

**Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 20 May 2022
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)
Cllr Graham Carpenter (Vice-Chair)

Cllr Rob Colwell	Cllr Steve Riley
Cllr Chris Dawson	Cllr Mike Sands
Cllr Barry Duffin	Cllr Martin Storey
Cllr Matt Reilly	Cllr Tony White
Cllr William Richmond	

Also Present:

Hollie Adams	Committee Officer
Ralph Cox	Principal Planner
Jodie Cunnington-Brock	Senior Lawyer, NPLAW
Stephen Daw	Public Speaker
Faye Green	Public Speaker
Phillip Green	Public Speaker
John Hanner	Principal Engineer (Developer Services)
John Hogg	Public Speaker
Nick Johnson	Head of Planning
Jonathan Sharman	Public Speaker
Cllr Carl Smith	Local Member
Michael Zieja	Senior Planner (Apprenticeship)

1 Apologies and Substitutions

1.1 Apologies were received from Cllr Stephen Askew and Cllr Paul Neale.

2 Minutes

2.1 The minutes from the Planning (Regulatory) Committee meeting held on 25 March 2022 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

3.1 Chairman declared a non-pecuniary interest as a previous customer of M & M.

4 Urgent Business

4.1 No urgent business was discussed

Applications referred to the Committee for determination.

5. **FUL/2021/0010: Welcome Pit, Butt Lane, Burgh Castle, Great Yarmouth & FUL/2019/0040: Northern Extension to Welcome Pit, Butt Lane, Burgh Castle, Great Yarmouth**

5.1.1 The Committee received the applications for continued use of Operational Area to service the existing and proposed extended Quarry with retrospective erection and use of Two-Storey Portakabin as an Office/Mess, importation of up to 1500 tonnes of aggregate per year for the purposes of blending with extracted Quarry material (Folkes Plant & Aggregates Ltd) and a Northern extension to the existing approved pit with extraction of sand and gravel, restoration to a lake with landscaped slopes and reed beds, and retrospective erection of a perimeter bund for security purposes (Mr Kevin Lee – Folkes Plant)

5.1.2 The Principal Planner introduced the report and gave a presentation to the Committee:

- The proposal was finely balanced; the site was not allocated, and the mineral was not required however there was no demonstrable harm and the proposal accorded with the development plan.
- The site was located between a holiday park and Butt Lane, and 225 metres away from a Scheduled Monument, Burgh Castle Roman Fort.
- The second application, FUL/2019/0040, would allow continued use of the service area, erection of a portacabin, and importation of aggregate to blend with the extracted material.
- It was proposed to restore the site to a nature conservation after use including reed beds and geological exposures across the northern boundary to increase biodiversity.
- The developer had agreed to suspend the skip, lorry and plant hire part of the business from this site to ensure there was no net increase in vehicle movements; subject to this which would be secured through a unilateral undertaking, and conditions related to upgrade of vehicular access, provision of visibility spays, submission of and adherence to an HGV management plan, and off-site highway improvements, the Highway Authority did not object to the applications.
- The site was on grade 3 land, which was not currently used for agriculture.
- Approving the applications would safeguard 13 full time jobs in a deprived area of the County.
- An additional condition was recommended in the member update report circulated to Committee Members: “No more than 20,000 tonnes of mineral shall be exported from the site per annum. From the date of this permission the operator shall maintain records of their annual output and shall make them

- 5.1.3 available to the County Planning Authority at any time upon request. All records shall be kept for at least 24 months.”

Cllr Steve Riley arrived at 11:13. Due to missing the beginning of discussion he was unable to vote on this application however could take part in discussion and debate.

- 5.1.4 Committee Members asked questions about the presentation:

- It was noted that there was a 25-metre stand-off on the application site looking towards the caravan park; the Principal Planner confirmed that there was a fence here within the hedge line however this was a low fence which would not provide many mitigation impacts.
- The Principal Planner confirmed there were 5 HGV movements in and 5 HGV movements out of the site per day associated with the skip hire part of the business. The site averaged 16,000 tonnes per year (in terms of mineral exported) for the past ten years, ranging from 13,000 to 22,000 tonnes per year. On average this generated 24 daily movements (12 in and 12 out).

