

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 21 October 2016
at 10am in the Edwards Room, County Hall**

Present:

Mr M Sands (Chair)

Mr S Agnew
Mr B Bremner
Mr N Dixon
Mr C Foulger
Mr A Grey
Mr D Harrison
Mr J Iaw
Mr B Long

Ms E Morgan
Mr W Northam
Mr E Seward
Mr M Storey
Mr J Ward
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr S Askew (Mr N Dixon substituted); Mr M Baker and Mr T Jermy.

2 Minutes from the meeting held on 2 September 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 2 September 2016 were agreed as a correct record by the Committee and signed by the Chair.

3 Declarations of Interest

Mr D Harrison declared an interest in that, whilst he had been Cabinet Member for Waste he had been approached by the applicant and visited the site. He had not been a Member of the Planning (Regulatory) Committee at that time and had not expressed any view on the matter.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for Determination:

- 5 C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville. Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels. (Serruys Property Company Ltd).**
- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to use a site that was both industrial land and moreover a site (policy WAS78) that was allocated for waste development within the Council's adopted Waste Site Specific Allocations Development Plan Document.
- 5.2 The Committee was asked to note the following updates to the report, since it had been published:
- 5.2.1 In response to Historic England's recommendation for refusal, the applicant had agreed to fund the installation of an information board on the Marriott's Way in respect of the adjacent Scheduled Monument. Therefore an additional sum of £2848.84 would be added to the Unilateral Undertaking that the applicant proposed to make in respect of maintenance of the Marriott's Way, as discussed in 7.57. On this basis, Historic England had removed their recommendation for refusal and was content with this outcome and, it was the Officers opinion, that the proposal was no longer considered finely balanced. Accordingly, point 1 of the recommendation would need to be amended to refer to this additional payment in respect of a contribution for the information board for the Scheduled Monument.
- 5.2.2 In addition, further comments had been received from the Environment Team relating to the improved visibility at the south-eastern most access of the site with specific concern relating to the loss of trees to accommodate the visibility splay required by the Highway Authority. Because these works were not part of the original tree survey or landscape assessment, the impacts of the works had not been fully assessed and therefore condition 13.20 was to be amended to read:
- "Prior to the first use of the development hereby permitted the south-eastern access point (shown as existing access on drawing 03/001 Rev C) shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the County Planning Authority in consultation with the Highway Authority."
- This accorded with the Highway Authority's original aspirations to only have a single access from the wider SPC Atlas Works site, and moreover the County Council's policy for this site allocation which also specified a single access for the wider site.
- 5.2.3 Furthermore, condition 13.25 concerning the arboricultural method statement was proposed to be updated to refer to proposed highway works in terms of the new access to the site.

5.2.4 Since publication of the report, the Economic Development Team had also added comments welcoming the rurally based jobs that would help sustain local services with local shops and pubs benefiting from the 50 employees spending their money in the area.

5.2.5 Finally on 20 October, a further representation had been received on behalf of a local resident, the owner of the Warren, a nearby dwelling, calling for deferment of the application. This raised issues concerning the environmental risk including to the River Wensum, and from bio-aerosols, that the development should have been treated as EIA development, and that no environmental permit was in place for the development.

In response to this, officers explained the County Council (CPA) had screened the proposal as stated in the report and remained of the view that, if undertaken in accordance with the details submitted, it would not be likely to have significant impacts on the environment. In accordance with the Habitats Regulations, the CPA had also determined that no Appropriate Assessment was required, as set out in the report.

The nature of waste and operation itself would not be likely to give rise to bio-aerosols. The Environment Agency (EA) required a site specific bio-aerosol risk assessment for schemes for Landfill, incineration, composting and anaerobic digestion facilities which were within 250 metres of a sensitive receptor. However this application did not fall within those types of development, and furthermore the issue had not been raised by the Environmental Health Officer or the EA.

5.2.6 Officers explained that whilst stating that a bespoke environmental permit would be required, the EA had not objected to the proposal. Its published guidance advised that if it is unlikely that a proposal would obtain a permit, then the EA would object to the planning application or the proposal. It was regrettable that the permit and planning application had not been parallel tracked, however there was no legal requirement to do so and the lack of an environmental permit was not in itself a reason to refuse planning permission.

5.3 Mrs M Bishop addressed the Committee in objection to the application, as an owner of units at Shepherds Business Park which was situated close to the west of the application site. The objections related to the fact that the site was inappropriate for recycling the proposed amount of waste; no environmental permit had yet been applied for, there was no pest control strategy included in the application; no fire risk assessment information within the application and the buildings on site were not fit for purpose. She urged the Committee to reject or defer the application.

5.4 Mr N Guest addressed the Committee in objection to the application, particularly with regard to the impact on the environment of a 24 hour operation, the volume of Refuse Derived Fuel (RDF) being stored at the site which could lead to pests and risk of fire, as well as harm to the nearby lake and ecological system. He was also

concerned that his property could be devalued by the operation.

