

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/1/2016/1012: Hempton Recycling centre, Helhoughton Road, Fakenham</b>
<b>Date of meeting:</b>	<b>21 October 2016</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant: Variation of condition 1 of planning reference C/1/2015/1025 to allow relocation of the reuse shop on site (Norfolk County Council)</b>	

## Executive summary

The application seeks to vary condition 1 of planning permission reference C/1/2015/1025. The application seeks to allow the relocation of the reuse shop at Hempton Recycling Centre.

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

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

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

### **Recommendation:**

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

- I. Grant planning permission subject to the conditions outlined in section 13.**
- II. Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

## **1. The Proposal**

- 1.1 Type of development : Household Waste Recycling Centre.
- 1.2 Site area : 0.14 hectare
- 1.4 Annual tonnage : 5,000 (total for HWRC)
- 1.5 Duration : Permanent
- 1.6 Hours of working / operation : As existing:
  - 1 March – 31 March (8am - 6pm)
  - 1 April – 31 August (8am – 8pm)
  - 1 September – 30 September (8am – 7pm)
  - 1 October – end BST (8am – 6pm)
  - End BST – 28 Feb (8am – 4pm)
- 1.7 Access : Private shared access from Helhoughton Road.
- 1.8 Permission is sought to change the location of the reuse shop in order to separate the shop from recycling and disposal operations on the site and to allow the reuse shop to be situated in a more prominent location increasing footfall.

## **2. Site**

The HWRC has operated since the mid-1990's and occupies a small unit of land to the south west of an industrial area/complex and to the southwest of Hempton village. The A1065 lies some 200 metres to the east and to the north and west of the site is the now restored Hempton landfill site

Access to the site is via an existing private access road from Helhoughton Road. The HWRC benefits from existing screening from extensive tree planting in all directions.

## **3. Constraints**

- 3.1 The Site is 1.5 kilometers from the River Wensum Special Area of Conservation (SAC).

## **4. Planning History**

- 4.1 The site has operated as a Household Waste Recycling Centre since the mid -1990's after permission was granted under reference C/1/1994/1008 in October 1994.
- 4.2 In June 2009, permission was granted under reference C/1/2009/1001 for the 'Erection of Welfare Facilities Building and Re-use Shelter'.
- 4.3 In April 2016 planning permission was granted under reference C/1/2015/1025 to enable the HWRC to accept trade waste in addition to household waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and

logs in order to promote the recycling service, and generate a small income to offset the cost of running the service. It is this permission that this application seeks to vary.

- 4.4 The original committee report for planning application C/1/2015/1025 which itself permitted the currently approved layout of the site is attached as appendix 3.

## **5. Planning Policy**

- |     |  |   |   |  |
|-----|--|---|---|--|
| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5<br>CS6<br>CS7<br>CS13<br>CS14<br>CS15<br>DM1<br>DM3<br>DM4<br>DM8<br><br>DM10<br>DM12 | General location of waste management facilities and associated facilities<br>General waste management considerations<br>Recycling, composting, anaerobic digestion and waste transfer stations<br>Climate change and renewable energy generation<br>Environmental protection<br>Transport<br>Nature conservation<br>Groundwater and surface water<br>Flood risk<br>Design, local landscape and townscape character<br>Transport<br>Amenity |
| 5.2 | North Norfolk Core Strategy (2008)   | : | SS4<br>EN9  | Environment<br>Biodiversity and Geology  |
| 5.3 | The National Planning Policy Framework (2012)  | : | 11  | Conserving and enhancing the natural environment   |
| 5.4 | National Planning Policy for Waste (2014)  |   |   |  |
| 5.5 | National Planning Practice Guidance Notes (2014)   |   |   |  |

## **6. Consultations**

- |     |                                |   |                       |
|-----|--------------------------------|---|-----------------------|
| 6.1 | North Norfolk District Council | : | No objection.         |
| 6.2 | Fakenham Parish Council        | : | No response received. |
| 6.3 | Hempton Parish Council         | : | No response received. |

6.4 Environment Agency : No response received.

6.5 Highway Authority (NCC) : No objection.

6.6 County Councillor (Tom Fitzpatrick) : No response received.

6.7 Environmental Health Officer (North Norfolk). : No objection.

6.8 Representations

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

6.9 No comments were raised by any third parties.

## 7. **Assessment**

7.1 The issues to be assessed for this application are:

### 7.2 **Principle of development**

A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*

7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the policies in the North Norfolk Core Strategy (2008). Whilst not part of the development plan, policies within both the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.

