

**Applications Referred to Committee for Determination:**

**North Norfolk District:**

**C/1/2015/1025: Hempton:**

**Change of use to a mixed use development to allow the acceptance of trade waste in addition to household waste; and to allow the ancillary small scale sale of non-recycled products (compost bins, green waste sacks, Christmas trees and logs):**

**Norfolk County Council, Executive Director of Community and Environmental Services**

Report by the Executive Director of Community and Environmental Services

**Summary**

Planning permission is sought to enable the existing Hempton Household Waste Recycling Centre (HWRC) to accept trade waste in addition to household waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service, and generate a small income to offset the cost of running the service.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted on behalf of the Executive Director of Community and Environmental Services, and therefore cannot be dealt with under delegated powers.

The proposal conforms with development plan policies and national policy, and there are no material considerations that indicate the application should be refused.

**Recommendation**

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) 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.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## 1. The Proposal

- 1.1 Location : Hempton HWRC, Helhoughton Road, Fakenham.
- 1.2 Type of development : Household Waste Recycling Centre.
- 1.3 Site Area : 0.14 hectare
- 1.4 Annual tonnage : 5,000 (total for HWRC)
- 1.5 Duration : Permanent
- 1.6 Hours of working : As existing:  
1 March – 31 March (8am - 6pm)  
1 April – 31 August (8am – 8pm)  
1 September – 30 September (8am – 7pm)  
1 October – end BST (8am – 6pm)  
End BST – 28 Feb (8am – 4pm)
- 1.7 Vehicle movements and numbers : **Trade Waste:** Anticipated to be 2 additional daily vehicle movements (up to 3.5 tonne) (2 in and 2 out).  
**Sales of Goods:** Anticipated to be 10 additional daily movements (5 in and 5 out) during peak season i.e. sale of Christmas trees.
- 1.8 Access : Private shared access from Helhoughton Road.

## 2. Constraints

- 2.1
  - Site is 1.5 kilometres from the River Wensum Special Area of Conservation (SAC).

## 3. Planning History

- 3.1 The site has operated as a Household Waste Recycling Centre since the mid - 1990's after permission was granted under reference C/1/1994/1008 in October 1994.
- 3.2 Further to this, permission was granted in August 1996 for the 'Sale of 100% recycled soil conditioner (bagged) to members of the public' under reference C/1/1996/1006.
- 3.3 In June 2009, permission was granted under reference C/1/2009/1001 for the 'Erection of Welfare Facilities Building and Re-use Shelter'.

## 4. Planning Policy

- 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies : CS5 General location of waste management facilities and associated facilities  
CS6 General waste management considerations  
CS7 Recycling, composting, anaerobic digestion and waste transfer stations  
CS13 Climate change and renewable energy

	Development Plan Document 2010-2016 (2011)		CS14 CS15 DM1 DM3 DM4 DM8  DM10 DM12 DM13	generation Environmental protection Transport Nature conservation Groundwater and surface water Flood risk Design, local landscape and townscape character Transport Amenity Air quality
4.2	North Norfolk Core Strategy (2008)	:	SS1 SS2 SS4 EN2  EN9 EC5	Spatial Strategy for North Norfolk Development in the Countryside Environment Protection and Enhancement of Landscape and Settlement Character Biodiversity and Geology Location of Retail and Commercial Leisure
4.3	The National Planning Policy Framework (2012)	:	11	Conserving and enhancing the natural environment
4.4	National Planning Policy for Waste (2014)			
4.5	National Planning Practice Guidance Notes (2014)			

## 5. Consultations

5.1	North Norfolk District Council	:	No objection.
5.2	Hempton Parish Council	:	No objection.
5.3	Dunton Parish Council	:	No objection.
5.4	EHO (North Norfolk)	:	No objection.
5.5	Environment Agency	:	No objection.
5.6	Highway Authority (NCC)	:	No objection subject to the items being stored for sale in the areas indicated on the plans.
5.7	Lead Local Flood Authority (NCC)	:	No response received.
5.8	Local residents	:	No representations received.
5.9	County Councillor (Mr Tom Fitzpatrick)	:	No response received.

