

**Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 5 November 2021
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)
Cllr Eric Vardy (Vice-Chair)

Cllr Stephen Askew
Cllr Rob Colwell
Cllr Christopher Dawson
Cllr Barry Duffin
Cllr Paul Neale

Cllr Matt Reilly
Cllr William Richmond
Cllr Mike Sands
Cllr Martin Storey
Cllr Tony White

Also Present

Hollie Adams
Ben Allison
Ian Briggs
Karl Robinson
Luke Broom-Lynne
Charles Colling
Ralph Cox
Rachel Garwood
Nick Johnson
Nicola Kerr
Philippa Nurse
Andrew Sierakowski
Fran Whymark

Committee Officer
Registered Speaker
Registered Speaker
Registered Speaker
Registered Speaker
Senior Planning Officer
Principal Planner
Lawyer – Planning
Head of Planning
Registered Speaker
Registered Speaker
Consultant Planner
Local Member

1 Apologies and Substitutions

- 1.1 No apologies were received. Cllr Steve Riley was absent.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 30 July 2021 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 No declarations of interest were made.

4 Urgent Business

There was no urgent business discussed.

Applications referred to the Committee for determination.

5. FUL/2020/0062: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN

5.1 The Committee received the report setting out an application seeking planning permission to change the use of an area of land from open air storage (plant, materials and aggregates) to an aggregate and soil recovery facility (part retrospective). The site was 0.62 hectares in size and sited adjacent to an existing civil engineering business at Heron Farm, Besthorpe. The application sought to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

5.2.1 The Committee heard a presentation by The Senior Planning Officer

- Residential properties were located 500 metres from the site
- A 5-metre bund was allowed around the site, but the bund had been constructed higher than this in places.
- The maximum height of the excavator used on the site was between 6.2 and 6.4 metres. Assessing the impact of this from outside the site had been difficult.
- Processed material would be stockpiled behind the bund.
- Ash trees located on the site had ash dieback; bunds had been placed close to these trees which would compromise their roots.
- The application was proposed for refusal on landscape grounds owing to visibility from outside the site which would result in an industrial feature being visible and which had not been adequately mitigated against.

5.2.2 Committee Members asked questions about the presentation:

- The Senior Planning Officer was asked whether placing the bund so close to the ash trees was permissible and how it would affect the trees. The Senior Planning Officer replied that the County arboricultural officer and landscape officer had raised no objection to this due to the limited life span of the trees caused by ash dieback.
- It was confirmed that landscaping on bunds was not usually suggested; this was because planting on bunds did not grow well and would make the bund a bigger feature in a flat landscape.
- The vehicle movements in and out of the site were queried; a Committee Member pointed out that the report stated 44 additional movements per day. Officers confirmed this was the worst-case scenario put forward by the applicant of 22 movements in and 22 movements out of the site.

- The Vice-Chair queried whether the applicant had been given time to come up with ways to address the issues related to landscaping on the site. The Senior Planning Officer confirmed that the application had been with Norfolk County Council for a year and during this time officers had requested a landscaping plan. The applicant did not feel additional landscaping was required, as set out in their landscaping assessment.

5.3 The Committee heard from registered speakers:

5.3.1 Karl Robinson spoke in objection to the application:

- Over 5 years ago I attended a meeting to voice my objection over the retrospective planning application at the same site and have personal experience of the sound the concrete crusher makes.
- In the summer noise from the site is intolerable but for elderly people, the outside space is key for enjoyment. An increase in noise on the site is confirmed with the environmental officer with the site having moved 50-metres closer to my property.
- At the planning meeting with Breckland District Council, councillors appreciated residents' concerns and listened to concerns about the use of a crusher on the site; the applicant said they wouldn't use the land for crushing so Breckland granted the application with a planning condition that crushers, mineral aggregate and waste processing equipment and plants would not be operated on site with use of the site to be for storage or cleaning purposes only, to protect the amenity of local properties in accordance with the Breckland Local Plan.
- After the meeting I was amazed to find that the application presented today was underway which would overturn what was stipulated at Breckland District Council. When scrutinising the measures put in place by Breckland District Council, no additional measures have been put in place to protect the amenity of local residents.
- When the applicant appealed the previous decision, he made comments about health and safety of using the crusher from ground level however now does so; how is this possible from health and safety guidelines.
- Lorries are tipping at the site from 4.45am which goes against Breckland District Council planning conditions, causing great noise for local residents and increasing traffic on local B roads.
- The application to increase lorries on site has been advertised with the local traffic commissioner but the applicant states there will be no additional traffic to the site.