- 5.5 Mr J Bailey addressed the committee in objection to the application, particularly with regard to the unique and special significance of the Wensum corridor. Mr Bailey asked the Committee to refuse or defer the application.
- 5.6 Mr P Webb addressed the Committee in objection to the application as he felt it was not suitable due to it being a site of Significant Interest and because of its location to the Wensum Valley. Mr Webb considered that the application should be deferred and planning permission should be applied for in parallel with an application for an environmental permit. Mr Webb advised the Committee that he lived approximately 170m from the proposed plant. He also queried why no fire risk assessment had been carried out as there was a real threat of a fire which should not be ignored. He urged the committee to visit the site to see why the area was a special area of conservation.
- 5.7 Mr G Youngs, from Bernard Matthews Ltd. spoke in objection to the application, in particular with regard to dust and the effect the application site would have on the Wensum conservation area. He added that the factory used bore holes to draw water from the water table and any contamination could have a devastating effect on the hatcheries, putting jobs at potential risk. Mr Youngs added that it was the intention of the new owners of Bernard Matthews to double the output at the factory and any risk of pollution would have devastating effect on the factory.
- 5.8 Mr S Barnes addressed the Committee in objection to the application as the owner of a nearby business which operated a fresh coffee supply service. Mr Barnes' concerns were mainly about whether the development would stifle opportunities for enhancement of the good quality businesses in the area as the application approval could put other companies off investing in the area. Mr Barnes considered the application should be refused.
- 5.9 Ms J Wisbey, from Great Witchingham Parish Council spoke in objection to the application, particularly the dangers of adding HGV's to a road with very narrow paths along the A1067; the risk of contamination to drinking water in the area; flood risk; storage of product at the site leading to risk of fire. She asked the Committee to refuse the application.
- 5.10 Mr R Hirst, Serruys Property Company Limited, spoke on behalf of the Applicant, particularly about the fact that the proposed site sought to provide a hub for other companies to recycle material and that the site formed part of the Household Waste Development Plan in providing different ways for disposing of waste. Mr Hirst reiterated that the application had been well designed to mitigate dust, machinery would be cladded to reduce noise and all treatment and storage of waste would be carried out inside where there was no chance of polluted water entering the watercourse.

Mr Hirst advised that an environmental permit application would be made to the EA, who would only approve such an application once they had satisfied themselves

there was no possibility of contamination or pollution.

- 5.11 Mr J Joyce, County Councillor for Reepham Division, which covered the application site, spoke as the Local Member in objection to the application, in particular with regard to the location, the proximity to the Wensum Valley. Mr Joyce questioned why an environmental permit had not been applied for at the same time as the application for planning permission had been made. Mr Joyce also referred to the risk of fire and asked the committee to refuse the application, or defer making a decision until it was sure it understood all the implications of such an operation. Mr Joyce suggested a decision should not be made until an environment permit had been obtained.
- 5.12 In response to questions by the Committee, the following points were noted:
 - 5.12.1 Anglian Water was not a statutory consultee with regard to this application and had not been consulted on the proposal. The Committee noted that the EA was the responsible authority for ground water pollution, and that they had raised no objection to the application.
 - 5.12.2 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response.
 - 5.12.3 The Environment Agency was the responsible authority with regard to issues about pest control and the potential risk of fire.
 - 5.12.4 The existing buildings would need to be repaired to ensure they were maintained and suitable for dealing with the site operations. Only materials which matched the existing buildings would be permitted to be used.
 - 5.12.5 The applicant had decided to apply for planning permission before applying for an environment permit. If, in order to secure an environmental permit, the developer needed to carry out further development on the site, not covered by this potential permission, then they would need to submit another planning application. This was a risk of their own making by not twin tracking the planning and permitting applications.
 - 5.12.6 If the applicant was granted planning permission, if they wished to obtain waste contracts within Norfolk County Council, they would need to tender for any Norfolk County Council waste disposal contracts when they came up for renewal.
 - 5.12.7 The Highways Authority had confirmed they were content with the proposed new access onto the A1067. The junction of the A1067/B1535 would be monitored as part of the NDR works.
 - 5.12.8 The EA, when considering whether to issue an environmental permit would consider and reassure themselves that contaminated water would not enter the River Wensum. Continuous monitoring at the site would be undertaken by the EA.

- 5.12.9 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response. The Committee was informed that, although sites of this type could pose a potential fire risk if poorly managed, any risks would be covered by the environmental permit.
- 5.12.10 Officers confirmed that, based on the information that had been provided in the application, they were happy that risk of water contamination from both surface and foul water had been satisfactorily addressed.
- 5.12.11 The Planning Services Manager advised that the absence of an environmental permit was not in itself a reason for the Committee to refuse the application.
- 5.12.12 No odorous waste, or waste that could have an impact on the environment would be stored outside the buildings. The only waste to be stored outside, to the east of the main building, would be inert waste. All RDF bales would be stored inside existing buildings.
- 5.12.13 There was no time limit for the storage of RDF, although it was expected that once it had been processed it was in the best interests of the operator to move it quickly. Constraints on the duration that waste could be stored could be imposed through the permit if it was considered necessary by the EA.

