

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 27 March 2015
at 10am in the Edwards Room, County Hall**

Present:

Mr D Collis (Chairman)

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mr C Foulger
Mr A Grey (Vice-Chairman)
Mr B Long

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

In attendance:

Mr S Shortman	NPLaw
Mr A Harriss	Senior Planner
Mr J Hanner	Highways
Mr N Johnson	Planning Services Manager
Ms A Lambert	Principal Planner
Mrs J Mortimer	Committee Officer

1 Apologies and Substitutions

Apologies for absence were received from Mr J Law and Mr B Watkins.

2 Minutes from the meeting held on 29 February 2015

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 29 February 2015 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

There were no declarations of interest.

4 Urgent Business

There were no items of urgent business.

5 **The Broads Authority Executive Area: C/6/2014/6007: Bentley's Farm, Low Road, West Caister. Change of Use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator, to include installation of Incinerator, 2000 litre fuel tank and refrigeration shed: Barry Franks.**

- 5.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for a change of use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator. The application to include installation of an incinerator, 2000 litre fuel tank and refrigeration shed.
- 5.2 During the presentation of the report, the Committee noted that Great Yarmouth Borough Council Environmental Health Officer had raised no objection to the application subject to a condition requiring production of an odour management plan and the Highways Authority had raised no objection subject to conditions that vehicle movements associated with the incinerator were restricted to the levels outlined in the application and also that the number of kennels in use at any one time was restricted to a maximum of 16.

It was reported that, since the committee report had been published, objection had been received from Mautby and Runham Parish Council.

- 5.3 In response to general questions from the Committee, the following points were noted:
- The prevailing wind was generally from the south-west to the north-east.
 - For health and safety reasons, it was usual practice to transport and cremate animals encased in plastic zip-up bags to prevent contamination. Great Yarmouth Environmental Health Officer and the Environment Agency had responded to the consultation and had raised no issues regarding emissions from using plastic bags in the incineration process. The proposed incinerator featured high efficiency burners which reached a temperature of 850 degrees Celsius which would ensure that the emissions produced in the burning of carcasses were compliant with European emissions legislation ABPR 1069/2009.
 - Up to 75 tonnes of waste per annum could be incinerated at the plant.
 - A previous planning application (reference number C/6/2013/6002) had been refused on appeal. This was due to a lack of certainty around emissions as the original application had not included an odour assessment and the Environmental Health Officer (EHO) had raised an objection on that basis. An odour assessment had been completed for this application and the EHO had not raised any objections.

- Any liquid contained within the plastic bags would be burned off in the incineration process. The incinerator would be sited on a bunded area in order that any foul water could be contained and disposed of.
- In order that the permitted traffic travelling to and from the site did not increase, a condition would be imposed to limit the operation to a collection only service. Whilst the existing planning permission for the kennels restricted the number of animals that may be boarded at any one time to 24, the applicant had agreed to limit the number of animals kennelled at any one time to a maximum of 16. The Highways Authority considered that the loss of traffic associated with eight animals was sufficient to mitigate any increase in traffic movements associated with the incinerator.
- The applicant would need to comply with the conditions relating to the collection of waste and the amount of waste to be incinerated per annum if the application was approved. These conditions would be monitored by the monitoring and control team when they carried out their inspections.
- The ash from the cremation process would either be returned to the pet owner, or would be disposed of at a suitably licensed site, depending on the wishes of the pet owner.
- Given that it was considered that the proposed development was compliant with the requirements of the development plan, it was considered that there was no requirement to establish any need for this facility.
- The Planning Services Manager advised that he was not aware that any complaints had been received in relation to the existing pet cremation facility at Potter Heigham.
- The County Council Ecologist had considered the application in relation to designated nature conservation areas within the vicinity of the facility and had not raised any concerns.
- The incinerator would be situated behind a perimeter brick wall and would require the removal of internal fence panels to carry out the installation. The Animal and Plant Health Agency would carry out regular inspections at the site to ensure it met the required standards.
- Whilst the size of the facility and existing landscaping meant it was unlikely to be visible from the River Bure, a condition was recommended to require additional screen planting within the site.

