

Planning (Regulatory) Committee

Date: **Friday 5 November 2021**

Time: **11am**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich. NR1 2UA**

Advice for members of the public:

This meeting will be held in public and in person.

It will be live streamed on YouTube and, in view of Covid-19 guidelines, we would encourage members of the public to watch remotely by clicking on the following link:

https://www.youtube.com/channel/UCdyUrFjYNPfq5psa-LFIJA/videos?view=2&live_view=502

However, if you wish to attend in person it would be most helpful if, on this occasion, you could indicate in advance that it is your intention to do so. This can be done by emailing committees@norfolk.gov.uk where we will ask you to provide your name, address and details of how we can contact you (in the event of a Covid-19 outbreak). Please note that public seating will be limited.

Members of the public wishing to speak about an application on the agenda, must register to do so at least 48 hours in advance of the meeting. Further information about how to do this is given [below](#). Anyone who has registered to speak on an application will be required to attend the meeting in person and will be allocated a seat for this purpose.

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr Brian Long (Chair)

Cllr Eric Vardy (Vice-Chair)

Cllr Stephen Askew

Cllr Christopher Dawson

Cllr Barry Duffin

Cllr Paul Neale

Cllr Matt Reilly

Cllr William Richmond

Cllr Steve Riley

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

Registering to speak:

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

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

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Appendix 26 of the Constitution](#).

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

Hollie Adams on 01603 223029 or email committees@norfolk.gov.uk

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

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can request a copy from committees@norfolk.gov.uk

A g e n d a

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

2. **Minutes**

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 24 September 2021

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3. **Declarations of Interest**

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

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

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

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

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

4. **Any items of business the Chair decides should be considered as a matter of urgency**

5. **FUL/2020/0062: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN** **Page 11**
Report by the Executive Director of Community and Environmental Services
6. **FUL/2020/0064 Salhouse Road, New Rackheath, Norwich, NR13 6LD** **Page 44**
Report by the Executive Director of Community and Environmental Services

Tom McCabe
Head of Paid Service
County Hall
Martineau Lane
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NR1 2DH

Date Agenda Published: 28 October 2021



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 24 September 2021
at 11am in the Council Chamber, County Hall

Present:

Cllr Brian Long (Chair)
Cllr Eric Vardy (Vice-Chair)

| | |
|-------------------------|------------------|
| Cllr Stephen Askew | Cllr Steve Riley |
| Cllr Christopher Dawson | Cllr Mike Sands |
| Cllr Barry Duffin | Cllr Tony White |
| Cllr William Richmond | |

Substitute Members present:

Cllr David Bills for Cllr Martin Storey
Cllr Ben Price for Cllr Paul Neale

Also Present

| | |
|------------------------|---|
| Hollie Adams | Committee Officer |
| Ashley Best-White | Public Speaker |
| Neil Cooke | Public Speaker |
| Jodie Cunnington-Brock | Solicitor, nplaw |
| Nick Johnson | Head of Planning |
| Isabel Horner | Sufficiency Delivery Manager, Children's Services |
| Angelina Lambert | Principal Planner |
| Andy Scales | NPS Property Consultants |
| Michael Zieja | Planner (Apprenticeship) |

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Martin Storey (Cllr David Bills substituting), Cllr Paul Neale (Cllr Ben Price substituting), Cllr Graham Carpenter and Cllr Matt Reilly.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 30 July 2021 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 No declarations of interest were made.

4 Urgent Business

There was no urgent business discussed.

Applications referred to the Committee for determination.

5. FUL/2021/0018 Old Catton C of E Junior School, Church Street, Old Catton, Norwich, Norfolk NR6 7DS

5.1 The Committee received the retrospective application for work completed on 22 February 2021 which related to the replacement of the original Victorian timber windows on the 1874 Victorian School Building with uPVC alternatives to all elevations. The application was being reported to the Planning (Regulatory) Committee in accordance with the Council's Constitution as it had passed the threshold of three objections to allow the decision to be made under delegated powers.

5.2.1 The Committee saw a presentation by the Planner (Apprenticeship):

- The school was located in the Old Catton conservation area on a road with 10 listed buildings.
- The new, uPVC windows were of the same colour as the previous wooden windows. No damage had been done to the school building during installation.
- Modern housing developments in the local area and a modern addition to the junior school also had uPVC or aluminium windows. Examples of buildings with uPVC windows in the area were shown in the presentation.

5.3 The Committee heard from registered speakers

5.3.1 Neil Cooke spoke in objection to the application

- Mr Cooke stated it was a criminal offence to encourage harm to a heritage asset; Old Catton Junior School was a 150-year-old building in the Old Catton conservation area. The Old Catton Conservation Area Statement set out a requirement to make "every effort to maintain its special character".
- Mr Cooke queried why the school had been allowed to follow different rules to other heritage assets in Church street, noting that owners of other heritage assets on this street had been advised not to replace timber windows with uPVC windows else enforcement action would be taken. Planning officers had advised the school that planning consent was not required to replace the wooden windows with uPVC windows.
- Planning officers were informed of the removal of the wooden windows in February 2021, and that they took no action at this point.
- Mr Cooke felt that new, wooden windows matching the original windows could have been installed which would have met the school's requirements and given adequate insulation.
- The original wooden windows were rotten and painted shut and were therefore poorly maintained by the Council. Mr Cooke discussed paragraph 196 of the

National Planning Policy Framework and noted that admission of neglect of the heritage asset could have impacted on the Committee's decision if it had been included in the report.

- Mr Cooke noted that paragraph 95a of the National Planning Policy Framework quoted in the officer's report, referring to great weight being given to educational development, related to new schools and extensions to existing schools.
- The officer's report did not refer to Historic England guidance stating that cost could not be a factor when considering the correct course of action for preserving a heritage asset. Mr Cooke noted that Historic England studies had shown that properly maintained wooden windows had a better long term economic value than uPVC windows, requiring replacing less often.

5.3.2 Isabel Horner, Sufficiency Delivery Manager, Children's Services, spoke on behalf of the applicant:

- The report covered the issues regarding the works carried out at the school. Efforts were made to discuss with the planning department at Broadland District Council and it was therefore unfortunate that the works were contrary to policy.
- The issue of ventilation in schools had become a high priority in the last few months to allow schools to remain open during the ongoing Covid-19 pandemic.
- Quotes for windows that would have been more in keeping with the original wooden windows were sought, but no responses were received from these contractors.
- Broadland District Council gave verbal information that uPVC windows were acceptable.
- Some classrooms had 28 children at full capacity, making good ventilation important.

5.3.3 Ashley Best-White, Head Teacher of Old Catton Junior School, spoke on behalf of the applicant:

- The Department for Education (DfE) guidance had been updated recently to state the importance of ventilation in all classrooms.
- The classrooms for the youngest children in the school held 26-28 children per classroom. The windows seen in the photos in the planning officer's presentation were the only windows for these classrooms, and therefore the only source of ventilation.
- It had not been possible for the school to open for all children to return until they were able to open the windows and provide ventilation, therefore this had become urgent for the school.
- DfE guidance stated that ventilation was the most crucial aspect for a safe return to education for staff and children.

5.3.4 Members of the Committee asked questions of Ashley Best-White:

- A Member of the Committee asked whether the school had investigated use of air purification in classrooms and whether remedial work to the existing windows to allow them to be opened again had been explored. Ashley Best-

White replied that before the pandemic, repairs to the windows had been on the school's action plan. The window frames were rotten and unable to be opened for some time. Preliminary quotes were taken, however when the Covid-19 pandemic hit there became an urgent need to provide ventilation; contractors who were asked to look at the existing windows did not provide quotations in time. Air purification had only recently been added into DfE guidance and Mrs Best-White had not been aware of the availability of this technology before this point.

5.3.5 Cllr Karen Vincent spoke as local Member for Old Catton:

- Cllr Vincent felt that despite the application being a retrospective application, it was important to focus on what was appropriate for this building in the conservation area and the fact that the original Victorian, wooden windows on the Victorian building had been replaced with uPVC windows.
- Cllr Vincent acknowledged that there were modern buildings with uPVC windows in the vicinity however these were not listed buildings, and this was therefore not comparable.
- The school was in one of the most historic streets in the conservation area and was listed in the Conservation Character Statement 2008. Works carried out were not in keeping with the Conservation Area Statement and it was disappointing that the school, despite endeavours to ask, were told planning permission was not needed.
- If the school had been properly advised about the need for planning permission, consultation could have been carried out ahead of the works with the community, parish council and planning departments.
- Cllr Vincent believed that replacement wooden windows matching those removed could have been provided which met the ventilation requirements and achieved the benefits set out in paragraphs 4.2-4.4 of the report.
- Cllr Vincent noted that reprocurring would result in loss of public money however felt that it was also important to consider what was right for the building.

5.4 Cllr Steve Riley arrived 11.29; as he had missed the officer presentation and beginning of proceedings, he would be unable to take part in the vote.

5.5 The Committee moved to debate on the application:

- Information was requested on the difference between locally listed and grade 2 listed buildings. Officers clarified that locally listed buildings were considered locally important, whereas grade 2 listed buildings were considered nationally important. Grade 2 buildings were designated under the Planning (Listed Building and Conservation Area) act and there were regulations stating what could and could not be done to a building of this status. Locally listed buildings were non-designated, and the local authority could set out by article 4 direction, changes that could be made to such buildings.
- It was noted that wooden windows could also provide good ventilation.
- The importance of reducing the impact on the environment was raised, and that removing the uPVC windows to replace them with wooden ones would result in waste of materials, impacting on climate change.
- A Committee Member was concerned that if the Committee granted the

application, noting the inaccurate planning advice given to the school, this would set a precedent for the council and may open them up to legal challenge by future applicants. The Head of Planning clarified that each case was taken on its own merits and planning judgements taken on this basis. A decision on this application would therefore not set such a precedent.

- The difference in installation times of wooden frames and uPVC frames was discussed, noting the timescale put in place for the school to adhere to for pupils to return. The Chair noted, from his professional background working for fenestration, that lead in times for uPVC frames were quicker than for custom built timber frames. The Head of Planning noted that such information did not form part of the decision making in the report.
- A Committee Member noted that uPVC windows would be longer lasting, the installed uPVC window frames were the same colour as the removed wooden frames, and that these new frames would benefit the comfort and safety of children in the school.
- The Chair noted that quotes for wooden window replacements were not received in time for children's return to school.
- The Chair noted Mr Cooke's points regarding the conservation area, which needed to be weighed against the need for windows which could be opened to allow children to be in a safe, ventilated school environment.

5.6

With 8 votes for, 1 vote against (from Cllr Tony White), and 1 abstention, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.
- 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.

The meeting ended at 11.52

Chairman



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Planning (Regulatory) Committee

Item No: 5

Report Title: FUL/2020/0062: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN

Date of Meeting: 05 November 2021

Responsible Cabinet Member: N/A

Responsible Director: Tom McCabe, Executive Director of Community and Environmental Services

Is this a Key Decision? No

Proposal & Applicant: Change of use of land from open air storage (plant, materials and aggregates in connection with the operations of Newall Plant Ltd) to aggregate and soil recovery facility (Part Retrospective): Newall Plant Ltd

Executive Summary

Planning permission is sought to change the use of an area of land from open air storage (plant, materials and aggregates) to an aggregate and soil recovery facility (part retrospective). The site is 0.62 hectares in size and is sited adjacent to an existing civil engineering business at Heron Farm, Besthorpe. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

No objections have been received from statutory consultees subject to conditions. However, NCC's Natural Environment Team have raised an objection on landscape impact in terms of the visibility of plant, objections have also been received from the parish council and Spooner Row community council and 11 members of the public, raising objections in respect of amenity, landscape impact, highway movements, principle and ecology.

This is a finely balanced planning application giving consideration to a similar proposal on adjacent land which was refused by members (in 2016) and dismissed at appeal. The current proposal does however differ in that it would be on previously developed land with permission having been granted by the district council for open air storage (plant, materials and aggregates). The applicant has confirmed that all

plant would now be operated at ground level, and has relied upon existing bunding around the site to mitigate the landscape impact. However, the bunding around the site is not constructed as approved by the district and the Landscape and Visual Impact Assessment (LVIA) accompanying the application has only taken into account the bunding as built which is higher and larger than that which has permission. This application seeks only a change of use, so the baseline for consideration is a 5m high bund as approved by the district council. The Landscape comments have been based on the higher unauthorised bunding so the landscape impact is in fact greater than that set out within the application. The permitted 5m high bunding would largely screen operations at ground level, with the exception of the excavator arm which would protrude above the bunding when loading the crusher.

The applicant has identified a need for the facility at this site, the proposal would promote the movement of waste management up the waste hierarchy, the Environment Agency has issued an Environmental Permit for waste processing at this site. There are benefits in allowing material to be processed at the site in terms of reducing road miles and providing a source of recycled aggregate for their adjacent business. The applicant has demonstrated that there would be no unacceptable impact upon neighbouring amenity in terms of noise and dust. However, in terms of landscape impact, the applicant has provided an LVIA which uses the incorrect baseline of the bunds as built, which are not authorised in their current form, and are higher, larger and in a slightly different location from those authorised by the district. The development is considered to have an unacceptable impact upon the landscape in terms of the visibility of an industrial operation within this area of open countryside. The bunds used for mitigation within the application do not have permission as built. So, whilst giving consideration to the benefits of the scheme and its compliance with the locational criteria of the development plan, it is considered that the detrimental impact upon the landscape which is exacerbated by the inaccuracies within the application, are material considerations that outweigh the plan and the application is therefore recommended for refusal.

Recommendations:

That the Executive Director of Community and Environmental Services be authorized to:

- 1. Refuse planning permission for the reasons set out in section 11 (Recommendations) of this report.**

1. Background

- 1.1.** This report deals with a planning application for development for an aggregate and soil recover facility of up to 60,000 tpa. Newall Plant Ltd operate a civil engineering business at the site specialising in plant hire, groundworks and muck away services with around 50 employees, 30 of which are site based. The area of land subject to this application was granted permission by the district

council in 2019 for the open air storage of plant, materials and aggregates, Newall's civil engineering yard and associated buildings are sited to the west of the application site. The district permission included 5m high bunding to the north, east and south-east of the site as part of the storage permission. Bunding has been constructed around the site, however this has not been built in accordance with the district permission, in that it is higher, wider and in a slightly different alignment.

- 1.2. A planning application for a similar proposal on an adjacent area of land (to the west) was in 2016 recommended for approval by officers, but subsequently refused by members of the planning committee and later dismissed at appeal. The inspector found that the landscape and amenity impacts were unacceptable. This current application differs in that the area of land subject to this application has been granted permission for open air storage, enclosed by 5m high bunds. The proposal would no longer be considered a departure from the development plan in land use terms as the site would now constitute previously developed land. The bunding around the site which the inspector also gave weight to in the appeal decision in terms of its negative impact upon the landscape has now been granted permission by the district council to a height of 5m. It should also be noted that the applicant had previously advised that it was not practical and that there would be health and safety implications to operate all plant at ground level, which in the planning consideration raised amenity and landscape concerns. The applicant has advised that they are now able to operate all plant at ground level and the application is therefore considered on this basis.
- 1.3. As regards justification for the development, the submitted Planning Statement advises that the purpose of the proposed facility is to allow for materials generated by the company's off-site engineering works, to not only be stored at the site, but also to be recycled moving waste further up the waste hierarchy. This would in turn reduce road vehicle miles by allowing waste to be processed at the site which would alternatively need to be transported elsewhere for treatment or disposal. It should be noted that the extant permission at the site does not allow for waste to currently be brought to the site. So, if as the application sets out waste is currently being brought to the site this is outside of any existing permitted planning use.

