

Planning Regulatory Committee

Date: **Friday 27 September 2013**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mrs J Brociek-Coulton
Mr A Dearnley
Mr N Dixon
Mr C Foulger
Mr A Grey

Mr A Gunson
Mr B Hannah
Mr B Iles
Mr J Joyce
Ms A Kemp
Mr B Long
Mrs M Somerville
Mr M Storey

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

on 01603 223055
or email committees@norfolk.gov.uk

Where 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 do so either at the meeting itself or beforehand in the Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

A g e n d a

1 Election of Chairman

2 Election of Vice-Chairman

3 To receive apologies and details of any substitute members attending.

4 Minutes:

To receive and agree the Minutes of the meeting held on 12 April 2013.

(Page **5**)

5 Members to Declare any Interests

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

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

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

6 To receive any items of business which the Chairman decides should be considered as a matter of urgency

7 Nominations to Serve on the Planning (Regulatory) Urgent Business Sub-Committee.

The Committee is asked to nominate five Members of the Committee to serve on the Urgent Business Sub-Committee (2 Conservative, 1 Labour, 1 UKIP, 1 Liberal Democrat).

The Terms of Reference for the Sub-Committee are "To exercise all the

powers of the main Committee where a decision is required urgently (having been agreed as such by the Head of Democratic Services and relevant Chief Officer)".

8 Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

- 8a King's Lynn & West Norfolk Borough Council (Page 13)**
Y/2/2012/2022: Erection of 2 CCTV cameras on a 6.5 metre high steel column. Site office, Saddlebow Caravan Park, Saddlebow Road, King's Lynn, Norfolk, PE34 3RA.
- 8b Breckland District (Page 23)**
C/3/2013/3005: Land adjoining Six Acres, Stone Road, Hockering, Dereham, NR20 3PZ. Change of use of plant hire depot to waste recycling centre including the erection of a profiled metal recycling building.

Chris Walton
Head of Democratic Services
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: Thursday 19 September 2013



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.

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 12 April 2013

Present:

Mr J Rogers (Chairman)

Mrs H Cox
Mr P Duigan
Mr A Gunson
Mr R Hanton
Mr M Hemsley
Mr B Iles
Ms A Kemp

Mrs J Leggett
Mr J Shrimplin
Mr B Stone
Mr T Tomkinson
Miss J Virgo
Mr M Wilby

1 Apologies and Substitution

Apologies for absence were received from Mr B Bremner, Mr D Harrison and Mr P Rice.

2 Minutes from the meeting held on 25 January 2013.

The minutes from the meeting held on 25 January 2013 were agreed as a correct record by the Committee and signed by the Chairman, subject to the first paragraph of Appendix A, reading: "Good afternoon Ladies and Gentlemen, I am Rory Kelsey, Chairman of Haddiscoe Stopit Association. This is Martin Mears, our legal representative".

3 Declarations of Interest

No declarations of interest were received.

4 Urgent Business

There were no items of urgent business.

5 Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

6 Borough of King's Lynn and West Norfolk: C/2/2012/2011: Middleton – Variation of Conditions 2, 7 & 26 of planning permission reference C/2/1995/209 to allow an additional 7 years, until 2019, to complete extraction of carstone and restoration of the site. Middleton Aggregates Ltd.

6.1 During the presentation of the report, the following points were noted:

- With regard to the floodlighting query raised in the statement from Mrs Janet Murphy, Local Member for Gayton and Nar Valley, which covered Middleton, (attached at Appendix A) it was confirmed that if the application was approved by the Committee, any additional floodlights would be the subject of a separate planning application.
- With regard to the non-compliance by the previous operator, Mrs Murphy had requested that monitoring inspections took place on a monthly basis. Officers considered that the current inspection programme was adequate for a new operator who had no history of non-compliance, but that the inspection programme would be reviewed if any breaches in the planning conditions were reported or identified. The Planning team charged operators for four inspections per year, although these could be increased to eight per year if there was sufficient cause to do so.
- It was considered that the conditions outlined in section 12 of the report were sufficient, and any breaches of the planning consent would be dealt with accordingly.
- The monitoring of noise and dust at the site would be subject to separate conditions as agreed with the Borough Council's Environmental Health Officer.
- Provision for drainage at the site following restoration had been included within the conditions listed in section 12, paragraph 12.18(b) of the report.
- Extraction was permitted to be undertaken to 7 metres below ground levels with the site restored to 6 metres below ground level through the import of soils. It was not anticipated that this would impact on the water table at this depth, and no objections had been received by the Environment Agency in respect of this. The conditions outlined within section 12, paragraph 12.27 of the report would ensure that the condition of the soil would be adequate for agricultural use once the quarrying had been completed and the site restored.

6.2 Mr Roger Lord addressed the Committee as a resident of Blackborough End. A summary of the points raised during the representation is noted below:

- Mr Lord had been a resident of Blackborough End since 1975 and lived approximately 200 yards from the site.
- Mr Lord said he had no objections to the quarry itself, as there were other quarries in the area which he had known about when he moved to the village.

- Mr Lord requested that the operating hours during the winter months be reviewed as the times stated in the report (7am to 5pm Mon-Friday and 7am to 12noon on Saturday) would not be possible during the winter months without the use of floodlights and he was concerned that if floodlights were installed they would remain on for 24 hours per day, similar to another business not far from the proposed site. He asked how the use of floodlights could be monitored if inspections were carried out only four times per year.
- Mr Lord asked for some reassurance that the lorries entering and leaving the site would only use Mill Drove and would not use the surrounding quieter roads.
- Mr Lord also raised concerns about a field in East Winch Road where someone had removed a stile and replaced it with a five-bar double gate. He was concerned that Middleton Aggregates would access and egress the site using this field rather than using Mill Drove in an attempt to save on mileage costs.

6.3 Members suggested that, although the site was officially monitored four times per year, the Parish Council could carry out their own monitoring of the site on a regular basis and report any concerns or breaches to the Planning Officers for further investigation.

6.4 Mr Peter Lemon, Managing Director of Middleton Aggregates Limited addressed the Committee on behalf of the Applicant. A summary of his presentation is noted below.

- Mr Lemon said he was aware of the problems with the previous owners over the restoration of the site but wanted to reassure the committee that since Middleton Aggregates had been running their nearby site, there had been no breaches of the conditions and in fact they had an excellent record at all the sites they were involved with.
- Mr Lemon confirmed that if he received any complaints personally, these would be investigated and resolved as soon as possible.
- If Planning Permission was granted by the Committee, the land would be purchased so the problems experienced in the past with unauthorised development would not be experienced in the future.
- The gate onto the field in East Winch Road where the stile had been removed several years ago was the only access onto that field and therefore allowed the farmer to gain access with agricultural machinery. It was not known how long the double gates had been in place.
- Middleton Aggregates Ltd would abide by the Section 106 agreement should the application be approved.
- There was no mains electricity available at the site, therefore no floodlights would be installed near the quarry, although floodlights were in place and used in the yard area.