Mr D Harrison left the meeting at 11.20am and did not take part in the vote on this application, as he had not been present throughout the entire debate.

- 5.12.14 The Team Lead (Planning & Environment) nplaw, advised that the Committee would not be able to agree the application in principle and then reconsider it at a later date. She advised that the Committee could defer a decision although it would need to be clear on what issues it wanted more information about. She also said that it would not be lawful to refuse an application on the basis that an environmental permit had not been applied for.
- 5.12.15 The Committee felt that a representative from the Environment Agency should attend Planning (Regulatory) Committee meetings in future to address any issues raised by the Committee regarding environmental permits. The Planning Services Manager agreed to follow this up.
- 5.12.16 The Principal Planner advised that the total of 150,000 tonnes of material was, from his experience, the maximum capacity at the site and that it was expected that it would take a number of years to reach that capacity.
- 5.12.17 An Independent Planning Inspector had considered the Waste Site Specific Allocations DPD Policy WAS 78 which had subsequently been adopted and agreed by County Council.
- 5.13 Mr N Dixon proposed the following motion, which was seconded by Mr M Storey:
- To defer the application, pending the submission of a fire risk assessment by

the applicant

- To request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

5.14 The Committee unanimously **RESOLVED** to

- Defer the application, pending the submission of a fire risk assessment by the applicant
- Request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

The meeting adjourned at 11.40am and reconvened at 11.50am.

Mr W Northam left the meeting at 11.40am.

6 C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn. Variation of condition 4 of permission ref C/2/2015/2030 to increase permitted liquid sludge input (Anglian Water Services Ltd).

- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to vary condition 4 of planning permission reference C/2/2015/2030 (Granted in January 2016) in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level currently authorised.
- 6.2 During the presentation of the report, the Committee noted that the condition set out in paragraph 12.6 of the report should read "No deliveries of sludge cake shall take place except between the hours of 0700-1900 Monday to Sunday".
- 6.3 Mr A White and Mr M Storey declared an interest as Members of the Borough Council of King's Lynn and West Norfolk which had been consulted about this application. They had not taken part in any discussions about the application site at Borough Council meetings as they were Members of the Norfolk County Council Planning (Regulatory) Committee which would be making a decision on the application.
- 6.4 Mr R Brown addressed the Committee in objection to the application as he lived

approximately 150 yards from the site. Although he did not wish the Committee to refuse the application, Mr Brown raised particular concerns about traffic movements which had caused the road to break up and reiterated that the road could not withstand additional traffic.

- 6.5 Mr S Riches from Anglian Water addressed the Committee on behalf of the Applicant. He said Anglian Water was trying to make the best use of the facility in King's Lynn, maximize renewable energy and treat the sludge to the highest possible standard. He added that the vehicle numbers in the application were well below the permitted numbers covered in the permit issued by the Environment Agency.
- 6.6 Ms A Kemp, County Councillor for Clenchwarton and King's Lynn South Division which covered the application site, addressed the Committee as Local Member. Ms Kemp urged the committee to refuse the application until improvements had been made to the access to the site and Clockcase Lane. Her constituents had complained about the noise of lorries using Ferry Road and Clockcase Lane as well as the damage caused to the roads because they were not suitable for this type of traffic.

Mr D Harrison and Ms E Morgan left the meeting at 12.10pm.

- 6.7 It was confirmed that the HGV vehicles which would be used to transport material to the site had the same axle weight as existing vehicles.
- 6.8 As Clockcase Lane and Ferry road were public highways, it was the responsibility of Norfolk County Council, as Highway Authority, to maintain these roads. It would not be possible to request that an applicant make any contributions to fund road maintenance when granting planning permission, through the use of planning conditions, although in some cases a Section 106 Legal Agreement could be agreed. Members were reassured that if an application was made at a later date to significantly increase vehicle movements, a condition to improve the highway network or a Section 106 agreement could be requested and imposed, because if this application was approved it would limit the number of HGV movements on the local highway network.
- 6.9 Some Members felt that this application should not have been made so soon after planning permission had been granted in January 2016.
- 6.10 Upon being put to the vote, with 10 votes in favour, 2 votes against and 0 abstentions, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) 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 (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

7 C/1/2016/1012: Hempton Recycling Centre, Helhoughton Road, Fakenham. Variation of condition 1 of planning reference C/1/2015/1025 to allow relocation of the reuse shop on site (Norfolk County Council).

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking to vary condition 1 of planning permission reference C/1/2015/1025 to relocate the reuse shop at Hempton Recycling Centre.
 - 7.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
 - i) Grant planning permission subject to the conditions outlined in section 13 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) 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 (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.
- 8 Y/3/2016/3004: Primary School and Nursery building, London Road, Attleborough. New 630 pupil primary school and associated external works and a standalone 52 place nursery building (Executive Director of Children's Services).**
- 8.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking an amendment to the wording of the condition proposed to control noise as it would be overly restrictive to the use of the school in its current form.
 - 8.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
 - i) Grant planning permission subject to the conditions outlined in section 13 of the report and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of

the Committee) 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 (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.45pm

CHAIRMAN



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