

Applications Referred to Committee for Determination:

Borough of King's Lynn and West Norfolk:

C/2/2015/2044: King's Lynn Recycling Centre:

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); to include extension to existing re-use shop. 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 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 include a modest extension (5.7m x 5m) to the existing re-use centre.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted on behalf of the Executive Director of Community and Environmental Services, and therefore cannot be dealt with under delegated powers.

The proposal conforms with development plan policies and national policy, and there are no material considerations that indicate the application should be refused.

Recommendation

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

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

1. The Proposal

- 1.1 Location : King's Lynn HWRC, Willows Business Park, Saddlebow.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.4 hectares
- 1.4 Annual tonnage : 8,000 household waste
- 1.5 Duration : Permanent
- 1.6 Hours of working : 08:00 – 18:00 1 March to 31 March
08:00 – 20:00 1 April to 31 August
08:00 – 19:00 1 September to 30 September
08:00 – 18:00 1 October to end British Summer Time
08:00 – 16:00 Rest of year
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 10 additional daily vehicle movements (up to 3.5 tonne) (5 in and 5 out).
Sales of Goods: Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees.
- 1.8 Access : Access is taken from an unadopted estate road on the Willows Business Park, which leads from the Saddlebow Road (C8).

2. Constraints

- 2.1
- The A47 Trunk road is located approximately 1.2 kilometres to the north.
 - The site is located in Floodzone 3.
 - The site is approximately 780m to the west of The River Nar Site of Special Scientific Interest (SSSI) which forms part of the Nar Core River Valley.
 - European protected sites within 10km of the site are the Roydon Common RAMSAR, forming part of the Roydon Common and Dersingham Bog Special Area of Conservation (SAC), The Wash Ramsar and SPA, The Wash and North Norfolk Coast SAC, and The Wash National Nature Reserve.
 - National Grid pipeline runs approximately 250m south west of the site.

3. Planning History

- 3.1 Planning permission was first granted for the recycling centre in 2007 under application C/2/2007/2010, however this was superseded in 2008 with a further permission (C/2/2008/2003) following a reduction in the size of the site as a result of funding and ground condition issues.

4. Planning Policy

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|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5
CS6
CS7
CS13
CS14
CS15
DM1
DM3
DM4
DM8

DM10
DM12
DM13 | General location of waste management facilities and associated facilities
General waste management considerations
Recycling, composting, anaerobic digestion and waste transfer stations
Climate change and renewable energy generation
Environmental protection
Transport
Nature conservation
Groundwater and surface water
Flood risk
Design, local landscape and townscape character
Transport
Amenity
Air quality |
| 4.2 | King's Lynn and West Norfolk Core Strategy (2011) | : | CS01
CS08
CS11 | Spatial Strategy
Sustainable Development
Transport |
| 4.3 | The National Planning Policy Framework (2012) | : | 11 | Conserving and enhancing the natural environment |
| 4.4 | National Planning Policy for Waste (2014) | | | |
| 4.5 | National Planning Practice Guidance Notes (2014) | | | |

5. Consultations

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|-----|----------------------------------------------------|---|-----------------------------------------------------------------|
| 5.1 | King's Lynn and West Norfolk Borough Council | : | No objections. |
| 5.2 | Wiggenhall St. Germans Parish Council | : | No comments received. |
| 5.3 | EHO (King's Lynn and West Norfolk Borough Council) | : | No comments to make regarding contaminated land or air quality. |
| 5.4 | Environment Agency | : | No objection, the site is covered by an Environmental Permit. |
| 5.5 | Highway Authority (NCC) | : | No objection. |
| 5.6 | Health and Safety Executive | : | No representations received. |

- 5.7 Local residents : No representations received.
- 5.8 County Councillor (Alexandra Kemp) : Queries regarding the Flood Risk Assessment which have since been clarified.