- 6.5 The following points were made by Mr Lemon in response to questions from the Committee:
- No floodlights would be used near the quarry during darkness hours, although the machines did have headlights which were likely to be used for about one hour in the morning during the winter period. The site normally finished working at 4pm during the winter months.
 - The yard area was sited well away from the nearest residential properties and therefore they were unlikely to be disturbed by the use floodlights.
- 6.6 Janet Murphy, local Member for Gayton and Nar Valley which covered Middleton was unable to attend the meeting but asked that the Committee take her written submission into consideration. A copy of Mrs Murphy's statement is attached at Appendix A.
- 6.7 The recommendation was moved by Mr Duigan and seconded by Mr Hemsley. It was unanimously **RESOLVED** that the Director of Environment, Transport and Development be authorised to:
- i) Grant planning permission subject to a Section 106 Legal Agreement in respect of vehicle routing and the conditions outlined in section 12 of the report.
 - ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.
- 7 Breckland District: C/3/2012/3031: Muck Pad, Camp Farm, Bridgham Road, Bridgham, NR16 2RX. Retrospective planning application for change of use of concrete pad to allow open storage of bio-matter and erection of dividing walls to separate materials.**
- 7.1 During the presentation of the report, the following points were noted:
- The site was currently used for the storage of chicken manure. The planning application before the Committee was for a change of use to store bio-matter on the concrete pad.
 - Once planning approval had been granted, the site operators would require an Environmental Permit from the Environment Agency. This permit would ensure there was no threat of pollution to the surrounding area. Although officers empathised with the local people about the perceived threat of flood, planning consent could not be withheld on that basis.

- A traffic management plan had been included within the list of conditions at section 12 of the report.
- It was confirmed that the applicant was Paul Rackham Limited and the operators at the site would be Energy Power Resources Ltd.

7.2 Cllr Ellen Jolly, Breckland District Council addressed the Committee on behalf of Harling and Healthlands Ward which covered the villages near the application site, during which the following points were noted:

- The local residents had enquired who was responsible for the day to day management of the site.
- Local residents had expressed some concern about the cumulative result of having up to 50 vehicles per day delivering the waste to the site, on top of the current vehicle movements and that this would lead to further congestion along the surrounding roads.
- Although the traffic management plan had stated that no vehicles would be allowed to wait on the road outside the site, and that a member of staff would be available to take vehicle registration numbers of offending vehicles and write to the haulage contractors asking them not to wait on the road, there was no-one actually available at the site to carry this out. It was felt unlikely that the haulage contractors would take any notice of such a letter even if this was done.
- Local residents had requested that the hours of work should be restricted. They also had concerns about who would hold the Environmental Licence and the amount of traffic accessing and egressing the site.

7.3 The following points were noted in response to questions to Cllr Jolly from the Committee:

- The quickest and cheapest route for the delivery of the biomatter to the power station was to travel along the B111 and join the A11.
- The planning permission for the development would be associated to the land owner, therefore any granting of permission would go with the land, rather than an individual or company.
- The Environmental Permit was operator specific and if a permit was granted by the Environment Agency, the individual, partnership or company would be responsible for ensuring compliance to the permit was maintained and ultimately responsible and liable for any breaches of the conditions.
- The Environment Agency had inspected the integrity of the concrete pad and the drainage at the site and had raised no objections regarding flooding during the consultation period.

- The Highways Agency had raised no objections to the application and the following points were noted:
 - Although the access to the site was near the brow of the hill, there was sufficient visibility in both directions.
 - The access gate was of sufficient width to accommodate the proposed traffic and no problems with congestion were envisaged along that section of road.
 - No routing signs had been erected to indicate that a specific route needed to be taken into and out of the site, although these would be erected at the site access as part of the traffic management plan.

7.4 Following a vote, with 11 votes for, 1 vote against and 1 abstention it was **RESOLVED** that the Director of Environment, Transport and Development be authorised to:

- i) Grant planning permission subject to conditions outlined in Section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted or at any other period.
- iii) Deal with any non-material amendments to the application that may be submitted.

The meeting ended at 10.55am.

CHAIRMAN



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.

Statement from Cllr Janet Murphy, Member for Gayton and Nar Valley, Norfolk County Council.

C/2/2012/2011

**Land to West of Mill Drove, Blackborough End, King's Lynn
Planning (Regulatory) Committee 12 April 2013**

Local Member's Statement

First, my apologies for not being able to present this statement in person to the Committee as I am away today.

I have asked for this application to be determined by the Planning (Regulatory) Committee as it is a rare example of strong concerns being expressed about an application in the Parish of Middleton, which includes Blackborough End.

Members will not be aware of the large number of applications relating to quarrying activities which are approved by officers through delegated powers. Middleton is home to a significant proportion of the county's quarries – and one of the county's major landfill sites is at Blackborough End. The Parish Council and local residents are typically very generous and pragmatic in their response to such planning applications.

However, this application has generated a large number of representations highlighting serious concerns on the part of the Parish Council and a number of local residents who have suffered from the activities at the site in the past - including breaches of the original planning permission by the previous operator and their non-compliance with consequent enforcement notices.

I should like to thank the officers who have worked closely with me to investigate the issues raised and recommend mitigations, and for their clear report. The conditions in Section 12 go much of the way to addressing the concerns raised; however, I would ask the committee to strengthen these conditions further.

In particular I would ask the Committee to consider the detail of the conditions requested by Middleton Parish Council and especially those relating to floodlighting and monitoring.

Para 6.26 states that floodlighting could not be installed after permission has been granted. I would ask that this be included as a specific condition to avoid any potential for misunderstanding in the future.

Para 6.62 states that a minimum of four site monitoring visits per year would take place but that this number could be increased. In view of the non-compliance of the previous operator, I would ask the Committee to give serious consideration to increasing this, as requested by the Parish Council, to monthly monitoring inspections for an initial period.

In addition, the Operator should be required to carry out monitoring regularly to ensure that there is no potential impact on properties in the area from vibrations and noise/dust resulting from the extraction activities.

To reassure residents, I would also ask that, if planning permission is granted, the Operator's attention is drawn specifically to the conditions and that a robust monitoring programme is applied.

Thank you.

Janet Murphy
Member for Gayton and Nar Valley

Applications referred to Committee for Determination
King's Lynn & West Norfolk Borough Council
Y/2/2012/2022: Erection of 2 CCTV cameras on a 6.5
metre high steel column.
Site office, Saddlebow Caravan Park, Saddlebow Road,
King's Lynn, Norfolk, PE34 3RA.

Report by the Director of Environment, Transport and Development

Summary

This planning application is brought before Members due to the Traveller Liaison Team coming under the ETD Directorate. The proposal under consideration is for the erection of 2 CCTV cameras on a 6.5 metre high steel column (total height of 7.4 metres from the ground) at Saddlebow Caravan Park.

No objections have been raised by statutory consultees or from Local Councillors, Parish Councils and residents.

The application has been considered in accordance with all relevant planning policy provision and it is recommended that permission is granted.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i.) Grant planning permission subject to conditions outlined in Section 12;
- (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 or at any other period; and
- (iii.) Deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- | | | |
|-----|---------------------|--|
| 1.1 | Location | : Saddlebow Caravan Park, Saddlebow Road, King's Lynn. |
| 1.2 | Type of Development | : Installation of CCTV cameras. |
| 1.3 | Total Site Area | : 1.53 hectares (listed on the forms and is the size of the whole Saddlebow Travellers Site) |
| 1.4 | Duration | : Permanent |

- 1.5 Access : Via the A47 access is gained by following signs to saddlebow and taking the first left on the Saddlebow Road and then first left into the site. The site office is located at the entrance to the site.

2. Constraints

- 2.1 The application lies within an area identified as Built Environment Type D of the King's Lynn and West Norfolk proposals map, relating to areas where development usually post-dates 1914.
- 2.2 The development lies within Flood Zone 2/3.
- 2.3 The A47 Trunk road is located approximately 200 metres to the north.
- 2.4 The River Nar County Wildlife Site and SSSI is located approximately 200 metres to the south east.
- 2.5 The Saddlebow Reedbeds County Wildlife Site is located approximately 200 metres to the north west.