5.4 Mr G Playford addressed the meeting in objection to the application, in particular with regard to the number of similar businesses already established in Norfolk; the fact that the plant did not include a wash-down tank which may cause water contamination; the need to prevent cross-contamination when transporting carcasses and the drainage at the site being susceptible to flooding during periods of heavy rain.

5.5 On being put to the vote, with 11 votes in favour, 3 votes against and 0 abstentions, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

6 Breckland District Council. Y/3/2014/3009. Change of use of open space for school use to include new car parking, playingfield and MUGA. Expansion of existing school to two form entry: works to include extensions and alterations to existing school and associated works. Drake Infant School & Nursery, Fairfields, Thetford. Norfolk. IP24 1JW. Director of Children's Services

6.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for the extension and expansion of the school, external sports provision, and additional car park and associated works. The proposal would allow the school to expand to a two-form entry 420 place Primary School.

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

- The applicant had agreed to the inclusion of a condition that a Community Use Scheme should be submitted, including details of the hours of use, and access by the community with regard to the multi-use games area (MUGA) and playing field.
- The existing car park would be reconfigured and additional car parking would be provided to the south west of the school.
- Since the committee report had been published, a further letter of objection had been received from a local resident and Breckland District Council had recommended a condition to require submission of a scheme for generating at least 10% of the predicted energy requirements of the development from decentralised renewable or low carbon sources. The applicant had stated that the proposed photo voltaic panels would supply approximately 14.3% of the development's energy requirements and therefore such a condition was not considered necessary.

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

- The school was positioned in a highly populated residential area, with a large school catchment area and excellent pedestrian links and as such, the opportunity to access the school by foot was good. The Highway Officer confirmed that this was one of the main considerations taken into account when assessing the planning application.
- The provision of an onsite drop off area at the school would go against adopted policies on sustainability grounds and would not be possible for insurance reasons.
- It was acknowledged that traffic was likely to increase, particularly along Fairfields, if the application was approved, although this would not generate a significant highway safety concern.
- The provision of cycle shelters would be reviewed and monitored regularly by the Norfolk County Council Travel Plan team to ensure that the number of shelters remained relevant to cater for the increased number of pupils attending the school. This would be secured by a condition.
- Members expressed some concern about the increase in traffic, particularly along Fairfields, with the number of pupils expected to almost double in the future.
- There would be a pedestrian only access to the school to the north-east of the site.
- The urban location and the fact that the site could be accessed by modes other than the car had been taken into account when the number of additional car parking spaces had been agreed. The final agreed allocation of car parking spaces was lower than the Norfolk County Council standard.
- A review of the policy of not allowing visitors to park on any school site to drop off children at school, would be included as part of an overall review of parking standards at schools which was expected to be carried out in the near future.

6.4 Mr Chris Hey, Children's Services Department, Norfolk County Council attended the meeting to answer questions from the Committee.

6.5 Ms M Bartrop, Headteacher at Drake Infant School, Nursery and Little Pirates addressed the meeting in support of the application and said that if the application was granted, Drake school would have improved facilities including a larger hall, a multi-use games area and a larger playing field. It was also hoped that as the school site was already open 52 weeks per year, the facilities could be used by the community throughout the year and not only during term time. Ms Bartrop added that the school was highly regarded within the local community.

In response to a question, it was also clarified that the majority of children who attended the school accessed the grounds from the north side of the site.

