

Planning (Regulatory) Committee

Date: **Friday, 01 November 2013**
Time: 10:00
Venue: Edwards Room, County Hall
Address:

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

Membership: Stephen Askew - Member, Colin Foulger - Member, Adrian Gunson - Member, Brian Iles - Member, Brian Long - Member, Margaret Somerville - Member, Martin Storey - Member, Bert Bremner - Chairman, Julie Brociek-Coulton - Member, Brian Hannah - Member, James Joyce - Lib Democrat Group Spokesperson, Stephen Agnew - Member, Alan Grey - Vice-Chairman, Adrian Dearnley - Green Group Spokesperson, Nigel Dixon - Conservative Group Spokesperson, Alexandra Kemp - Member

Agenda

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Exclusion of the Public:

The committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item (s) below on the grounds that it/ they involve(s) the likely disclosure of exempt information as defined by Paragraph (s) **X and Y** of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The committee will be presented with the conclusion (s) of the public interest test carried out by the report author and is recommended to confirm the exclusion (s).

Chris Walton
Head of Democratic Services

County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: Tuesday, 13 May 2014



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Planning Regulatory Committee

Date: **Friday 1 November 2013**
Time: **10am**
Venue: **Edwards Room, County Hall, Norwich**

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

Membership

Mr B Bremner (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey (Vice-Chairman)

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.

Agenda

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

2 Minutes:

To receive and agree the Minutes of the meeting held on 27 September 2013.

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3 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.

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

5 Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5a Broadland District: Frettenham: C/5/2013/5007: Installation of a lined filtration basin and associated pipe work for the treatment and discharge of surface water from the HWRC, erection of a 1.8 metre high security fence and safety barrier: Mayton Wood Recycling Centre, Little Hautbois, Nr Coltishall: Director of Environment Transport & Development

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

Date Agenda Published: Thursday 24 October 2013



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 27 September 2013 at 10am
in the Edwards Room, County Hall**

Present:

Mr S Agnew	Mr P Hacon
Mr C Aldred	Mr B Hannah
Mr S Askew	Mr B Iles
Mr B Bremner	Mr B Long
Mrs J Brociek-Coulton	Mr W Richmond
Mr A Dearnley	Mrs M Somerville
Mr C Foulger	Mr M Storey
Mr A Grey	Mr B Watkins
Mr A Gunson	

1 Election of Chairman

Mr B Bremner was elected Chairman of the Planning (Regulatory) Committee for the ensuing year.

2 Election of Vice-Chairman

Mr A Grey was elected Vice-Chairman of the Planning (Regulatory) Committee for the ensuing year.

3 Apologies and Substitution

Apologies for absence were received from Mr M Baker (Mr C Aldred substituted), Mr N Dixon (Mr W Richmond substituted), Ms A Kemp (Mr P Hacon substituted) and Mr J Joyce (Brian Watkins substituted).

4 Minutes from the meeting held on 12 April 2013.

The minutes from the Planning (Regulatory) Committee meeting held on 12 April 2013 were agreed as a correct record by the Committee and signed by the Chairman.

5 Declarations of Interest

No declarations of interest were received.

6 Urgent Business

There were no items of urgent business.

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

The Committee was 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)”.

The Committee nominated the following members to serve on the Planning (Regulatory) Urgent Business Sub-Committee:

2 Conservative:	Mr B Iles, Mr B Long
1 Labour:	Mr B Bremner
1 UKIP:	Mr A Grey
1 Liberal Democrat	Mr B Hannah

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

8 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.

8.1 The following points were noted during the presentation of the report:

- The application was for two cctv cameras to be erected at the site office, Saddlebow Caravan park, Saddlebow in an attempt to prevent instances of fly tipping which had been occurring near the site. Norfolk County Council was liable for clearing and disposing of the fly-tipped rubbish from the area and if this application was approved, it was hoped that it would prevent the incurring of the associated clean-up costs of fly tipping.
- There had been no objections to the proposal and the reason for the application being determined by the Committee was that the Traveller and Liaison team came under the remit of the Environment, Transport and Development department and the department could not determine their own application.
- Following consultation undertaken by the Traveller Liaison team, of the residents of the caravan park, 90% of the respondents had indicated they were in favour of having

cameras installed at the site.

- No objections had been received from either the statutory consultees or any of the residents living at the site.