3. Planning History

- 3.1 There is no planning history relevant to this minor application and the site itself has been established and managed by NCC for in excess of 25 years.

4. Planning Policy

- 4.1 King's Lynn & West Norfolk Core Strategy (2011) : CS01 Spatial Strategy
CS08 Sustainable Development
- 4.2 King's Lynn & West Norfolk Local Plan (1998) : Saved Policy 4/21 Settled or built up areas
- 4.3 National Planning Policy Framework (2012) : 7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
- 4.4 National Planning Policy (2012) : Planning Policy for travellers sites

5. Consultations

- 5.1 King's Lynn & West Norfolk District Council : No objections raised.
- 5.2 Highway Authority (NCC) : No objection.
- 5.3 Principal Landscape and Trees Officer (NCC) : No comment received at the time of writing this report.

- 5.4 Environment Agency : No comment received at the time of writing this report.
- 5.5 Neighbour & Third party representations : No comments received at the time of writing this report.
- 5.6 County Councilor No comments received.

6. Assessment

6.1 Site

- 6.2 The site falls within the curtilage of Saddlebow Caravan Park on Saddlebow Road, King's Lynn. The site is owned by Norfolk County Council. Views of the site office are screened from Saddlebow Road by a mixture of hedgerow and trees on the boundary of the site. Vehicular access to the site is from Saddlebow Road.

6.3 Proposal

- 6.4 Norfolk County Council is seeking planning permission to erect a Closed Circuit Television System (CCTV) pole, at the top of which two cameras will be mounted. The pole will be fixed with an integral bracket onto the Site Office gable wall located near the main entrance with a total height of 7.4 metres.
- 6.5 The installation of the CCTV system is required to prevent fly tipping items that have been previously included hazardous (car tyres and asbestos). The ongoing fly tipping problem has been the cause of community tensions not only between residents but also local landowners and businesses. The cameras will face outwards onto the road. The fly tipping has previously obscured the access road causing a hazard to vehicles and pedestrians. More recently some rubbish has been set alight causing acrid smoke to blow across the caravan site. The cost of clearing this up is shared by the Council, the landowner, and the commercial interests on the road (namely the sugar beet factory). The identity of the culprits has not been established.

6.6 Principle of Development

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

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

- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted King's Lynn & West Norfolk District Core Strategy, the saved policies of the King's Lynn & West Norfolk Local Plan. The NPPF is also a material consideration.
- 6.9 There are no planning designations covering the site that would preclude the application being judged as acceptable in principle subject to the usual scrutiny attached to an application of this nature. The proposed development lies

within an area identified as Built Environment Type D (where development usually post-dates 1914) and is within the curtilage of the existing gypsy and traveller site.

6.10 Environmental Protection / Nature Conservation

6.11 The NPPF sets out the Government's objectives for conservation and enhancement of the natural environment, including landscapes. The NPPF also recognises the weight of protection afforded to international, national and local conservation sites, individual species and the importance of conserving and enhancing biodiversity.

6.12 The application site is not within 5km of a European protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.13 Highway Implications

6.14 The NPPF sets out the Government's national planning policies in relation to transport.

6.15 The Highway Authority has been consulted on this application and has raised no objection..

6.16 Taking into account the above, the proposal is considered compliant with the government objectives of the NPPF (Part 4 – Sustainable Transport).

6.17 Design

6.18 The NPPF sets out the Government's national planning policies in relation to design, and objectives for conservation and enhancement of the natural environment, including landscapes.

6.19 Policy CS08 of the Kings Lynn and West Norfolk Core Strategy requires all new development in the borough to be of high quality design and sets out a number of design criteria that should be met. Policy 4/21 explains that development will be permitted where it has regard for, and is in harmony with, the building characteristics of the locality.

6.20 The proposed camera system is of a standard design for its purpose and comprises one 6.5 metre galvanised steel pole. Mounted on top will be two Bosh high resolution cameras with an 8mm lens. Below the camera will be a galvanised steel anti climb guard.

6.21 The existing site benefits from tree screening to the fore and the position of the A47 to the north. With this in mind and given the context of the site and its position in relation to major transport and industrial development the impact of the scheme is considered negligible and no reason to withhold consent exists in this respect.

6.22 Residential Amenity

6.23 No impact is envisaged in this respect in terms of loss of privacy, overbearing, or loss of sunlight due to the minor nature of the pole and camera housing. The cameras are aimed at improving security for residents and can only be viewed as a positive addition in this respect. The cameras do face outwards

and not onto any adjoining caravan pitches so privacy is protected. It is to be noted that no representation has been received from local residents.

6.24 Flood Risk

- 6.25 The position of the site in Flood Zones 2/3 does not preclude this development from coming forward and the fact that no actual floor area will be created as a result of the scheme does not cause any issues in relation to local or national guidance in respect of development in flood zones (namely Policy CS08 of the King's Lynn & West Norfolk Core Strategy and Part 10 of the NPPF).

Looking into this point in more detail the NPPF Technical Guidance states:

“As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”

The development is by virtue “safe” because as stated above no floor area is created and there will be no chance of flood risk increasing elsewhere as a result of this proposal.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into

account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

8.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

- 8.11 **Appropriate Assessment :** The site is not situated within 5 kilometres of any internationally protected sites (Special Protection Area, Special Area of Conservation etc) and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

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

- 9.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application. In fact the proposal is aimed at reducing anti-social behaviour in the form of fly tipping that impinges on the amenity of residents of the site.

10. **Risk Implications/Assessment**

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

11. **Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The scheme is consistent with the overarching thrust of National and Local Planning Policy, in augmenting the security on a County Council property asset and in the interests of local residents with the minimum of visual intrusion in an area characterised by large scale infrastructure and industrial development. Accordingly, full conditional permission is recommended.

12. **Conditions**

- 12.1 It is recommended that planning permission shall be granted subject to conditions including:

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

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

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

- a) Design & Access Statement; prepared by NPS, dated September 2012.
- b) Camera and Pole detail; LTC 0485 Series Dinion XF Colour Cameras; VEH4 Vandal Resistant camera Housing
- c) Proposed CCTV Installation, Drawing S02, dated Sep 12,
- d) Proposed Elevations CCTV Installation, Drawing, Drawing Number KL02, dated Feb 13.
- e) Block plan; Project Number BSG114310; Drawing Number S03, dated Sept 2012.
- f) Location Plan; Plan No: 1A/964; dated 20.01.2006

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

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to :

- (i) Grant planning permission subject to the conditions outlined in Section 12 above.
- (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 or at any other period; and
- (iii) Deal with any non-material amendments to the application that may be submitted.