## **6. Assessment**

### **Proposal**

- 6.1 Planning permission is sought to enable the existing Hempton Household Waste Recycling Centre (HWRC) to become a mixed use development to accept trade waste (in addition to household waste), and to facilitate the small scale sale of additional items such as compost bins, green waste sacks, Christmas trees and logs (for firewood).
- 6.2 The County Council wishes to introduce a service aimed at small and medium sized businesses to deposit waste at the site for a charge (currently traders are not permitted to use the recycling centre). Waste would be separated into different material streams and deposited in the existing containers used for household waste (no additional ones would be required). It is anticipated the additional waste would be accommodated into the existing permitted annual throughput of 5,000 tonnes, and it would not compromise the primary function of the site as an HWRC.
- 6.3 In addition, the County Council also wishes to sell additional non-recycled items such as those listed above to complement the sale of compost or soil improver which is already permitted. The additional items for sale would be stored in or within the curtilage of the re-use centre (which already sells recycled household products). The items would be associated with the life-cycle of products accepted at the recycling centre; for example Christmas trees purchased can be brought back for disposal and logs sold would be recycled timber.
- 6.4 The aim of the changes is to promote the recycling service and generate a small income in order to offset the cost of running the service.

### **Site**

- 6.5 The HWRC has operated at this site since the mid-1990's site and occupies a small unit of land to the south west of an industrial area/complex and to the southwest of Hempton village. The A1065 lies some 200 metres to the east and to the north and west of the site is the now restored Hempton landfill site (which is the reason the HWRC was first located here). Part of the adjacent landfill site is now occupied by Gamble Plant (Norfolk) that operate a materials recycling facility. Some 150 metres further to the west there is an existing poultry farm.
- 6.6 Access to the site is via an existing private access road from Helhoughton Road. The HWRC benefits from existing screening from extensive tree planting in all directions.

### **Principle of development**

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

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

- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the policies in the North Norfolk Core Strategy (2008). The original application was assessed against both of these policy documents. Whilst not part of the development plan, policies within both the National Planning Policy Framework and the National Planning Policy for Waste are also further material considerations of significant weight.
- 6.9 The existing operational HWRC is located within land designated as Countryside in North Norfolk’s Core Strategy Proposals Maps. However, the principle of waste management is established at this site given the permanent permission for an HWRC granted in 1994. Therefore, the proposal complies with NMWDF policy CS6: *General Waste Management Considerations* which lists both land already used for waste management, and previously developed land, as acceptable for further waste development. Furthermore, North Norfolk Policy SS2 cites ‘Waste Management Facilities’ as development that would be acceptable in the countryside where it requires a rural location. Therefore the development is not considered to undermine policies SS1 and SS2 of North Norfolk’s Core Strategy. It is consistent also with the Government’s National Planning Policy for Waste (2014) which again gives priority to the re-use of previously developed land for waste development.
- 6.10 With regards to the acceptance of trade waste in addition to household waste, the principle of that use of land here is therefore acceptable and compliant with these policies. In terms of the sale of non-recycled products from the site, this is not a waste use (which is itself a Sui Generis use) and accordingly permission has been sought for a mixed use development. However, the sale of goods is being proposed to offset the cost of running the service and would be small scale and ancillary to the principal use that would remain as a Recycling Centre.
- 6.11 North Norfolk Policy EC5: *Location of Retail and Commercial Leisure Development* states proposals for retail development in the countryside will not be permitted unless they comply with other Development Plan policies. In this instance retail would be low key/small scale and secondary to the main use of the site as a Recycling Centre. The retail element would not impact on the vitality and viability of the nearest town centre (Fakenham) and the proposal would comply with other Development Plan policies.

### **Amenity**

- 6.12 The site has operated to date without complaint and is also the subject of an Environmental Permit to control issues such as noise, dust, odour etc, issued by the Environment Agency. The changes proposed are not likely to give rise to any additional adverse impacts on amenity, particularly given the site’s location on industrial land and away from residential property.
- 6.13 It is considered that the proposal complies with NMWDF Policies CS14: *Environmental Protection* and DM12: *Amenity* which seek to ensure there are no unacceptable adverse amenity impacts created.

## **Landscape / Design etc**

- 6.14 NMWDF Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape character* both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape or townscape.
- 6.15 There would be no change to the physical infrastructure at the site in order to accommodate the changes: trade waste would be deposited in existing segregated skips/containers where household waste is deposited.
- 6.16 The additional items to be sold would be located within or in the immediate vicinity of the existing re-use shelter where reclaimed household waste products are sold along with bagged compost.
- 6.17 It is considered that there are no landscaping or design issues with the proposals, and accordingly the application does not undermine NMWDF policies CS14 or DM8.

## **Biodiversity**

### **6.18 Habitats Regulation Assessment**

Whilst the operational area of the HWRC is within 1.5 kilometres of the River Wensum Special Area of Conservation (SAC), in accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the amended development would be very unlikely to have any adverse impacts on the ecology of the designated areas hence an Appropriate Assessment is not required.