2. Proposals

2.1. SITE

- 2.2. The area of the application site is 0.62ha in total, 0.49ha of which would be the operational area, with the remaining area accommodating the bunding around the site. The site is currently used for open air storage of plant, materials and aggregates associated with the operations of Newall Plant Ltd (planning permission granted 2019). The site is located to the east of Newall's civil engineering yard (planning permission was granted in 2007) which the applicant advises employs some 50 people. The site includes an existing access road that

links the site to the C139 Bunwell Road which is also used by the civil engineering business.

2.3. Besthorpe village is 2 kilometres west of the site and Attleborough is a further kilometre west. The A11 Trunk Road is some 2.3 kilometres to the north. The nearest residential properties to the site are Heron Farm and Herron Cottage the boundaries of which are approximately 50 metres and 115 metres respectively from the operational area of the site. A further cluster of residential properties lie both approximately 0.5 kilometres east of the site and 0.5 kilometres north west of the site.

2.4. To the south, east and west lie agricultural land. Much of the land to the south was formerly the Old Buckenham airbase (some runway infrastructure still remains). The landscape character of the area is open countryside characterised as Plateau Farmland.

2.5. The site is largely (north, east and south east boundaries) enclosed by perimeter bunding which formed part of the open air storage permission issued by the district council. However the bunding has not been built in accordance with the district permission, as it is higher, wider and in a slightly different alignment to that approved. An area of agricultural land separates the application site from Heron Cottage to the north, and the buildings associated with the Civil engineering business lie between the site and Heron Farm.

2.6. **PROPOSAL**

2.7. Planning permission is sought for a (part retrospective) change of use of land from open air storage (associated with the adjacent civil engineering business) to an aggregate and soil recovery facility with a maximum annual operational throughput of 60,000 tonnes. The application is for a change of use only without any operational development, as such no changes are proposed to the perimeter bunding from that which has been granted permission by the district council, no new buildings are required, and no lighting is proposed. Permission is sought to operate the site between 07.00- 18.00 Monday to Friday and 07.00 – 13.00 Saturdays, the application states that crushing and screening of waste would only take place between 07.30 – 16.30 Monday to Friday with no processing on Saturdays. Notwithstanding this, 24 tips a year but no more than five per calendar month outside of the above hours are allowed under the terms of the storage permission and the applicant would wish this to continue as part of this application. The application also states that the proposals would create 4 additional full-time employees.

2.8. The applicant states that its off-site engineering works have been generating increasing amounts of materials capable of being recovered from demolition and excavation wastes. The applicant further advises that as a result permission was sought and granted by the district council to accommodate storage of this material at the site, some of which would have been processed at source and some untreated. It should be noted that the permission issued by the district council did not include the storage of waste, as such this element of storage

would currently be considered unauthorised. The current application seeks to utilise the inert waste material generated by the applicant's engineering business, by carrying out processing at the site of those materials which arrive unprocessed. The applicant advises that this would enable the business to operate more efficiently and reduce the road miles needed to transport the material elsewhere for processing/disposal.

- 2.9. The recycling would take place centrally within the site, with unprocessed material stockpiled up to a height of 4m behind the bund to the north and processed material in stockpiles again up to 4m in height behind the bund to the east and south of the processing area. The application sets out that the material would be fed by excavator into a mobile crusher/screen, which separates out the material into recovered graded aggregates, sands and soil, which would then be moved by loading shovel to the stockpiling areas. Sale of the processed material would be collected by HGV's from the stockpile area and then taken off site for use in the local construction market and wider Norfolk area.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Breckland Council Local Plan (2019) and Breckland District Landscape Character Assessment (2007) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework (2011)

CS3: Waste management capacity to be provided
CS4: New waste management capacity to be provided
CS5: General location of waste management facilities
CS6: General waste management considerations
CS7: Recycling, composting, anaerobic digestion and waste transfer stations
CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
DM1: Nature Conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM7: Safeguarding Aerodromes
DM8: Design, Local landscape and townscape character
DM9: Archaeological sites
DM10: Transport
DM11: Sustainable construction and operations
DM12: Amenity
DM13: Air Quality
DM15: Cumulative impact

Breckland Council Local Plan (2019)

TR01: Sustainable transport network

TR02: Transport requirements

ENV02: Biodiversity protection and enhancement

ENV03: The Brecks protected habitats and species

ENV05: Protection and enhancement of the Landscape

ENV06: Trees, hedgerows and development

EC01: Economic development

EC04: Employment development outside General Employment Areas

COM03: Protection of Amenity

Breckland District Landscape Character Assessment (2007)

E3: Old Buckenham Plateau

Neighbourhood Plan

The area in which the planning application is located does not have an adopted Neighbourhood Plan or Neighbourhood Plan in progress.

3.2. OTHER MATERIAL CONSIDERATIONS

The revised National Planning Policy Framework (NPPF) was published in July 2021, it sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following sections are of relevance to this application:

2. Achieving sustainable development

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

3.3. Additionally, the following documents form further material considerations as part of the planning process in relation to this application:

National Planning Practice Guidance (NPPG)

This guidance provides supporting information to the NPPF but has lower standing than the NPPF as it is not consulted upon or subject to external scrutiny, unlike the NPPF.

National Planning Policy for Waste (NPPW) (2014)

This sets out national planning policy with respect to waste

Waste Management Plan for England (NWMPE) (2021)

This is the overarching National Plan for Waste Management

Our Waste, our resources: a strategy for England (2018)

This strategy sets out how the Government plans to increase resource productivity and eliminate avoidable waste of all kinds by 2050.

- 3.4. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The following emerging policies are of relevance to this application:

3.5. Norfolk Minerals and Waste Local Plan: Preferred Options (2019)

MW2: Development Management Criteria

MW3: Transport

MW4: Climate Change adaption and mitigation

WP1: Waste management capacity to be provided

WP2: Spatial Strategy for waste management facilities

WP3: Land potentially suitable for waste management facilities

WP5: Waste transfer stations, materials recycling facilities, ELV facilities and WEEE recovery facilities

3.6. CONSULTATIONS

BRECKLAND DISTRICT COUNCIL – No response received

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) –

Subject to the plant operation being on the site floor and at / below the stated 3.5m working height behind the 5m tall site boundary bund; there are no objections or comments on the grounds of Environmental Protection. Conditions recommended in respect of noise levels (no greater than 10db above background level), hours of operating machinery and reversing sounders.

BESTHORPE PARISH COUNCIL – Strongly object to the proposal, serious concerns relating to noise and their impact upon residential amenity and concerns of traffic increase in a mainly residential area.

HEALTH AND SAFETY EXECUTIVE – No comments received

ENVIRONMENT AGENCY – No objection, subject to an informative requesting the site's Environmental Management System is updated to include management/mitigation measures for noise and dust, impact on ground water and surface water drainage controls. The site benefits from a standard rules environmental permit, although the permit boundary differs from the area defined in the planning application, in that it encompasses additional land to the south. The site was last inspected in 2019 and no breaches to the permit were observed. Noted that nearby residents have expressed concern regarding noise and dust in the past. It is noted that the EHO have reviewed the noise impact

assessment and dust management plan concluding that they have no objection subject to operations being carried out in accordance with the approved plans, mitigation and subject to the conditions outlined in their response.

HIGHWAY AUTHORITY – The site is situated directly off the C139 Bunwell Road with vehicular links (a distance of under 2.5 miles) back to the strategic road network gained via the C140 Bunwell Road /Station Road and directly onto the A11 trunk road. Given the existing operations at the site (including a Civil Engineering operation with a haulage fleet and associated storage of plant, materials and aggregates) HGV movements are already generated to / from the site along this route.

The applicant has outlined that based upon a worst-case scenario this will equate to on average approximately 22 additional movements (11 in / 11 out) importing waste per day and a further 22 additional movements (11 in / 11 out) exporting the processed material per day. It should however be noted that, this is the worst-case scenario and in reality there is likely to be some efficiencies of HGV trips gained and therefore it is not necessarily the case that all of these movements will be new to the network. HGVs exporting processed materials will likely import unprocessed material on the return journey to site (when possible). Also the haulage fleet (associated with the existing permitted uses on the site) are already stored on the site and it is reasonable to assume that some vehicles leaving / returning to the site at the beginning / end of the day will be utilised to carry material.

Whilst appreciated that the route to/from the site runs through the village of Spooner Row, is satisfied that the C140 Bunwell Road / Station Road is technically capable (by virtue of its width and alignment) to cater for the increase in HGV movements outlined.

Localised road widening has already been carried out providing two passing bays. This section of the rural road network does not benefit from any formal pedestrian facilities, and as such pedestrians (as is typical with large parts of the network) are required to walk in the live carriageway. The road however is flanked by a predominantly flat grass verge (on both sides), which offers pedestrians safe refuge should they require it when vehicles pass. Given the above, coupled with the existing permitted HGV movements already on the road, and the predicted additional HGV flow, would be unable to substantiate a severe highway safety objection to the proposals on this point.

No objection subject to a vehicle routing condition to ensure all vehicles leaving the site turn right (enter turning left), and access the A11 via Bunwell Road / Station Road. A condition in respect of ensuring material is not deposited on the highway and a condition to restrict the throughput to 60,000 tonnes per annum are recommended.

HEALTH AND SAFETY EXECUTIVE – No response received.

LEAD LOCAL FLOOD AUTHORITY – The LPA would be responsible for assessing the suitability of any surface water drainage proposal for minor development in line with the NPPF.

COUNTY COUNCIL'S ECOLOGIST –No objection. Informative suggested in respect of any clearance work taking place outside of the bird nesting period March-August.

COUNTY COUNCIL'S ARBORICULTURIST – No objection. The trees adjacent to the site are all ash and have a limited life expectancy due to both ash dieback and compaction of their root systems by the bund that has been placed in their root protection areas.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER
Objection – The information given leads to the conclusion that the arm of the excavator will be above the height of surrounding bunding. In a rural landscape with minimal industrial elements this is at odds with the surrounding land uses and whilst views are limited, the effects on the landscape cannot be overlooked. Where views of the site are possible from adjacent roads or properties the arm will be visible during operation, and whilst not excessive in size, will still be noticeable in the landscape due to the landscape character of the area. In terms of the Landscape as a resource, this is a rural agricultural area with low lying vegetation and open plateau characteristics, the surrounding area is not accustomed to industrial features in the landscape, particularly those that protrude above the skyline.

Should you be minded to approve this application I believe a suitable option that would be proportional to the potential impacts of the development, would be to condition the submission and implementation of a landscaping plan. This should provide additional planting at the foot of the bund of mixed native hedgerow and hedgerow trees in keeping with the surrounding landscape, and an establishment and maintenance scheme for seeding of the bund which will ensure the bund is vegetated long term.

PUBLIC RIGHTS OF WAY OFFICER – No objection, public footpath Besthorpe 5 is in the vicinity, but does not appear to be affected by the proposal.

GREEN INFRASTRUCTURE OFFICER (ACCESS) - Although there are no public rights of way in the immediate vicinity of this site that appear to be directly affected by this proposal, we are concerned for the safety of pedestrians by additional heavy traffic on Bunwell Road. Besthorpe Parish is reasonably well served by several public footpaths but joining these into circular walks is limited, really only possible using Bunwell Road for a minimum of approx 1.5km (between two footpaths that join Bunwell Road) and possibly more depending on someone's choice of route. An increase in HGVs at this site would bring

further restriction and diminishes people's ability to access and enjoy informal and local recreation opportunities.

LOCAL MEMBER ATTLEBOROUGH (RHODRI OLIVER) – No comments received.

UK POWER NETWORKS – There are UK Power Networks apparatus in the vicinity (11kV and 33kV overhead line) but appears not to be affected by the current proposal. It remains the responsibility of the landowner / site operator to ensure that any operations in the vicinity of the lines are carried out safely.

3.7. **REPRESENTATIONS**

Representation is made by 12 third parties including the Spooner Row Community Council, 11 object to the proposal (including Spooner Row Community Council) of which 2 are anonymous objections, and 1 has written in support.

3.8. 11 of the representations make explicit objection to the proposals. The grounds of objection and concerns raised are summarised as follows:

- As one of the neighbours in the vicinity, we are of the view the change of use will detrimentally affect the environment and our quality of life.
- Request a landscape and visual impact assessment is conducted.
- The area is renowned locally for its natural beauty and environmental quality and is popular with ramblers.
- It is out of proportion to the surrounding natural landscape because of its size, depth, width, height and massing.
- The aggregate and soil recovery facility on the application site is out of keeping with the established character of the area.
- Activities such as mobile crushing and screening of material are more suited to an industrial zone or dedicated brownfield site due to the high amounts of noise, dust and disturbance caused, rather than a rural residential/agricultural area.
- The change of use application and development of the application site does not afford adequate enjoyment of open space and visual amenity for residents, will detrimentally affect the existing aesthetic, character and layout of the area, and encroaches upon residents' right to enjoy a quiet and safe residential environment.
- The Preliminary Ecological Assessment does not acknowledge that there may be suitable habitat elsewhere on the application site and its surroundings and is not conclusive as to the presence of the GCN. We request that an updated ecological assessment be conducted to determine the presence/absence of the GCN, considering the above.
- Potential damage includes the destruction of the single oak tree and disruption to the character and amenity of a natural environment by way of disturbance to wildlife and the natural habitat in and surrounding the application site.
- We request that a further ecological assessment be conducted to accurately determine the presence/absence of Potential Roost Features

in the ash tree scheduled for removal as well as the surrounding trees in the vicinity.

- Besthorpe and its surroundings have small, narrow, winding roads, which are highly unsuited to heavy goods vehicles (HGVs). Residents of Besthorpe currently experience issues with Newall Plant Ltd HGVs by way of their speed, disregard for the highway code and traffic regulations and obliviousness of the limited space afforded by narrow country roads. Should the change of use application be granted, the above problems will exacerbate with more HGV vehicles on the road, leading to an increase in traffic and the rising probability of an accident occurring with other vehicles, cyclists and/or pedestrians
- The passing of HGVs, especially in small settlements, causes environmental concerns including damage to properties, verges and roads, noise pollution, air pollution, and safety incidents.
- How will operational hours be monitored?
- The implementation of passing bays and give way markings does not rectify the road safety issues posed by daily HGV movement across small, narrow, winding roads. The daily safety hazard posed to other road users remains.
- An addition of four workers commuting to the Heron Farm site will also lead to an increase of vehicles on the road, alongside an increase in HGV movement which will be needed to shift 60,000 tonnes of material per annum. An increase of some 6,000 truck journeys per annum based on the conservative 60,000-tonne schedule will lead to a significant increase in vehicular movement rather than a reduction.
- The aggregate and soil recovery facility on the application site poses a serious risk to existing wildlife including great crested newts, bats, birds including the tawny owl and muntjac deer, contrary to CP 10 and the NPPF.
- The scheduled removal of the ash tree to facilitate the proposed aggregate and soil recovery facility contravenes Policy DC 12.
- The aggregate and soil recovery facility on the application site would result in the intrusion of built development in the countryside, detracting from the rural character, history and appearance of the site and surrounding rural area.
- The district council permitted the use of the site prohibiting the use of a crusher or other waste processing equipment.
- The two 2' wide asphalt strips laid near Bunwell Road by the council are token efforts and not fit for purpose.
- Bunwell Road is not suited to mass haulage of the estimated 120,000 tonnes a year into and out of the proposed extension.
- Six thousand truckloads a year passing through Spooner Row over a busy railway crossing, past resident's homes and a school poses a threat.
- These proposals should be sited on industrial sites.
- Do not wish to see further HGV traffic through Spooner Row, in terms of highway safety, damage to verges, air pollution and blocked drains.
- Infrastructure of the route is totally inadequate.
- More heavy traffic through the village would be totally irresponsible.