Background Papers

Application file reference: Y/2/2012/2022

King's Lynn & West Norfolk Core Strategy (2011)

King's Lynn & West Norfolk Local Plan (1998)

National Planning Policy Framework (2012)

Planning Policy for travellers sites

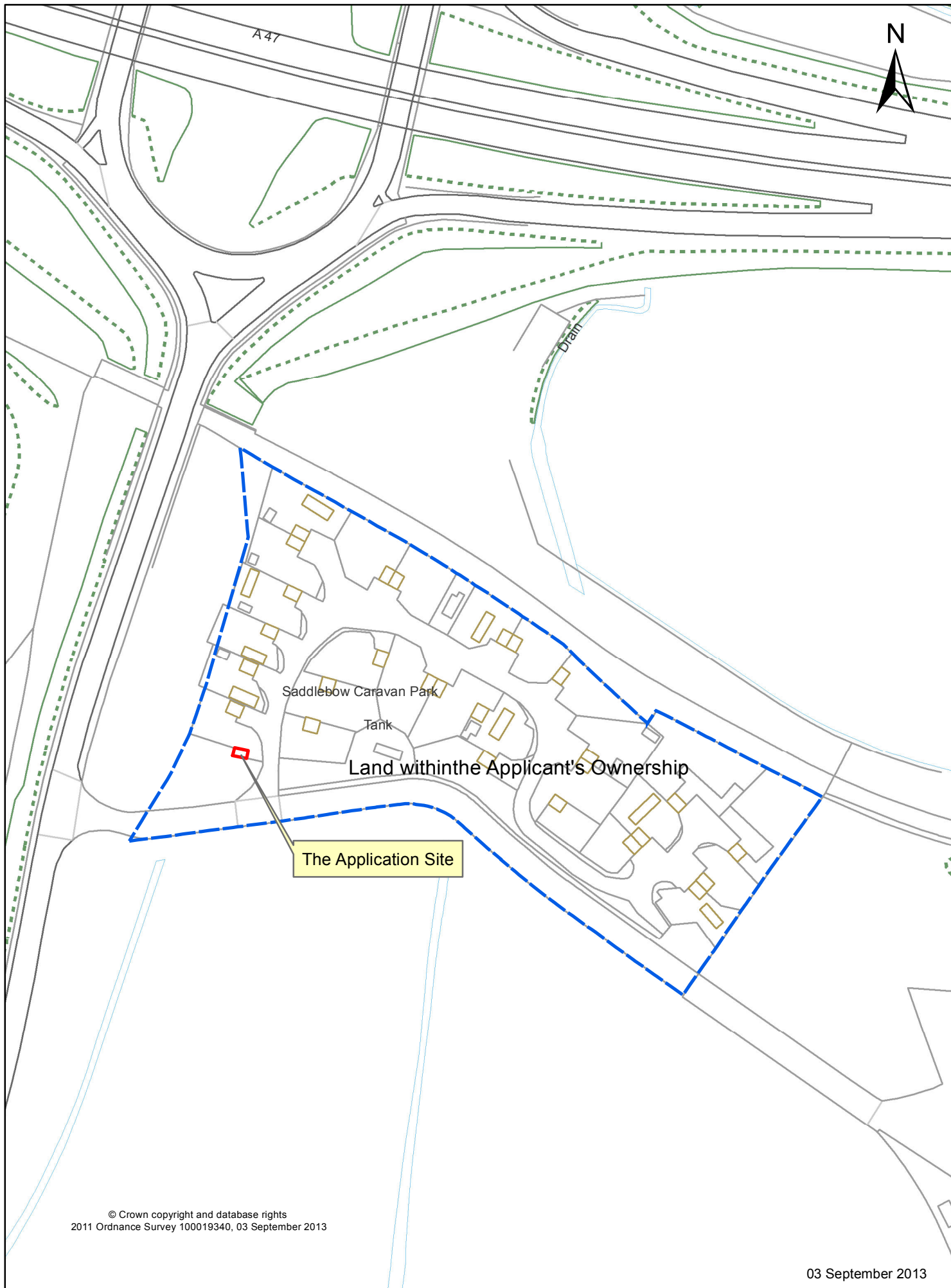
Officer Contact

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

Name	Telephone Number	Email address
Simon Smith	01603 222 724	simon.smith2@norfolk.gov.uk



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



© Crown copyright and database rights
2011 Ordnance Survey 100019340, 03 September 2013

03 September 2013

Y/2/2012/2022
King's Lynn

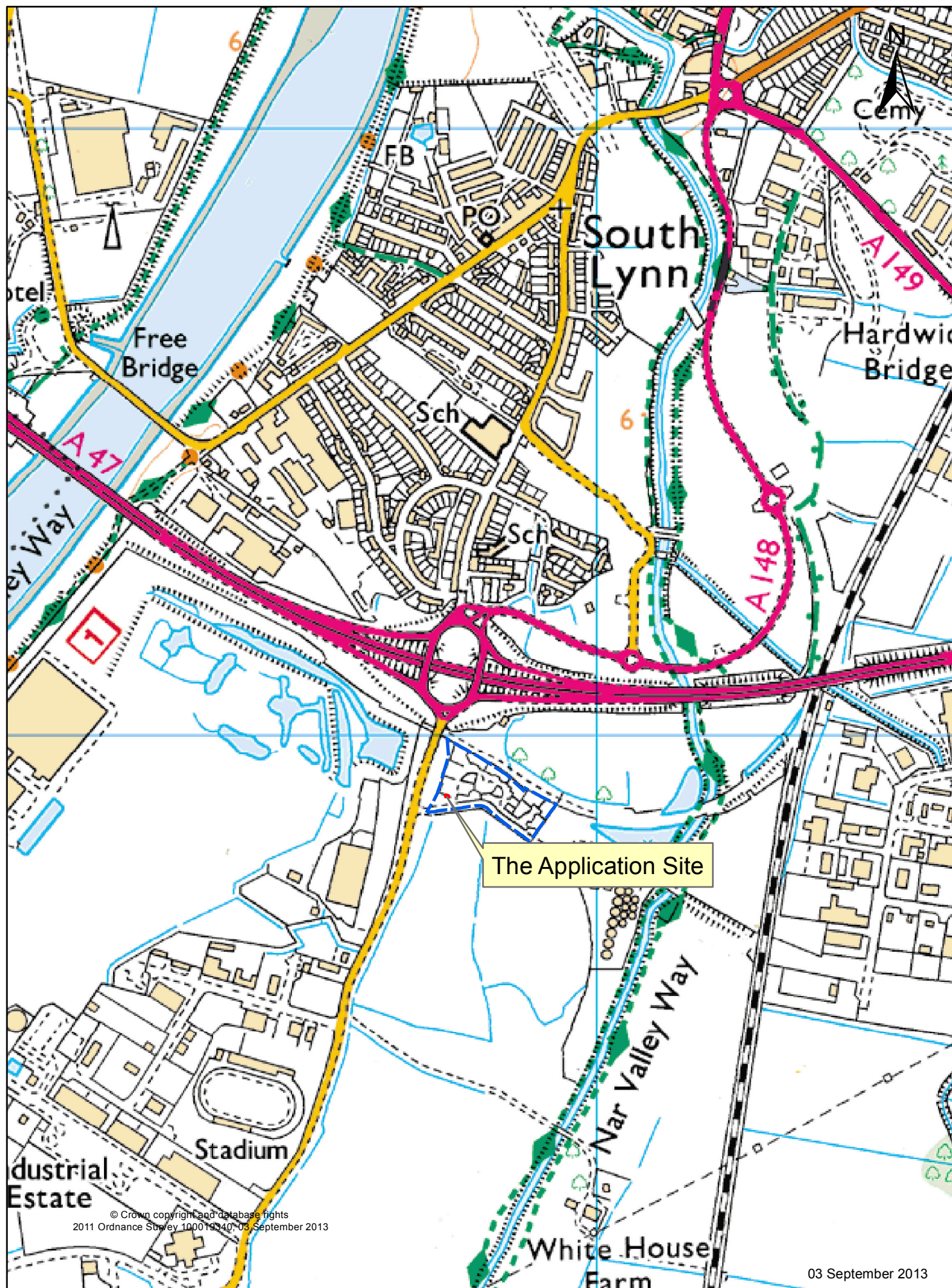
0 25 50 Metres



Norfolk County Council

Scale 1: 1500

Centred on 561429 317932



Y/2/2012/2022

King's Lynn

Metres
0 50 100 200

Norfolk County Council

Scale 1: 8000

Centred on 56 10 318142

**Applications referred to Committee for Determination
Breckland District
C/3/2013/3005:Land adjoining Six Acres, Stone Road,
Hockering, Dereham, NR20 3PZ
Change of use of plant hire depot to waste recycling
centre including the erection of a profiled metal
recycling building.**

Report by the Director of Environment, Transport and Development

Summary

This planning application is Change of Use of part of the Monk Plant Hire Depot on Stone Road, Hockering to a Waste Recycling Centre to handle inert waste (wastes which will not decompose or will decompose very slowly) and a range of non hazardous waste (waste with a lower impact on local amenities), and makes provision for the erection of a profiled metal recycling building.