8.2 The following points were noted in response to questions from Members:

- The cameras would have secure housing which would help to protect them from the elements as well as vandalism. The full technical specification was included within the application and officers confirmed they were satisfied that it would meet the required purposes.
- The cameras would be set at a fixed position facing onto the road, looking into the field of vision and recording into equipment within the site manager's office.
- The site manager would be responsible for reporting any problems or issues which would be escalated through the management system as appropriate.
- The site manager was appointed by the Traveller Liaison Group and would have some management and supervision skills in order to carry out the role.
- The use of the site monitoring equipment would be subject to Data Protection Regulations.
- The site manager/Traveller Liaison Team would be responsible for ensuring the hedges were maintained in order to ensure that visibility was not restricted.
- The camera system would be used to record footage rather than provide live footage. Recorded footage would then be scrutinised in the event of unauthorised activities occurring.

8.3 It was unanimously **RESOLVED** that the Director of Environment, Transport and Development be authorised to:

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

9 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.

9.1 The following points were noted during the presentation of the report:

- The word 'Councillors' in paragraph 3 of the opening summary should be deleted and the word 'residents' inserted so the sentence reads: "However, 8 letters of objection have been received from local residents, an adjoining
- Although Hockering Parish Council had not raised any objection to the application, they had submitted an additional statement which was read out to the meeting:

The application was approved 4:3 in favour. However, the Parish Council wishes to highlight and raise concerns and requests for mitigation measures for the following: *Noise – including the noise from reversing vehicles; pollution of the water table; the lighting plan which was considered excessive by some members; dust. Also a request for the capping of lorry movements to 20 per day; and operating hours: no Sunday or Bank Holiday working and no working Saturday pm, before 7.30am or after 6pm at any time.*

- Three additional letters had been received in support of the application, one of which was from a resident retracting an earlier letter of objection. A total of 18 letters in support had been received, with 7 letters of objection.
- Additional conditions had been added to protect the visual amenity, governing the materials and colour scheme prior to planning approval. The exact conditions could be found in section 12 of the report.
- The site was currently used for the storage of mixed waste that had been screened on site and the application was for permission to process up to 25,000 tonnes of material annually, including commercial, industrial waste and construction demolition and excavation waste.
- The Highways Officer had raised no objection to the application, although he had requested additional signage along the highway.
- The Environment Agency would also need to approve the application and issue an Environmental permit before any work could commence. The site already had permission to be used for commercial purposes and officers had found no reason not to recommend this application for approval by the Committee.

9.2 As a resident of Hockering, Mr Richard Hawker addressed the Committee, during which the following points were noted:

- The A47 was 1.5 miles away from the site and lorries would need to travel through Hockering village access the site.
- There was no objection to converting waste products to useable materials, although the inference that the current site was already used for waste purposes was incorrect as the site was currently used for storing materials only.
- The application was in breach of CS5 as it was only 7 miles outside of Norwich and would mean the operation of a further industrial development within a very small area on the outskirts of Norwich.
- The roads were not ideal for the vehicle movements proposed, either in terms of their width or construction and consideration needed to be given to the impacts on local amenity with these increased traffic and lorry movements. The number of lorry movements quoted should be 20 movements per day and not 10 as was included within the report.
- Mr Hawker also requested further information as to how any noise issues would be monitored and addressed.

9.3 The following points were noted in response to questions from the Committee:

- No objections had been received relating to the movement of vehicles.
- The monitoring of noise and dust would fall under the remit of the Environment Agency and the Committee were reassured that before any work could be undertaken at the site an environmental permit to control noise and dust emissions would be required.
- The Highways Officer said that although the route was not ideal it was already an HGV route and therefore protected by HGV orders which ensured that HGV drivers could only follow certain routes. A review of the surrounding roads was taking place, and three options were being considered to see how any traffic travelling through the village could be avoided.
- The existing building was being used for storage purposes only and had no current authorisation to carry out waste management operations. The Environment Agency would decide if there had been any breaches with regard to noise and dust emissions sufficient to warrant enforcement action. They had been consulted on the planning application and they had indicated they were satisfied with the principle of the development and the proposed planning conditions which had been included within the report.
- Pollution covered all areas such as dust, emissions as well as noise and these would all be covered by the Environmental permit and controlled by the Environment Agency. The frequency of inspections would be dependent on the performance of the operator.

- The roads leading to the site were already covered by legal orders and any changes in these restrictions would need to be reconsidered. Road maintenance could not be included when determining a planning application.
- Objection to the application had been received from Weston Longville Parish Council not Hockering Parish Council. Hockering had expanded on their initial response but they had not objected and the conditions they had raised would be included and covered by the Environment Agency when they considered the issuing of their permit.
- The sign covered by condition is needed to remind drivers of the HGV route avoiding the village. It would be paid for by the applicant to the design and specification required by the Highways Authority.