- The dust policy submitted is a work of fiction, during the years of site use clouds of dust appear rolling over the bunds, if you read this document there should be controls in place to prevent this yet it still happens.
- Noise is already a problem with the site, the proposed plant will make a lot more noise.
- Remote location, major recycling facilities already exist on route which vehicles pass travelling to the site.
- Site is closer than previous application, the noise will therefore be greater.
- Why can plant now operate at ground level, when the applicant stated it was not practical in terms of health and safety previously.
- If the application to the district council had included a crusher it would have been refused, why can the applicant now apply for it.
- Reversing beeps still heard on occasions.
- Unacceptable impact upon landscape character.
- Bunds are not constructed to the correct height.
- The district EHO have over the last 10 years only allowed a maximum of 5db above background level in assessing acceptable noise levels for sites of this nature, however they have used 10db for the assessment of this site. This site by their own standards should have a recommendation for refusal.

3.9. The letter received in support of the application makes the following comment:

- Newall's have been a considerate neighbour, and I believe they should be supported in their application to develop facilities and services integral to their business.
- As their closest neighbour I would like to add that I have never had any issues with noise, traffic, or vibrations.
- Newell's also go to great efforts to keep the local roads clean.

3.10. **APPRAISAL**

The key issues for consideration are:

- Principle of Development / Need
- Landscape & Visual Impact / Design
- Amenity
- Ecology
- Transport
- Public Rights of Way
- Sustainability
- Flood Risk
- Groundwater/surface water
- Cumulative Impacts

3.11. **A - PRINCIPLE OF DEVELOPMENT / NEED**

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”.

- 3.12. In terms of the development plan and material policy/guidance, the CPA considers the relevant documents in relation to this application are those listed above.
- 3.13. In the context of Policy CS5: General location of waste management facilities of the NMWDF and emerging Policy WP2 in respect of new waste facilities, the site is regarded as a ‘non-strategic’ waste facility and is well related to the market Town of Attleborough (only 3 kilometres away), as required by the policies. NMWDF policy CS7: Recycling, composting anaerobic digestion and waste transfer stations states the development of new recycling facilities will be considered favourably as long as they would not cause unacceptable environmental, amenity or highway impacts. These impacts have been assessed in the respective sections below.
- 3.14. Policy CS6: Waste management considerations of the NMWDF 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.
- 3.15. The site having been granted retrospective planning permission in 2019 by the district council for open air storage of plant, materials and aggregates associated with the operations of Newall Plant Ltd, would now be considered as previously developed land. In this respect the proposed development would accord with the locational criteria set out within Policy CS6, subject to the proposal not having unacceptable environmental impacts, as discussed below. It is noted that the previous application on adjacent land was considered a departure as it was sited on greenfield land, however this is not the case with this application. Two of the objections suggest that the applicant has sought a permission by the district to establish the site as previously developed land, and then gain permission from the County Council for a waste use. In terms of this application, we can only consider the application which has been submitted and the current status of the land in planning terms. The land would constitute previously developed land owing to the storage permission granted by the district council.
- 3.16. Policies CS3 and CS4 of the NMWDF aim to provide sufficient waste management capacity for the County and set targets for different waste

management facilities. NMWLP emerging policy WP1 encourages new facilities which help to achieve the targets for recycling, composting, reuse and recovery set out in the Waste Management Plan for England (2013) and sets out the aim to ensure that capacity exists to manage at least the forecast quantities of, inter alia, commercial and industrial waste. The proposal would provide for the recycling/recovery of inert waste brought to the site as a result of the companies wider engineering works. The recycling of the waste stream on site would allow the movement of waste further up the waste hierarchy in accordance with the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2021), and would thereby assist in meeting forecast increasing requirements for recycling and recovery. It is therefore considered that there would be no conflict with adopted policies CS3 and CS4 or emerging policy WP1.

- 3.17. With regards to policies in the Breckland Local Plan, policy EC04: Employment Development Outside General Employment Areas, deals with development which is not situated within the areas identified within the local plan for employment, which would therefore include this application site. The policy advises that proposals for employment use outside of the allocated sites will be permitted where there are particular reasons for the location of the development, such as the expansion of an existing business, sustainability advantages and that the development would not adversely affect the type and volume of traffic generated.
- 3.18. It is considered therefore that the proposal complies with Policy EC04 in that the proposals would represent an expansion of an existing business, and the location being directly adjacent to the existing civil engineering business would allow for waste generated by that business to be brought to the site for processing, moving the waste further up the waste hierarchy. The impact upon type and volume of traffic is discussed later in the report. Furthermore, it should be noted that the Local Plan Policies have not been formulated to specifically address waste management development and as such the Norfolk Minerals and Waste Development Framework (NMWDF): Core Strategy is considered to be the most eminent policy document for assessment of the proposal.
- 3.19. In 2017 the County Council commenced a planned review of the Minerals and Waste Local Plan (MWLPR), to extend the Plan Period to the end of 2036. The MWLPR has completed the Initial Consultation (Issues and Options), and the Preferred Options Consultation stages, and the emerging Plan is due to go out for the Pre-submission publication representations stage next year. The emerging LP is a material consideration and whilst at an advanced stage is not yet formally part of the development plan for the area; in accordance with para. 48 of the NPPF, limited weight is given to the relevant policies. NMWLP emerging Policy WP3 states that, waste management facilities will be acceptable on: a) land benefiting from a permanent permission for an existing

waste management use; b) land in existing B2 or B8 use; c) land allocated for B2 and B8 uses; e) previously-developed land.

- 3.20. It is therefore considered that the proposal would not conflict with adopted Policies CS3, CS4 and would be in compliance with the locational criteria set out with policy CS6 of the NMWDF, emerging Policy WP3 and EC04 of the BLP.
- 3.21. Whilst not part of the development plan, National guidance forms a material planning consideration. In this case, *National Planning Policy for Waste* underlines that planning is pivotal in delivering the country's waste ambitions through the principle of "driving waste management up the waste hierarchy", which means that WPAs should always try to ensure that waste is managed by the most effective environmental solution, represented by the highest levels of the waste hierarchy, i.e. prevention, re-use and recycling. The application under consideration would enable the recovery of materials, with inert waste brought to the site in connection with the adjacent civil engineering business and then recycled, thereby contributing towards driving waste up the hierarchy.
- 3.22. Therefore, subject to an assessment of potential impacts, including environmental, amenity and highways impacts, the principle of the proposed use (a non-strategic waste facility, 3km from Attleborough on previously developed land) is acceptable at this location.
- 3.23. *Need*
As regards quantitative or market need for the proposed waste recycling facility, given that the proposal is considered to be consistent with the Development Plan, in accordance with *National Planning Policy for Waste*, there is no requirement for the applicant to demonstrate a need for the proposal.

B - LANDSCAPE & VISUAL IMPACT / DESIGN

- 3.24. 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. Breckland Local Plan Policy ENV05: Protection and Enhancement of the Landscape states that 'Development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside....consideration to trees and hedges.....and have regard to the Landscape Character Assessment, designed to be sympathetic to landscape character'. Breckland Local Plan Policy ENV06: Trees, Hedgerows and Development requires protection of trees and hedgerows during development and replacement planting where there are unavoidable losses.
- 3.25. The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with Conservation Area, AONB) in terms of the NMWDF policies and the NPPF.

- 3.26. The site is located within the 'E3: Old Buckenham Plateau' in the Landscape Classification of Breckland within Breckland District Council's adopted Landscape Character Assessment (2007) Development Plan Document (DPD). The Landscape Strategy for this classification is to 'conserve the rural, tranquil character. Opportunities should be explored to replant field boundary hedgerows....'
- 3.27. The site is surrounded by bunding, which was granted approval by the district council up to a height of 5 metres (measured from within the site) to the north, east and south east of the processing/operational area. Similar sized bunds had been proposed in the previously refused application on adjacent land, with the inspector noting that their appearance would be incongruous in the landscape. However, the district council has permitted 5m high bunds around the application site. A topographical survey has however been submitted with this change of use application which shows that the bunding has not been constructed in accordance with the district permission. The bunding constructed varies in height when measured from within the site up to approximately 1m higher than approved in places. So, whilst the bunding around the site has been used as justification in terms of visibility of the operations, the baseline for consideration should be the bunding as approved by the district council, as the application before us is for a change of use only and does not include any operational development i.e increasing the height or form of the bunding. The district permission also detailed planting (native hedging) on the outer slope of the bund which has not yet taken place, and furthermore their permission did not specify a date by which the landscape scheme needs to be implemented by.
- 3.28. It is proposed that materials within the site are stockpiled to a maximum height of 4m, so that they are not visible from outside of the site. In addition, the information submitted with the application advises that the crusher/screening plant would be located at ground level, with a height of 3.5m to the top of the hopper. As such this element of plant would not be visible from outside of the site. However, by virtue of the height of the permitted perimeter bunding (5m) which is considered to be the baseline on which to consider this application, the elbow of the excavator would be intermittently visible by approximately 1m when loading material into the hopper.
- 3.29. During the course of the application consideration has been given to a suggestion by the applicant to further raise the height of the bund, however in landscape terms further increasing the height of the bunds was not considered to be appropriate. The possibility of reducing the ground level within the site, to ensure that all plant would be completely screened from views outside of the site, was also given some consideration by the applicant, however the applicant has not explored this any further, and if pursued it would need to form part of a further application. The applicant has further advised that they would be willing to accept a condition in respect of landscaping/plating at the foot of the bund,

should the application be approved. However, the applicant was not willing to provide a landscaping scheme during the course of the application, and the plans submitted with the application indicate that it is unlikely there would be sufficient space to provide planting, particularly along the eastern boundary.

- 3.30. The County Council's Landscape officer has raised an objection to the application, primarily in respect of the visibility of plant from outside of the site, and its associated negative impact upon the landscape character of the area. The Landscape officer has commented that the excavator arm will be visible in the landscape above the bunding whilst in use, and visible from some publicly accessible points such as Bunwell Road by road users, and oblique views are likely from properties to the east, albeit at a further distance. The officer further advises that 'The site is currently permitted for use as Open Air Storage of Plant, Materials and Aggregates, introduction of further industrial uses of this land including the use of crushers and associated processing plant could be considered at odds with the character of the rural surroundings'. Ultimately an objection is raised to the application noting that from the evidence provided with the application, the excavator arm will be visible above the bunds, and whilst not excessive in size it will be noticeable in the landscape due to the landscape character of the area. Concluding comments by the Landscape Officer further advise that 'In terms of the Landscape as a resource, this is a rural agricultural area with low lying vegetation and open plateau characteristics, the surrounding area is not accustomed to industrial features in the landscape, particularly those that protrude above the skyline'.
- 3.31. The Landscape Officer comments and the LVIA submitted with the application are based on the bunding as built, which is not in accordance with the district council permission and up to 1 metre higher than approved in places. The impact of this development would therefore be greater should the bunds be reconfigured to the height and shape that they have approval for. In summary it is considered that the proposals would have an unacceptable impact upon the landscape character of the area, taking into consideration the introduction of a waste processing use and associated plant/machinery within this rural landscape. The proposals are therefore considered to undermine the development plan policies outlined above, namely, NMWDF policies CS14 and DM8 and Breckland Local Plan policies ENV05 and ENV06, in that they would have an unacceptable impact on the character and quality of the landscape and would not contribute to or enhance the local environment. It is noted that the district council permission for storage of aggregate, materials and plant does not include any conditions in respect of stockpile heights, which if this application were to be approved could be brought under control by condition. However, the district permission does not permit processing and it is this element which would be visible from outside of the site in terms of the excavator elbow.
- 3.32. One of the objections received makes reference to the potential damage to a single Oak tree. However, there is no reference to this in the accompanying AIA which considered all of the trees potentially impacted by the proposal. In addition the council's arboricultural officer has raised no objection to the application

noting that trees adjacent to the site are all ash and have a limited life expectancy due to both ash dieback and compaction of their root systems by the bund that has been placed in their root protection areas.

- 3.33. A further objection queries how the applicant now advises that they are able to operate all plant at ground level, when previously they stated that this was not possible for practical reasons from a health and safety perspective. This has been raised with the applicant and they have advised that the operational area proposed in this application is larger and more conducive to plant being operated at ground level. The Health and Safety Executive (HSE) have produced guidance in respect of the 'Safe operation and use of mobile jaw crushers'. This guidance advises that if the crusher is to be fed by excavator, then the excavator should be on a stable pad high enough for the operator to monitor the feed hopper from the cab. The applicant has advised that for this application no raised platforms would be created and the excavator operator will have clear visibility into the hopper from ground level for the vast majority of the time, and where it is not possible to monitor the loading of the hopper/crusher from the cab, either a banksman would oversee the processing giving instructions to the excavator operator, or the crusher could be reduced in height by digging out some of the ground. Whilst the health and safety requirements of operating the site would lie outside of the planning remit, members should be aware that if the application were to be approved and a condition imposed requiring all plant to operate at ground level, this would not accord with the best practice produced by the HSE. The HSE have been asked for further comment and/or clarification in this respect, but no response has yet been received.

C – AMENITY

- 3.34. The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. Breckland Local Plan policy COM03: Protection of Amenity also seeks to prevent new development causing unacceptable impact on residential 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 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'.
- 3.35. The nearest residential properties to the site are Heron Farm and Heron Cottage the boundaries of which are approximately 50 metres and 115 metres respectively from the operational area of the site. A further cluster of residential properties lie both 0.5 kilometres east of the site and 0.5 kilometres north west of the site.

3.36. The EA in their consultation response commented that they had no objection to the proposal and that the applicant already holds one of their Standard Rules Environmental Permits for the treatment of waste to produce soil, soil substitutes and aggregate at this site. They have also advised that the site was last inspected in 2019 and no breaches of the permit were observed. An Environmental Permit can be issued before planning permission is granted, however this does not negate the need to obtain the necessary planning permission. The Environment Agency have recommended that an informative be attached should permission be granted advising that the site's Environmental Management System is updated to include management/mitigation measures for noise/dust, impact on ground water and surface water drainage controls.

3.37. As part of the application, a noise assessment was undertaken to identify the key noise and vibration sources associated with the development. The assessment concluded that

- i) *Noise from the use of mobile processing plant within the designated area would not exceed noise criterion according to PPG during the daytime for a mineral related site.*
- ii) *Cumulative noise from the use of the mobile processing plant and the recently consented open air storage area would not exceed noise criterion according to PPG during the daytime for a mineral related site.*

The report further advises that '*....with the implementation of the noise mitigation strategy to ensure that the noise levels and acoustic character of the plant do not change over time, the resulting noise levels are acceptable at neighbouring noise-sensitive receptor locations.*'

3.38. A further supplementary note was submitted by the noise consultant during the course of the application confirming that all plant must be operated at ground level, as per the conditions for the test measurements. And that further modelling has also been undertaken with an increased source height where plant is just visible outside of the site, which shows that the resulting noise levels would still meet the criterion in PPG during the daytime for a mineral related site.

3.39. The District Council's Environmental Health Officer (EHO) requested additional information during the course of the application and has provided final comments on these stating that '*subject to the plant operation being on the site floor and at / below the stated 3.5m working height behind the 5m tall site boundary bund; there are no objections or comments on the grounds of Environmental Protection. This is providing, the development proceeds in line with the application details and my previously recommended conditions are applied and monitored.*'

3.40. The conditions recommended by the District Council's EHO related to limiting noise levels, hours of operating machinery and reversing sounders. The EHO had suggested the hours of operation of machinery being within 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. However the application

seeks permission for 07:30 to 16:30 Monday to Friday with no processing on weekends. As such if members are minded to approve the application it is recommended that a condition be attached in respect of hours for processing to 08:00 to 16:30 Monday to Friday with no processing on weekends, as the 07:30 start proposed by the applicant would be outside of the hours recommended by the EHO.