The applicant makes the case that the scheme will allow for greater levels of recycling and provide employment in the local area.

No objections have been raised by statutory consultees. However, 8 letters of objection have been received from Local Councillors, an adjoining Parish Council and residents. Objections and concerns are raised on a number of grounds, primarily the threat of pollution, impact on amenity of residents, and highways impacts. It should also be noted however that 15 letters of support have been received in connection with the application detailing their support for increased recycling the area and the employment prospects it will bring.

The application has been considered in accordance with all relevant planning policy provision and, on balance, it is recommended that permission is granted subject to conditions.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i.) Grant planning permission subject to conditions outlined in Section 11;
- (ii.) Discharge conditions where these 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 or at any other period; and
- (iii.) Deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- 1.1 Location : Land adjoining Six Acres, Stone Road, Hockering, Dereham, NR20 3PZ.
- 1.2 Type of Development : Waste Recycling Centre.
- 1.3 Total Site Area : 2.03 ha
- 1.4 Annual Operational throughput : 10,000 tonnes per annum of Commercial and industrial waste.
15,000 tonnes of Construction demolition and excavation waste.
- 1.5 Duration : Permanent
- 1.6 Plant : Concrete Crusher and wood shredder.
- 1.7 Hours of Working : The hours proposed are 07:00-17:30 Monday to Friday and 07:00-12:00 On Saturdays. No work on Sundays or Bank Holidays.
The hours of use of the Concrete Crusher are 07:00 to 17:30 Monday to Friday and 08:00 to 12:00 on Saturdays.
- 1.8 Access : Via Stone Road.

2. Constraints

- 2.1 The development lies within an area in the Breckland Core Strategy and is identified as open countryside.
- 2.2 The A47 Trunk road is located approximately 1 mile to the south.

3. Planning History

- 3.1 The planning history of the site is one of inquiries as to the suitability of the site as a Waste facility (E/3/2011/903) and the Planning Permission granted by Breckland District Council for the extension of the existing depot and the erection of a new workshop/office building under reference 3PL/2011/0575/F.

4. Planning Policy

- 4.3 Norfolk Minerals and Waste Core Strategy (2011) : CS3: Waste management capacity to be provided
CS5: General location of waste management facilities
CS6: General waste management considerations

		CS11: Waste water/sewage infrastructure and treatment facilities
		CS13: Climate change and renewable energy generation
		CS14: Environmental protection
		CS15: Transport
		DM1: Nature conservation
		DM3: Groundwater and surface water
		DM8: Design, local landscape and townscape character
		DM10: Transport
		DM11: Sustainable construction and operations
		DM12: Amenity
		DM13: Air Quality
		DM15: Cumulative impacts
4.4	Breckland Adopted Core Strategy and Development Control Policies	: Breckland Core Strategy and Development Control Policies (2009)
		DC 1 Protection of Amenity
		DC 14 Energy Generation and Efficiency
		DC 16 Design
4.5	Government Planning Policy Statements	: <u>National Planning Policy Framework (2012)</u>
		1. Building a strong, competitive economy
		3. Supporting a prosperous rural economy
		4. Promoting sustainable transport
		7. Requiring good design
		10. Meeting the challenge of climate change, flooding and coastal change
		11. Conserving and enhancing the natural environment
		<u>Technical Guidance to the National Planning Policy Framework</u>
		<u>Planning Policy Statement 10: Planning for Sustainable Waste Management</u>

5. Consultations

- | | | | |
|------|---|---|--|
| 5.1 | Breckland District Council | : | No objection subject to imposition of conditions generating noise and hours of operation (reflect the comments from the District EHO). |
| 5.2 | Environment Agency | : | No objection. |
| 5.3 | Breckland District Council EHO | : | No objection subject to the imposition of conditions governing hours of operation and noise generation and insist on the noise mitigation strategy referred to in paragraph 5.6 of the Noise Impact Assessment. |
| 5.4 | Hockering Parish Council | | No objection. |
| 5.5 | Weston Longville Parish Council | | Objection on the grounds of environmental impact. |
| 5.6 | Lyng Parish Council | | No comment rec'd to date. |
| 5.7 | Highway Authority (NCC) | : | No objections but do require new signage to inform drivers of access arrangements.. |
| 5.8 | Principal Landscape and Trees Officer (NCC) | : | Initially no objections subject to a revised landscaping scheme. This has now been received and no objections have been raised. |
| 5.9 | Ecologist (NCC) | : | No objections |
| 5.10 | Neighbour & Third party representations | : | <ul style="list-style-type: none">• 15 letters of support received in connection with the application on the grounds of need for additional recycling into the area, the additional jobs and economic prosperity that will be created <p>8 Letters of objections rec'd on the grounds of:</p> <ul style="list-style-type: none">• Economic sense of moving the waste about• Visual impact• Impact on the highways• Impact on residential amenity• Impact on ecology of area. |
| 5.11 | County Council | : | No comment rec'd to date. |

6. Assessment

Site :

- 6.1 The site comprises a plant Hire Business and Construction Training Centre which benefits from Planning permission to extend the plant yard and construct a new workshop (as granted by Breckland District Council).

The site is adjoined by Stone to the west, a turkey farm to the north and open countryside to the east and south.

Proposal and context :

- 6.2 The proposal comprises the change of use of part of the existing plant site to a Waste Recycling Centre. The purpose of the proposal is to facilitate the recycling of waste materials in order to maximise their potential reuse and reduce the need to landfill. It is proposed the centre will permanently replace the inert recycling facility recycling facility operated by the applicant at the Frans Green Industrial Estate.

It is proposed all vehicles to be company “controlled” vehicles.

The waste streams proposed are Category 1 which is waste from mineral extraction, mining quarrying and physical treatment of minerals and a range of non hazardous waste including ferrous metals, non hazardous non ferrous metals, plastic, leather, natural man made fibres, wood and wood products, paper, plasterboard, ash, clinker, cement, calcium carbonate, gypsum, silicate slag, boiler scale, and cardboard.

- 6.3 The applicant has for a number of years operated a plant hire business and construction training centre on land adjoining the application area. More recently a planning application was approved by Breckland District Council (see planning history section above) for the extension of the area to be used as a plant hire yard and the construction of a new workshop. This approved expansion was onto land formerly used during the second world war for the storage of military equipment, and currently used for the storage of aggregate. The building proposed building will be approximately 100 metres long, 37 metres wide with a ridge height of approximately 13.64 metres.
- 6.4 The applicant has expressed in their planning statement their desire to focus on the waste activity if approved on this parcel of land and continue with the approved plant use on the remainder of the land approved by Breckland as the proposed site is on a smaller parcel of land than that approved by Breckland District Council for the said plant hire extension.
- 6.5 Land adjoining the site and also in the Control of the applicant had been put forward for allocation in the Waste Allocations Further Revised Issues & Options May 2011 but has since been removed from the process, as in not selected as an allocated site. The applicant has expressed it is not his intention to pursue a planning permission should this application be granted.

