developments in Flood Zones 2 and 3.
- 7.25 As confirmed by policy the WAS 65 of the Waste Site Specific Allocations Document and by the Environment Agency, the application site is in Flood Zone 3a. Accordingly a Flood Risk Assessment (FRA) and Drainage Strategy was submitted with the planning application. The FRA concluded that the HWRC would be subject to a minimal risk of flooding and that the scheme would not create an unacceptable risk of flooding elsewhere.
- 7.26 On the basis that the facility would accept a small amount of hazardous waste (on specific amnesty days each year), the developer was also asked to undertake an Exception Test in accordance with the Government's Planning Practice Guidance. This is because waste management facilities for hazardous waste are classed as 'more vulnerable' in the Government's Flood Risk Vulnerability Classification table.
- 7.27 As stated by the applicant, a Sequential Test (looking at other reasonably available sites with a lower probability of flooding) was not however required on the basis one was carried out by the County Council prior to adoption of the Waste Site Specific Allocations Document (WSSA) (2013) and that this development would on an allocated site.
- 7.28 The Exception Test within the revised FRA submitted by the applicant underlined that the proposed site already benefits from flood defences and is at low risk of flooding from tidal, fluvial, pluvial, groundwater or sewer flood sources. On re-

consultation on this additional information the Environment Agency maintained their position of no objection to the scheme. The LLFA also raised no objection to the application providing standing advice on the basis the scheme falls below their consultation threshold. On this basis, it is not considered the proposal would increase flood risk (on or off site) and the proposal complies with policies CS13 and DM4 and section 14 of the NPPF.

Aerodrome Safeguarding

- 7.29 The site is within the consultation area for RAF Marham for any development that exceeds 91.4 metres in height. The Defence Infrastructure Organization has been consulted but no comments have been received. However on the basis the maximum height of any buildings on site (the canopies) are only going to be circa 5 metres in height the proposal is compliant with NMWDF Core Strategy Policy DM7: Safeguarding Aerodromes.

Soils

- 7.30 Whilst the site of the HWRC has been identified to be grade 2 agricultural land, the site is not in productive agricultural use and given its location on the Willows industrial estate, is never feasibly likely to. On this basis the proposal does not undermine NMWDF Core Strategy Policy DM16: *Soils*.

Environmental Impact Assessment

- 7.31 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

Responses to the representations received

- 7.32 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 7.33 No representations were received from local residents. In response to the concerns raised by the Local Member, Cllr Kemp, which largely relate to a preferred alternative design, the committee has a duty to determine the application before it. In this instance the design proposed is an acceptable form of development and complies with the development plan. Furthermore, the County Planning Authority is unaware of any plans to develop the site for Park and Ride purposes or for any other proposed use(s). On this basis very little weight can be afforded to alternative uses of the site including a Park and Ride site.

The Community Infrastructure Levy

- 7.34 The development is CIL liable on the basis the floorspace proposed by the development exceeds 100 metres².

Local Finance Considerations

- 7.35 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that

will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 7.36 In this instance it is not considered that there are local finance considerations material to this decision

8. Resource Implications

- 8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 **Equality Impact Assessment (EqIA)**
- 9.6 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.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.

- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **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.

10. Section 17 – Crime and Disorder Act

- 10.1 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.

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting/Refusing of Planning Permission

- 12.1 The planning application seeks to use a site that is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document (site WAS 65). Therefore, in land use terms the proposal accords with the development plan.
- 12.2 No objections have been received from consultees or members of the public. The application is being reported to this committee on the basis it has been called in by the Local Member Alexander Kemp; it would otherwise be dealt with under delegated powers.
- 12.3 It is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity and health (including to both local residents and businesses), the landscape, the highway network, ecology, groundwater and surface water, and flood risk.
- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development hereby permitted shall commence not later than three years from the date of this permission.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 13.2 The development must be carried out in strict accordance with the application form and the following plans and documents (including their recommendations):
- i. Site Layout Plan, reference KLNb-ACM-WR-XX-CE-00202 Rev P.04, dated 27 January 2019;
 - ii. Site Sections Plan, reference KLNb-ACM-WR-XX-CE-00203 Rev P.03, dated 8 October 2018;
 - iii. Application Site Boundary, reference KLNb-ACM-WR-XX-CE-00202,

dated 8 October 2018;

- iv. Plan and External Elevations of Welfare Unit, Recycling Shelter & Security Fencing, reference KLN-B-ACM-WR-XX-CE-00209 Rev P.02, dated 10 October 2018;
- v. Plan and External Elevations of Reuse Shop, reference KLN-B-ACM-WR-XX-CE-00210 Rev P.01 dated 11 October 2018;
- vi. Environmental Report (including appendices A-J), dated October 2018;
- vii. Flood Risk and Drainage Strategy, dated January 2019.