- 6.19 Given the small scale nature of the scheme, it is considered to be compliant with policies CS14: Environmental Protection and DM1: Nature Conservation of the NMWDF Core Strategy, and North Norfolk Core Strategy policy EN9: Biodiversity and Geodiversity, given that the changes would not harm the SAC, or any other locally designated nature conservation or geodiversity sites, habitats or species.

## **Transport**

- 6.20 The proposals to accept trade waste would be accommodated within the existing permitted throughput of the site which is 5,000 tonnes: the applicant expects acceptance of trade waste would amount to a 1% increase in the total annual throughput, to some 2700 tonnes per annum (still well under the 5,000 tonnes throughput). At this level of use it would generate an additional 2 vehicles per day (i.e. 4 movements). If the service proved more popular and trade waste represented 5% of total visits it would result in a daily increase of some 11 additional vehicles (22 movements) accessing the site. It is proposed that trade vehicles accessing the site would be limited to 3.5 tonne vehicles.
- 6.21 With regards to the sale of non-recycled products, this is not expected to bring significant numbers of additional visitors to the site. Since the introduction of a re-use shop in 2010, visitor numbers have actually dropped by 30% (following traffic counts in 2010 and 2013). The sales of Christmas trees is expected to bring the highest concentration of visitors to the site given that this would be

seasonal. The applicant has stated that on the basis of 50 trees being sold from the site during December, this would be likely to bring 100 visitors and some 5 cars (10 movements during the period) on a daily basis.

- 6.22 The Highway Authority raised no objections to the proposals subject to a condition requiring the sale of the specified non-recycled products being limited to the areas outlined in the drawings. It is therefore considered that the proposal complies with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated vehicle movements do not generate unacceptable risks or impacts.

### **Sustainability**

- 6.23 NMWDF Core Strategy policy CS13: *Climate change and renewable energy generation* has an aspiration that a minimum of 10% renewable energy is provided for waste developments from decentralized and renewable sources. Given the small-scale nature of the development and that it is not for a new or extended site, the proposal does not undermine this policy.

### **Groundwater/surface water & Flood risk**

- 6.24 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.
- 6.25 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone and the EA has raised no comments in respect of the application. It is not expected that the proposals would therefore pose any further risk to groundwater resources or flood risk, on or off site. Therefore the application is compliant with these policies.

### **Responses to the representations received**

- 6.26 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. No objections or other representations were raised by third parties.

## **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.

## **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.

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

- 11.1 Planning permission is sought to enable the existing Hempton HWRC to accept trade waste in addition to Household Waste, and to facilitate the small-scale sale of non-recycled products such as compost bins, green waste sacks, Christmas trees and logs in order to promote the recycling service and generate a small income to offset the cost of running the service.



- 11.2 The development would not have unacceptable impacts on amenity, ecology, the landscape, ground or surface water, flood risk, or the highway network.
- 11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.
- 11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **12. Conditions**

- 12.1 The development shall not take place except in accordance with drawing references and documents submitted with this application:
- i. Hempton Recycling Centre - Site Layout Plan: Hempton\_Plan\_2015\_002 dated 10 November 2015;
  - ii. Planning Statement;

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

- 12.2 Storage and sale of non-recycled products that are the subject of this application shall only take place in the area hatched in blue on drawing reference Hempton\_Plan\_2015\_002 dated 10 November 2015.

Reason: To ensure orderly working and the safe operation of the site in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.3 Measures shall be taken to minimise dust nuisance caused by the operations, including spraying of road surfaces and operational areas as necessary.

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

- 12.4 No material other than household and trade waste shall be brought onto and sorted on the site.

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

- 12.5 No operation authorised or required under this permission or permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place other than during the following periods:

1 March – 31 March (8am - 6pm)

1 April – 31 August (8am – 8pm)

1 September – 30 September (8am – 7pm)

1 October – end BST (8am – 6pm)

End BST – 28 Feb (8am – 4 pm)

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

- 12.6 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways, and all oil or chemical storage tanks, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of a least 110% of the total stored capacity.

Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

## Recommendation

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) 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.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

## Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)

<http://www.norfolk.gov.uk/view/NCC094912>

North Norfolk Core Strategy (2008)

<http://www.northnorfolk.org/planning/3481.asp>

The National Planning Policy Framework (NPPF) (2012)

[http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Planning Practice Guidance (2014)

<http://planningguidance.planningportal.gov.uk/>

National Planning Policy for Waste:

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Application references: C/1/1994/1008, C/1/1996/1006, C/1/2009/1001

## Officer Contact

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

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