5.3.2 Ben Allison spoke on behalf of the applicant

- Newall Plant was a family run business employing 30 local people at Heron Farm.
- The application was submitted to process material at the farm which would create more jobs and reduce road miles, lowering the company's carbon footprint.
- The company had met all requirements, showing no adverse effect on local amenity; the bunding was having the required effect

- Highways had no objection from the previous application and Breckland District Council had put in passing places.
- Some objections were received from the public regarding lorry movements as lorries had driven through Attleborough but this was a temporary arrangement due to roadworks in Spooner Row.
- The recommendation for refusal is based on landscaping which is flawed; the application would be beneficial to landscaping due to work being done at land level.

5.3.3 Luke Broom-Lynne spoke on behalf of the applicant:

- Two phases of work were carried out by the applicant; an analysis of effectiveness of the existing bunding via a desktop exercise with a digital model of the bunding and landscape using survey data and lidar of the site and plant; and a visual assessment undertaken from different public and private viewpoints. This analysis showed that the activity on site was well screened. The bunding has now established well with grass and wildflowers. The proposed development will therefore be well screened with negligible impact on the landscape and amenity.
- The Council's landscape officer's work was flawed, using Google Streetview images as part of the visual assessment, showing the digger visible above the bund. Google Streetview is an unprofessional way to obtain visual assessments. The visual presence of a digger on the date the photo was taken related to work for which permission was given. The plant was placed in this precise location with the maximum arm height and assessments undertaken at different viewpoints. This showed that the bunding was effective in screening it from view.
- Paragraph 3.27 of the report states that the bunding was granted up to a height of 5 metres measured from within the site by Breckland District Council, however, there is no requirement for this to be measured within the site. The height of the bund is approximately 5 metres high as agreed in the planning permission.
- It is also stated in paragraph 3.27 of the report that Breckland District Council detailed planting native hedging on the outer slope of the bund, however they did not reference a planting scheme.
- The report states that "the surrounding area is not accustomed to industrial features in the landscape", however, surrounding farms use large mechanical equipment.
- The information on consultation states that no response was received from Breckland District Council, however, an officer delegated report from July 2021 stated that no concerns were raised about the existing bunding or development with the only comments being received regarding noise and hours of working.

5.3.4 Committee Members asked questions of the registered speakers:

- Noting the vehicle movements at 4.45am, a Committee Member asked if there was anything in the planning application to restrict the hours of traffic movements. The Senior Planning Officer confirmed that the District Council

permission allowed 24 tips per year throughout the night however acknowledged that this was a difficult condition to enforce.

- The Head of Planning clarified that the recommendation was to refuse the application but if the Committee were minded to approve the application they would be entitled to put forward any conditions they felt appropriate.
- Karl Robinson was asked whether he had made any formal complaints about out of hours vehicle movements; Karl Robinson confirmed that he had complained to Breckland District Council. The noise was recorded as over 107 decibels and the bunding was not effective at screening the noise.
- When asked if there was any liaison with local residents about issues, Karl Robinson confirmed that he had phoned the company to try and address issues and was told “we are trying to run a business”. Ben Luke-Broome confirmed that there was not a liaison group in place with the local community; one was put in place for the previous planning application and a meeting set up which no residents attended.
- The Senior Planning Officer confirmed that highways officers were not required to provide a survey of traffic movements and information was provided by the applicant, as shown in the report.

5.4 The Committee moved on to debate:

- The discussion about industrial equipment being seen over the bund was noted; the Senior Planning Officer replied that contradicting measurements were provided in the information provided to planning officers, with differing heights of the bund.
- Cllr Tony White proposed approving the application. No seconder was put forward and the proposal was therefore lost.
- The Head of Planning confirmed that if the application was refused, the application had a right of appeal within a 6-month period.
- A Committee Member raised his concerns about the impact of the additional traffic movements on the small road.

