

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/7/2016/7015; Hempnall Road, Morningthorpe, NR15 2RE</b>
<b>Date of meeting:</b>	<b>6 January 2017</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director of Community and Environmental Services</b>
<b>Proposal and applicant:</b>  Upgrade of surface water drainage system to include installation of a HydroFilterra tree unit, pipework, catchpit, inspection chambers and an infiltration system. (Executive Director of Community and Environmental Services, NCC)	

## Executive summary

The application seeks approval for the upgrade of surface water drainage on site, with the installation of a HydroFilterra tree unit, pipework and all associated works.

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 to 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 13.**
- 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.**

## 1. The Proposal

- |     |                        |                                    |
|-----|------------------------|------------------------------------|
| 1.1 | Type of development    | : Household Waste Recycling Centre |
| 1.2 | Site / extraction area | : 0.2 Hectares                     |

- 1.3 Annual tonnage : 2,500 tonnes
- 1.4 Duration : Permanent
- 1.5 Hours of working / operation : Household Waste recycling centre will operate as existing:  
7 Days a week:  
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)
- 1.6 Access : Access to the site is gained via the existing access from the public highway (the B1527).
- 1.7 Description of proposal  
This application seeks consent for the installation of a HydroFilterra tree unit and soakaway at Morningthorpe Recycling Centre. The soakaway would be installed in the ground adjacent to the east of the HWRC and will be gravel filled.
- 1.8 The development includes implementation of pipework from the tree unit to the soakaway at the adjacent site, provision of a barrier and all associated works.

## **2. Site**

- 2.1 The application relates to the existing Household Waste Recycling Centre. The tree box would be positioned on the grass verge adjacent to the concrete hardstanding to the north west of the Recycling Centre. The soakaway location is outside of the operational area of the HWRC on land owned by the landlord of the recycling centre. Access to the site is gained via the existing access from the public highway; the B1527.

## **3. Constraints**

- 3.1 The following constraints apply to the application site:
- 3.2 The proposal is 4km from The Norfolk Valley Fens Special Area of Conservation

## **4. Planning History**

- 4.1 In January 1992 planning permission was formally granted by the County Council (under reference 7/91/1527) for a 'Household Waste Site'
- 4.2 The site now operates as one of the County Council's Household Waste Recycling Centres (HWRC) dealing with glass, garden waste, cardboard,

electrical equipment etc.

## **5. Planning Policy**

### **Development Plan Policy**

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

CS6 – General waste management considerations

CS14 – Environmental protection

CS15 – Transport

DM1 - Nature Conservation

DM3 – Groundwater and Surface Water

DM4 - Flood Risk

DM8 – Design, local landscape and townscape character

DM10 – Transport

DM12 – Amenity

#### **5.2 South Norfolk Development Management Policies (2015)**

DM 3.13- Amenity Noise and quality of life

DM 3.14- pollution, health and safety

DM 3.8- Design principles

DM 4.3 - Facilities for collection of recycling and waste

DM4.9 - Incorporating landscape into design

#### **5.3 Joint Core Strategy for Broadland, Norwich and South Norfolk (2011)**

Policy 1 – Addressing climate change and protecting environmental assets

#### **5.4 No Neighbourhood plan is currently adopted.**

### **Other Material Considerations**

#### **5.5 The National Planning Policy Framework (2012)**

Policy 11 – Conserving and enhancing the Environment

#### **5.6 National Planning Policy for Waste (2014)**

#### **5.7 Waste Management Plan for England (2013)**

## **6. Consultations**

- 6.1 County Councillor (Ms Alison Mary Thomas) : No comments received.

- 6.2 South Norfolk District Council : No objection.
- 6.3 South Norfolk Water Management Officer : No objection.
- 6.4 South Norfolk Environmental Health Officer : No comments received.
- 6.5 Highways Authority (NCC) : No objection.
- 6.6 Environment Agency : No objection. Application is covered by a permit.
- 6.7 Lead Local Flood Authority (NCC) : 1<sup>st</sup> consultation: Request for infiltration testing and a maintenance and management plan  
2<sup>nd</sup> consultation: No objection.
- 6.8 Senior Arboricultural Officer (NCC) : No objection.
- 6.9 Landscape officer (NCC) : 1<sup>st</sup> consultation: additional clarification on site layout, tree species and protection measures.  
2<sup>nd</sup> consultation: No objection but request provision of condition requiring details of tree species, planting specification and maintenance.
- 6.10 Representations  
The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.11 No objections were raised.