- 3.41. The applicant also seeks permission to operate the site in terms of loading and unloading of vehicles/material between the hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays, with no working Sundays and Bank Holidays. These hours would replicate those already allowed under the district permission, and in this respect those hours are considered acceptable. The district permission did however also allow under condition an additional 24 tips per year outside of these hours, with a register of these to be kept at the site. The applicant has indicated that they would wish this to continue. However, no justification has been submitted with this application for these additional tips to continue outside of the site operating hours. In addition, it is considered that such a condition would be difficult to enforce, as such if members are minded to approve the application it is recommended that this does not form part of the schedule of conditions/approval.
- 3.42. 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.
- 3.43. The EHO has recommended a condition concerning noise levels (that levels at surrounding noise-sensitive properties do not exceed the background noise level by more than 10dB(A)). However, as stated in 3.42, the control of noise is a matter for the EA's Environmental Permit. This has been raised with the EHO who has maintained no objection to the application providing these matters are controlled by the Environmental Permit.
- 3.44. It should be noted that the practice of loading the hopper from an elevated position i.e. on top of stockpile heaps not only poses a risk of noise emissions to local properties, but would also have an increased impact on the surrounding flat landscape (i.e. plant of an industrial nature protruding higher above the height of bunds). Therefore, in the event planning permission is granted, a condition would be required to ensure that all plant is operated at ground level (including the loading of hoppers) to prevent an unacceptable impact on amenity with

regards to noise, although as stated in 3.33 of this report, this would not accord with the best practice guidance issued by the HSE.

- 3.45. With regards to dust and air quality, the dust management plan submitted with the application advises that *'due to the nature of the materials being handled on site the particle size of the dust is of intermediate to large particles. Therefore, it can be concluded that these particles are highly likely to be deposited within 50m of source'*. The EHO and EA raise no objection in relation to dust and air quality. It is therefore not expected this would cause an unacceptable impact on amenity or air quality subject to appropriate working practices taking place on site as set out within the dust management plan, such as damping stockpiles etc in dry weather etc.
- 3.46. No lighting has been proposed at this site and if permission is granted a condition would be recommended preventing lighting that would cause glare beyond the site boundary.
- 3.47. Subject to conditions including those discussed above, there are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Accordingly, it is not considered that there would be an unacceptable impact to local amenity, and the application therefore in this respect complies with both NMWDF Policies CS14 and DM12, Breckland Local Plan COM03, and Section 11 of the NPPF and the National Planning Policy for Waste (2014). It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.
- 3.48. A number of the objections received state adverse impact upon amenity as one of the reasons for objecting. It has also been raised (as noted in the landscape section of this report) that the applicant had previously advised that they are not able to operate all plant at ground level for health and safety reasons. In addition the inspector considered impact upon amenity on the previous application on land adjacent to this site, to be unacceptable in terms of noise. However the inspector's assessment was made in relation to plant being operated in an elevated position and that the noise report accompanying the application, had not fully considered this. In this application all plant would be operated at ground level, and the accompanying noise report has been carried out on this basis. Furthermore there are no objections from the EHO or the EA, and a refusal on amenity grounds in terms of noise is therefore not considered to be reasonable.
- 3.49. One of the objections also queries why a noise level of 10db above background has been considered acceptable by the EHO, when all other sites they have commented on only allows a maximum of 5db above background level. This has been raised with the EHO who have advised that where proposals relate solely to mineral/aggregate processing then the guidance allows for up to 10db above background level. Where developments involve other waste processing such as

metal shredding then the guidance is different and allows only up to 5db above background level to take account the tonal/impulsive differences in operations.

D – ECOLOGY

- 3.50. NMWDF policy CS14: Environmental protection states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites.
- 3.51. The application is accompanied by a Preliminary Ecological Appraisal which concludes that *'Aside from the likely presence of nesting birds in hedgerow boundaries, no other protected species constraints have identified by the PEA.'* The report does acknowledge that if any hedgerows require removal then this should take place outside of the bird nesting period (March- August). And if clearance during this period is not possible then removal must follow a careful and thorough check of the hedgerow by a suitably qualified ecologist to confirm the absence of nesting birds.
- 3.52. The Council's Ecologist raises no objection to the application, noting that no evidence of any protected species have been found at the site in the appraisal, and the further assessment of the ponds to the south (using eDNA testing of water samples), concluded Great Crested Newts are not present.
- 3.53. Given the above, it is considered that subject to an advisory note in respect of clearance of vegetation outside of the bird nesting season (or overseen/checked by a suitably qualified ecologist), no unacceptable adverse ecological impacts would arise from the proposal and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.
- 3.54. An objection has been received stating that the PEA accompanying the application is not conclusive in respect of Great Crested Newts, and that further survey work in respect of potential bat roosts is required. However, given that the PEA submitted with the application concludes that no evidence of protected species have been found at the site, and that the single ash tree scheduled for removal is assessed as being of low suitability for roosting bats, and the County Council's Ecologist is satisfied with the surveys carried out and the results, it is not considered that there would be grounds to request further survey work is carried out in respect of protected species.
- 3.55. Appropriate Assessment
- The operational area of the site is within 6.8 kilometres of the Norfolk Valley Fens Special Area of Conservation (SAC), which is a European protected site. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Based on the information submitted to the County Planning Authority, it is considered that, due to both the nature of the development and the distance from the European Site,

the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

- 3.56. Therefore, the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including internationally designated sites and chapter 11: Conserving and enhancing the natural environment of the NPPF.
- 3.57. E – TRANSPORT
- 3.58. NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise.
- 3.59. Policies TR01 and TR02 of the Breckland Local Plan seek to minimise the need travel, promote sustainable transport modes, not adversely impact the operation or safety of the strategic road network and support the transition to a low carbon future. The policy requirements also advise developments should protect and where possible enhance public rights of way, avoid inappropriate traffic generation and not compromise highway safety and where significant GHV movements are proposed developments should be accompanied by a routing plan to demonstrate no severe impacts will be caused to the efficient and safe operation of the road network or material harm to the living conditions of residents.
- 3.60. The NPPF section 109 of the NPPF advises that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'
- 3.61. No information detailing vehicle movements was submitted with the application, however following a request from officers the applicant has provided additional supporting information. This information sets out that the proposed annual throughput of material of up to 60,000 tonnes, would as a 'worst case' scenario generate approximately (based on a 20 tonnes pay load over 277 days per year), 22 vehicle movements importing waste per day (11 in 11 out) and 22 vehicle movements exporting the processed material per day (11 in 11 out). This would equate to approximately 4 HGV movements per hour. However it is noted that this is a worst case scenario as it is likely that the applicant would remove processed material from the site in backfilled loads where possible, thus reducing the number of HGV movements required to process the 60,000 tpa applied for.
- 3.62. The County Highway Authority has raised no objection to the proposal subject to a condition which restricts the throughput of material at the site to 60,000 tpa as set out in the application. A condition in respect of vehicle routing to ensure all

vehicles leaving the site turn right (or turn left in) and access the A11 via Bunwell Road / Station Road. A final condition is recommended to ensure that vehicles leaving the site do not deposit material on the highway.

- 3.63. It is therefore considered that the proposal complies with NMWDF Policies CS15 and DM10, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

3.64. F – PUBLIC RIGHTS OF WAY

- 3.65. There are no public rights of way within the site, however public footpath Besthorpe 5 is in the vicinity of the site. The public rights of way officer has advised that the footpath does not appear to be affected by the proposal. The green infrastructure access officer has however advised that *'An increase in HGVs that this site would bring further restricts and diminishes people's ability to access and enjoy informal and local recreation opportunities.'* However no objections have been received from the County Highways Officer, and the site already has permission issued by the district council to accept and store aggregates at the site, which is not restricted to any maximum annual tonnage. It is noted that this section of the rural road network does not benefit from any formal pedestrian facilities, and as such pedestrians (as is typical with large parts of the network) are required to walk in the live carriageway. However the highways officer has advised that Bunwell Road is flanked by a predominantly flat grass verge (on both sides), which offers pedestrians safe refuge should they require it when vehicles pass. It is therefore not considered that this development would restrict or diminish people's ability to enjoy informal local recreation giving consideration to the characteristics of the road and the existing permitted operations at the site.

3.66. G – SUSTAINABILITY

NMWDF policy CS13: Climate change and renewable energy generation seeks to ensure seeks to generate a minimum of 10% renewable energy from new development. Although no statement was submitted addressing this issue, in light of the fact that there would not be any buildings or fixed structures on site to harness renewable energy provision, it would make it very difficult to provide this infrastructure on site for the plant that is used, and the proposal is not considered to undermine this policy.

3.67. H – FLOOD RISK

- 3.68. The application site lies within Flood Zone 1, which is an area at low risk of flooding. Waste treatment facilities are identified as 'less vulnerable' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'less vulnerable' uses are appropriate in Flood Zone 1. The site is less than 1ha in size accordingly no flood risk assessment is required to support the application. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.

- 3.69. The Lead Local Flood Authority (LLFA) have been consulted on the application and have advised that the scale of the development would constitute 'minor development' and therefore they do not provide any bespoke advice. They have advised that the LPA would be responsible for assessing the suitability of any surface water drainage proposal for minor development in line with the NPPF.
- 3.70. The planning statement advises that *'The processing site comprises a permeable stone surfaced hardstanding able to handle surface water run-off from precipitation. The only additional water likely to arise on site is via water sprays to reduce dust emissions. However, these are only required during dry windy conditions.'*
- 3.71. It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.72. I – GROUNDWATER/SURFACE WATER
- 3.73. 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. None of the proposed development site lies above a groundwater protection zone and the Environment Agency has not raised any issues with regards to this. Accordingly the proposal is compliant with NMWDF policy DM3.
- 3.74. J – CUMULATIVE IMPACTS
- 3.75. Policy DM15 of the NMWLDF seeks to ensure that there would be no unacceptable cumulative impacts as a result of new mineral extraction sites or waste management facilities. Proposals should demonstrate how they relate to other development nearby and demonstrate how any cumulative impacts would be mitigated against.
- 3.76. The planning statement supporting the application advises that *'There is a waste transfer station just over one kilometre to the north. However, noise and dust impacts are typically very localised and the two sites share no common receptors. Traffic and HGV movements are covered by designated routes to and from the A11 that do not overlap. There are no other minerals or waste developments locally that might result in an accumulation of effects that would be considered unacceptable.'*
- 3.77. An application for a waste management facility at Double Banks Farm, Carleton Road (approximately 2km south of the site) was submitted to the County Council in 2019, however this has now been withdrawn so there would be no cumulative

impacts to consider in this respect. No objections have been received from the EHO or the highways officer and the proposals are therefore considered to be compliant with this policy.

3.78. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

3.79. **RESPONSES TO REPRESENTATIONS RECEIVED**

The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.80. With exception of the following, the response of this authority to the issues raised by third parties in relation to amenity, principle, landscape impact, ecology and highway safety are discussed above in the 'Appraisal' section of this report.

3.81. As regards concerns expressed with regard to the bunds not having been constructed to the correct height. If the application were to be approved, then this would be a matter for Breckland District Council to enforce, as no operational development is proposed as part of this application, owing to it being a change of use application. If the District Council were to enforce a reconfiguration of the bunding to that previously approved, then they would be lower than how they have been constructed and the operations more visible within the landscape.

3.82. With regards to the question asking how the hours would be monitored, this would, as with all other sites, be the responsibility of the applicant to comply with any hours conditions. If complaints were to be received advising that operating hours were not being complied with, then the council's planning enforcement/monitoring team would investigate and take any necessary enforcement action.

3.83. **INTENTIONAL UNAUTHORISED DEVELOPMENT**

Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

3.84. In this instance, the CPA is aware that the application under consideration is part retrospective nature, in that waste is currently being brought to site outside of the permitted planning use granted by the district council. However in terms of impact it is unlikely that the storage of waste only (no

processing) would have any greater impacts than that already approved by the district council.

- 3.85. It is therefore considered that there are not any unauthorised development considerations material to this decision and no weight is given to this in the planning balance.

3.86. **LOCAL FINANCE CONSIDERATIONS**

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.

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

4. Conclusion & Reasons for Decision

- 4.1. Planning permission is sought for the change of use of 0.62 hectares of land which benefits from planning permission issued by the district council for open air storage of aggregate, material and plant in connection with the adjacent civil engineering business. The site to the south of and adjacent to the existing civil engineering business at Heron Farm, Besthorpe. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation materials linked to the adjacent Newall civil engineering business.

- 4.2. The site would constitute previously developed land and in this respect its use as a non-strategic inert waste recycling facility, moving waste further up the waste hierarchy is considered to be compliant with development plan policies for the reasons outlined in the report. Whilst the proposals are considered to be acceptable in principle this is subject to an assessment of the development's potential impacts which in this case relate primarily to amenity, landscape and highways.

- 4.3. With regards to the landscape impact of the development in the countryside, the site benefits from planning approval for 5m high bunding authorised by the district council in relation to the extant storage permission. It is accepted that the development proposed in this application would be largely screened by the existing bunding with the exception of the excavator elbow which would protrude intermittently at around 1m above the bunds when loading the crusher. However, on balance it is considered that the visual impact of the excavator elbow would constitute an industrial feature within the landscape, without adequate mitigation. The LVIA submitted with the application fails to assess the impact of the development in relation to the bunds as approved by the district council, in addition even with the bunds at the height they have been built to,

there is still a landscape objection in terms of negative landscape impact, and this impact is considered to be unacceptable in this rural agricultural landscape with low lying vegetation and open plateau characteristics.

- 4.4. Whilst significant concern has been raised by local residents with regards to the impact on amenity from emissions, including noise and dust, the operation requires an Environmental Permit to control such impacts, and neither the EA nor Breckland District Council's EHO has raised an objection. Furthermore, the EA believe the scheme can be permitted and have already issued an Environmental Permit for the site. Concern has also been raised regarding the impact on the public highway however the Highway Authority raises no objection subject to conditions concerning highway vehicle routing.
- 4.5. Whilst this is a finely balanced application, owing to the principle, residential amenity, ecology and highways impacts being considered to be acceptable. The application site is in a rural location and the landscaping around the site is not adequate to ensure that there is no unacceptable impact upon the landscape in which it is situated. There is no overriding need for the facility that outweigh the detrimental impacts upon the landscape. The proposal is therefore considered not to be in accordance with the policies relating to landscape impact or Policy CS6 in terms of the unacceptable environmental impacts. On this basis refusal of planning permission is recommended for the reasons stated below.

5. Alternative Options

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, approve subject to conditions, refuse or defer the decision.

6. Financial Implications

- 6.1. The development itself has no financial implications from the Planning Regulatory perspective. If implemented the Authority will have a duty to regularly inspect the facility which will have an indirect cost.

7. Resource Implications

- 7.1. **Staff:** The routine inspection of the site will be undertaken by existing staff and would therefore have no staffing implications from the Planning Regulatory perspective.
- 7.2. **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.3. **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. **Human Rights implications**

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.

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.

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.

8.3. **Equality Impact Assessment (EqIA)**

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.

8.4. **Health and Safety implications**

There are no health and safety implications from a planning perspective.

8.5. **Sustainability implications**

This has been addressed in the sustainability section of the report above.

8.6. **Any other implications**

9. **Risk Implications/Assessment**

9.1. There are no risk issues from a planning perspective.

10. **Select Committee comments**

10.1. Not applicable.

11. **Recommendations**

11.0. That the Executive Director of Community and Environmental Services be authorised to:

I. **Refuse planning permission for the reasons outlined below.**

1. **The development would have an unacceptable adverse impact upon the landscape character and visual amenity of the area, with a**

negative impact upon the rural countryside location and the adopted Landscape Character Assessment. The LVIA accompanying the application uses a baseline for the landscape assessment which is unauthorised owing to the perimeter bunds not being built in accordance with the district council permission. The assessment is therefore misleading in that the landscape impact would be greater than that identified should the district council seek to regularise the bunds. The development would therefore not be in accordance with NMWDF Core Strategy Policies CS6, CS14 and DM8, and Breckland Local Plan Policies GEN 01 and ENV 05.