Need

- 6.6 The applicants justify the need for the scheme in two ways. Firstly they see the new larger facility being able to deal with more waste and respond to the

increasing demand and throughput of such materials

- 6.7 Secondly the applicant argues that the scheme will help to deal with waste in a more efficient manner and respond to the thrust of Government Guidance and reflects the desire by the applicant to widen the range of materials recycled.

Principle of Development

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

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

- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted NMWLDF: Core Strategy (2011), and the adopted Core Strategy for Breckland.
- 6.9 The site is designated as open countryside in the Breckland Core Strategy.
- 6.10 The application site is not designated in the NMWLDF: Core Strategy Proposals Map and given the context and existing permission on site the principle is acceptable subject to other environmental considerations.

National Planning Policy Framework (NPPF)

- 6.11 DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. With the exception of PPS10: *Planning for Sustainable Waste Management*, every other Planning Policy Statement (PPS) and Planning Policy Guidance (PPG) has been replaced by the NPPF. The NPPF does not contain specific waste policies, as national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF is a material consideration in planning decisions.

PPS10: Planning for Sustainable Waste Management

- 6.12 PPS10: *Planning for Sustainable Waste Management*, underlines that the planning system is pivotal to the adequate and timely provision of new waste facilities and sets out the Government’s strategy for sustainable waste management.
- 6.13 PPS10 includes key planning objectives, which include 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 best possible environmental means, represented by the highest levels of the hierarchy, i.e. prevention, re-use and recycling. The proposal would remove the need for additional vehicle movements and enable a waste handling operation to be undertaken in an efficient and sustainable manner.
- 6.14 A further key planning objective of PPS10 is to enable waste to be disposed of in one of the nearest appropriate installations. This requirement is often referred to as ‘the proximity principle’. The proximity principle requires waste to be disposed of as close to the place of production as possible. This avoids passing the environmental costs of waste management to communities which

are not responsible for its generation, and reduces the environmental costs of transporting waste.

- 6.15 PPS10 states that, “when proposals are consistent with an up-to-date development plan, WPAs should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal”. The principal consideration should relate to the location and the impact of the development. As detailed elsewhere in section 6 of this report, which assesses the development in relation to the relevant policies of the NMWLDF: Core Strategy, it is considered that the proposed development is fully compliant with these requirements.
- 6.16 Taking into account the above, the scheme is consistent with the overarching thrust of PPS10 in dealing with waste in a more sustainable manner. The application is therefore considered to comply with the aims and objectives of PPS10.

General location of waste management facilities

- 6.17 The NPPF sets out how planning should operate to encourage sustainable economic growth. The NMWLDF Core Strategy seeks to meet the needs of the economy for waste management facilities.
- 6.18 The proximity principle forms part of the NMWLDF Core Strategy, which, in policy CS5 seeks to locate “strategic” or “major” sites in the areas and settlements named. The application is in respect of a new waste recycling centre.

Whilst not located immediately adjacent to the Dereham it is in close proximity to it and also close to transport links thus enabling it to serve a wider geographical area with ease.

- 6.19 The site will be positioned on land already approved for commercial and industrial uses, lying north of the A47. There is no NCC Highways objection to the proposal. As such, the site is considered to be well related to the major road network, and as such from a supply chain point of view it is a suitable location that does not affect the integrity of the highway network, and is located away from sensitive receptors.

General waste management considerations

- 6.20 Policy CS6 of the adopted NMWLDF Core Strategy (2011) states:
“Waste sites...will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:

“c) previously developed land,”

- 6.21 Given the current use of the site, the permission granted by Breckland District Council, and the context of the site, the proposal complies with the above policy. The general acceptability of this site remains true, and in no way does it impinge on the waste management infrastructure within the wider locality.

Climate change & renewable energy generation

- 6.22 The NPPF sets out how planning should contribute to reducing greenhouse

gas emissions and provide resilience to the impacts of climate change.

- 6.23 Policy CS13 of the adopted NMWLDF: Core Strategy requires all opportunities for new waste developments to generate a minimum of 10% renewable energy on-site to be explored.
- 6.24 The applicant has submitted a renewable energy statement as part of the application and can be found in Appendix N of the Planning Application. In this the applicants states that as part of the proposal for the extension for the plant hire depot approved by Breckland District Council permission was granted for the installation of a Biomass woodchip burner and a number of Solar Panels. It is proposed that part of the energy generated from this will serve the new recycling centre namely the welfare facility attached to the recycling facility.
- 6.25 In addition this application under consideration proposes the installation of a number of additional solar panels on the south facing slope of the roof of the recycling centre as shown on the site layout plan.

The applicant concludes:

"It is envisaged that through the combination of solar panels and biomass wood chip burner on the adjoining plant hire depot and solar panels as part of the this proposal that in combination at least 10% of the energy requirements of the recycling building will be met from renewable resources."

It is thus considered that the proposal does accord with these policies.

Environmental Protection / Nature Conservation

- 6.26 The NPPF sets out the Government's objectives for conservation and enhancement of the natural environment, including landscapes. The NPPF also recognises the weight of protection afforded to international, national and local conservation sites, individual species and the importance of conserving and enhancing biodiversity.
- 6.27 Policy CS14 of the adopted NMWLDF: Core Strategy (2011) states:
"...developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to:
. Natural resources, including water, air and soil;
. The character and quality of the landscapes...
. Biodiversity..., including nationally and internationally designated sites and species, habitats and sites identified in Biodiversity...Action Plans;...
. Residential amenity..."
- 6.28 Adopted NMWLDF: Core Strategy policy DM1 states:
"Development that would harm:
. Locally designated nature conservation...sites; and/or
. Habitats, species or features identified in UK and Norfolk biodiversity...action plans;
will only be permitted if it can be demonstrated that sufficient measures to mitigate harm to the site, habitat(s) and/or species can be put in place...."

Landscape

- 6.29 The site is not located in a sensitive landscape setting and as such no such designation covers the land. It is considered therefore that the development due to its scale and location will not have an unacceptable adverse impact on the landscape. A point reinforced when one considers the adjoining uses of a plant hire depot and turkey farm. Landscaping is proposed as part of the scheme to ameliorate any perceived impact. The revised scheme has been deemed acceptable by the Arboricultural Officer.

Biodiversity

- 6.31 With regard to the impact on local biodiversity and the natural environment the County Council's Ecologist has been consulted on the application and has no objection to the scheme.
- 6.32 As such it is the planning Department's view that no reason to withhold consent exists in this respect.

Transport

- 6.33 The NPPF sets out the Government's national planning policies in relation to transport.
- 6.34 Policy CS15 of the Adopted NMWLDF: Core Strategy states:
"...The County Council will consider...waste development proposals to be satisfactory in terms of access where anticipated HGV movements...do not generate:
a) Unacceptable risks to the safety of road users and pedestrians;
b) Unacceptable impacts on the capacity and/or efficiency of the highway network (including the trunk road network);
c) Unacceptable impacts on air quality...and residential and rural amenity, including from odour and noise;
d) Unacceptable impacts on the natural and historic environment; and
e) Unacceptable physical impacts on the highway network..."
- 6.35 Policy DM10 of the Adopted NMWLDF: Core Strategy requires that, applications for new waste development must examine the access and egress arrangements, routeing proposals and consideration of other road users, including cyclists, horse riders and pedestrians.
- 6.36 The site is accessed via the existing private road from Roudham Road.
- 6.37 The Highway Authority has been consulted on this application and has raised no objection subject to the implementation of a condition requiring new traffic signage.
- 6.38 Taking into account the above, the proposal is considered compliant with the aims of NMWLDF: Core Strategy policies CS15 and DM10, and the government objectives of the NPPF.