- 5.2 The Committee heard from registered speakers.

- 5.2.1 John Hogg, local resident, spoke in objection:

- My wife and I have been residents of Stepshort Burgh Castle for over 50 years; this area is a section of the road system referred to as the preferred route in the section 106 statement for Welcome Pit.
- Over the past 50 years we have seen an increase in holiday camps in the area and activity at the pit including use of larger lorries and bulkers. I question the transport statement made by the applicant as, from my experience, the size and number of vehicles transporting material is higher. The planning statement made by the applicant says that suspending skip, lorry and plant hire will provide an overall modest reduction in vehicle movements. Under present permissions, vehicle movements should cease by 2025 but this application would create an extra 10 years of movements.
- The site is surrounded on three sides by holiday parks and residential sites. The traffic on the highway is a blight on the area, exacerbated by traffic from the pit. Preference from Highways is that quarry work ceases at the end of its current permission due to the insufficiency of the road network.
- Since the sale of the pit in 1999 when permissions were due to cease in 2008, there have been applications refused and enforcement action, including a refusal which led to a public enquiry in 2002; the planning inspector upheld the refusal on the grounds that the highway network was unsuitable, prejudiced to the restoration and impact on local amenity, noting that the local area was defined as a prime holiday area in the Great Yarmouth Local Plan. In 2005 and 2006 continued extraction was refused on the grounds that it would detriment the character of the neighbourhood and impact on amenity of holiday visitors and residents, and unsuitability of the highway network.
- Although the application was submitted in 2018 as a potential allocation for future extraction it was not allowed on the basis that the highway network was not suitable and there are more acceptable alternative sites for sand and

gravel. Policy MP1 seeks to resist mineral extraction outside of allocated sites unless there is an overriding justification, and the proposal is consistent with all development plan policies. As of May 2021, the Norfolk land bank stood at 13.5 years, above the required 10 years referred to in policy CS1, showing no need for the mineral. If approved the application will be contrary to the opinion of highways, and three surrounding Parish Councils.

5.2.2 Johnathan Sharman, local resident, spoke in objection:

- I have lived next to the plant buildings for one year and have experience working in countryside management and quarrying. I object to the expansion due to living next to the “hard end” of the working where I hear noise, see lorries, see light pollution at night and experience pollution from diesel and dust, which also affects the holiday camps.
- There are lots of species of animals living around the quarry and I am concerned that the expansion may occur during nesting seasons, impacting on nesting birds and other animals such as newts.
- Saturday working is a concern due to the number of people on the roads outside the quarry at the weekends from holiday parks. Lorries can be inconsiderate to pedestrians and parked cars here.

5.2.3 The Committee heard from speakers on behalf of the applicant:

5.2.3a Stephen Daw (Agent for the Applicant):

- We agree with your Officer that this proposal is in accord with the development plan and does not pose demonstrable harm. We know this because the Pit has been an integral part of Burgh Castle for many decades, providing local employment and other economic benefits for the community as well as a local source of aggregate. On this last point, Welcome Pit is the only land-won source of aggregate within 10 miles of the Great Yarmouth urban area. Without this facility alternative sources of aggregate can only be found in Norfolk as far away as Norton Subcourse, Kirby Cane and Earsham or in Suffolk as far as Wangford. At a time when local supply is becoming increasingly important, especially in the haulage of bulky materials such as sand and gravel, it makes both environmental and economic sense to allow Welcome Pit to continue in operation.
- This application has been in the making for several years during which time local residents have been kept well informed firstly through a public exhibition and later a public meeting. Feedback from these events combined with liaison with statutory consultees has influenced the design of the application, for example in the following ways:
 - Improvements to surfacing and visibility at the site entrance together with improved road markings and erection of a vehicle activated sign, will assist road safety and prevent debris being carried onto the highway.
 - Drawing back the limit of extraction at the eastern boundary and only extracting mineral when the holiday park is closed will protect residents of the holiday park.
 - Limiting extraction to no deeper than 2 metres below the water table will

- encourage reed growth and enhance biodiversity.
- Incorporating an exposed mineral face in the restoration scheme will allow study of the geology.
- Incorporating steep sandy banks in the restoration scheme will provide habitat for Sand Martins and invertebrates.
- suspending lorry skip and plant hire will bring about a reduction in vehicle movements from the site.