2. The applicant has not demonstrated that any soft landscaping could be provided as part of this application to further mitigate the impact on landscape, owing to the inconsistencies between plans with particular reference to the red line site location plan and the topographical/proposed site layout plan submitted with the application. The proposals in this respect would be contrary to NMWDF Core Strategy Policies CS14 and DM8 and Breckland Local Plan Policies GEN 01 and ENV 05, in that officers are unable to assess if any additional landscaping could be secured as part of this application and any associated benefits which it may have.

12. Background Papers

- 12.0. Planning Application reference: FUL/2020/0062 available here:
<http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0062>

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (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>

Breckland Council Local Plan (2019) <https://www.breckland.gov.uk/adopted-local-plan>

The National Planning Policy Framework (NPPF) (2021)
<https://www.gov.uk/government/publications/national-planning-policy-framework-2>

Planning Practice Guidance (2014)
<https://www.gov.uk/government/collections/planning-practice-guidance>

National Planning Policy for Waste (NPPW) (2014)
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Waste Management Plan for England (WMPE) (2021)

<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Norfolk Minerals and Waste Local Plan: Preferred Options (2019)

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review>

[HSE - Quarries - Safe operation and use of mobile jaw crushers](#)

Officer Contact

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

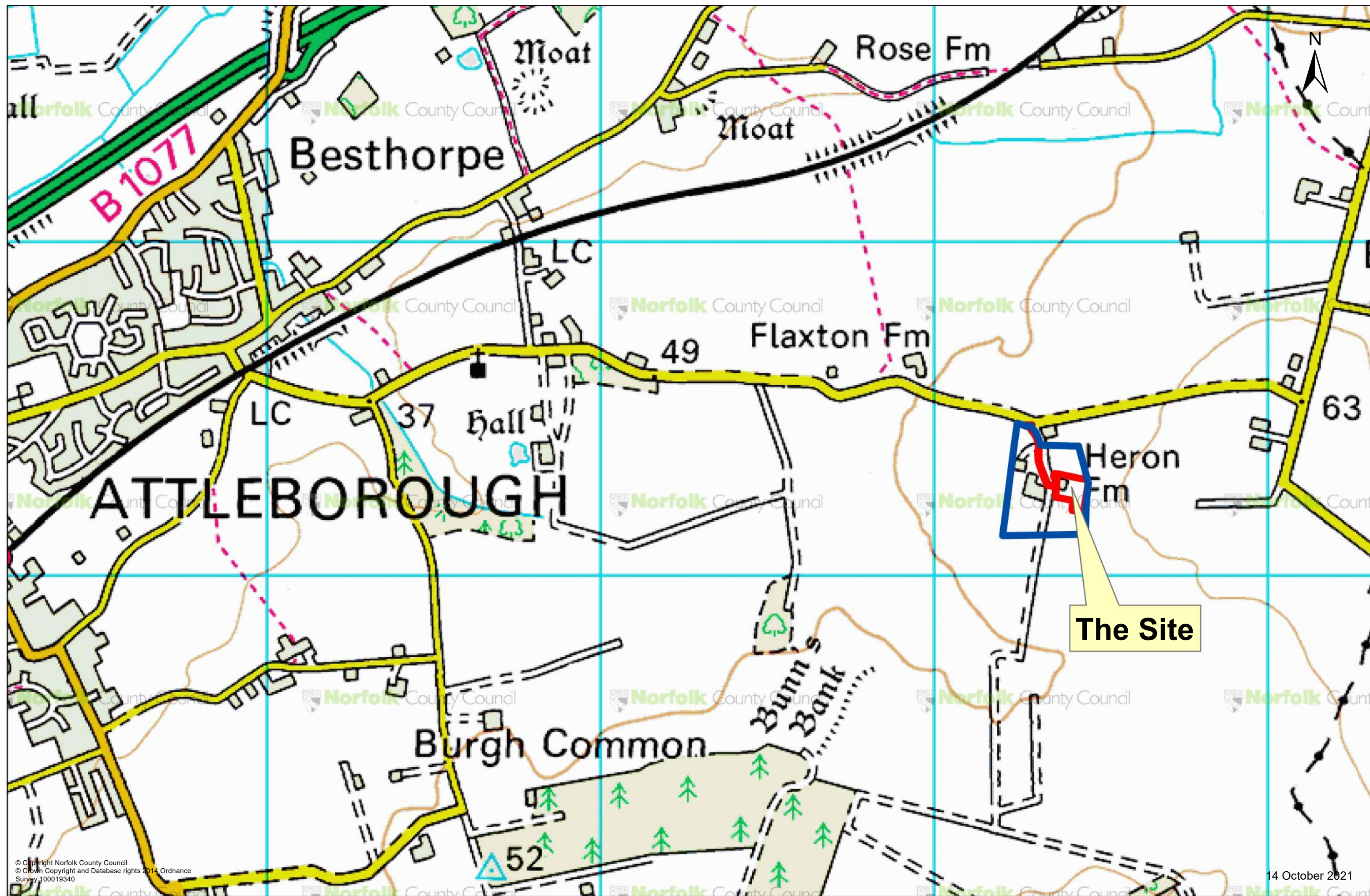
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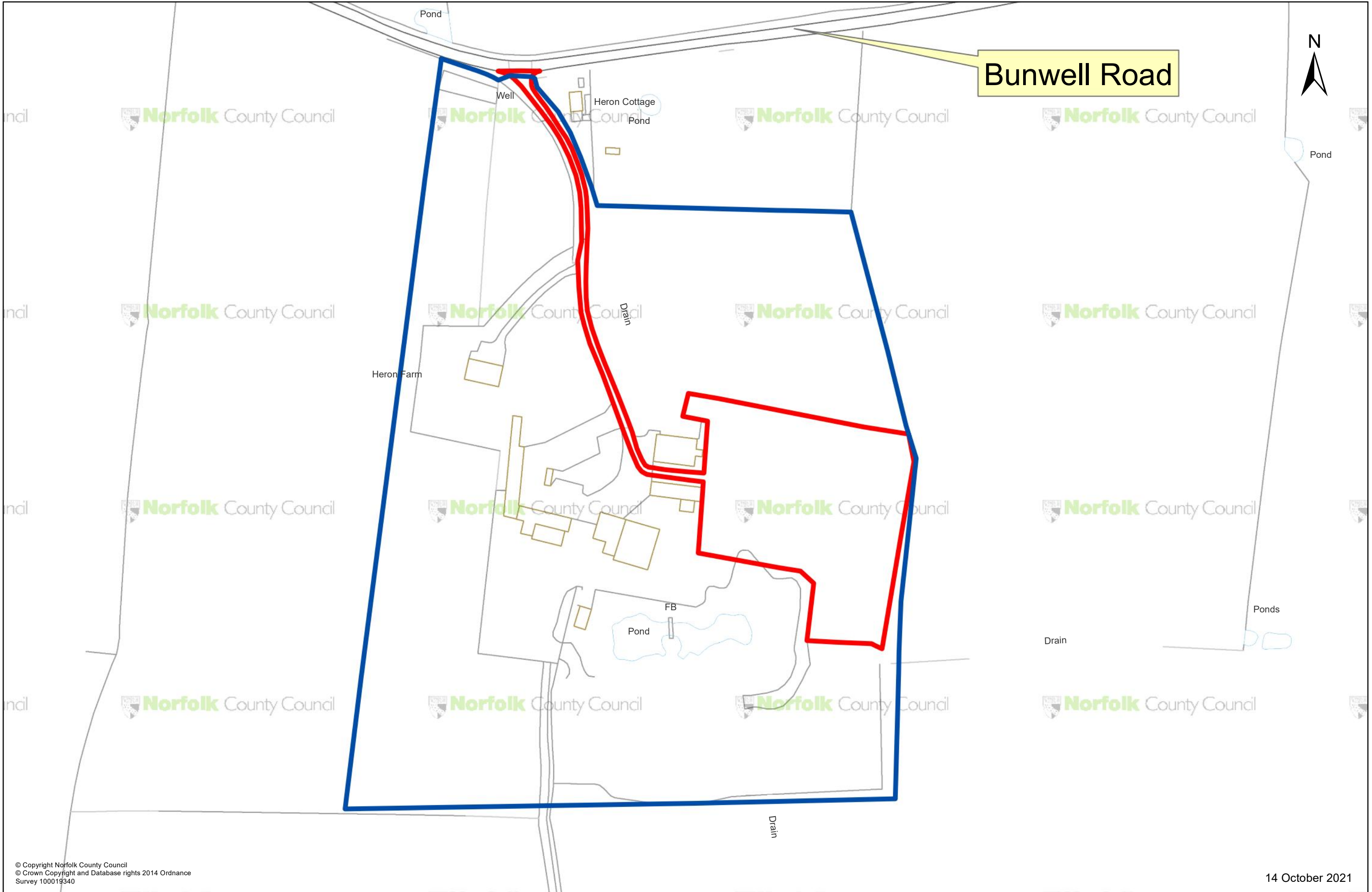


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Survey 100019340

14 October 2021

Heron Farm Besthorpe Location Plan

0 250 500 1,000 Metres



Planning (Regulatory) Committee

Item No: 6

Report Title: FUL/2020/0064 Salhouse Road, New Rackheath, Norwich, NR13 6LD

Date of Meeting: 05 November 2021

Responsible Cabinet Member: N/A

Responsible Director: Tom McCabe, Executive Director of Community and Environmental Services

Is this a Key Decision? No

Proposal & Applicant: Retrospective Application for a change of use to a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials, brick rubble and concrete, and construction and demolition waste processing/recycling, the siting of mobile processing plant, offices, associated infrastructure and the construction of amenity bunds and landscaping: Gamble Plant (Norfolk) Ltd

Executive Summary

This is a partly retrospective application to allow imported waste materials to be crushed and screened and turned into recovered construction products. The application site is one that already benefits from a Certificate of Lawful Use or Existing Development (CLUED) for a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials and brick rubble.

The proposal is not EIA development, so the application has not been accompanied by an Environmental Statement.

There have been no objections from the technical statutory consultees, although concerns have been raised about the amenity impacts of the proposal and Rackheath Community Council (Parish Council) objects to the application on the basis that the proposal would have a serious impact on the amenity of nearby residential properties and would adversely affect the character and appearance of the surrounding area. The Local Member for the Wroxham Division, Cllr Fran Whymark, also objects on the

grounds of significant and unacceptable amenity impacts on the adjacent properties and holiday cottages.

There have been thirty-seven representations received from the public with nineteen objecting to the application and eighteen supporting it. Those objecting do so on the grounds of highway safety and the amenity impacts, whilst those supporting the proposal highlight the benefits of the development in providing a facility for the recycling of aggregates.

Whilst the application site is not an allocated site, it is considered that the proposal would be in accordance with the policies contained within the Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011), the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014), the Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew - Growth Triangle Area Action Plan (Adopted July 2016), the Broadland District Council Development Management Development Plan Document (Adopted August 2015) and the Rackheath Neighbourhood Plan 2017-2037 (Adopted July 2017). It would also be in accordance with the National Planning Policy Framework (NPPF) (2021) and National Planning Policy for Waste (NPPW) (2014).

Recommendations:

That the Executive Director of Community and Environmental Services be authorized to:

- 1. Grant planning permission subject to the conditions outlined in Section 11;**
- 2. 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; and**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1** The application site is one that already benefits from a Certificate of Lawful Use or Existing Development (CLUED) for a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials, brick rubble, old fencing and green waste (Application Ref. 20161266), granted by Broadland District Council on 3rd October 2016. This allows the importation and storage of a variety of waste materials and recycled construction materials. The application is a partly retrospective application to allow the materials that are already (lawfully)

imported to be crushed and screened on-site and turned into recovered construction products, together with ancillary works.

- 1.2 The proposal seeks permission to erect and operate a mobile crushing and screening plant, associated office/welfare and site administration facilities and an amenity screening bund to mitigate noise, dust and visual effects and improve the access. The application is retrospective insofar as the plant is understood to have already been operating on the site and some of the bunds and the security fencing along the road frontage have also already been erected.
- 1.3 The application site is located within the area of Rackheath Parish

2. Proposal

2.1 SITE

- 2.2 The application site comprises a rectangular area of land extending to approximately 0.6ha between New Rackheath and Sprowston, 5.5km to the north-east of Norwich city centre. It is located on the south side of the Salhouse Road, approximately 360m south-west of the Rackheath junction of the A1270 Norwich Northern Distributor Road (NDR), now the Broadland Northway.
- 2.3 To the north is Rackheath Hall Park, with the main part of the Park separated from the Site by an area of mature woodland known as Pigs Park; to the west and south is arable agricultural land; and to the east is a former gravel pit and arable land.
- 2.4 There are number of adjacent and nearby properties, including South Lodge and South View, located approximately 80m west of the site, at the entrance to Pigs Park, which are the original lodges to Rackheath Hall, and adjacent to these are holiday cottages, known as Poolside Lodges, the nearest of which is approximately 20m north-west of the entrance into the application site. There is also an addition property, Brillig, located approximately 300m north-west of the site within Pigs Park.
- 2.5 There are also a number of nearby residential areas including the existing housing estate at Broadland Drive, Thorpe End, approximately 350m south of the application site, and new areas of housing currently under construction or proposed, 570m north-east of the application site adjacent to the Broadland Northway (157 dwellings), and 350m south-west of the application on the south side of the Salhouse Road (535 dwellings).
- 2.6 In terms of topography, the surrounding area is at a similar level to the application site. With the exception of the frontage to the Salhouse Road, the boundaries of the Site are not fenced but are partly demarcated by an existing bund, and there are a number of mature trees along the north-eastern boundary.

- 2.7 Access to the application site is via a gated bellmouth onto the Salhouse Road. The Salhouse Road is a relatively flat and straight C2 class road. It links Sprowston and Norwich to New Rackheath. The construction of the Broadland Northway has resulted in a new roundabout 300m north-east of the Site entrance.
- 2.8 The Site is currently used for the storage of a variety of materials authorised under the CLUED issued by Broadland District Council in 2016. The materials imported into the site predominantly comprise soils, stone and general construction and demolition waste. The application states that permitted development rights allow for 28-day temporary use of the site for crushing and screening of this material, which it is understood has already been undertaken as permitted development.
- 2.9 There are no statutory designations directly affecting the application site. There are no wildlife designations on the site, although there is an adjacent County Wildlife Site (CWS), 'Paine's Yard Wood, The Owlery & March Covert', located immediately north-east of the entrance to the application site, on the north side of Salhouse Road. The site lies outside of any known areas of archaeological interest and is not within a Conservation Area. There are no immediate adjacent or nearby Listed Buildings or Scheduled Monuments. It is located in Flood Zone 1 on the Environment Agency's Flood Map for Planning.

2.10 **PROPOSAL**

- 2.11 Essentially the application seeks is to allow processing operations to be undertaken on the site, on a permanent basis, rather than just for the 28 day period in any calendar year currently allowed under permitted development rights. The processing plant would comprise a mobile crushing and screening plant.

- 2.12 The application seeks permission for:

- The operation and siting of a mobile crushing and screening plant;
- An amenity bund;
- A site office;
- A storage container;
- Fuel stores and water bowser;
- The processing of waste material to create recycled, graded aggregates and soils; and
- The retention of the existing gate and fencing.

Mobile Crushing and Screening Plant

- 2.13 Mobile plant would be 3.2m in height. Mixed construction and demolition materials would be fed into a hopper where it is first screened, with over size

material being removed. The remaining material would then be passed through to a jaw crusher where it is broken down into smaller pieces before being graded into different aggregate sizes.