Groundwater and surface water

- 6.39 Policy DM3 of the adopted NMWLDF CS requires applicants to demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. Sites for waste management facilities will not be permitted in Groundwater Protection Zone 1.
- 6.40 The protection of surface and groundwater resources is paramount in the consideration of any waste development.
- 6.41 The site will be subject to an Environmental Permit Application and as such this mode of control will form the basis of groundwater protection. It is important to note that in correspondence the Environment Agency has no objections at present.

Safeguarding aerodromes

- 6.42 Policy DM7 of the Adopted NMWLDF: Core Strategy requires waste planning applications that are within safeguarded areas to be subject of consultation with the operator of the aerodrome.
- 6.43 The site is not situated within the consultation area for Norwich International Airport.

Design, local landscape and townscape character

- 6.44 The NPPF sets out the Government's national planning policies in relation to design, and objectives for conservation and enhancement of the natural environment, including landscapes.
- 6.45 Policy DM8 of the Adopted NMWLDF Core Strategy states:
"Development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape..."
...new development...must promote good design..."
- 6.46 The existing site benefits from trees screening and the proximity of existing commercial development in the form of the plant hire firm and the Turkey farm to the north. Therefore, subject to an appropriate condition to regulate the height, it is considered that the proposal has a negligible impact on the landscape compared with the existing situation, or that which could be carried out under agricultural permitted development rights.

Sustainable construction and operations

- 6.47 The NPPF sets out the overarching policies on the delivery of sustainable development.
- 6.48 Policy DM11 of the Adopted NMWLDF: Core Strategy states:
"Sustainable development will be promoted by requiring proposals for...waste management facilities to demonstrate consideration of:
...good design and layout...in the design of new...plant...
...sustainable drainage measures...
Evidence as to how the sustainable...operation of a proposal will be

implemented...

- steps to be taken to ensure the maximum diversion of waste from landfill...once the development is operational"

- 6.49 The only concerns raised that fall under this heading are that the pad is not in its current state of repair capable of accommodating the proposal without the contamination of the ground water and locality. The Environment Agency have no such concerns and are happy with the state of repair of the pad and raise no objections in this respect.

Amenity (odour, noise and dust)

- 6.50 Adopted NMWLDF: Core Strategy policy DM12 states:

"The protection of amenity for people in close proximity to waste management facilities will be a key consideration. Where appropriate, buffer zones, advanced planting and/or screening and other mitigation measures, such as restriction on hours of working and dust suppression measures, will be required.

Development will be permitted only where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impact to local amenity will not arise from the construction and/or operation of a facility".

- 6.51 Policy CP9 of the Breckland Core Strategy states:

"In fulfilling the development needs of the District, development and service provision must make all opportunities to utilise sustainable construction technologies. Development should strive to maximise the re-use and recycling of waste materials and minimise the environmental consequences of waste production. This will include consideration of appropriate waste storage and ease of collection in new developments. Mitigation against all forms of pollution, including air, noise, water, light and land, will be a fundamental consideration in the design process. A development's design should actively seek to minimise or mitigate against forms of pollution. This mitigation must include measures that would protect future occupiers of a site from external sources of pollutants, where appropriate."

- 6.52 The NPPF provides guidance on the relationship between the permitting regimes operated by pollution control authorities and the planning system, and also outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

- 6.53 Paragraph 122 of the NPPF states that:

"...local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively..."

- 6.54 Therefore the WPA needs to be satisfied planning permission can be granted on land use grounds taking full account of environmental impacts, and that potential releases can be adequately regulated under the pollution control framework.

Visual Amenity

- 6.55 Addressing concerns over the impact upon the residential amenity in the locality no objections have been raised by statutory consultees and such large buildings are often a feature of an agrarian landscape.
- 6.56 The proximity of similar commercial units allow for the development on what is essentially a brown field site due to the current open storage use.
- 6.57 As regards impact on visual amenity of surrounding properties the nearest dwelling is, this dwelling is set to in excess of 430 metres to the south west of the proposed development.
- 6.58 In light of the divorced location of the site and the tree and bund screening no impact worthy of withholding consent is envisaged.

Odour

- 6.59 As regards odour, it is clear there is a perceived high level of threat to the amenity of nearby residents from the proposal.
- 6.60 The response from Breckland EHO does not consider this an issue on which to object.
- 6.61 The E.A. as the relevant pollution control authority, has been consulted on this application and has made no objection on odour grounds to the development. Based on both these responses no reason exists to withhold consent.

Noise arising from operating hours and traffic noise.

- 6.62 Concern has been expressed regarding the perceived impacts on amenity arising from the increased traffic
- 6.63 Breckland EHO has raised no objection regarding operating hours and with this in mind no unacceptable impact is envisaged. Therefore, the proposal is compliant with Policy DM12 (Amenity) of the Norfolk Minerals and Waste Core Strategy. He has raised the issue of noise control and this is covered in the noise mitigation strategy submitted as part of the application. However, this will be covered again by the Environmental Permit and Statutory Noise Nuisance Control.

Cumulative Impacts

- 6.64 The NPPF sets out how planning should take into account cumulative impacts of development.
- 6.65 Adopted NMWLDF: Core Strategy policy DM15 states:

“Where a proposed waste management facility is considered acceptable (in its own right) but the cumulative impact of a proposal in conjunction with other... minerals extraction sites and/or waste management facilities, in the proximity is

considered unacceptable, the proposal may be considered acceptable if phased so that one site follows the completion of the other or it can be demonstrated that the adverse cumulative impacts can be adequately mitigated...”.

- 6.66 It is therefore considered, taking into account the above, that this proposal is compliant with Policy DM15, and the government objectives of the NPPF in that the implementation of control measures in respect of transport and odour will allow mitigation to an acceptable standard and do not require additional phasing to be factored into the proposal.

7. Resource Implications

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

8. Other Implications

- 8.1 **Legal Implications :** There are no legal implications
- 8.2 **Appropriate Assessment :** The nearest internationally protected site is Hockering Wood SSSI (approximately 600 metres to the south east). The Council’s Ecologist confirms that the development will not cause disturbance to these sites. In accordance with Regulation 61 of The Conservation of Habitats and Species Regulations 2010, the CPA considers that an Appropriate Assessment is not required.
- 8.3 **Communications :** There are no communication issues from a planning perspective.
- 8.4 **Health and Safety Implications :** There are no health and safety implications from a planning perspective.
- 8.5 **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.

8. Other Implications

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the

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

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

8.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

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

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

10. **Risk Implications/Assessment**

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

- 10.2 There is a threat from pollution but this will be controlled by the Environment Agency through the Permit Application process and the ongoing management of the site.