5.5 With 8 votes for, 1 against and 3 abstentions, the Committee **RESOLVED** to:

1. Refuse planning permission for the reasons set out in section 11 (Recommendations) of the report.

6. FUL/2020/0064 Salhouse Road, New Rackheath, Norwich, NR13 6LD

6.1.1 The Committee received the application for a partly retrospective application to allow imported waste materials to be crushed and screened and turned into recovered construction products. The application site is one that already benefits from a Certificate of Lawful Use or Existing Development (CLUED) for a Sui Generis use for the storage of top-soil, sub-soil, recycled construction materials and brick rubble.

6.1.2 Committee Members heard a presentation by The Consultant Planner

- The area in which the site was located was allocated for new housing developments.
- Woodland to the north east side of the site provided lots of screening.

- Bunds constructed along the southwest boundary were proposed to be 2 metres high
- Crushing and screening was proposed to be carried out on the southern end of the site with a bund for screening.
- There was a suggested condition included which would limit the height of stockpiles; when the site was visited the stockpile was higher than the bund.
- Highways were happy with proposals for site; no changes to HGV movements were proposed.
- There was a certificate of lawfulness on the site issued by the District Council meaning the site was an existing waste management site and policy compliant with policy CS6 of the core strategy.
- Representations made were about noise, dust and vibration which were regulated by the environmental permit. Advice from the Environment Agency was that they had investigated the complaints and could not conclude there was a breach of the environmental permit. The Committee should therefore conclude whether the application was an acceptable use of land, not decide the application based around issues of noise and dust.
- Certificates of lawfulness had no conditions applied to them, meaning that approving planning permission would give the opportunity to impose controls on the site.
- Three late representations were received raising issues relating to noise, dust and traffic. One issue was raised about the accuracy of plans submitted showing the orientation of the crusher. A late condition had therefore been suggested regarding the geographical location of the crusher to be restricted to the area on the southern area of the site.
- A further email had been received linking to videos showing the noise impact on local properties.

6.1.3 Committee Members asked questions about the presentation:

- The Consultant Planner showed on a map where houses were due to be built, one field away from the site.
- The Consultant Planner confirmed that crushing was taking place on the site; with the certificate of lawfulness the company was permitted to do this for up to 28 days per year.
- The Consultant Planner confirmed that a speed survey and traffic survey had been undertaken on Salhouse Road; this showed that 160mm visibility displays and trimming of the verge were required which the applicant confirmed they would do.
- It was pointed out that the report discussed possible replacement of the bund with a noise barrier; the Consultant Planner clarified that the Environment Agency were responsible for enforcing noise regulations such as this.

6.2 The Committee heard from registered speakers

6.2.1 Nicola Kerr spoke in objection to the application:

- I am a property owner and resident at Rackheath Hall for 20years; it is reported that there are no listed assets nearby but there are, at Rackheath

Hall. My apartment faces south in the direction of the plant, with nine windows facing this direction. The apartment is a heritage asset, grade 2 listed building, meaning that double glazing cannot be installed to mitigate against noise impact

- The noise starts early in the morning and continues during the day; it is loud enough to wake me in the morning when all the windows are closed. Residents experience the noise in the communal gardens which is a problem as most are often home during the day.
- The noise from the crushing machine is intrusive and I hope the committee has seen the September 2021 noise reports which calibrate the noise at an “unacceptable adverse effect” at South Lodges. Another site nearby had a “significant adverse effect” reported from the noise.
- There is significant housing development at White House Farm allocated for development under the emerging Greater Norwich Local Plan with 1200 houses and a school, and multiple other developments nearby which will all be affected by noise from the site.
- The level of noise from the site is unacceptable in a rural setting and this development should therefore take place in a quarry or industrial site; the site has been operating outside permissions for some time in respect of crushing aggregates and the planning application is for retrospective consent to extend this activity which is currently only permitted on 28 days per year.
- The site is located over the road from Rackheath Park which is a historic park and a non-designated heritage asset with three listed buildings and several other non-heritage assets. Historic England stated that other planning applications and applications on the Greater Norwich Local Plan in the area to the west of the A1270 only be used for open space to conserve and where opportunities arise enhance the significance of the grade two listed Rackheath Hall and Bridge.