- 2.14 A 360 degree excavator would be located on top of a 1.5-2m high stockpile of waste material located at the southern end of the site and would place the waste material into the hopper of the mobile crusher. Sitting in an elevated position is preferred by the applicant as it allows visual inspection of the hopper in the event of any blockages.

Amenity Bund

- 2.15 The active parts of the processing plant would be no higher than 3.2m above ground level with the active noise generating parts of the equipment being at 1.5m – 2.5m above ground level. It is proposed that a 3.5m screen bund would be constructed around the crushing and screening area at the southern end of the site to ensure that the plant operates at an acceptable noise level. There is an existing 2m high bund that has been constructed along the remainder the western boundary of the site adjacent to the processed stock area.
- 2.16 The application states that an existing short internal bund to the north-west of the plant area may be replaced with a solid noise barrier of an equivalent height, so that this takes up less space in the yard than the soil bund. This barrier is likely to be a solid sleeper type wall or block type structure.
- 2.17 The bund would have stable outer slopes of 1 in 2 and inner slopes of 1 in 1. The bund would be constructed from topsoil some of which is already on site. It would be seeded to aid its visual appearance and stability and trees planted at key points to interrupt views from the closest residential properties at South Lodge. At the base of the bund there would be a hedge planted along the western and southern boundary. The hedge would comprise native hedgerow species. The hedge would be allowed to grow tall so that it would eventually be higher than the 3.5m high amenity bund to provide a visual screen. It is proposed that hedge would also be planted along the road frontage to restrict views into the Site. This planting is also intended to provide an additional layer of dust control by both interrupting the movement of dust off-site over the bund as well as reducing the effects of wind on the site yard.

Site Office

- 2.18 The Site Office would comprise two small mobile portacabins of approximately 4 x 2.5m each. These would be positioned close to the fence adjacent to the Salhouse Road. Adjacent to the Site Office would be an informal parking for five vehicles.

Storage Container

- 2.19 Permission is also sought for a standard 40ft container to be located to the east of the offices as a lockable store for site supplies and tools.

Fuel Stores and Water Bowser

- 2.20 A double skinned fuel bowser and storage area for portable water supplies would be located adjacent to the Site Office.

Stock Yard

- 2.21 The northern half of the site would be operated as a stock yard that the application states would be subject to much less activity than the processing area. There is accordingly not a need for 3.5m high screen bund as noise generating activity would be limited to occasional vehicle movements. i.e. there would be no crushing and screening. The bund (that has already been constructed) would accordingly be limited to 2m in height, to the same gradients as the plant site bund. This bund would extend from the plant site bund northwards to the Salhouse Road and would be seeded and planted in selected places to screen the site.

Processing of Waste Material to Create Recycled, Graded Aggregates and Soils

- 2.22 Incoming waste would be brought to an 'incoming stock' pile next to the plant. The excavator would sit on a 1.5-2m high pile of this material and lift the waste material into the hopper and process it. The size of the incoming stockpile may vary depending on the availability of incoming material, although the application states that for operational safety reasons, there is a limit to how much waste can be accepted on-site at any one time due to the limited space available for safe operations (although what this is, is not stated).
- 2.23 Processed material would either be loaded directly into outgoing HGVs or moved to separate processed stockpiles in the stockyard on the northern part of the site. If stored first, recovered aggregate and soil material would also be loaded into HGVs from the stock yard for onward delivery off-site. The application states that the low throughput of the site would mean that loading and processing operations could be undertaken by a single excavator.
- 2.24 The site currently has no limits to its throughput for the storage of materials under the CLUED. The Site's Standard Rules Environmental Permit issued by the Environment Agency restricts throughput to 75,000 tonnes per annum, which is the standard limit stated in this type of permit. The application states that the throughput of material is expected on average to be approximately 50,000 tonnes per annum, with the market for the incoming waste and outgoing processed recovered materials generally being within 20-25 miles of Norwich.

Access, Routing and Traffic

- 2.25 The existing site access and routing would continue to be used, with the anticipated market area being in both directions along the Salhouse Road. The application states that operations on the site would give rise to 34 two-way HGV movements per day or approximately two HGV movements in and two HGV movements out per hour, generating 4412 movements per annum, over 270 working days each year.

Hours of Operation of the Plant

- 2.26 It was initially proposed that the crushing and screening plant would operate from 0700 – 1800 hours Monday to Friday and 0800 – 1200 hours Saturday, with no operations undertaken on Sundays or Public Holidays, but this has been amended in the course of the application to working on-site being limited to 07.30 to 16.30 Monday to Friday only. It should be noted that the approved CLUED allows for 24 hour working, seven days a week.

3. Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

- 3.2 The following policies of the Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) 2010-2026 (2011), the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014), the Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew - Growth Triangle Area Action Plan (Adopted July 2016), and Broadland District Council Development Management DPD (Adopted August 2015) and the Rackheath Neighbourhood Plan 2017-2037 (Adopted July 2017) provide the development plan framework for this planning application:

Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011)

Policy CS3 - Waste management capacity to be provided

Policy CS4 - New waste management capacity to be provided

Policy CS5 - General location of waste management facilities

Policy CS6 - General waste management considerations

Policy CS7 - Recycling, composting, anaerobic digestion and waste transfer stations

Policy CS13 - Climate change and renewable energy generation

Policy CS14 - Environmental protection

Policy CS15 - Transport
Policy DM1 - Nature conservation
Policy DM3 - Groundwater and surface water
Policy DM7 - Safeguarding aerodromes
Policy DM8 - Design, local landscape and townscape character
Policy DM9 - Archaeological sites
Policy DM10 - Transport
Policy DM11 - Sustainable construction and operations
Policy DM12 - Amenity
Policy DM13 - Air quality
Policy DM15 - Cumulative impacts

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014)

Policy 1 - Addressing Climate Change and Protecting Environmental Assets
Policy 2 - Promoting good design
Policy 3 - Energy and water
Policy 6 - Access and Transportation
Policy 7 - Supporting Communities
Policy 9 - Strategy for Growth in the Norwich Policy Area;

Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew – Growth Triangle Area Action Plan (Adopted July 2016)

Policy GT2 - Green Infrastructure

Broadland District Council Development Management Development Plan Document (Adopted August 2015)

Policy GC1 - Presumption in Favour of Sustainable Development
Policy GC4 - Design
Policy EN1 - Biodiversity and Habitats
Policy EN2 - Landscape
Policy EN4 - Pollution
Policy TS3 - Highway Safety

Rackheath Neighbourhood Plan 2017-2037 (Adopted July 2017)

The site is located within Rackheath Parish which has an adopted Neighbourhood Plan, the Rackheath Neighbourhood Plan 2017-2037 that was adopted by Broadland District Council on 20th July 2017. Relevant policies include the following:

Policy ENV1 - Drainage
Policy ENV2 - Climate change

Policy ENV3 - Tree belts and wildlife habitats
Policy ENV4 - Trees and soft site boundaries
Policy ENV5 - Local landscape character and historical development
Policy BUS1 - New and expanding businesses
Policy BUS2 - Buffer between residential and industrial

3.3 OTHER MATERIAL CONSIDERATIONS

- 3.4 The Revised National Planning Policy Framework (NPPF) was published in July 2021 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.5 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the Waste Management Plan for England (WMPE) (January 2021) is the overarching national plan for waste management and is a further material consideration in planning decisions.
- 3.6 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. Relevant emerging policy includes the following:

The Norfolk Minerals and Waste Local Plan Review

- 3.7 The Norfolk Minerals and Waste Local Plan Review is currently on-going. A Preferred Options Consultation took place in September and October 2019. The Pre-Submission Draft of the Plan is due for publication and consultation in 2022. At this stage only limited weight can be attributed to the policies in the emerging plan. Draft policies relevant to this application include the following:

Policy MW2 - Development Management Criteria;
Policy MW3 - Transport;
Policy MW4 - Climate Change Mitigation and Adaption;
Policy WP1 - Waste Management Capacity to be Provided;
Policy WP2 - Spatial Strategy for Waste Management Facilities
Policy WP3 - Land Potentially Suitable for Waste Management Facilities
Policy WP4 - Recycling or Transfer of inert construction, demolition and excavation waste
WP16 - Design of Waste Management Facilities

Emerging Greater Norwich Local Plan

- 3.8 On 30 July 2021 the Emerging Greater Norwich Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government for independent examination by the Planning Inspectorate. Therefore, limited weight can be given to the document because the policies have yet to be examined and there is the potential for modifications to be made to the plan following examination:

Policy 1 - The Sustainable Growth Strategy

Policy 3 - Environmental Protection and Enhancement

3.9 **CONSULTATIONS**

- 3.10 Broadland District Council Planning - State that the District Council is aware that concerns have been raised by neighbours in relation to noise, dust, vibration and visual detriment. They comment that the negative impact on Poolside Lodges as Non-Designated Heritage Assets should also be taken into consideration, especially as the vibrations could be causing damage to these as historically significant buildings. They further comment that a guesthouse business is also operated from Poolside Lodges which could become unviable should the application be approved. The Council requests that the County Council give appropriate consideration to these factors in determining the application.
- 3.11 Broadland District Council Environmental Health Officer - Has not objected to the application but states that they have concerns about the proposal in relation to noise, vibration and dust. They comment that the submitted Noise Impact Assessment has identified noise sensitive properties, but does not appear to include the potentially affected properties and that the activities on the site would have either a significant observed adverse effect or an unacceptable adverse effect at 4 of the 6 identified receptors without mitigation measures. They also comment that the effects of vibration have not been considered, but that they are aware that the site has been operating under an Environmental Permit.
- 3.12 Environment Agency - Has no objection. It advises that the waste recycling activities on the site are regulated under an Environmental Permit (Ref. EPR/FB3101FE) and that this allows for materials recycling and the storage and mechanical processing of waste. It advises that in the past, reports have been received in respect of noise, vibration and dust arising from operations on the site and of mud being deposited on the public highway. However, it also advises that it has not been concluded that noise and vibration generated constitutes a breach of the Environmental Permit.
- 3.13 It advises, given the proximity of the waste operations in relation to nearby sensitive receptors, that the effectiveness of the mitigation cited in the Noise Impact Assessment, together with consideration of other potential mitigation

measures such as hours of operation, be considered in determining the application and also whether appropriate mitigation is in place to manage the visual impact of stockpile heights of materials, as well as the generation of dust and the deposit of mud on the public highway.

- 3.14 Highway Authority - Advises that it has no objection, subject to throughput not exceeding 50,000 tonnes per annum, and recommends the inclusion of conditions relating to completion of the access with a hard surface for a distance 10m back from the edge of the public highway, the location the access gateway, the provision and maintenance of 160 metre x 2.4 metre visibility splays, and the completion of the access/on-site parking/servicing/loading/unloading/turning/waiting area.
- 3.15 Lead Local Flood Authority - Has no comments to make.
- 3.16 County Council Ecologist - Has no objections. They comment that the application is supported by a Preliminary Ecological Appraisal, and that the proposal does not give rise to any ecological concerns. They advise that the submission for approval and implementation of a biodiversity enhancement and management plan should be conditioned, incorporating the recommendations made in Preliminary Ecological Appraisal, including the provision of species rich grassland on the bund around the site and the undertaking of new native species hedgerow planting.
- 3.17 County Council Arboriculturist - Has not commented on the application.
- 3.18 County Council Historic Environmental Officer (Archaeology) - No objection.
- 3.19 Norfolk Wildlife Trust - Have not commented on the application.
- 3.20 Natural England - Has no objection. It advises that it considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, subject to its standing advice on other natural environment issues. It confirms that a likely significant effect on any European designated sites can be ruled out.
- 3.21 Rackheath Community Council (Parish Council) - Objects to the application on the basis that the proposal would have a serious impact on the amenity of nearby residential properties and would adversely affect the character and appearance of the surrounding area.
- 3.22 Sprowston Town Council - Does not object but expresses concern about the potential impacts of the of dust and noise from the processing plant and mobile crushing machine on the nearby residential properties and large-scale housing developments currently being built or proposed on the Salhouse Road.

3.23 Great & Little Plumstead Parish Council - States that it believed that the site was a temporary construction compound used in conjunction with the construction of the NDR, rather than a concrete crushing plant. Its main concern is for the health and welfare of any staff on the site, because it states, the facilities are basic and the application does not include a statement in relation to toilet facilities, hot or cold running water and whether there would be lone working with heavy machinery and unstable materials. It considers that the provision of planted bunding is overdue.

3.24 Local Member (Wroxham) (Cllr Fran Whymark) - Objects, because of the significant and unacceptable amenity impacts on the adjacent properties including the adjacent holiday cottages, Poolside Lodges. The operations on site are already being undertaken giving rise to constant background noise, vibration and dust, which is adversely affecting local residents and visitors and resulting in cancelled bookings. Councillor Whymark requests that the application be refused.

3.25 REPRESENTATIONS

3.26 The application has been advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. There have been thirty-six representations received from the public with nineteen objecting to the application and eighteen supporting it. Those objecting to the application have in summary made the following points:

- The location of the site is not suitable for a recycling facility, because it is too close to neighbouring residential properties and the road side where people walk and cycle;
- The application effectively seeks to extend the current unacceptable operation in terms of hours of operations, HGV movements and the number of processes taking place on the site;
- The application is retrospective so the impacts of it are already being experienced;
- There has been a recent fatality on the Salhouse Road involving an HGV from the site;
- The HGV traffic dust impacts of the operation of the facility adversely affects road safety;
- There are significant adverse noise, vibration and dust impacts on the adjacent holiday cottage business, affecting the tranquillity of those staying there, which is likely to lead to a loss of bookings and adversely affecting the business;
- There are already significant, noise, dust, vibration and highway safety impacts on local residents;
- There is already an existing recycling centre on the nearby Rackheath industrial estate;

- The application site is not large enough to accommodate the mitigation measures required to ensure that it operates acceptably;
- The site has been operating unlawfully without planning permission;
- Adverse landscape impact arising from the location and operation of the site, with the bund that has been constructed not providing adequate screening;
- Adverse impact on heritage assets;
- There has been a loss of trees;
- Errors and inconsistencies on the submitted noise assessment in identifying the distances to the nearest noise sensitive properties;
- There has been dust and mud is deposited on the Salhouse Road from the HGVs leaving the site;
- HGVs have been seen stopping, queuing, reversing, manouvring and removing sheeting on the Salhouse Road;
- There would be a significant increase in noise and disturbance form the proposed increase in the crushing operations on the site from 28 days per year to 300 days per year;
- The Environmental Permit is not being complied with;
- In the information accompanying the application, Poolside Lodges have not been identified in the report as a sensitive receptor and actual measured noises levels as a result of the activities on the application have exceeded 80 dBa;
- The application proposes a series of noise mitigation measures however, bunds have been in place for over 6 months on the site and noise levels are still adversely affecting the adjacent properties as a result of noise and vibration, which have been recorded as disruptive;
- There are concerns about the health impacts of dust and in particular concern about the effect of PM2.5 particles associated with aggregate materials and also that despite the Environment Agency's involvement, dust management on site has remained poor in the dry months;
- There has been significant observed vibration in adjacent properties as a result of the crushing activities on the application site. The Environment Agency attended on 3 occasions when the site was operating at a lower capacity and witnessed vibrations within the adjacent properties. The application has failed to identify vibration is a significant issue;
- The unrestricted delivery times being proposed would mean that there would be no let-up in HGVs visiting the site. Additional impacts would be felt from the volume of HGVs at all times of the day and night out of hours and increasing the operations of the site. The site entrance is unlaid as is the rest of the site, and therefore the uneven ground adds to the noise impact of HGVs along with dust. This unlaid entrance leads onto a Class B classified road with a national speed limit;
- The proposal is contrary to a number of development plan and national planning policies;
- The site is a greenfield site;

- Adverse impact on habitats, wildlife and biodiversity;
- The Salhouse Road is too narrow for two HGVs to pass;
- The Growth Triangle Area Action Plan designates the application site and surrounding area as area as a Landscape Buffer;
- The development would not result in a significant community benefit; and
- Noise readings taken in relation to the operation of the site are not appropriate as they were taken during the Covid-19 lockdown when background noise levels were unusually low;

3.27 Those representations supporting the application have in summary made the following points:

- With the amount of construction work being undertaken and planned in the immediate vicinity this is a welcome addition to the area and would support other businesses, it would provide a local recycling facility providing recycled materials, avoiding the need to import primary materials, great reducing the environmental impact:
- The recycled materials produced by the facility comply with relevant product standards for reuse and do not pose any significant risk of contamination;
- The site is unique in terms of its proximity to Norwich city centre and with the amount of development proposed in the surrounding area has the potential to reduce haulage distances and therefore carbon emissions, utilising the almost adjacent road link to the NDR;
- The nearest alternative site is located at the Longwater Park in Costessey, the use of which would add to existing traffic congestion on the Southern Bypass, with vehicles from local development projects travelling an additional combined mileage of 42,000 miles per year, which can be avoided;
- The facility would create additional employment;
- The only additional element to the activities on the site is the processing of materials; and
- The applicant's sites are well run and the proposal would enhance the local environment.