## **7. Assessment**

- 7.1 The issues to be assessed for this application are:

### **7.2 Principle of development**

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”.*

- 7.3 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”), the South Norfolk Council Core Strategy (2011), Joint Core Strategy for Broadland, Norwich and South Norfolk (2014). Whilst not part of the development plan, policies within the National Planning Policy Framework and National Planning Policy for Waste (2014) are also a further material consideration of significant weight.

- 7.4 The principle of waste management is established at this site given the permanent permission for an HWRC granted in 1992. 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. Although the soakaway would be located outside the confines of the HWRC this would be constructed underground and have no impacts above ground. As the application is to alleviate surface water drainage at the site, to complement the waste management use, the principle of development is considered acceptable as long as there are no negative impacts.
- 7.5 **Amenity**
- 7.6 The proposed tree box and associated discharge point will have minimal visual impact outside the immediate Household Waste Recycling Centre. In addition the land outlined for proposed drainage pitch is substantially screened. The majority of Construction work is proposed between Mondays and Saturday, 7am and 5pm with the site proposed to be closed during this period
- 7.7 It is therefore considered that the proposal complies with NMWDF Policies CS14, DM12 and South Norfolk policy DM3.13 which seek to ensure there are no unacceptable adverse amenity impacts created.
- 7.8 **Design/ Landscape**
- 7.9 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.
- 7.10 The tree box will be positioned on the grass verge adjacent to the concrete hardstanding within the north west of the recycling centre. Protection will be installed in the form of a barrier to protect the tree from potential accidental damage from the operations of the recycling centre. The protective barrier will be a small section of crash-barrier and is considered in keeping with the wider site. The soakaway will be gravel filled and would not be viewable from outside of the site, which is significantly screened.
- 7.11 It is therefore considered that there are no landscaping or design issues with the proposals, and that the proposal is in compliance with NMWDF policies CS14 or DM8.

7.12 **Arboriculture**

- 7.13 The application includes provision of a native tree for the HydroFilterra unit. Following consultation with the Arboriculturist and Landscape Architect a condition has been requested, whereby the applicant would submit information concerning the species of the tree to the council prior to implementation of the drainage unit. An arboricultural implications assessment has also been prepared for the installation of the soakaway in the woodland adjacent to the site. The Arboricultural assessment concluded that one tree would be removed to facilitate construction which would be replaced with a mixture of Pine and Oak within the next planting season. The location of the soakaway has been chosen to negate any potential risks to the woodland. No objections have been raised by the relevant officers.

It is therefore considered that the development will not cause arboricultural harm and is compliant with Policy DM8 of the Norfolk Minerals and Waste Development Framework (2011) and Policies DM3.8 and DM4.9 of the South Norfolk Development Management Policies Document (2015).

7.14 **Biodiversity and geodiversity**

- 7.15 It is not anticipated that the implementation of the drainage unit and associated soakaway would cause any adverse issues outside of the HWRC site. It is therefore considered that the application is compliant with policies CS14: Environmental Protection and DM1: Nature Conservation of the NMWDF Core Strategy.

7.16 Appropriate Assessment

- 7.17 The site is situated within 10 kilometres of The Norfolk Valley Fens Special Area of Conservation. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, and based on the information submitted to the County Planning Authority (CPA), it is considered that the development would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required

7.18 **Transport**

- 7.19 It is proposed that during construction – an estimated period of 8 weeks there would be an increase in vehicles accessing the site for delivery, removal of waste and construction staff. However this is considered to be negligible given existing traffic levels on site. Once constructed there is no anticipated increase in vehicle movements besides access for maintenance at most on a bi annual basis.
- 7.20 The Highway Authority has raised no objection to the changes therefore considering the above, 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.

7.21 **Groundwater/surface water**

7.22 NMWDF Policy DM3: *Groundwater and surface water* seeks to ensure development does not adversely impact on groundwater quality or resources, and policy.

7.23 The HydroFilterra unit is designed for the treatment of surface water run-off by filtering sediment and reducing concentrations of contaminants. Following treatment water would be piped under the road to an area in the woodland adjacent to the site where it would be discharged into the proposed soakaway. The provision of the drainage unit is subject to an Environmental Permit, which has been granted by the Environment Agency.