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

- 13.3 Prior to operation of the facility a flood evacuation plan shall be submitted to the County Planning Authority for approval in writing and implementation thereafter for the lifetime of the scheme.

Reason: In the interests of the safe operation of the site in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.4 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.5 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the County Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the approved strategy.

Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and paragraph 170 of the NPPF.

- 13.6 Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the County Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason: In the interests of maintaining highway efficiency and safety in accordance with. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 13.7 For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic

Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the County Planning Authority.

Reason: 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.

- 13.8 Prior to the commencement of development a detailed scheme of landscaping shall be submitted to and agreed in writing by the County Planning Authority. The scheme as may be so agreed shall be implemented within the first planting season following the commencement of development. The scheme shall include details of size, species and spacing of the four new trees to be planted along the site frontage as identified on drawing number KLNb-ACM-WR-XX-SK-CE-00202 Rev. P.04. It shall also make provision for:

(a) the protection and maintenance of existing trees with which are to be retained on the site as identified in red on drawing number KLNb-ACM-WR-XX-SK-CE-00202 Rev. P.04 with heras fencing;

(d) A management plan to include the replacement of any damaged or dead trees (within a period of five years from the date of planting) with trees of similar size and species at the next appropriate season.

Reason: To ensure protection of the existing trees and to protect the amenities of the surrounding area in accordance with Policies DM9 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.9 No material other than 8,000 tonnes per annum of household or trade waste shall be brought onto and sorted on the site.

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.

- 13.10 No operation authorised or required under this permission shall take place on Christmas Day, Boxing Day or New Year's Day or other than from:
07:00 to 20:00 hours between 1 April to 30 September, and;
07:00 to 17:00 hours between 1 October to 31 March.

The premises shall not open to the public except between
09:00 to 17:00 hours between 1 April to 30 September, and;
09:00 to 16:00 hours from 1 October to 31 March.

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.

- 13.11 No development shall take place (including demolition ground works, vegetation clearance) until a construction environmental management plan has been submitted and approved in writing. The CEMP shall make provision for the following:

- Risk Assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented through construction phases strictly in accordance with the approved details.

Reason: To safeguard biodiversity interests in accordance with Policies CS14 and DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.12 No development shall take place (including demolition ground works, vegetation clearance) until an ecological management plan (EMP) shall be submitted to, and approved in writing by the LPA prior to commencement of development. The content of the EMP shall include the following.
- a) Description and evaluation of features to be managed;
 - b) Ecological constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives including mitigation detailed in the ES submitted with the application namely that for;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) On-going monitoring and remedial measures.

The EMP shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action will be identified, agreed and implemented so the development

Reason: To safeguard biodiversity interests in accordance with Policies CS14 and DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.13 The development shall not commence until a lighting scheme, in accordance with details supplied in Appendix I of the Environmental Report dated October 2018, including measures to prevent the upward spill of light, glare or outward spill of light beyond the site boundaries has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved lighting scheme and adhered to for the lifetime of the development.

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.

- 13.14 Measures shall be taken to prevent dust nuisance and waste blow from operations at the site.

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.

- 13.15 The photo-voltaic panels shown on drawing number Plan and External Elevations of Welfare Unit, Recycling Shelter & Security Fencing, reference KLN-B-ACM-WR-XX-CE-00209 Rev P.02, dated 10 October 2018 shall be installed prior to first use of the building and retained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure the principles of sustainable development are met in accordance with Policy CS13 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

The National Planning Policy Framework (NPPF) (2019)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Our Waste, Our Resources: A Strategy for England (2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

Government's Ministerial Statement on Intentional Unauthorized Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, 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 or 0344 800 8011 (textphone) and we will do our best to help.