6.2.2 Philippa Nurse spoke in objection to the application:

- I have submitted detailed footage of noise and dust impact on local amenity; there is continuous vibration on fixtures and fittings and tests have concluded that the crusher is the cause of these. There has been no attempt by the Environment Agency or Gamble to address this issue and no condition put forward to mitigate vibrations.
- The crusher currently runs from 7.20am and causes visible and audible vibrations. The application will allow this crushing of concrete to be extended to 270 days a year.
- The landscape drawing shows the crusher 180° out from the requirements to mitigate vibrations. The crusher is also highly visible when parked against the front of the site from my holiday lodge.
- The Gamble site operate above the legal level of the bund daily and I can see and hear the work from my home.
- No noise levels have been set in the application to protect amenity, leaving the site free to operate breakers, cankers and diggers.
- The noise levels have been so loud as to cause teenagers in my home to cry and guests staying in the holiday home to end their holiday prematurely.

- The owners of the site have manipulated the planning system to industrialise the site. An application for a care home was rejected as it was deemed out of character for the area, however this business is located near to a year-round tourism business near housing estates.
- This application is not fit for purpose and should either be rejected, or appropriate conditions put in place to safeguard amenity.

6.2.3 Ian Briggs spoke on behalf of the applicant:

- The certificate of lawfulness on this site allows a raft of materials to be brought on the site with no control.
- The operator doesn't want to crush for 28 days per year only and then fill up the site as this means that frantic crushing operations occur for 28 days; instead, the operator wants to spread work across the year with a lower rate of operation.
- Throughput would be restricted to 50,000 tonnes per year with operating times of 7.30am til 4.30pm Monday to Friday. This would overcome the stockpile of unrestricted height and allow building of bunds around the site
- There is a deficiency in supply of aggregates to achieve targets set out in the local Development Plan and work at the site would help achieve this.
- Gamble employs 18 people at the site.
- Proposals in the application will allow controls to be put in place. Noise surveys show noise levels comply with planning guidance as to what is acceptable, and this planning application accords with policies and the development plan.

6.2.4 Cllr Fran Whymark spoke as the Local Member

- I live close by to the site and have heard the vibration from the crusher. The nearest lodge is 20 metres away from the site; residents and holiday makers have decided to call their holidays short because of the noise and vibration.
- Recently the plant has started to move concrete and other work.
- As set out in a report by the Environment Agency they have had numerous reports of noise, dust and mud.
- The applicant seeks to increase the 28 days permitted development to 270 days Monday to Friday which will have a negative impact on local residents and will make Poolside Lodges unviable as a business. This has been a successful business in the area for 20 years.

6.2.5 The Committee asked questions of the registered speakers:

- Ian Briggs confirmed that a breaker was put on site in mid-2020. This was asked to be removed and subsequently had been.
- A Committee Member asked if the applicant would be happy for restrictions to be placed on noise and dust. The Consultant Planner clarified that planning authorities could not duplicate controls in the environmental permit. The Head of Planning added that breaching the environmental permit was a criminal offence.

6.3 The Committee moved on to debate:

- The Chair noted that if the application was approved then this would provide the opportunity to put conditions on the site
- A Committee Member queried why no Environmental Agency mitigations were in place and played a recording of noise from the site recorded from South Side Lodge.
- A Committee Member noted that the site was well located for highways infrastructure however was close to existing and new and future housing.
- The Consultant Planner confirmed that if the application was approved then it would supersede the certificate of lawfulness.
- Cllr William Richmond **proposed** refusing the application on the grounds that the proposal would have an unacceptable adverse impact upon the landscape character and visual amenity of the area, with a negative impact upon the rural countryside location. The proposal was seconded by Cllr Mike Sands.

6.4 With 7 votes for, 3 votes against and 2 abstentions, the Committee **RESOLVED** to **refuse** the application on the grounds that the proposal would have an unacceptable adverse impact upon the landscape character and visual amenity of the area, with a negative impact upon the rural countryside location.

The meeting ended at 12:51

Chair



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