7.24 Following consultation with the LLFA information regarding infiltration testing and maintenance of the facility was submitted. Infiltration testing was carried out on site in 2015, the methodology was considered reasonable given the proportionate scale of the development. Whilst the maintenance and management plan noted drainage infrastructure would be maintained and monitored by Norfolk County Council for the lifetime of the recycling centre.

7.25 With the submitted information no objections have been received from the Environment Agency and the LLFA. Henceforth the development is considered acceptable and in compliance with the aforementioned policy.

7.26 **Flood risk**

7.27 Policy DM4: *Flood risk* seeks to ensure flood risk is not increased by new waste development.

7.28 The site is not within Flood Zones 2 or 3 or above a groundwater protection zone. It is not expected that the implementation of the drainage scheme would increase flood risk on site or elsewhere. Therefore the application is considered compliant with the aforementioned policy.

7.29 **Environmental Impact Assessment**

7.30 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2011

7.31 The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

7.32 **Responses to the representations received**

7.33 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

7.34 No concerns or objections were raised.

7.35 **The Community Infrastructure Levy**

7.36 The development does not create 100sqm of new development therefore it is not CIL liable.

## **8. Resource Implications**

- 8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **9. Other Implications**

### **9.1 Human rights**

- 9.2 The requirements of the Human Rights Act 1998 must be considered. The Human Rights of the applicant are not likely to be affected if permission is not granted.
- 9.3 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.
- 9.4 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.

### **9.5 Equality Impact Assessment (EqIA)**

- 9.6 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.

- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

- 9.8 **Communications:** There are no communication issues from a planning perspective.

- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.

- 9.10 **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.

## **10. Section 17 – Crime and Disorder Act**

- 10.1 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.

## **11. Risk Implications/Assessment**

- 11.1 There are no risk issues from a planning perspective.

## **12. Conclusion and Reasons for Granting/Refusing of Planning Permission**

- 12.1 The development would not cause any material impacts to the site and its surroundings including and not limited to ecology, Groundwater, the landscape and highway safety.
- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **13. Conditions**

- 13.1 The development hereby permitted shall commence not later than three years from the date of this permission.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 13.2 The development must be carried out in strict accordance with the application form, plans and documents detailed below:

- i. Planning Statement; dated September 2016;
- ii. Site Location Plan; 256387-OA03-301; Rev C; Dated 04/10/16;
- iii. HWRC Morningthorpe Standard Drainage Details; 256387-OA03-305; Rev A; Dated 23/03/2016;
- iv. Drainage Feasibility Study and Risk Assessment; 256387-OA03-R301-B; Dated September 2015;
- v. BS 5837 Tree Survey and Arboricultural Implications Assessment; Dated 06/2016;
- vi. Drainage system- Monitoring and Maintenance Plan; Dated October 2016;
- vii. Window Sampler Log; PM5073D1; Dated 2015;
- viii. Email Received from Agent; Planning Application: C/7/2016/7015 Morningthorpe Recycling Centre - Consultation Responses; Dated 03 November 2016 11:39;

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

- 13.3 Prior to the installation of the HydroFilterra box, a landscaping scheme shall be submitted for approval in writing by the County Planning Authority and implemented within the current or next planting season. The scheme shall make provision for:
- a) Details of tree species including a planting specification for both the Hydro BioCell unit tree and the replacement tree planting for the tree removed during construction works; and,
  - b) A management plan to include the replacement of any damaged or dead trees planted in accordance with the submitted scheme (within a period of five years from the date of planting) of the planting with trees of similar size and species at the next appropriate season.

Reason: To ensure suitability and longevity of the scheme in arboricultural and landscape terms, in accordance with Policies CS14 and DM8 of the Norfolk Minerals and Waste Development Framework (2011)

## **Background Papers**

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

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

[http://www.south-norfolk.gov.uk/sites/default/files/JCS\\_Adopted\\_Version\\_Jan\\_2014.pdf](http://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf)

South Norfolk Local Plan Development Management Policies Document (2015)

[http://www.south-norfolk.gov.uk/sites/default/files/Development\\_Management\\_Policies\\_Document\\_0.pdf](http://www.south-norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf)

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Government's Ministerial Statement on Intentional Unauthorized Development

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457632/Final\\_Chief\\_Planning\\_Officer\\_letter\\_and\\_written\\_statement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf)

## **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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