The Chairman thanked Mr Hawker for attending the meeting.

- It was confirmed that the Environment Agency had responded to the consultation and that they had raised no objections.

9.4 Mr Stephen Daw, Mineral Surveying Consultant, addressed the Committee on behalf of the applicant, Monk Plant Hire Ltd, during which the following points were noted:

- Monk Plant Hire Ltd was a family run company, dealing with demolition works, plant hire, skip hire, ground works. The Monk family live in a property right next door to the site.
- The land adjoining the proposed site was already being used as a plant hire site and the application for use of the site was hard-standing for materials and the recycling of non-hazardous waste within a separate building.
- The recycling of inert waste at this site would replace the operation at Frans Green, East Tuddenham.
- Monk Plant Hire Ltd was a good local employer who currently employed 30 employees. If the application was approved, an additional 10 full-time jobs would be created.
- 18 letters of support had been received following consultation by the client, with no objections received from the statutory consultees.
- The number of heavy goods vehicle movements was clarified as approximately 20 per day with 10 vehicles entering the site and 10 vehicles egressing the site.

The Chairman thanked Mr Daw for attending the meeting.

9.5 The following points were noted in response to general questions from the Committee:

- Under the submitted application, the site would not be available to the local residents

to recycle their own rubbish, although this may be a possibility in the future.

- 30 employees were currently employed by Monk Plant Hire Ltd and with an additional 10 members of staff which would be based at the facility, additional traffic would be incurred with staff travelling to and from work.
- Monk Plant Hire Ltd had invited residents of Hockering who lived within a 2.5km range of the site to give their views. Every house had been included, not just the ones that had previously indicated their support to the application, although no percentages could be given as a lot of the responses had been verbal rather than written. Letters had not specifically been handed out, which made it difficult to gauge the percentage of responses.
- Lyng Parish Council had not commented on the application.

9.6 Following a vote, with 16 votes for, 0 votes 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.

10 Any Other Business

- 10.1 The Committee were informed of a Training Session for members and substitute Members of the Committee which would take place on Friday 11 October 2013 from 9.30am to 12.30pm. Topic for the training would focus on Planning and Pollution Control.
- 10.2 In order for a response to be made on the consultation regarding the Preliminary Environmental Impact Report, a Highways Planning and Delegations Committee may need to be convened in the near future.

The meeting ended at 11.10am.

CHAIRMAN



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**Applications referred to Committee for determination
Broadland District: Frettenham:
C/5/2013/5007: Installation of a lined filtration basin and
associated pipe work for the treatment and discharge
of surface water from the HWRC, erection of a 1.8
metre high security fence and safety barrier:
Mayton Wood Recycling Centre, Little Hautbois, Nr
Coltishall:
Director of Environment Transport & Development**

Report by the Director of Environment, Transport and Development

Summary

The application proposes the installation of a lined filtration ditch for the treatment of surface water at Mayton Wood Household waste Recycling Centre. In addition the application includes the erection of a 1.8 metre high twin mesh fence and protective safety barrier along the eastern boundary of the operational area of the HWRC to provide a permanent separation between the activities on the HWRC and the entrance to Mayton Wood closed landfill site.

In accordance with the County Council's Constitution, the application needs to be reported to this committee because the application has been made by the Director of Environment, Transport and Development.

No objections have been raised and the proposal is in accordance with planning policy. Accordingly, it is recommended that planning 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 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 : The application site is the existing Mayton Wood Household Waste recycling Centre, located west of the C532 Mayton Road, to the west of Coltishall.
- 1.2 Type of Development : The proposal is for a filtration ditch for treatment of surface water and a new fence to improve the safety of uses of both the HWRC and closed landfill be providing a physical barrier.
- 1.3 The site : The proposed drainage ditch would be sited at the south western corner of the site, with the new fencing being positioned at the entrance to the site to assist in safety improvements.
- 1.4 Duration : Permanent
- 1.5 Access : Vehicular and pedestrian access would be via the existing access onto Mayton Road.

2. Constraints

- 2.1 The development lies within an area covered by the Greater Norwich Development Plan Core Strategy and the Broadland Local Plan Saved Policies. There are no planning designations that would preclude this development from being considered acceptable development.
- 2.2 The A140 Trunk road is located approximately 2.5 kilometres to the west.
- 2.3 The site is located in a Source Protection Zone.

3. Planning History

- 3.1 A number of historic permissions have been granted since the site has become operational. The most recent of these are:
Planning permission was granted on 07.02.2011 for a welfare facility (ref. C/5/2010/5012).
C/5/2011/5020 - Variation of condition 1 of planning permission C/5/2010/5012 to extend the operation and to restore the site by 31/12/2012. Variation of condition 5 of planning permission C/5/2010/5012 to amend planting and landscaping scheme – Granted 23.03.12.