5.2.3b Philip Green (Applicant):

- I am Managing Director of Folkes Plant & Aggregates Limited and wish to make comments in support of the Officer's recommendation. Whilst we have several permanent uses in place at Welcome Pit, mainly involving the recycling of inert waste materials, the aggregate side of the business is vitally important in maintaining employment at its current level. The lorry, skip and plant hire side is less so, which is why we're able to suspend these activities and bring about an overall reduction in HGV movements.
- This is not a quarry which produces large volumes of mineral. At around 16,000 tonnes annually most is sold in small loads to local builders and residents who are carrying out their own home-improvement works. Any larger loads are usually supplying aggregate to local housing developments in and around Burgh Castle, Belton and Bradwell of which there have been several over the last few years.
- One point I'd like to clarify concerns extraction close to the Cherry Tree Holiday Park where every effort will be made to complete extraction during the first 2 week period when the Park is closed to residents. We therefore anticipate all extraction within 100 metres of the Park boundary will be completed by the end of the closed period following grant of permission, so during January 2023, with the restoration of the whole phase completed by the end of that year. am an advocate of alternative fuels and would like to work toward electric vehicles moving forward.

5.2.3c Faye Green (Employee):

- It is with pleasure that I get to stand here today to speak for Folkes Plant and Aggregates to members in support of the officer's recommendation. I have recently spent the last three years becoming an active part of the team at Welcome Pit.
- To also become the next generation to hopefully continue the well-established, long standing product service that Folkes has to offer, to both individual customers and the construction industry.
- Having closely liaised with both large and small customers it's always a great delight to be able to inform them that the majority of the natural products they are sourcing have been quarried from the pit itself. All too often I receive customer calls whereby individuals have been instructed by their builders that 'they must get their building sand from Folkes' as they indicate it's the best building sand within the area. As a personal advocate of small local businesses, I believe it's a crying shame that national businesses are now taking the monopoly of small areas in turn possibly losing that valued customer and community feel. Being a small family business, I believe this

approach applies to us with both our customers and our relationship with the local residents when dealing with direct issues.

- I can completely appreciate the concerns the local residents have regarding traffic
- movements, by the team and myself having a good rapport with our regular and repeat customers we make them fully aware how important it is for them to drive considerately through the village. I'm not sure the same rapport is possible for present neighbouring businesses that have a vast turnover of customers.

5.2.4 Cllr Carl Smith, Local Member for Breydon:

- I am in favour of the application. This business has been in my division for many decades and is a well-run family business, well thought of in the local area.
- There have been problems accessing building materials during the Covid-19 pandemic, so it is important to have businesses providing materials to local businesses and individuals in the area.
- The site employs 13 local people and is a local source of aggregate. They have agreed to suspend skip hire which will address highway issues.

5.2.5 Committee Members asked questions to speakers:

- A Committee member asked how essential it was for the business to operate on a Saturday from 7am. Kevin Lee, manager of the site, confirmed that the site had not operated on a Saturday for the last three years. If work were to occur on a Saturday it would likely to be for maintenance purposes.
- A Committee Member queried the timing of flood lighting on the site. Kevin Lee confirmed that the flood lighting was on an auto sensor and came on once it was dark for security reasons.
- The amount of extraction carried out on the site was queried; the Principal Planner confirmed that the figure was an average of 16,000 as it fluctuated. It was noted that there was a condition for a cap of 20,000 extraction to be placed on the site.

5.3 The Committee moved on to debate the applications:

- A Committee member noted that objections had been received from the local Parish Councils, however Natural England and the Environment Agency had put forward no objections. It was noted as positive that extraction would take place while the holiday park was closed and that it was important to take into account the concern of local residents.
- A Committee Member suggested that it could provide an energy saving for the company as well as reduce light pollution in the area if flood lights on the site were on motion sensors. The Principal Planner confirmed that, as the red line planning area included the existing site and operational area, the Committee could include this as a condition if there were minded to do so. The Senior Lawyer, NPLAW, agreed that as long as any condition met the six tests of the NPPF it could be added by the Committee. The Head of Planning added that light pollution was taken into account as a material consideration.