- 6.6 Ms A Hains, School Business Manager at Drake's School addressed the meeting and said that part of her role was to co-ordinate the travel plan for the school, nursery and Little Pirates. It was acknowledged that parents dropping children off at the site was an issue and the Committee was reassured that the school was committed to providing more locked and secure cycle sheds for pupils to use.
- 6.7 Mr M Hassey, Parent/Governor at Drake's School addressed the meeting stating that in his opinion there was more work that could be done by the County Council to help residents around the area, such as improvements to the junction with Croxton Road and Mundford Road being a priority to relieve traffic and allow free flowing movement of vehicles. He added that at present there were not enough school places available for all the children living in Thetford to attend a school in the area and if planning permission was refused the situation would become worse. Drake Infant and Nursery School had been rated as outstanding by Ofsted on its last two inspections and this was due to the pupils, parents, staff, teachers, governing body and leadership at the school. He added that the children of Thetford deserved the best education possible and it was his opinion that this would be achieved at Drake School.
- 6.8 The following points were noted in response to questions from the Committee to Mr Hey, Ms Bartrop, Mrs Haines and Mr Hassey:
- Members of staff at the school carried out patrols during school drop-off and pick-up times and spoke with people who had parked inconsiderately. The points raised by the Committee to address the parking problems by asking parents to park further away from the school and then walk to the school would be taken on board.
 - It would not be possible to allow people to walk their dogs on the site, although the facilities would be open to the community when they were not being used by the school.
 - An option of appointing a voluntary key holder to open up and lock the site would be explored by the governing body.
- 6.9 Mrs M Rutter, local resident, addressed the Committee in objection to the application, about the loss of open space for community use and the fact that Fairfield's was a small cul-de-sac that had not been built for the heavy flow of traffic associated with school pick-up and drop-off times.
- 6.10 Mrs J Hollis, local resident, addressed the Committee in objection to the application, in particular raising concerns about access for emergency vehicles at school start and finish times. Mrs Hollis said Drake School was a first class school and the extension was needed, but cars lined both sides of the road making access difficult for residents. She asked if the car park could be moved back so the whole green was not lost to car parking and to provide amenity space for community use.
- 6.11 Mr R Kybird addressed the Committee as a District Ward Councillor and also as the

Chairman of Thetford Town Council Planning Committee. He reiterated the concern of residents about the loss of open space and welcomed the addition of condition 12.13 to provide a Community Use Scheme. He added that the Travel Plan could be improved to assist traffic flow into the site and suggested that time limited car parking restrictions could be introduced to alleviate traffic problems. He also asked for clarification how Norfolk County Council could mitigate the covenant on the land which had been donated for community use for a period of 100 years.

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

- The location of the car park had been proposed based on the need to maximise the useable space, after considering a range of options.

6.13 • The restrictions imposed by the 100 year covenant contained several issues which needed resolving and the Solicitor outlined these to the Committee. The Committee noted that Breckland District Council had been holding the open space under the covenant and, under the Local Government Act 1972, had advertised and erected notices to dispose of the land to Norfolk County Council and in order to remove the obligation of the land being held as open space.

- The loss of open space without replenishment was significant and was contrary to the Development Plan (DP) policy and to National Planning Policy Framework (NPPF), but other material considerations, including the presumption in favour of the development of state schools had to be weighed in the balance under the statutory test set out in the report. A mitigating factor was that the school would allow the community to use the facilities out of school hours. However, and in spite of being possibly better equipped, those facilities should not be seen as full compensation for the open space lost. This was because they would be fenced off from the public, could not be used at any time on demand and required a formal approach to the school in order to enjoy their use. .
- Breckland District Council had a statutory responsibility to ensure that their obligation to use the space for community use was first removed and to follow the required statutory process under the Local Government Act. They had achieved this by advertising its intention to sell the land to Norfolk County Council.

6.14 Mr D Crawford, Local Member for the area which covered the application site, addressed the meeting during which it was noted that the loss of open space was a great loss to the community, especially as Thetford East had the lowest standard of amenity in Thetford. He also raised the issue about the road getting blocked and that cars had to reverse to get out of the road as there was insufficient room to turn around. He mentioned that there had been an incident a few years ago where a fire engine had been unable to attend an emergency due to cars blocking the road. He also said that the extension of the school would add to the problems on the roads and that the site was not a suitable site to extend the school. Mr Crawford expressed his opinion that he was not in favour of the development due to the loss of amenity and traffic problems.

- 6.16 Mr B Bremner, seconded by Mr M Sands, proposed that the Committee should carry out a site visit to the school during school drop-off times to observe the impact of the traffic problems. With 3 votes in favour, 7 votes against and 1 abstention the proposal to carry out a site visit was **LOST**.
- 6.17 On being put to the vote, with 9 votes in favour, 5 votes against and 0 abstention, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.20pm

CHAIRMAN



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.