3.28 APPRAISAL

3.29 The key issues for consideration are:

- A. Principle of Development (including Need)
- B. Highway Safety
- C. Amenity Impacts
- D. Landscape & Visual Impact/Design (including the Impacts on Heritage)
- E. Ecology
- F. Groundwater
- G. Sustainability

A. Principle of Development (including Need)

- 3.30 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”.

- 3.31 Relevant development plan policy, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014), the Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew - Growth Triangle Area Action Plan, and Broadland District Council Development Management DPD and the Rackheath Neighbourhood Plan 2017-2037
- 3.32 In terms of the principle of the development, the main relevant issue is whether the siting of the facility is in an acceptable location. The key considerations are that whilst it is not an allocated site for the development of a waste management facility, it already benefits, as set out in paragraph 1.1 above, from having been granted a CLUED for a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials, brick rubble, old fencing and green waste by Broadland District Council. This already allows the importation and storage of a variety of waste materials and recycled construction materials. As such the site is an existing, established and lawful waste site.
- 3.33 The overall strategy for the provision of waste management facilities is set out in Core Strategy Policy CS3 which aims to provide appropriate waste management capacity for inert waste recycling and disposal.
- 3.34 The Core Strategy does not set out what the identified level of need for additional capacity for the recycling of inert or construction and demolition waste is. Instead, paragraphs 3.38 and 3.39, state that “Additional inert waste recycling infrastructure is likely to be needed over the period of the Core Strategy, in line with the expected growth in inert waste arisings”. In support of this, Policy CS17 sets out support for the use of secondary and recycled aggregates. Although it states that a target has not be set for the production of secondary and recycled aggregates, the aim is to achieve a year-on-year increase in the percentage of inert and construction and demolition waste that is recycled in Norfolk.
- 3.35 In relation to the capacity to be provided in this case, the application states that the site operates on a Standard Rules Environmental Permit that allows for the import of up to 75,000 tonnes of waste per annum, although there is no limit on

the amount of waste that may be brought into the site under the existing CLUED. The application states that the amount of waste actually imported into the site is approximately 50,000 tonnes per annum. The key point however is, that the site is an existing site and the quantities actually being brought into the site are established, with the proposed operations, doing no more than adding capacity to process the waste that is already being brought in. In any event paragraph 7 of the NPPW makes clear that applicants are only required to demonstrate the need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan, which is not the case in this instance.

- 3.36 In terms of the location, there are two main relevant considerations. First, that the location of the application site close to the edge of Norwich, within the line of the Broadland Northway, meets the requirement of Core Strategy Policy CS5 'General location of waste management facilities' to be well-related to the Norwich Policy Area; and second that the site is, as result of the approved CLUED, already an established and lawful waste management site with Core Strategy Policy CS6 on General Waste Management Considerations, making clear that proposals on sites already in a waste management use will be acceptable, provided that they would not cause unacceptable environmental impacts. This applies in this instance. As such, subject to the acceptability of the proposal in relation to its environmental impacts, it can be considered to be policy compliant in relation to principle of the development, set out in Core Strategy Policies CS3, CS5 and CS6.
- 3.37 The proposal would additionally 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 Waste Management Plan for England (2021).

B. Highway Safety

- 3.38 As detailed above, the representations submitted in response to the application have raised concerns about the highway safety aspects of the application, relating to the number of HGV movements and the potential highway safety aspects of the proposed operations on the site.
- 3.39 Relevant policy includes the general test set out in Core Strategy Policy CS6 and more specifically Policies CS15 and DM10 and Broadland District Council Development Management DPD Policy TS3. Paragraph 7 and Appendix B of the NPPW and Paragraphs 105, 110-112 of the NPPF are also applicable.
- 3.40 As detailed in paragraph 2.25 above, it is anticipated that the operation of the site would give rise to 34 two-way HGV movements per day. This cannot be considered to be an intensive level of HGV traffic and has to be assessed in the context of there currently being no limits on the number of HGV movements under the existing CLUED.

- 3.41 Furthermore, the access apron is to be upgraded to ensure that safe access and egress on to the Salhouse Road can be achieved and adequate visibility can be achieved in both directions. This can be secured through the imposition of an appropriate condition.
- 3.42 Objectors have raised the issue that there has been a road traffic accident at the access into the site. It is understood that there has been one recorded accident involving a motorcycle colliding with a turning HGV. Whilst there is understandable concern about the highway impacts of the development, taking into account the existing lawful activity on the site, this cannot be considered to amount to sufficient reason to warrant refusal of the application and there is no basis for considering that the location and design of the access into the site is inherently dangerous or unacceptable in terms of giving rise to a highway safety reason for refusal.
- 3.43 The environmental impacts of traffic associated with the application cannot be considered to be any more adverse than the existing situation with it being proposed that the site continue to operate at approximately the current levels of activity, even though there is currently no limit imposed by the CLUED on the amount of material that may be brought onto the site.
- 3.44 There are no other significant locational, access or capacity issues, and the Highway Authority has advised that the proposal is acceptable, subject the recommended conditions set out in paragraph 3.14 above. To ensure that there is no significant increase in HGV movements and or any resulting highway safety or amenity impacts arising from HGV movements, an overall limit of 50,000 tonnes a year can also be imposed through a condition.
- 3.45 On this basis with the inclusion of the recommended conditions the application can be considered to be acceptable in terms of relevant development plan and national planning policy.

C. Amenity

- 3.46 Together with highway safety, the other major area of concern identified in the submitted third party representations is the potential amenity impact of the development. In particular there are concerns raised about noise, vibration and dust. To address these concerns an Air Quality Impact Assessment, Noise Impact Assessment, and a Dust Management Plan have been submitted with the application.
- 3.47 Relevant policy includes the general test set out in Core Strategy Policy CS6 and more specifically Policies CS14, CS15, DM10, DM12, DM13 and Broadland District Council Development Management DPD Policy EN4, which are concerned with the amenity and air quality impacts arising from proposals for

waste management facilities. Paragraph 7 and Appendix B of the NPPW and Chapter 8 and Paragraphs 105, 174, 185 and 188 of the NPPF are also applicable.

- 3.48 In the context of the location of the site, the key consideration is that it is in a sensitive location, being in relatively close proximity to a number of residential properties. These (as detailed in paragraph 2.5 above) include South Lodge and South View, located approximately 80m west of the site, at the entrance to Pigs Park and the adjacent holiday cottages at Poolside Lodges, the nearest of which is approximately 20m north-west of the entrance into the application site.
- 3.49 However, what also has to be taken into account in considering the amenity impacts, as is the case in relation to the highway safety impacts, is that there is already an existing lawful waste operation on the site, and that as such the key relevant considerations arise from the additional activities that the application would allow, i.e. the waste processing operations (including the proposed crushing and screening activities). Furthermore, even in relation to these, there are permitted development rights that allow the operator to undertake them for a period of up to twenty-eight days in any calendar year, without the need to apply for planning permission.
- 3.50 In addition, a key consideration is that the additional waste processing activities are already regulated through the Environmental Permit and it is not the role of planning system to regulate the operational aspects of the development. Paragraph 188 of the NPPF and the National Planning Policy for Waste (NPPW), make clear that in such cases the County Planning Authority must focus on whether proposed development is an acceptable use of land, rather than on the control of processes or emissions. In doing so it needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulatory authority (i.e. the Environment Agency). It is the role of the Environmental Permit (which the facility requires before it can operate) as issued by the Environment Agency, to control emissions/pollutants such as noise, odour and dust through conditions.
- 3.51 Planning Authorities are advised that they have to assume that the Environmental Permitting regime will operate effectively. The only consideration therefore is whether the proposed use of the site is acceptable in land use planning terms. In this instance the Environment Agency has already determined that in principle the use of the site for the additional waste processing activities is acceptable.
- 3.52 Whilst the proposal includes details of mitigation measures including the construction of a 3.5m high amenity bund around the crushing and screening plant, this effectively limits the consideration of the issue to whether the proposed use of the land is acceptable.

- 3.53 As detailed above the District Council Environmental Health Officer and the Environment Agency have both identified that the operation of the site raises concerns about the potential amenity impacts, (including the adequacy of the noise assessment) but both also recognise that the site will be regulated through the Environmental Permit, including the additional waste processing activities. The Environment Agency has specifically commented that they have received complaints about noise, vibration and dust and of mud being deposited on the public highway. However, they also advise that it has not been concluded that noise and vibration generated constitutes a breach of the Environmental Permit. If there was such a breach it would be for the Environment Agency to take enforcement action, to rectify the breach. As set out above, the Committee, in determining this application, must do so on the basis that Environmental Permitting regime is assumed to operate effectively.
- 3.54 In the context of there already being a lawful waste management activity on the site, and the advice from the Environment Agency being that the waste processing operations already being undertaken have not caused any unacceptable amenity impacts giving rise to a breach of the Environmental Permit, there is no basis on which it can be considered, in relation to the amenity impacts, that the proposed use, including the proposed waste processing operations, amount to an unacceptable use of the land.
- 3.55 It also has to be taken in consideration that to approve the application provides the opportunity to impose controls on other aspects of the development, other than the operational aspects regulated through the Environmental Permit, where these do not currently exist under the approved CLUED. These can include a limit on the quantity of waste imported, working hours and the height of stockpiled materials.
- 3.56 Conditions to otherwise regulate the amenity impacts do not need to be included, as these are matters that are regulated through the Environmental Permit, although it would be appropriate to control the working hours on the site in order to control the scale of the development and the potential for disturbance. As detailed above the applicant has voluntarily suggested that the working hours proposed be reduced and limited to 7.30 am to 4.30 Monday to Friday with no working on Saturdays, Sundays or Public Holidays.
- 3.57 On this basis the proposal can be considered to be acceptable in terms of the amenity impacts and compliant with relevant development plan and national planning policy relating to the amenity impacts.

D. Landscape & Visual Impact/Design (including the Impacts on Heritage)

- 3.58 The landscape and visual impact of the development, and the design of the site, are relevant considerations of some importance because the site is located in the open countryside. The impact of the development on South Lodge and South

View as non-designated heritage assets has also been raised by objectors, as has the designation of the area around the site as a landscape buffer within the Growth Triangle Area Action Plan.

- 3.59 A landscape assessment has been submitted with the application, which includes details of the proposed landscaping and planting. As with the preceding issues, the major consideration is that the site already lawfully operates as a waste management site under the approved CLUED. This imposes no limitations or mitigation requirements in relation to the landscape and visual impact or the layout and design of the existing operations. The baseline against which the application has to be assessed is, as such, the existing lawful operation. Insofar as this is the case, the landscape and visual impact of the site is to a large degree that which exists already, and the application not only adds very little if anything to this, but now presents an opportunity to secure additional screening and landscaping and to regain some control over the site. The proposals include the construction of a 2m high bund and landscaping along the western boundary adjacent to the processed stock area at the front of the site and the construction of a 3.5m bund and landscaping around the western and southern side of the site and the crushing and screening plant area. To the east the site is screened by the trees on the adjacent land, and to the north, whilst visible to a degree from the Salhouse Road, it would be screened from further north by the woodland to the north of the Salhouse Road. As such the site is already effectively screened when considered in the context of the wider landscape setting.
- 3.60 Whilst the site, as the submitted third party representations correctly identify, lies within the landscape buffer under Policy GT2 of the Growth Triangle Area Action Plan, it is already as a result of the approval of the CLUED an established site. Similarly, in relation to the impacts on South Lodge and South View as non-designated heritage assets, whilst the operation of the site can be considered to give rise to less than substantial harm to their significance, this can be considered to be largely or wholly offset in terms of the overall balance by the opportunity to secure landscape mitigation of the operations (both the existing and proposed) on the site through the submitted landscaping scheme.
- 3.61 Accordingly, it is recommended that a condition can be imposed to ensure the completion of the bunds and landscaping works within a fixed timescale from the approval of the application and their maintenance thereafter. There are no objections from the landscape officer who has advised that the submitted Landscape Appraisal is suitable, that they agree with the conclusions drawn in the supporting landscape and that the proposed planting specification and schedule are suitable and would provide robust landscape features.
- 3.62 One point that should be noted, as set out in paragraph 2.16, is that the application refers to an existing short internal bund to the north-west of the plant area that may be replaced with a solid noise barrier of an equivalent height. This is however not currently included as part of the proposals in the application and

no details have been provided. This would therefore need to be the subject of a further application if proposed by the applicant. It is appropriate to include a condition to ensure the construction and maintenance of the bunds proposed, to minimise the visual impact of the operations on the site and to safeguard the amenity of neighbouring residential properties.

- 3.63 On this basis with the inclusion of the recommended conditions, the application is considered to be acceptable in terms of relevant development plan and national planning policy, which include Core Strategy Policy CS6 and more specifically Policies CS14, CS15, and DM8, Broadland District Council Development Management DPD Policies GC4 and EN2, and Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew - Growth Triangle Area Action Plan Policy GT2, which are concerned with the impacts on the natural environment including the landscape impacts of proposals and their design. Paragraph 7 and Appendix B of the NPPW and Chapters 12 and 15 of the NPPF are also applicable.

E. Ecology

- 3.64 As detailed above the site is located in close proximity to the County Wildlife Site (CWS), 'Paine's Yard Wood, The Owlery and March Covert'. A Preliminary Ecological Appraisal has been submitted with the application. The County Ecologist has advised that there are no ecological concerns and recommended that a condition requiring the submission and implementation of a biodiversity enhancement and management plan, if the application is approved.
- 3.65 It should be noted that the site is situated within 10 kilometres of The Broads Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA). 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, due to both the nature of the development and the distance from the European Sites, that the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.66 On this basis, with the inclusion of the recommended conditions the application is considered to be acceptable in terms of relevant development plan and national planning policy, which include Core Strategy Policy CS6 and more specifically Policies CS14, DM1 and DM8, and Broadland District Council Development Management DPD Policies EN1 which are concerned with the impacts on the natural environment including the landscape impacts on ecology. Paragraph 7 and Appendix B of the NPPW and Chapter 15 of the NPPF are also applicable.

3.67 F. Groundwater

- 3.68 As with all waste management facilities, particularly where they operate on open sites rather than being contained within a building with engineered drainage, a consideration will be with the potential impact on groundwater.
- 3.69 Core Strategy Policy CS6 and more specifically Policies CS14, and DM3, and Broadland District Council Development Management DPD Policy EN4 which are concerned with pollution including impacts on the water environment and groundwater are applicable. Paragraph 7 and Appendix B of the NPPW and Chapter 15 of the NPPF are also relevant.
- 3.70 Emissions from waste management facilities with the potential to impact on groundwater are regulated through the Environment Permit. There have been no concerns raised by the Environment Agency in relation to any impacts on groundwater.