- Cllr Duffin, seconded by Cllr Sands, **proposed** to take the recommendation in the report subject to including a condition to include motion sensed/eco friendly lighting for the prevention of excess light pollution (*with final wording for the condition to be finalised with the Senior Lawyer and Chairman after the meeting*)

5.4.1

With 8 votes for, 1 vote against and 1 abstention, the Committee **AGREED** that:

- if they were minded to approve the recommendations a condition would be included for the applicant to install motion sensed/eco-friendly lighting for the prevention of excess light pollution (*with final wording for the condition to be finalised with the Senior Lawyer and Chairman after the meeting*).

5.4.2

With 9 votes for and one abstention, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 12 and the signing of a unilateral undertaking for the suspension of the existing skip lorry and plant hire operations.
- II. Discharge conditions where those detailed below require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

6. **FUL/2021/0021 Marsh Road, Walpole St Andrew, PE14 7JN**

6.1.1 The Committee received the retrospective application for an the Extension to open skip storage area with 3.5-metre-high earth bund. The unauthorised use of the application area the subject of this permission commenced in April 2017. The key issues related to: Development within the open countryside; development on grade 1 agricultural land that was considered best and most versatile (BMV); and insufficient and conflicting information provided in regard to the annual throughput of the site and associated HGV movements.

6.1.2 The Planner introduced the report to Committee and gave a presentation:

- Conflicting information had been provided by the applicant about HGV movements.
- The application site was located on grade 1 agricultural land meaning it was not in accordance with policies in the Norfolk Minerals and Waste Plan.
- Screening was in place on the site, obscuring the view of the site from Walpole St Marsh.
- The land was intended to be returned to agricultural use.
- The Highways Agency had put forward a refusal on the grounds of the contradictory information given which meant they were unable to determine the use of the road by the applicant.
- The application was recommended for refusal, with the reasons for this set out in the report.

- 6.2.1 The Chairman read out a statement sent by email to each of the Committee Members by Matt Sparrow of Peter Humphrey Associates Ltd on behalf of the applicant; see appendix A. It was confirmed that this statement was received before the deadline for speakers to register had closed.
- 6.2.2 The Principal Planner confirmed that the statement by the applicant reinforced the points raised in the application and no further points were raised.
- 6.3 The Committee moved on to debate the application:
- The gradual creep of the site onto grade 1 agricultural land was noted by a Committee Member. The Senior Planner confirmed that the initial permissions granted for this site had been temporary; some buildings on the site had recently been returned to agricultural use. Use of the site had increased over time.
 - The Senior Planner confirmed that correspondence had been received from the applicant about the application area being considered to be in the wrong place, however it was too late in the process to make a change to the application.
 - A Committee Member suggested that it might have been more appropriate for the applicant to withdraw the application and resubmit with the information required. The Head of Planning confirmed that the official time of the decision was when he signed it formally, therefore it could be withdrawn up until this time.
 - A Committee Member queried how much agricultural work could be carried out on one acre of land.
 - A Committee Member noted that the business was sustainable and successful, and that there had been no objections raised to the business operation.
 - Another Committee Member noted that the application contravened a number of policies.
 - Cllr Steve Riley **PROPOSED** to move to the recommendation to refuse the application. The Chairman seconded this proposal by moving to the recommendation to refuse, as set out in the report.
- 6.4 With 10 votes for and 1 abstention, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorised to refuse planning permission for FUL/2021/0021 on the following grounds:
1. On the basis that the proposal is a departure from policy CS6: General waste management considerations and CS7: Recycling, composting, anaerobic digestion and waste transfer stations of the Norfolk Minerals and Waste Local Development Framework (2011) as the proposal falls on undeveloped land in the open countryside and is therefore not acceptable in land use terms in relation to the policy which seeks to direct waste development to land already in waste management use, existing industrial/employment land, contaminated or previously developed land only with no unacceptable environmental impacts.
 2. On the basis that the proposal is contrary to the National Planning Policy for Waste which requires need to be demonstrated where an application does not

accord with the plan. In this instance no demonstrable case for the need for the facility at this location has been made to extend the site by 0.395ha into open countryside solely for storage skips, recyclable topsoil and to regularise operations on the site.