6. Assessment

Proposal

- 6.1 Planning permission is sought to enable the existing King's Lynn Household Waste Recycling Centre (HWRC) to become a mixed use development to accept trade waste (in addition to household waste), and to facilitate the small scale sale of additional items such as compost bins, green waste sacks, Christmas trees and logs (for firewood). A small extension with a footprint of 5.7m x 5m is also proposed to the southern side of the re-use shop.
- 6.2 The County Council wishes to introduce a service aimed at small and medium sized businesses to deposit waste at the site for a charge (currently traders are not permitted to use the recycling centre). Waste would be separated into different material streams and deposited in the existing containers used for household waste (no additional ones would be required). It is anticipated the additional waste would be accommodated into the existing permitted annual throughput of 8,000 tonnes, and it would not compromise the primary function of the site as a HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items such as those listed above to complement the sale of compost or soil improver which is already permitted. The additional items for sale would be stored in or within the curtilage of the re-use centre (which already sells recycled household products) which is sited centrally to the northern part of the site. Adjacent to the re-use centre is the office and welfare facilities. There are existing provisions in place for accepting payments and issuing receipts. The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.
- 6.4 The extension to the re-use shop would provide approximately 50% more floorspace and allow for larger, bulkier items and waste electricals to be sold. The existing re-use shop diverted approximately 91 tonnes of waste out of the waste stream in 2014/15, and it is hoped that the extension will further increase this, prioritising re-use over recycling and disposal.
- 6.5 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

Site

- 6.6 The HWRC is located to the south of King's Lynn. From the A47, it is accessed along Saddlebow Road (C8) to the existing roundabout at the entrance to Willows Business Park then via an unadopted estate road. The site covers an area of approximately 0.4 hectares.

- 6.7 The site is an established HWRC and is comprised of a series of containers for accepting waste positioned centrally within the site, with two vehicular lanes, one is a circulating lane and the other used for parking next to each of the containers for unloading. To the west is the Kings Lynn power station, to the north, south and east is poor semi-improved grassland. The nearest residential property is approximately 190 metres to the south of the site.

Principle of development

- 6.8 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”.*
- 6.9 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the policies in the King’s Lynn and West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.10 The site is an established household waste recycling centre, and would be regarded as previously developed land. The use of this site for waste purposes is well established and considered compliant in the context of NMWDF policy CS6: *General waste management considerations*. It is consistent also with the National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.11 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre. The small extension to the existing re-use centre would be supported by policy CS7 of the NMWLDF, subject to there being no unacceptable impact upon the environment, amenity and highways.
- 6.12 Although the King’s Lynn and West Norfolk Core Strategy Policy CS01 *Spatial Strategy* and Policy CS02 *The Settlement Hierarchy* seeks to restrict retail development outside the Primary Shopping Areas of King’s Lynn (which the site is outside), in this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not

impact on the vitality and viability of town centres and the proposal would not undermine the aims of these policies.

Amenity

- 6.13 The site is operating without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site's location on previously developed land away from residential properties.
- 6.14 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity*, and King's Lynn, and West Norfolk Core Strategy Policy CS12: *Environmental Assets* which all seek to ensure there are no unacceptable adverse amenity impacts created.

Landscape / Design etc

- 6.15 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.
- 6.16 There would be no change to the existing infrastructure at the site in order to accommodate the changes: trade waste would be deposited in existing segregated skips/containers where household waste is deposited.
- 6.17 The extension to the re-use centre would allow for the sale of larger, bulkier items which there is currently not sufficient space for. The extension would be constructed to the same height and form as the existing building, with materials (profiled metal cladding) to match the existing. The additional items to be sold as listed in this application would also be located within or in the immediate vicinity of the re-use shelter where reclaimed household waste products are sold along with bagged compost.
- 6.18 It is considered that there are no landscaping or design issues with the proposals, the extension to the re-use shop is modest in scale and would be in-keeping with the appearance of the existing building, accordingly the application does not undermine NMWDF policies CS14 or DM8.

Biodiversity

- 6.19 Habitats Regulation Assessment

There are no environmentally sensitive areas in or abutting the site; the nearest designated site is the River Nar SSSI situated approximately 780m to the west. The only European protected sites within 10km of the site are the Roydon Common RAMSAR, forming part of the Roydon Common and Dersingham Bog Special Area of Conservation (SAC), The Wash Ramsar and SPA, The Wash and North Norfolk Coast SAC, and The Wash National Nature Reserve. 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.