4. Planning Policy

- 4.1 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
		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
4.2	Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)	: Policy 1: Addressing climate change and protecting environmental assets Policy 2: Promoting good design
4.3	Broadland District Council Saved Local Plan	. GS1 - Settlement Limit . GS3 - General considerations ! ENV 4 - Design TRA14 - Highway Safety
4.4	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</u>

5. **Consultations**

- 5.1 Broadland District Council Planning : No comment received to date.
- 5.2 Environmental Health Officer : “I have no comments to make from a contaminated land perspective.”
- 5.3 Frettenham Parish Council : No comment received to date.
- 5.4 Horstead and Staninghall : No comment received to date.
- 5.5 Environment Agency : “A permit has been issued for their disposal of surface water to soakaway from Mayton Wood HWRC. This permit was consulted on in April and was issued on 11 July 2013. As long as the conditions of the permit are complied with we have no objections to the application.”
- 5.6 Highway Authority : No objection.
- 5.7 NCC Ecologist : No comment received to date.
- 5.8 Local representations : No representations received.
- 5.9 County Councillor Mr. D. Roper : No comment received to date.

6. **Assessment**

Site :

- 6.1 The application site is the existing Mayton Wood Household Waste recycling Centre, located west of the C532 Mayton Road, to the west of Coltishall. The proposed unit would be sited at the south western corner of the site, with a connection to a new cess tank to be sited adjacent to the site access.

The site is 0.8 hectares and has an estimated capacity as a HWRC of 50,000 tonnes per annum. The site is in Flood Zone 1 and situated over a major aquifer. The site is 8km from the edge of Norwich the site is in a rural setting but with isolated houses, the nearest being 300 metres.

The site is allocated as “WAS 17” in the Site Specific Allocations DPD for its continued use and expansion and new applications are required to address provision of acceptable highway access and improved drainage.

Proposal and context :

- 6.2 The proposal is for a filtration ditch for treatment of surface water and a new fence to improve the safety of uses of both the HWRC and closed landfill be

providing a physical barrier.

- 6.3 Vehicular and pedestrian access would be via the existing access onto Mayton Road.

Need

- 6.4 The need is justified in terms of more sustainable drainage and increased highway safety.

Principle of Development

- 6.5 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”.

- 6.6 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 Greater Norwich Development Plan and the Broadland Local Plan Saved Policies.

- 6.7 The site is allocated as “WAS 17” in the Site Specific Allocations DPD for its continued use and expansion and new applications are required to address provision of acceptable highway access and improved drainage, and as the proposal deals with these issues it is in principle acceptable.

National Planning Policy Framework (NPPF)

- 6.8 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

- 6.9 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.

- 6.10 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.

- 6.11 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.
- 6.12 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.
- 6.13 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

- 6.14 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.
- 6.15 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 Norwich it is in close proximity to it and also close to transport links thus enabling it to serve a wider geographical area with ease.

- 6.16 The site will be positioned on land already approved for commercial and industrial uses, lying west of the A140. 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

- 6.17 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:
“a) land already in waste management use;...,”
- 6.18 Given the current use of the site as an HWRC, and that the site is covered by an Environmental Permit issued by the Environment Agency who raise no objections to the proposals the Planning Department have no concerns in

terms of the environmental impact of the scheme.

Environmental Protection / Nature Conservation

- 6.19 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.
- 6.20 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..."
- 6.21 Although no comments have been received from the County Ecologist the very minor nature of the scheme and the sites divorced position from any protected ecological assets lead the Planning Department to conclude that the scheme will be acceptable in this respect.

Landscape

- 6.22 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.

Transport

- 6.23 The NPPF sets out the Government's national planning policies in relation to transport.
- 6.24 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..."
- 6.25 Policy DM10 of the Adopted NMWLDF: Core Strategy requires that, applications for new waste development must examine the access and egress

arrangements, routing proposals and consideration of other road users, including cyclists, horse riders and pedestrians.

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

6.27 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

6.28 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.

6.29 The protection of surface and groundwater resources is paramount in the consideration of any waste development.

6.30 The site is subject to an Environmental Permit 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.

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 The application site lies within approximately 4.4 km of the Crostwick Marsh Site of Special Scientific Interest, Special Protection Area, RAMSAR and Special Area of Conservation which forms a European Habitat. The County Council consider in accordance with Article 48 of the Habitat Regulations that the development will not have a significant impact on this habitat 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.