G. Sustainability

- 3.71 The primary sustainability issues in relation to the inert waste processing site, concern promoting the use of secondary or recycled aggregates and whether the development gives rise to any significant permanent adverse environmental impacts. As set out above the proposal would result in up to 50,000 tonnes of material being imported into the site for processing, to produce secondary or recycled aggregates.
- 3.72 The application identifies that if it were not to be approved, it would be necessary to transfer the waste imported for recycling on to another site for processing, necessitating the double handling materials. By co-locating the screening and crushing operations with the existing storage use, and then the opportunity to re-export the processed aggregate and soils directly for re-use eliminates the additional vehicle movements that would be involved if the material otherwise needs to be transferred on to another site for processing.
- 3.73 As a result, whilst there is energy usage and emission of carbon from the proposed development, the application states and it would result in reduced emissions compared to processing material at a second site or the use of primary resources, which require a more energy intensive processing. The application further states that the use of modern efficient and well-maintained plant would ensure that carbon emissions are kept to a minimum.
- 3.74 In terms of the environmental impacts, whilst there are concerns about the highways and amenity impacts of the development, consultees have not raised any significant issues in relation to the development and operation of the site that give rise to any sustainability concerns. As detailed above the mitigation and appropriate landscaping and ecological works are considered to be acceptable,

and in fact provide opportunity to secure mitigation, not only in relation to the proposed additional activities, but also the existing operations. The application does not include any explicit proposals to generate on-site renewable energy. Although this is regrettable, it is not on its own a ground to refuse permission given that the 10% referred to in the NM&WDF, Core Strategy and Minerals and Waste Development Management Policies DPD Policy CS13, is an aspiration rather than a requirement.

3.75 Whilst not part of the development plan or planning policy, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.

3.76 The Policy takes as its starting point the Government's own 25-year Plan published in 2018 and is structured to reflect key environmental concerns embodied in that plan. It is considered the proposals would not undermine the Goals of the Plan with particular reference to encouraging a thriving plant and wildlife community, using resources from nature more sustainably and efficiently, and enhancing beauty, heritage and engagement with the natural environment. The proposal can be considered to be compliant with the Policy.

3.77 ENVIRONMENTAL IMPACT ASSESSMENT

3.78 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.

3.79 RESPONSES TO REPRESENTATIONS RECEIVED

3.80 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.81 The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 3.30 to 3.76 above.

3.82 INTENTIONAL UNAUTHORISED DEVELOPMENT

3.83 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

3.84 In this instance the application is a partly retrospective application and it is understood that the processing operations have already commenced on site.

3.85 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and no weight is given to this in the planning balance

4. Conclusion, Reasons for Decision and Planning Balance

4.1 This is a retrospective application to allow imported waste materials to be crushed and screened and turned into recovered construction products, on a site that already benefits from a CLUED for a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials, brick rubble, old fencing and green waste.

4.2 Whilst the application site is not an allocated site, it is considered that the proposal would be in accordance with the policies contained within the Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (2011), and also other development plan policy and national planning policy.

4.3 Significant weight has to be given in the planning balance to the fact that the application site already benefits from a CLUED issued by Broadland District Council on 3rd October 2016. The planning application provides an opportunity to impose controls, including a 50,000 tonne per annum throughput limit and limit on stockpile heights, on a site that is currently unrestricted. In this regard significant weight can be given to this in the planning balance.

4.4 Although concerns have been raised about the amenity impacts of the proposal, paragraph 188 of the NPPF and the NPPW, make clear that in such cases the County Planning Authority must focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. It is the role of the Environmental Permit (which the facility requires before it can operate) as issued by the Environment Agency to control emissions/pollutants such as noise, odour and dust through conditions, and Planning Authorities are advised that they have to assume and make the presumption that the Environmental Permitting regime will operate effectively.

4.5 In the context of there already being a lawful waste management activity on the site, and the advice from the Environment Agency being that there have been no unacceptable amenity impacts giving rise to a breach of the Environmental Permit from the waste processing operations already being undertaken, there is no basis on which it can be considered that the proposed use, including the proposed waste processing operations, amount to an unacceptable use of the land.

- 4.6 The proposal 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 Waste Management Plan for England (2021).
- 4.7 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that it would further the use of secondary or recycled aggregates and would avoid the need transfer the imported waste material on to another site for processing.
- 4.8 The proposed development is accordingly considered acceptable and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

- 5.1 Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1 The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

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

8. Other Implications

- 8.1 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.2 **Human Rights Implications:**
- 8.3 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.

8.4 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.

8.5 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.

8.6 Equality Impact Assessment (EqIA) (this must be included):

8.7 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.

8.8 Data Protection Impact Assessments (DPIA):

8.9 There are no data protection implications from a planning perspective.

8.10 Health and Safety implications (where appropriate):

8.11 There are no health and safety implications from a planning perspective.

8.12 Sustainability implications (where appropriate):

8.13 This has been addressed in the sustainability section of the report above.

8.7 Any Other Implications:

9. Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

10. Select Committee Comments

10.1 Not applicable.

11. Recommendations

11.1 That the Executive Director of Community and Environmental Services be authorised to:

- 1. Grant planning permission subject to the conditions outlined below.**
- 2. 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.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 CONDITIONS:

1. The development must be carried out in strict accordance with the application form and the following plans and documents:

- Drawing No. LD132-RH-001 - Location Plan, dated July 2020;
- Drawing No. LD132-RH-002 (amended version received 27th November 2020) - Planning Application and Land Ownership Area, dated July 2020;
- Drawing No. LD132-RH-003c - Proposed Site Layout, dated September 2021;
- Drawing No. LD132-RH-004 - Landscape Plan, dated July 2020;
- Drawing No. LD132-RH-005 - Cross Section from South Lodges, dated July 2020;
- Drawing No. LD132-RH-006a - Fencing Details, dated September 2021;
- Planning Application Statement - Salhouse Road, Rackheath - Proposed operation of a mobile processing plant, amenity bund, associated office and administration facilities, Version 1 Landscape Planning & Design, dated July 2020 (as subsequently amended by the Consultation Response, FUL/2020/0064 - Gamble Plant, Salhouse Road, New Rackheath, Landscape Planning & Design, dated 15th September 2021);
- Gamble Plant (Norfolk) Ltd & Fakenham Skips, Air Quality Impact Assessment, Land to the South-East of Salhouse Road, Rackheath, NR13 6LD, Holford Clark Associates (HCA), dated June 2020;
- Gamble Plant (Norfolk) Ltd, Dust Mitigation Plan, Land to the South-East of Salhouse Road, Rackheath, Version 2, Holford Clark Associates (HCA), dated February 2021;
- Gamble Plant (Norfolk) Ltd & Fakenham Skips, Noise Impact Assessment, Land to the South-East of Salhouse Road, Rackheath, NR13 6LD, Holford Clark Associates (HCA), dated September 2021;
- Salhouse Road, New Rackheath Norfolk, Site Access Appraisal, Revision 1, Tetra Tech Limited, dated 10th September 2021;
- Landscape Appraisal, Rackheath - Landscape appraisal for the proposed operation of a mobile processing plant, amenity bund, associated office and administration facilities, Version 2, Landscape Planning & Design dated August 2020;
- Preliminary Ecological Appraisal, Site at Salhouse Road, Rackheath, Norfolk, Riverdale Ecology, dated November 2020;

- Consultation Response, FUL/2020/0064 - Gamble Plant, Salhouse Road, New Rackheath, Landscape Planning & Design, dated 15th September 2021.

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

2. No more than 50,000 tonnes of waste per annum shall be brought onto the site. Only waste detailed in the site's Environmental Permit(s), as issued by the Environment Agency, shall be permitted to be brought onto the site.

Reason: In the interests of maintaining highway and safety, in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and to protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

3. Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement shall be upgraded/widened in accordance with the Norfolk County Council industrial access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway in accordance with details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

4. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

5. Prior to the first use of the development hereby permitted visibility splays measuring 160 metres x 2.4 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

6. Prior to the first use of the development hereby permitted the proposed access/on-site parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

7. No operation authorised or required under this permission (including delivery, processing, or other handling of waste or other materials, operation of plant, machinery or equipment, or movement of HGVs, skips and containers) shall takeplace on Saturdays, Sundays or public holidays, or other than during the following periods:

07.30 - 16.30 Mondays to Fridays

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

8. All vehicles used on site requiring reversing warning shall be fitted with broad band reverse alarms or non-acoustic warning devices.

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

9. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

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

10. No external lighting shall be installed on the site that would cause glare beyond the site boundaries.

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

11. No stockpiles of incoming waste material or processed stock material exceed 3.5 metres height above base level.

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

12. Vehicles leaving the site shall do so in a condition so as not to deposit mud, or shed any loose material, on the public highway.

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

13. Within three months of the date of this Permission the screen and amenity bunds on the south-western and south-eastern boundaries of the site and within the site shown on Drawing No. LD132-RH-003c - Proposed Site Layout, dated September 2021, shall be completed. The bunds shall be landscaped in accordance with the Planting Specification, Planting Stock, Planting and Maintenance details shown on Drawing No. LD132-RH-003c by the end of the first planting season following the date of this Permission and thereafter maintained for the lifetime of the development.

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

14. Within three months of the date of this Permission a biodiversity enhancement and management plan incorporating the recommendations made in Preliminary Ecological Appraisal including the provision of species rich grassland on the bund around the site and the undertaking of new native species hedgerow planting, and details of initial aftercare and long-term maintenance and details of monitoring and remedial measures, shall be submitted to and for the approval in writing of the County Planning Authority, shall thereafter be completed in accordance with the approved drawing and details and shall thereafter maintained for the lifetime of the development.

Reason: To ensure biodiversity mitigation and enhancement on the site in accordance with Policies CS14 and DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Informatives

Positive and Proactive Statement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 the local planning authority has worked with the applicant to ensure that the application contains sufficient information to enable this to be validated.

The local planning authority has entered into discussions with the applicant during the application processing period to ensure that sufficient information has been submitted to demonstrate that the proposal is acceptable.

12. Background Papers

- 12.1 Planning Application Ref. FUL/2020/0064 - Retrospective Application for a change of use to a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials, brick rubble, and concrete, and construction and demolition waste processing/recycling, the siting of mobile processing plant, offices, associated infrastructure and the construction of amenity bunds and landscaping, Gamble Plant (Norfolk) Ltd, Salhouse Road, New Rackheath, Norwich
<http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0064>
- 12.2 Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (Adopted September 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>
- 12.3 Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014)
<https://www.southnorfolkandbroadland.gov.uk/downloads/file/263/joint-core-strategy-adopted-document-2014>
- 12.4 Broadland District Council Old Catton, Sprowston, Rackheath & Thorpe St Andrew – Growth Triangle Area Action Plan (Adopted July 2016)
<https://www.southnorfolkandbroadland.gov.uk/downloads/file/235/growth-triangle-area-action-plan-adopted-july-2016>
- 12.5 Rackheath Neighbourhood Plan 2017-2037 (Adopted July 2017)
<https://www.southnorfolkandbroadland.gov.uk/downloads/file/67/rackheath-neighbourhood-plan>
- 12.6 The National Planning Policy Framework (NPPF) (2021)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf
- 12.7 National Planning Policy for Waste (NPPW) (2014)
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.p
df](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf)

- 12.8 Planning Practice Guidance (2014)
<https://www.gov.uk/government/collections/planning-practice-guidance>
- 12.9 Norfolk County Council's Environmental Policy (November 2019)
<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>
- 12.10 Waste Management Plan for England (January 2021)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955897/waste-management-plan-for-england-2021.pdf

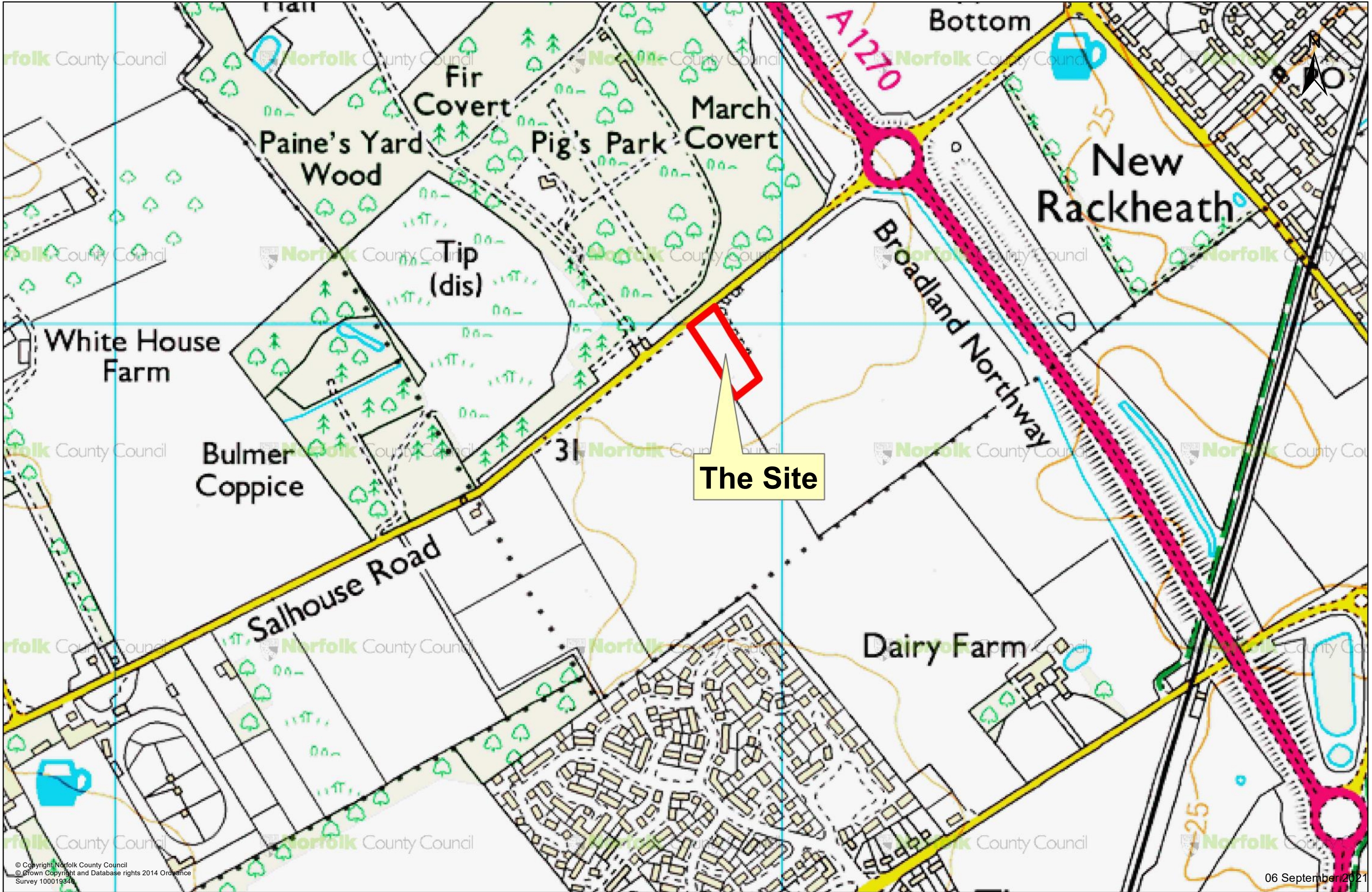
Officer Contact

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

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





Salhouse Road Rackheath Site Plan