7.4 The HWRC is located within land designated as Countryside in North Norfolk’s Core Strategy Proposals Maps. However, the principle of waste management is established at this site given the permanent permission for an HWRC granted in 1994. Therefore, the proposal complies with NMWDF policy CS6: *General Waste Management Considerations* which lists both land already used for waste management, and previously developed land, as acceptable for further waste development given that the reuse shop will be relocated within the existing permitted area.

7.5 In addition the development is not considered to undermine policies SS1 and SS2 of North Norfolk’s Core Strategy. It is consistent also with the Government’s National Planning Policy for Waste (2014) which again gives

priority to the re-use of previously developed land for waste development.

**7.6 Amenity**

7.7 The site has operated to date without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, and odour issued by the Environment Agency. Relocation of the shop is not considered to give rise to any additional adverse impacts.

7.8 It is therefore considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity* which seek to ensure there are no unacceptable adverse amenity impacts created.

**7.9 Landscape / Design**

7.10 NMWDF Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape character* both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape or townscape.

7.11 The relocation of the refuse shop will create a minor landscape change to the HWRC site. The shop will be relocated to the east of the site adjacent to the sites entrance. The area is currently occupied by a number of containers which would be relocated within the site. The change in location would allow separation of the reuse activity from the recycling centre and also allow the reuse shop to be in a prominent position within the site. As previously approved; items to be sold would be located within or in the immediate vicinity of the new location of the reuse centre.

7.12 The proposed changes would not be viewable from outside of the site, which is significantly bunded and the design principles were considered acceptable under planning permission C/1/2015/1025, It is therefore considered that there are no landscaping or design issues with the proposals, and that the proposal is in compliance with NMWDF policies CS14 or DM8.

**7.13 Biodiversity**

**7.14 Habitats Regulation Assessment**

7.15 Whilst the operational area of the HWRC is within 1.5 kilometres of the River Wensum Special Area of Conservation (SAC), in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would not have any adverse impacts on the ecology of the designated area hence an Appropriate Assessment is not required.

7.16 Relocation of the reuse centre would not cause any adverse issues outside of the HWRC site. it is therefore considered that the application is compliant with policies CS14: *Environmental Protection* and DM1: *Nature Conservation* of the NMWDF Core Strategy, and North Norfolk Core Strategy policy EN9: *Biodiversity and Geodiversity*, given that the changes would not harm the SAC, or any other locally designated nature

conservation or geodiversity sites, habitats or species.

**7.17 Transport**

7.18 The relocation of the reuse shop will not impinge traffic movements nor does the scheme propose an increase or decrease in traffic levels to the site. The Highway Authority has raised no objection to the changes therefore considering the above, the proposal complies with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

**7.19 Groundwater/surface water & Flood risk**

7.20 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.

7.21 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone. It is not expected that changing the location of the reuse shop would increase flood risk on site or elsewhere. Therefore the application is considered compliant with the aforementioned policies.

**7.22 Environmental Impact Assessment**

7.23 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2011

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

**7.24 Responses to the representations received**

7.25 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper, no representation was received.

**7.26 The Community Infrastructure Levy**

7.27 The local authority where the site is located does not have an adopted CIL charging regime.

**8. Resource Implications**

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

**9. Other Implications**

9.1 **Human rights**

9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

9.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

9.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

**10. Section 17 – Crime and Disorder Act**

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

**11. Risk Implications/Assessment**

11.1 There are no risk issues from a planning perspective.

**12. Conclusion and Reasons for Granting Planning Permission.**

12.1 The relocation would not cause any material impacts to the site and its surroundings including and not limited to ecology, the landscape and highway safety.

- 12.2 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

### **13. Conditions**

- 13.1 The development shall not take place except in accordance with drawing references;

1. Hempton Recycling Centre - Site Layout Plan:  
Hempton\_Plan\_2015\_002A; Rev A; dated 18 May 2016;
2. Planning Statement; Application reference C/1/2015/1025;  
notwithstanding changes outlined in Hempton Recycling Centre  
Variation to Location of Reuse and Sales Area – July 2016.

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

- 13.2 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Hempton Recycling Centre - Site Layout Plan:  
Hempton\_Plan\_2015\_002A; Rev A; dated 18 May 2016;

Reason: To ensure orderly working and the safe operation of the site in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 13.3 Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles.

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

- 13.4 No waste other than household and trade waste shall be brought onto and sorted on the site.

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

- 13.5 No operation authorised or required under this permission or permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place other than during the following periods:

1 March – 31 March (8am - 6pm)

1 April – 31 August (8am – 8pm)



1 September – 30 September (8am – 7pm)  
1 October – end BST (8am – 6pm)  
End BST – 28 Feb (8am – 4 pm)

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

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

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

## **Background Papers**

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

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

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

## **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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