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

- 11.1 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 National and Local Planning Policy as the

scheme will have no unacceptable impacts upon visual and residential amenity, highway safety, or the ecology in the area.

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 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 256387 OA06 301 –Existing Site Layout –

- Drawing no 256387 OA06 305 – Proposed New Fence Line

- Drawing no 256387 OA06 304 – General Arrangement & Details

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

Planning Statement – dated July 13 received 23.07.13.

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: C/3/2013/5007

Norfolk Minerals and Waste LDF Core Strategy (2011)

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Broadland District Council Saved Local Plan Policies

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

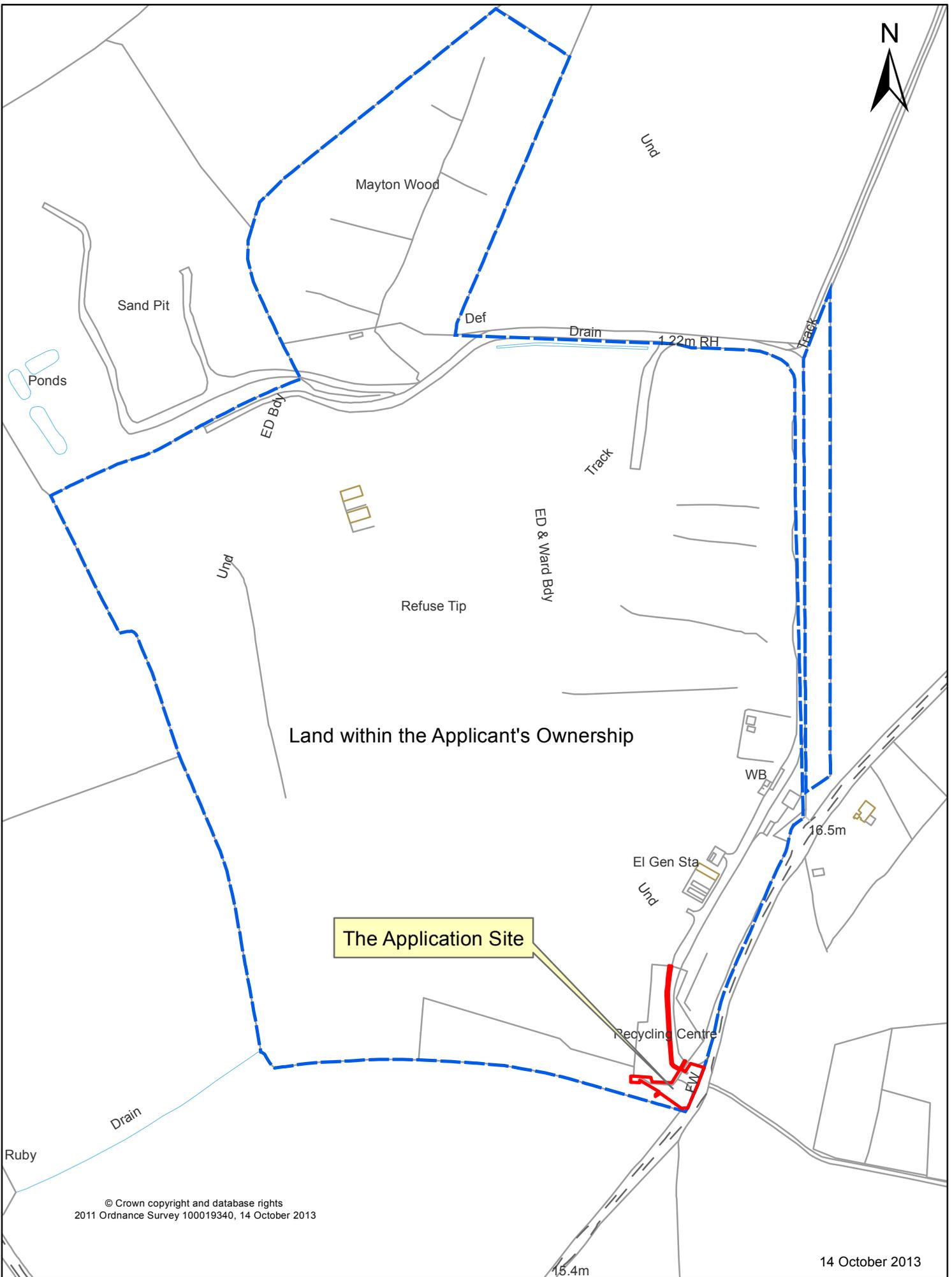
Officer Contact

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



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