11. **Conclusion and Reasons for Grant of Planning Permission**

- 10.1 The scheme is consistent with the overarching thrust of PPS10, in dealing with waste in a more sustainable manner. The application is considered to comply with the aims and objectives of PPS10 as the scheme will have no unacceptable impacts upon visual and residential amenity, highway safety, or the ecology in the area.
- 10.2 The local objections set out in this report are strongly held, however, given the above it is considered that on balance the proposal is in accordance with national and regional planning policies, and the development plan, and conditional planning permission should be granted for the proposed development. The Planning Authority note the applicant must gain an Environmental Permit for the operation and as such the Environment Agency must issue this and are the Pollution Control Authority in respect of the site.

12. Conditions

- 12.1 It is recommended that planning permission shall be granted subject to conditions including:
- a) The development hereby permitted shall not take place except in accordance with the application form, plans, drawings and other documents and details submitted, as detailed below:

-Planning Statement, Site Layout - Site Section – Walling, Date: November 2012.

- Drawing no W(MPH)2(1)–Location Plan – Site Layout – Indicative Section – Walling Units, November 2012

- Drawing no W(MPH)2(2)–Site Layout Plan – Site Layout – Indicative Section – Walling Units, November 2012

- Drawing no W(MPH)2(3)–Elevations of Recycling Building – Site Layout – Indicative Section – Walling Units, November 2012

- Drawing no W(MPH)2(4)–Internal Layout of Recycling Building – Site Layout – Indicative Section – Walling Units, November 2012

Appendices –

A – Ecological Assessment, undertaken by the Landscape Partnership, dated May 2013

B – Pollution Risk Assessment including flood risk Assessment, undertaken by Goldfinch Environmental Ltd, received 05.06.13.

C – Foul Sewage Assessment, received 05.06.13.

D – Landscaping Scheme (Revision A), Prepared by Anglia Architects, received 12.09.13.

Appendix E – External Scheme, Prepared by Anglia Architects, received 05.06.13.

Appendix F – Noise Assessment – Prepared by Independent Environmental Consultancy Limited, received 05.06.13.

- b) No more than 25,000 tonnes of waste per annum shall be brought onto the site (per annum) made up of the following:

10,000 tonnes per annum of Commercial and industrial waste.

15,000 tonnes of Construction demolition and excavation waste.

Reason:

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

- c) From the date of this permission the operators shall maintain records of their monthly throughput of waste and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at 12 least months.

Reason:

In order that the County Planning Authority can monitor the input of waste, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- d) No material other than stated in the application shall be brought onto 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.

- e) Details of new signage detailing the means of access and egress from the development hereby permitted shall be submitted to and approved in writing prior to the commencement of development on site.

Reason:

In the interests of highway safety and residential amenity, in accordance with policies CS15, DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- f) The development hereby permitted shall not operate outside the hours of 07:00 to 17:30 Monday to Friday, 07:00 to 12:00 on Saturdays and at no time on Sundays nor at any time on Bank Holidays or Public Holidays.

Reason:

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

- g) No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.

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.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to :

- (i) Grant planning permission subject to the conditions outlined in Section 11 above.
- (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 or at any other period; and
- (iii) Deal with any non-material amendments to the application that may be submitted.

Background Papers

Application file reference: C/3/2013/3005

Norfolk Minerals and Waste LDF Core Strategy (2011)

Core Strategy for Breckland

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

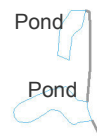
Officer Contact

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

Name	Telephone Number	Email address
Simon Smith	01603 222 724	simon.smith2@norfolk.gov.uk



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



© Crown copyright and database rights
2011 Ordnance Survey 100019340, 03 September 2013

C/3/2013/3005
Hockering

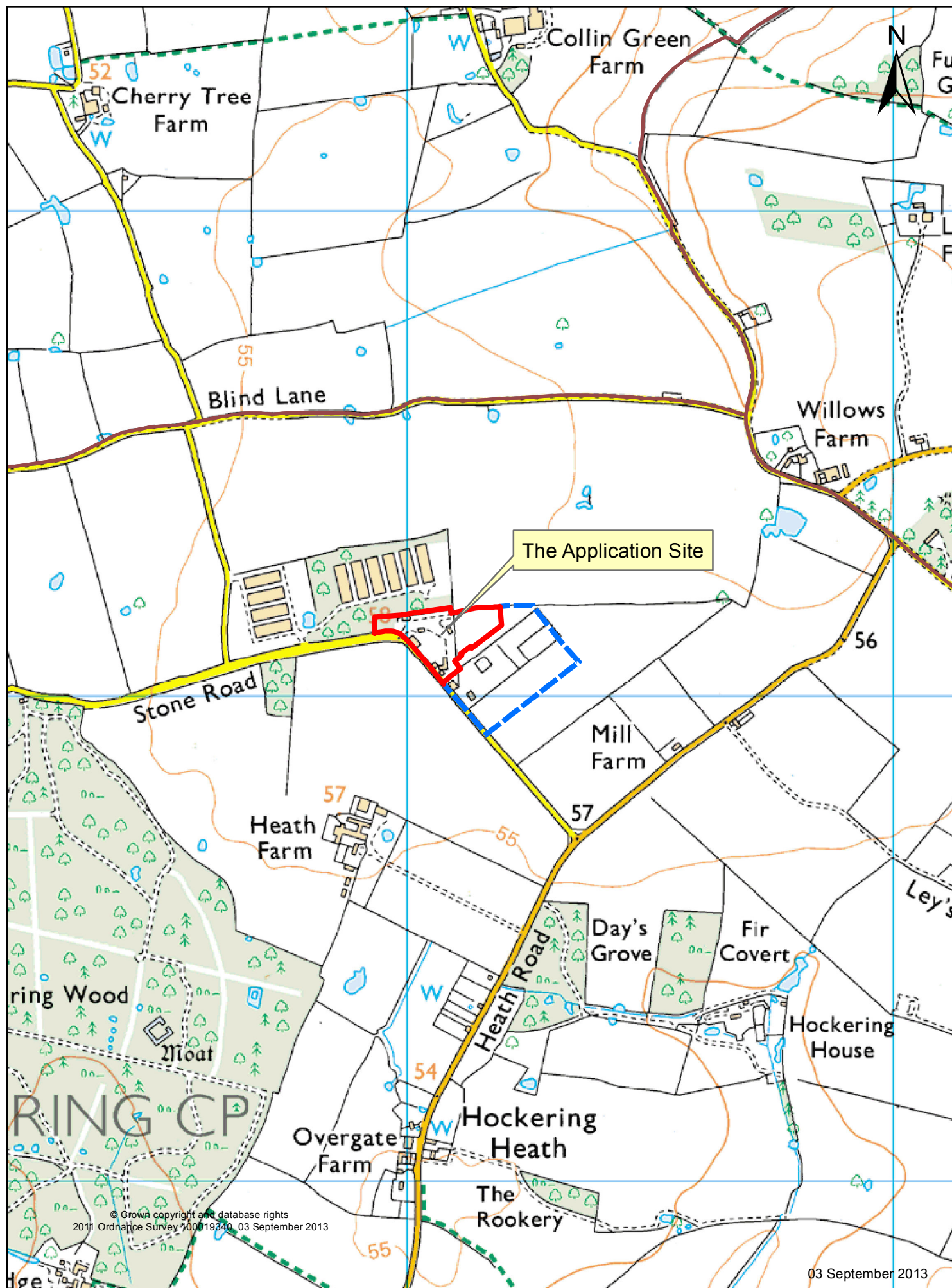
0 25 50 100 150
Metres



Norfolk County Council

Scale 1: 3000

Centred on 008 153 315097



C/3/2013/3005

Hockering

0 50 100 200 300 400 500
Metres



Norfolk County Council

Scale 1: 10000

Centred on 008 53 315097