3. On the basis that the proposal is a departure from policy DM16: Soils of the Norfolk Minerals and Waste Local Development Framework (2011) as the proposal is located on Grade 1 Agricultural Land which will only permit development in exceptional circumstances where it is demonstrated that there are no alternative locations for development. Therefore, with no Soil Survey provided suggesting otherwise and no sufficient exceptional circumstances being demonstrated for development on grade 1 Best and Most Versatile (BMV) agricultural land the proposal is not considered acceptable.
4. On the basis that the proposal is a departure from policies CS15: Transport and DM10: Transport of the Norfolk Minerals and Waste Local Development Framework (2011) and the objectives of section 9 of the National Planning Policy Framework (2021). Insufficient and conflicting information has been provided in regard to the annual throughput and associated HGV movements of the site with the extension area that results in an increase from 22,880tpa to 29,640tpa which exceeds the Highway Authority's proposed condition to cap the throughput at 15,000tpa.

The meeting ended at 12:23

Chair



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Appendix A

Statement from Matt Sparrow of Peter Humphrey Associates Ltd, on behalf of the applicant for item FUL/2021/0021 Marsh Road, Walpole St Andrew, PE14 7JN, sent to Planning (Regulatory) Committee members for consideration at the meeting on 20 May 2022.

We apologise for not appearing before the committee to present our case; but our planning consultant is working away at the moment and is unable to attend in person- so he has prepared the following statement for Committee's information to explain the background to and rationale of the application.

The full case is as set out in the Planning Design and Access Statement and Suitability Statement which accompanied the submission.

In summary, we present our case below;

M and M Services are an established skip hire and waste company based on a permitted site of Marsh Road, Walpole St Andrew, Norfolk.

It is apparent from the history that there has been a waste transfer station on site since at least 1995 and as such the subsequent proposals have been expansion of this established use.

The most recent application for expansion was C/2/2015/2043 which permitted the change of use of a paddock area to form part of the transfer station and the change of use of another part of transfer station to private agricultural use along with the erection of a covered bay for sorting waste and the installation of a weighbridge.

It is contended that the material circumstances in terms of planning policy remain very similar to those for the 2015 application- our client is therefore surprised that officers have raised objections to aspects of the current.

The current application has been predicated on a significant growth in the business activity for M and M Services over the last few years with increasing demand for domestic skips.

In spatial terms the proposal is explicitly an expansion of the existing business location which serves a wide catchment of villages and towns in rural West Norfolk- whilst it is evidently not within a town the location is central to its catchment; to this extent in an established, successful, and efficient location having regard to the requirement to minimise trips whilst providing waste management services to a rural catchment.

The proposal expands the available site area for the storage and management of skip by approx. 25% and in conjunction with the wider site provides skip provision and waste management for the local rural community.

The proposal is not considered harmful to rural amenity as it is focussed on the existing lawful site and screened by the bund.

Appendix A

We would also note that a condition could be imposed regarding details of the access to join to the existing site access were members to approve this application.

Sequential

In terms of the sequential test for both the best and most versatile agricultural land and flood risk – we did address this in the initial planning design and access statement and subsequently in email correspondence; it remains our position that as this is an expansion of an established rural business it is not in operational terms, practical to consider alternative sites elsewhere in the district or wider catchment as the additional costs, inefficiencies and disaggregation of the business would render this undeliverable and uneconomic.

It is clear that in practical and policy terms little has changed since the previous planning permission was granted for a similar form of development in 2016.

However, in respect to wider planning considerations the site;

- Provides local employment.
- Does not cause harm to ecological interests.
- Is acceptable in relation to its visual / rural impact.
- Addresses a local need for waste management and in doing so reduces overall travel and CO2.
- Is sufficiently distant from the village so as not to cause harm to residential amenity to the village or surrounds.