- 6.20 In light of this, the proposal is considered to be compliant with policy CS14: *Environmental Protection* and also DM1: *Nature Conservation* of the NMWDF Core Strategy and Kings Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, given that it is not felt the nature or scale of the proposals would harm the SAC, SPA, SSSI, RAMSAR 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

- 6.21 The proposals to accept trade waste would be accommodated within the existing throughput of the site which is 8,000 tonnes, and the applicant expects this would amount to up to 1% of the total annual throughput. At this level of use it would generate an additional 5 vehicles per day (i.e. 10 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in an increase to some 23 vehicles accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.22 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.
- 6.23 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

Sustainability

- 6.24 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 and only a modest extension to the existing re-use building. As such it is considered that it would be unreasonable to insist that renewable energy generation be included as part of this application.

Groundwater/surface water & Flood risk

- 6.25 The HWRC is located within Flood Zone 3, as shown on the Environment Agency's Flood Zone Map. In accordance with NMWDF policy DM4: *Flood Risk* any proposal for development within an area of flood risk is required to be accompanied by a flood risk assessment in support of the application.

This assessment is then referred to the Environment Agency for comment.

- 6.26 Policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development. The flood risk assessment submitted with the application concludes that the proposals would not increase the impermeable area of the site, with the extension located on existing hard standing, therefore not increasing flood risk at or from the site. 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 flood risk. Therefore the application is compliant with these policies.

Responses to the representations received

- 6.27 The application was advertised by means of a site notice and an advertisement in the Eastern Daily Press newspaper. No objections or other representations were raised by third parties.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

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

8.5 **Equality Impact Assessment (EqIA)**

8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

8.8 **Communications:** There are no communication issues from a planning perspective.

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

8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

10.1 There are no risk issues from a planning perspective.

11. Conclusion and Reasons for Grant of Planning Permission

11.1 Planning permission is sought to enable the existing King's Lynn 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 include a modest extension to the existing re-use building to accommodate the sale of larger, bulkier items.

11.2 The development would not have unacceptable impacts on amenity, ecology, the landscape, ground or surface water, flood risk, or the highway network.

11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.

11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

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

Site Boundary Plan – KL_Plan_2015_0001, Rev 1 dated 23/09/15

Site Layout Plan – KL_Plan_2015_002, Rev 2 dated 13/01/16

Plans and Elevations as Proposed – Drawing No. 1071082/02, Rev A

dated 17/12/15
Planning Statement – undated
Flood Risk Statement and Flood Evacuation Plan, Version No.2, Kings
Lynn Recycling Centre 13/01/16.

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

- 12.2 No operation authorised or required under this permission shall take place on Christmas Day, Boxing Day and New Year's Day or other than during the following periods:

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

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

- 12.3 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Site Layout Plan – KL_Plan_2015_002, Rev 2 dated 13/01/16.

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

- 12.4 No material other than household and trade waste, limited to the waste types permitted under application C/2/2008/2003 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.

- 12.5 Measures shall be taken to ensure that the site is kept in a clean and tidy condition.

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

- 12.6 The lighting scheme agreed under application C/2/2008/2003 shall continue to be adhered to for the life 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.

- 12.7 The landscaping scheme agreed under application C/2/2008/2003 shall be

retained throughout the life 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.

12.8

The scheme for keeping the field drains clear agreed under application C/2/2008/2003 shall continue to be adhered to for the life 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.

12.9

Measures shall be taken to minimise dust nuisance caused by the operations, including spraying of road surfaces and operational areas as necessary.

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

12.10

Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.

Reason: To safeguard hydrological interests, to accord with policies CS14 and DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Recommendation

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

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

Background Papers

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

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

Kings Lynn and West Norfolk Core Strategy (2011)

<http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

The National Planning Policy Framework (NPPF) (2012)

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

National Planning Policy for Waste (2014)

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

Planning Practice Guidance (2014)

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

Application references: C/2/2007/2010 and C/2/2008/2003.

Officer Contact

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

Name	Telephone Number	Email address
Charles Colling	01603 222708	charles.colling@norfolk.gov.uk



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